

	GOVERNMENT OF ANTIGUA AND BARBUDA DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS) Circular 02-003-04 Maritime Security and Maritime Safety	Document	Circ. 02-003-04
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		Reference	SOLAS XI-2 and the ISPS Code

Circular letter to

- 1. all Companies having registered their ships under the flag of Antigua and Barbuda W.I.**
- 2. all ships registered under the flag of Antigua and Barbuda W.I.**

1. Maritime Security Level (MARSEC LEVEL 1,2 or 3 iaw SOLAS XI-2 and ISPS Code)

can be set up by a Contracting Party to SOLAS, a flag State Administration, its Designated Authority or local port authorities.

- .1 Security levels are one of the driving thrusts of the ISPS Code, requiring the ability to enforce security measures immediately, depending on assessed risks.
- .2 It can be assumed that individual ports are the primary initiator of such security level changes based on security conditions prevailing at their locations. A decision to upgrade security levels will not be taken by a single port in isolation because national, or at least regional authorities, will be involved. But security levels may vary from port to port within the same country or a certain coastline.
- .3 Therefore, whoever sets the security level, it must be communicated rapidly to all relevant parties.
- .4 The PFSO or other port officials will notify the ship of what security level is required after notification of arrival is received.
- .5 For the purpose to determine in advance what security level is being applied to ships arriving at a certain port or port facility, the ship's agent should also be involved to communicate with the local PFSO or other port officials before the ship's arrival.

2. Declaration of Security (DoS)

- .1 A DoS is a written agreement between the ship and the port facility. At security level 1 such DoS is discretionary and not always mandatory. In ports with little, if any security, the master may require a DoS.
- .2 A DoS is always mandatory at security levels 2 and 3.
- .3 A DoS will always be required by the USA, even at security level 1 with respect to cruise ships and ships carrying certain dangerous goods in bulk.
- .4 The DoS should establish agreement of which plan, the SSP or the PFSP, should take precedence in the case of a disparity. If necessary the Captain of the Port (USA) or Harbourmaster should be contacted to mediate.

3. Interim ISSC

- .1 An ISSC is valid for up to 5 years and its compliance with the mandatory requirements of the ISPS Code is verified by an RSO, authorized by Antigua and Barbuda. The issuance of an ISSC is also now an ISM Code compliance requirement which should be timed to align with the ISM certification schedule.

- .2 Certain ships will be eligible for an Interim ISSC which will be valid for six months only in cases where, e.g. a ship changes owner or flag. Such certification will allow the ship to continue to trade.
- .3 Ships trading with an Interim ISSC, may be paid more attention during their course of PSC, to ensure that they are in full compliance with all applicable SOLAS requirements.
- .4 The validity of an Interim ISSC may not be extended.

4. Port State Control (PSC)

- .1 The existing guidelines for PSC inspectors are under review at IMO. The goal is to assist in the recognition and rectification of perceived deficiencies in the ship's security plan, its security equipment, its interface with port facilities, or its crew, the impact of such perceived deficiencies on the ability of the ship to conform to its security plan and, where clear grounds exist for suspecting that such deficiencies exist, to provide guidance concerning the application of control and compliance measures.
- .2 PSC inspectors will only be required to determine that there is compliance or non-compliance also with the new SOLAS XI-2 security requirements. Such control shall be limited to verifying that there is on board a valid ISSC or a valid Interim ISSC issued under the provisions of part A of the ISPS Code, which, if valid shall be accepted.
- .3 Non-compliance means that there are clear grounds for believing that the ship is not in compliance, but similar to SOLAS I Reg.19 such control cannot be employed to establish such clear grounds. Ascertaining the extent of non-compliance and what remedial action should be taken will be left to a "specialist in maritime security" who will follow up the initial PSC inspection.
- .4 Other clear grounds, which are not limited to the following, will be, when a PSC inspector is able to walk aboard a ship and find sensitive or restricted areas which are not under lock and key, gain entry to controlled areas without being challenged, is allowed to inspect the ship unescorted, observes stores being taken on board without inspection or being left unattended.
- .5 PSC may, in ensuring compliance with SOLAS XI-2 require that ships intending to enter its ports provide the following information :
 1. a valid ISSC and name of its issuing authority
 2. the security level at which the ship is currently operating
 3. the security level at which the ship operated at the last ten calls at port facilities
 4. records of any special or additional security measures that were taken by the ship in any previous port or during a ship-to-ship activity which State/flag State is not a Contracting Government
 5. any Declaration of Security (DoS) that were entered into with port facilities or other ships
 6. other practical security related information (but not details of the ship's security plan)
- .6 Ships detained on maritime security grounds need to undergo a further audit by the RSO before being allowed to sail, because it is an ISM Code issue. The extent of the non-compliance will determine that re-verification of the ship's SSP is necessary.
- .7 Antigua and Barbuda has authorized RSOs to act on its behalf, to vet SSPs for certification and to issue ISSCs. They will also review and approve amendments to SSPs and do a re-verification survey if the amendments are such that they have a significant effect on the ship's original SMS. The same organizations also serve as Recognized Organizations (ROs) for the purpose of classification , statutory survey including ISM Code certification. Therefore

Antigua and Barbuda recommends that ships registered under its flag use the same RSO and RO for ISPS and ISM compliance.

- .8 During initial PSC inspections of ships in port the duly authorized officer may:
 1. ask for evidence that security drills have been carried out at appropriate intervals, at least every 3 months but also after certain crew changes and information on any exercises in which the ship has been involved (ISPS-A/13 and B/13.6 and 13.7) There is no definition of “exercise” in the ISPS Code and it is beyond the capability of shipping companies to organise an exercise which involves several agencies e.g. port authorities, security services, emergency response, ships, etc. Therefore PSC inspectors should not necessarily expect to find records of participation in such exercises on board during PSC inspections.
 - .2 assess whether key members of the ship’s personnel are able to communicate effectively with each other.

5. Ship Security Plan (SSP)

- .1 SSPs are not subject to PSC inspections unless there are clear grounds for believing that non-compliance exists. In such case only those parts of the SSP, that are specific to the alleged deficiency may be reviewed with the approval of the Master and the knowledge of the Administration. In the ISPS Code those sections are identified, whose integrity must be protected. Incorporating those general non-confidential elements of the SSP within the SMS Manual and therein making reference to the SSP, could be a way not to compromise the confidential information contained in the SSP.
- .2 When the SSP is placed aboard and put into effect for the first time, the Master should make an entry in the ship’s log book. This Administration requires that an SSP should be on board for at least 21 days prior verification inspection and issuance of the ISSC.
- .3 Antigua and Barbuda flag State inspectors are allowed to determine during an Annual Safety Inspection (ASI), Special Safety Inspection (SSI) or an Initial Safety Inspection (ISI) to the extent possible, that there is an effective safety and security management system in place on board. In case of non-compliance issues, this Administration will be notified and the ship’s RSO dispatched to review the situation.

6. Third Party CSO

The CSO is part of a company and is obliged to protect the integrity of its SSPs. The company, by definition, has stated in writing its obligations with respect to any of its ships. In this regard it is not acceptable to this Administration that this function is delegated to a third party.