

	<p align="center">GOVERNMENT OF ANTIGUA AND BARBUDA</p> <p align="center">DEPARTMENT OF MARINE SERVICES AND</p> <p align="center">MERCHANT SHIPPING (ADOMS)</p> <p align="center">Circular 02-009-05</p> <p align="center">Interim Scheme for the compliance of certain cargo ships (under 500 GT) with the special measures to enhance maritime security.</p>	Document	Circ. 02-009-05
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		Reference	1. MSC/Circular 1157 2. A&B SOLAS Circ. 02-004-04

Circular letter to:

all companies having registered their ships under the flag of Antigua and Barbuda W.I.;
all ships registered under the flag of Antigua and Barbuda W.I.;
all port facilities serving ships registered under the flag of Antigua and Barbuda W.I.

1. General

Information and instructions given according to reference 2 above (circular 02-004-04) are superseded by this circular.

2. Applicability

- .1 In a first interpretation certain ships worldwide were allowed to use the gross tonnage as determined under national tonnage rules which were in effect prior to the coming into force of TONNAGE 69, for establishing the applicability of SOLAS XI-2 and ISPS-A.
- .2 This interpretation has been modified in such a way that the gross tonnage to be used for determining whether a cargo ship engaged on international voyages is required to comply with the provisions of SOLAS XI-2 and ISPS-A shall be that determined in accordance with the provisions of TONNAGE 69.
- .3 Immediate compliance of the cargo ships which have not been required yet to comply fully with the provisions of SOLAS XI-2 and ISPS-A present practical difficulties and would affect the owners and the companies operating such ships and the port facilities serving them. As a result the Interim Scheme for the compliance of certain cargo ships with the special measures to enhance maritime security was recently adopted at IMO.

3. Interim Scheme

- .1 Cargo ships and companies operating such ships which have not been required to comply with the requirements shall comply with the requirements not later than 1 July 2008.
- .2 Statements issued by ADOMS attesting that certain ships are not required to comply with the requirements out of SOLAS XI-2 and ISPS-A shall be withdrawn and cancelled
- .3 Until 30 June 2008, cargo ships not complying with the Requirements whilst within a port facility which is required to comply with the Requirements shall acknowledge the measures to enhance maritime security established by the Contracting Government within whose territory the port facility is located and, irrespective of the provisions of SOLAS regulation XI-2/10.3 ^{*1}

(relating to the submission of the Declaration of Security) and sections A/5.1 and A/5.2 of the ISPS Code, shall request a Declaration of Security^{*2} as from 1 October 2005.

**1 This provision implies that neither the Contracting Government nor the port facility concerned have the right to decline the conclusion of a Declaration of Security when a cargo ship makes a request to this end and that the ship is obliged to conclude one when it is requested to do so.*

**2 Paragraph B/16.56.2 of the ISPS Code recommends that the port facility security plan (PFSP) should establish details of the procedures and security measures the port facility should apply when it is interfacing with a ship to which the ISPS Code does not apply.*

Paragraph B/16.57 of the ISPS Code recommends that the PFSP should establish the procedures to be followed when on the instructions of the Contracting Government the port facility security officer (PFSO) requests a Declaration of Security or when a Declaration of Security is requested by a ship.

If the approved PFSP already includes appropriate provisions to this end then those security measures and procedures should be applied unless the Contracting Government concerned decides otherwise. If the PFSP does not contain such provisions, then the PFSO should contact the authorities who approved the PFSP and the authorities responsible for the exercise of control and compliance measure pursuant to SOLAS regulation XI-2/9 and seek their advice and guidance.

Contracting Governments are urged to facilitate such requests and to issue appropriate guidance on this Scheme to port facilities located within their territories. If the port facility security officer refuses the request of the ship for a Declaration of Security then the ship shall use the Declaration of Security to record the security measures^{*3} and shall complete and sign, on behalf of the ship alone, the Declaration of Security. If the cargo ship does not have a designated ship security officer, the Declaration of Security shall be concluded by the master.

**3 For the purposes of SOLAS regulation XI-2/9, it is recommended that cargo ships to which this Scheme applies retain the Declarations of Security for the last ten ports of call. The ship should start retaining the Declarations of Security as from 1 October 2005.*

- .4 Without prejudice to the provisions of SOLAS regulation XI-2/2.2 to XI-2/2.2.1, port facilities which have not been required by the Contracting Government within whose territory they are located to comply with the Requirements because they serve cargo ships as defined above shall comply with the Requirements not later than 1 July 2008.
 - .5 Cargo ships which, on the date of adoption of this Scheme, were holding either a valid International or a valid Interim International Ship Security Certificate shall not be entitled to any benefits under this Scheme and shall maintain compliance with the Requirements. In addition, port facilities serving cargo ships which on the date of adoption of this Scheme were implementing security measures in accordance with an approved port facility security plan shall not be entitled to any benefits under this Scheme and shall maintain compliance with the Requirements.
 - .6 Contracting Governments when exercising control and compliance measures pursuant to the provisions of SOLAS regulation XI-2/9 in relation to cargo ships shall adhere to the provisions of this Scheme^{*4}.
- *4 In the event of the ship being refused a Declaration of Security, Declarations of Security which have been completed and signed on behalf of the ship alone should be accepted as being equally valid to Declarations of Security concluded between a ship and a port facility.*
- .7 Contracting Governments may, when implementing this Scheme, conclude written bilateral or multilateral agreements with other Contracting Governments on alternative security agreements covering cargo ships operating on short international voyages between port facilities located within their territories. Any such agreement shall not compromise the level of security of other ships or of port facilities not covered by the agreement.
 - .8 This Scheme shall cease to apply on 1 July 2008.