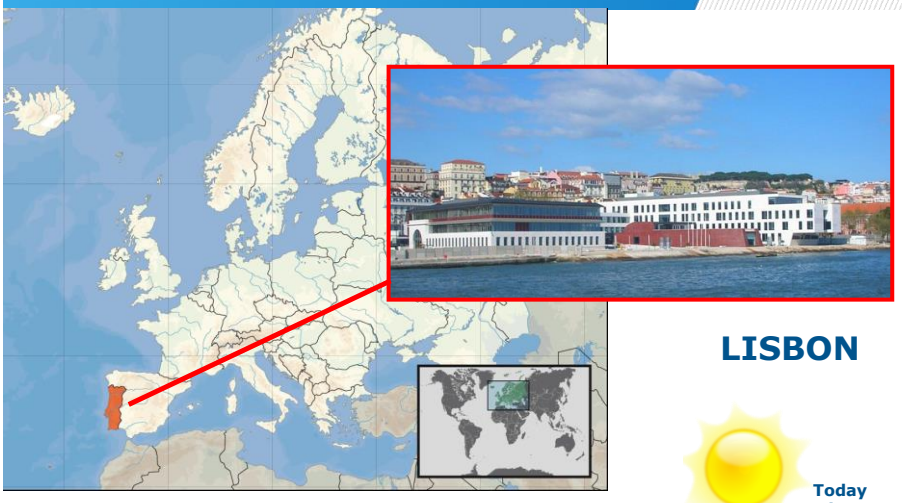
WELCOME TO EMSA



LISBON

Today
Min7ºC
Max 12ºC

4 February 2015

1

WELCOME TO EMSA

EMSA NETWORK

Network	Password
RDN_GUESTS	4bStoMqFD
RDN	emsang2009

2

WELCOME TO EMSA

3

WELCOME TO EMSA

EMSA Lecturers:

- **Rui Silva Dias**
- **Aristeidis Klempetsanis**
- **Sotiris Michalaros**

4

WELCOME TO EMSA

Delegates introductions:

- Name
- Job Title
- Employer
- General experience
- Security experience
- Current knowledge of the ISPS Code, and in particular on ship security

5

COURSE INFORMATION

STRUCTURE OF THE TRAINING

EMSA
European Maritime Safety Agency

SAFEMED III
Training on ship security

(Room 01/06), **4-5 February 2015**

Agenda

Wednesday, 4 February 2015

Time	Agenda item	For
09:00	**Registration and coffee**	
09:15	Welcome address	EMSA
09:30	Role of EMSA - Maritime Security	EMSA
09:45	Fundamental requirements of the ISPS Code - Ship Security	EMSA
10:15	**Coffee break**	
10:30	Fundamental requirements of the ISPS Code - Ship Security	EMSA
13:00	**Lunch break**	
14:00	Fundamental requirements of the ISPS Code - Ship Security	EMSA
15:15	**Coffee break**	
15:30	Case study 1	EMSA
17:00	**End of the first day**	

Thursday, 5 February 2015

09:00	**Registration**	
09:05	Case study 1	EMSA
11:00	**Coffee break**	
11:15	Case study 2	EMSA
13:00	**Lunch**	
14:00	Case study 2	EMSA
15:00	**Coffee break**	
15:15	Final discussion	
16:00	***End of the second day***	

Page 1 of 1

EMSA, Praça Europa 4, 1249-208 Lisbon, Portugal
emsa.europa.eu / @emsa_lisbon

6

European Maritime Safety Agency

Maritime Security

Ship Security - ISPS Code

SAFEMED III

Rui Silva Dias
Senior Project Officer
Visits & inspections

Lisbon / 4-5 February 2015

EMSA

Overview

EMSA

- Role of EMSA – Maritime Security
- Background behind the ISPS Code
- ISPS Code – Implementation, operational and procedural requirements
- European Union MARSEC Legislation
- Contracting Government Responsibilities
- Verification and Certification
- Control
- Sanctions

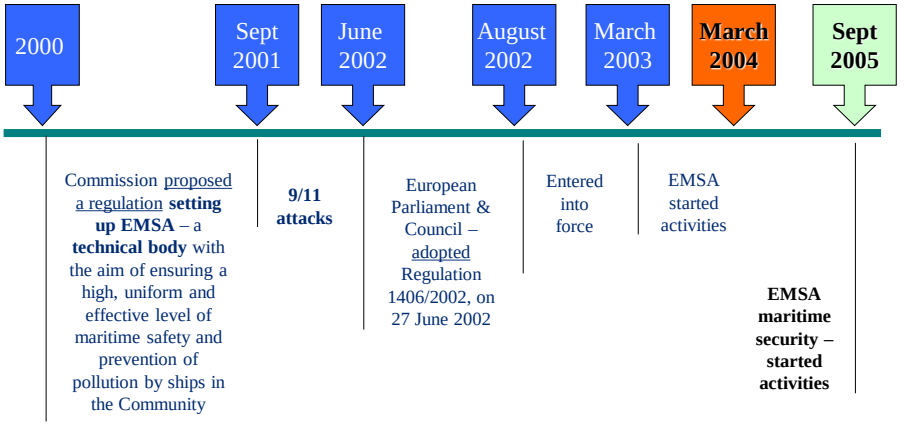
8

EMSA – MARSEC activities

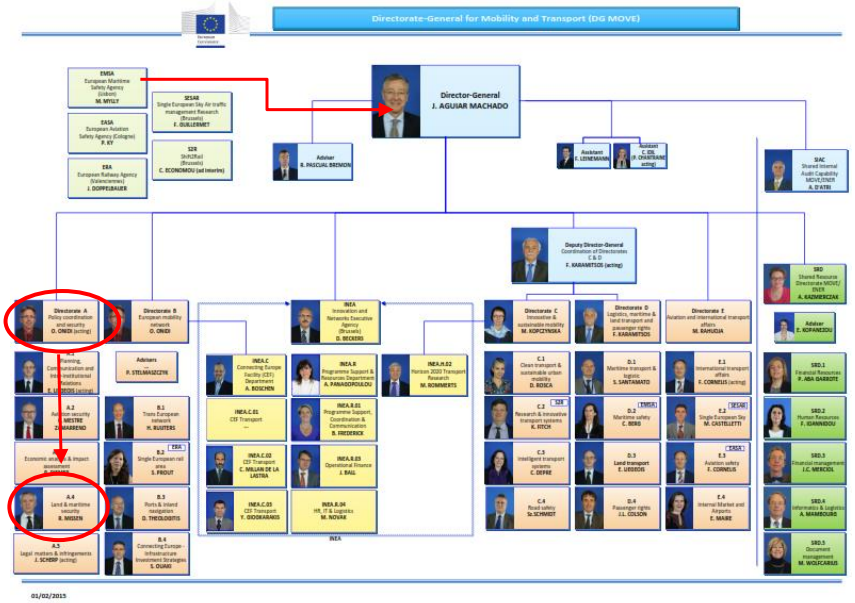
ROLE OF EMSA

EMSA – MARSEC activities

When was maritime security included in the tasks of EMSA…

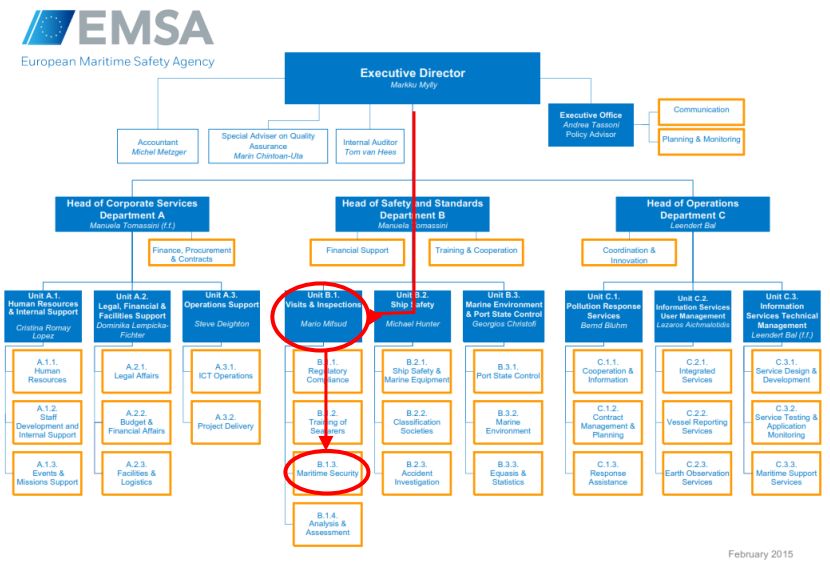


DG MOVE – Organisational Chart



11

EMSA – Organisational Chart



12

Role of EU and EMSA

EMSA

Legal Framework

Maritime Security Legislation…

Concurrent with ISPS Code, the EU adopted ***Regulation (EC) No.725/2004*** of 31 March 2004 on enhancing ship and port facility security

And, subsequently

Commission Regulation (EC) No.324/2008 of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security

13

Role of EU and EMSA

EMSA

Commission Regulation (EC) No.324/2008

- **Commission inspection (Art.2(1))**

  Examination by Commission inspectors (Art.2(2)) of MS' national maritime security quality control systems, measures, procedures and structures to determine compliance with Regulation (EC) 725/2004

- **Commission inspections are aimed towards Member State and not intended to substitute MS monitoring responsibilities on a national level but to complement the monitoring process**

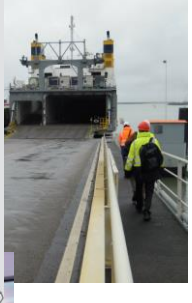
14

Role of EU and EMSA

EMSA, Maritime security tasks, summary:

- **Technical body**
- **Make technical experts available to participate in Commission inspections of national administrations in respect of ships and port facilities, ships, shipping companies and RSO's**
- **Assist European Commission in the preparatory work, reporting phases and follow-up for each inspection**
- **Prepare and draft of technical documentation (Country Reviews, methodology for inspections, checklists…)**
- **EMSA submits inspection reports of each inspection to the Commission**
- **Participate in the MARSEC Committee**
- **Training on maritime security**

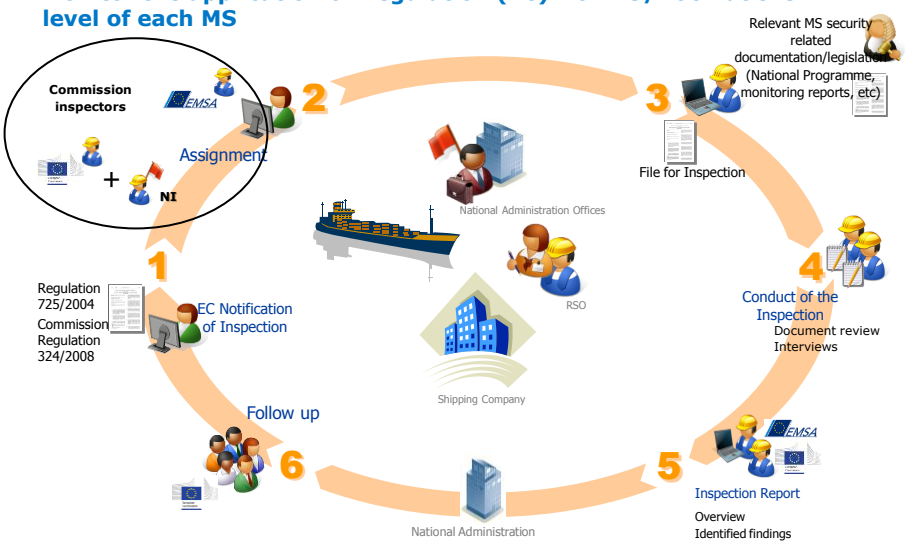
15



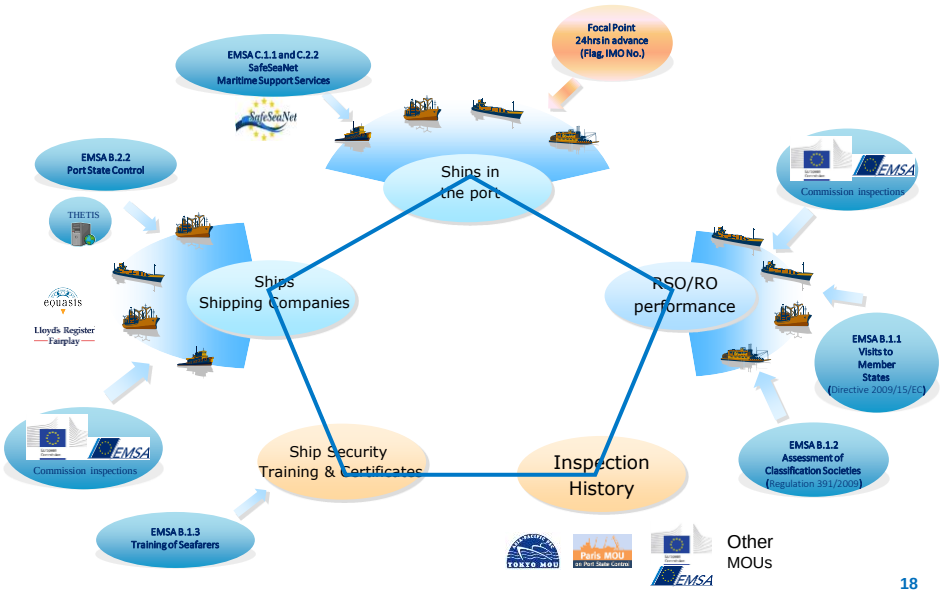
16

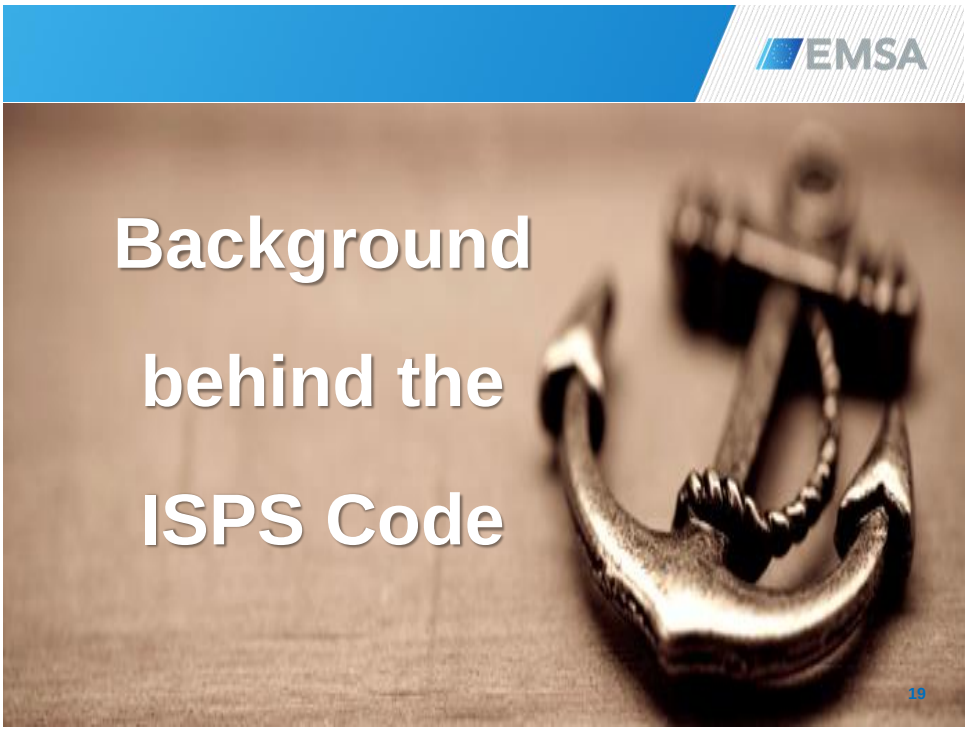
EMSA – MARSEC activity

Monitor the application of Regulation (EC) No.725/2004 at the level of each MS



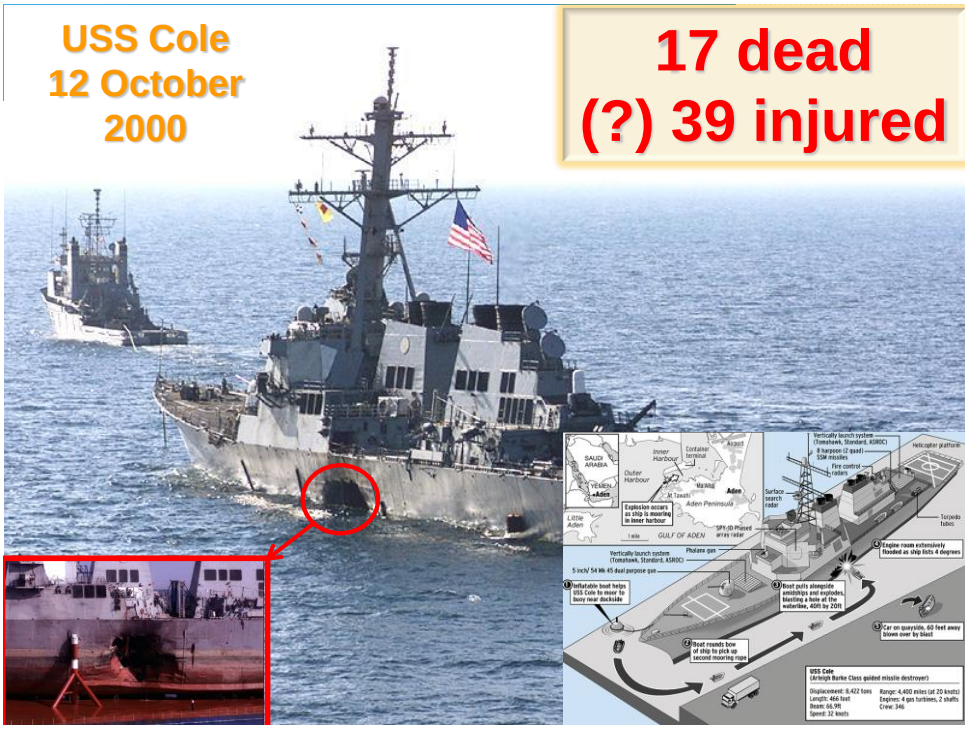
EMSA – MARSEC support




EMSA
Background
behind the
ISPS Code
19

EMSA
2004
2005
2006
2003
2002
015
IMO
2014

World Trade Centre
11 September 2001


USS Cole
12 October
2000
17 dead
(?) 39 injured
SAUDI ARABIA
YEMEN
Aden
Little Aden
Inner Harbour
Outer Harbour
Container terminal
Airport
Marine
Aden
Aden Peninsula
GULF OF ADEN
Explosion occurs as ship is mooring in inner harbour
Surface search radar
SPY-1D Phased array radar
Vertically launch system (Tomahawk, Standard, ASROC)
Phalanx gun
5 inch/ 54 Mk 45 dual purpose gun
Helicopter platform
Torpedo tubes
Engine room extensively flooded as ship lists 4 degrees
Inflatable boat helps USS Cole to moor to buoy near dockside
Boat pulls alongside amidships and explodes, blasting a hole at the waterline, 40ft by 20ft
Boat rounds bow of ship to pick up second mooring rope
Car on quayside, 60 feet away, blown over by blast
USS Cole
(Arleigh Burke Class guided missile destroyer)
Displacement: 8,422 tons
Length: 466 feet
Beam: 66.9ft
Speed: 32 knots
Range: 4,400 miles (at 20 knots)
Engines: 4 gas turbines, 2 shafts
Crew: 346

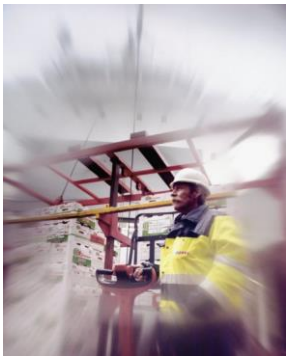
EXPLOSION ON THE LIMBURG
Explosion left a hole in the ship's hull on the starboard side
Capacity: 2.16m barrels (was carrying 400,000)
330 metres
Inner hull
Outer hull
Both hulls of the double-hulled tanker were ruptured.
1 killed
12 injured
Limburg – October 2002

Madrid – 11 March 2004
191 killed
Approx. 1800 injured

Terrorism – History of Events

EMSA

- 1972: Munich, Black September seize Israeli athletes
- 1983: Beirut, US Embassy bombed
- 1993: NY, WTC truck bomber
- 1998: Nairobi and Dar es Salaam Embassies bombed
- 2001: WTC/ Pentagon
- 2002: Bali
- 2004: Madrid
- 2005: London
- 2005: Egypt
- 2005: Bali
- 2005: Jordan
- 2006: Egypt (Dayhl)
- 2007: Glasgow Airport
- 2008: Mumbai Bombings and attacks
- 2009: Attacks is Islamabad
- 2010: Moscow
- 2010: Yemen (Air container bombs)
- 2011: Norway (internal)
- 2012: Brindisi Italy
- 2012: Toulouse France bomb attacks
- 2015: Paris



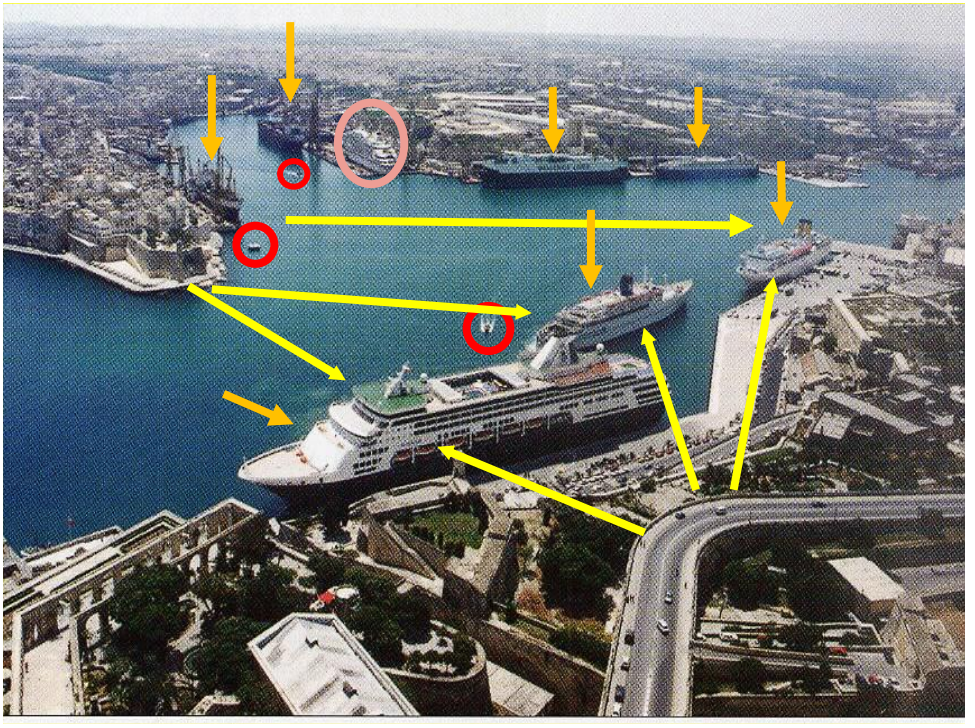
26

Maritime Terrorism/Piracy…

EMSA

1961: Santa Maria – Hijacked
1974: Vory – Greek freighter hijacked
1985: Achille Lauro – Hijacked by gunmen
2000: USS Cole – Attacked by terrorist boat
2000: Filipina Princess – Bombing of a Ferry
2002: Limburg – Attacked by terrorist boat
2004: Super Ferry 14 – Sabotaged
2005: Seabourne Spirit, Somalia

27



INTENTIONAL THREATS ?
Nuclear or Biologic attack
Terrorism
Stowaways
Sabotage
Human traffic
....
Bomb
Smuggling
Conflicts between passengers and crew
Political incidents
Theft
Illegal immigration
Piracy
Cyber attack
Vandalism

NON-intentional Threats ?
Access Control
Loading of cargo
Co-operation
Training and Familiarisation
Communication
Disclosure of sensitive information in public spaces
....

SINYAR

UNAUTHORIZED PERSONS NOT ALLOWED
SAFETY FIRST

Understanding Security Threats

EMSA

2.6. **Threat**. The likelihood that an unlawful act will be committed against a particular target, based on a perpetrator's intent and capability.

IMO/ILO Code of Practice on Security in Ports (Tripartite Meeting of Experts on Security, Safety and Health in Ports)

Threat has been defined as the perpetrator's intent and capability

As long as *intentions* and *capabilities* exist …

….security threats exist.

ADDRESSING ONE OF THE ELEMENTS WILL REDUCE THE RISK OF THREATS

THREATS – INTENTIONS

EMSA

PIRACY	TERRORISM
PERSONAL/FINANCIAL GAIN (INTENT)	POLITICAL GOALS (INTENT)
CHARACTERISTICS	CHARACTERISTICS
A CALL FOR ATTENTION	A CALL FOR ATTENTION TO THEIR GOALS
INFLICTING ONLY AS MUCH HARM TO ACCOMPLISH HIS PERSONAL GAIN	INFLICITING HARM AND DAMAGE AS POSSIBLE

34

THREATS – CAPABILITIES

EMSA

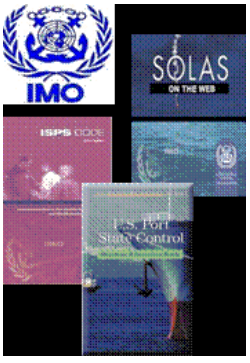
PIRACY	TERRORISM
SMALL WOODEN CRAFTS	ACCESS TO THE SHIP
MOTHER SHIPS	ACCESS TO THE PORT
ROPES	FINANCIAL CAPABILITIES
KNIVES	HI-JACKING A SHIP
HIGH SPEED CRAFTS	PURCHASING A SHIP
ARMAMENTS/HAND GRENADES	OPERATING A SHIP
ACCESS TO THE SHIP	WEAPONS/EXPLOSIVES
HI-JACKING A SHIP	LACK OF ONBOARD & PORT SECURITY
ORGANISED GROUPS	HIGHLY ORGANISED
LACK OF ONBOARD SECURITY & PORT SECURITY	

35

EMSA

ISPS Code

Implementation, operational and procedural requirements



36

UNCLOS
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

EMSA

Article 100 – 107 – Dealing with piracy

- Article 100. Duty to cooperate in the repression of piracy
- Article 101. Definition of piracy
- Article 102. Piracy by a warship, government ship or government aircraft whose crew has mutinied
- Article 103. Definition of a pirate ship or aircraft
- Article 104. Retention or loss of the nationality of a pirate ship or aircraft
- Article 105. Seizure of a pirate ship or aircraft
- Article 106. Liability for seizure without adequate grounds
- Article 107. Ships and aircraft which are entitled to seize on account of piracy

Short Comings

- **Based on private gain**
- **Ship versus ship – use of illegal acts or violence**
- **Legal limitation which does not cover terrorist attacks**

Article 101
Definition of piracy

Piracy consists of any of the following acts:

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

37

SUA Convention
(Suppression of Unlawful Acts against the safety of maritime navigation)

EMSA

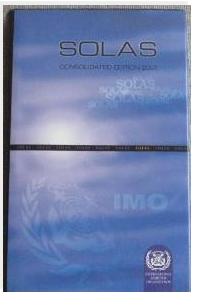
Provides procedures and actions to be taken by a State ***following*** an attack

Does not prescribe any **preventive** action but provides / extends jurisdiction and legal clarity about defences.

38

Maritime Security: Origins and subsequent developments

1. **US proposed an international security regime**
2. **International role by IMO -** 9/11 was the catalyst to address the matter
3. **SOLAS Convention with NEW ISPS Code. Why?**



39

Maritime Security: Origins and subsequent developments

4. **SOLAS Convention** relates to ships. What about the part ashore? Term "**port facility**" introduced – possible to extent of application within ports
5. IMO agreed new security regime in December 2002 – **Chapter XI-2** and the ISPS Code
6. **Enter into force on 1 July 2004**

40

SOLAS Chapter XI-1
Additional measures

- Modifications to SOLAS Chapter V (AIS).
- Regulation XI-I/3 - Ship identification number to be permanently marked in a visible place.
- Regulation XI-1/5 - Continuous Synopsis Record.

41

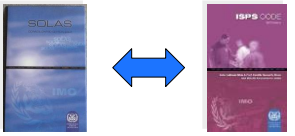
SOLAS Chapter XI-2

- **Regulation XI-2/2** enshrines the ISPS Code;
- **Regulation XI-2/3 security levels** and ensure the provision of security level information to ships entitled to fly their flag;
- **Regulation XI-2/4 and 5 Company** responsibilities;
- **Regulation XI-2/6** requires all ships to be provided with a Ship Security Alert System (**SSAS**);
- **Regulation XI-2/9 control** of ships;
- **Regulation XI-2/10** covers requirements for **port facilities**.

42

IMPLEMENTATION

- The ISPS Code is part of SOLAS



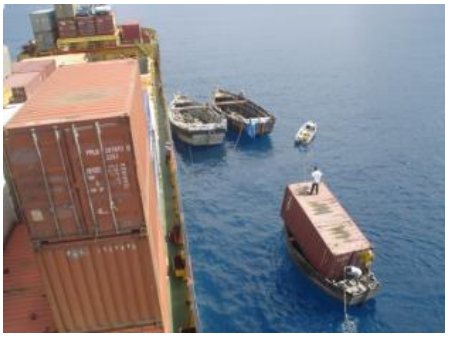
- When a Government accepts and ratifies an IMO Convention it agrees to make it part of its own national law and to enforce it just like any other law.

- The Contracting Governments are obliged to address **all** the objectives and functional requirements of SOLAS/XI-2 and of the ISPS Code.

43

IMPLEMENTATION

Who has to comply with the ISPS Code?



44

IMPLEMENTATION

What if Contracting Governments do not comply?

Penalties?

45

IMPLEMENTATION

- **IMO does not impose any penalties.**
- **IMO was established to adopt legislation.**
- **The responsibility for implementation lies with the Contracting Government**

Control is Flag and Port States' responsibility!

46

ISPS
Application

EMSA

A comprehensive set of measures to enhance the security of ships and port facilities

Who has to comply with the ISPS Code?

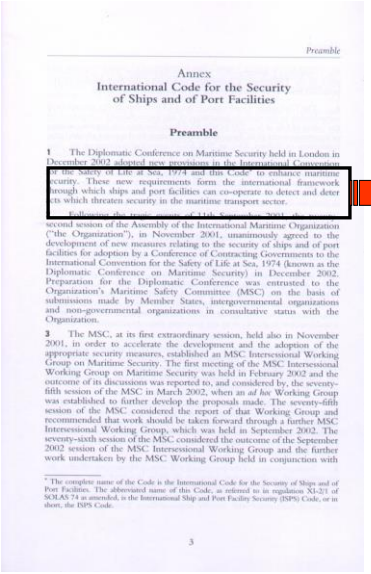
The ISPS Code applies to the following types of ships engaged on international voyages and the port facilities serving such ships:

- **passenger ships**, including high-speed passenger craft;
- **cargo ships**, including high-speed craft, of 500 gross tonnage and upwards; and
- **mobile offshore drilling units**.

47

ISPS

EMSA



Preamble

Annex
International Code for the Security of Ships and of Port Facilities

Preamble

1 The Diplomatic Conference on Maritime Security held in London in December 2002 adopted new provisions in the International Convention for the Safety of Life at Sea, 1974 and this Code* to enhance maritime security. These new requirements form the international framework through which ships and port facilities can co-operate to detect and deter acts which threaten security in the maritime transport sector.

Following the tragic events of 11th September 2001, the twenty-second session of the Assembly of the International Maritime Organization ("the Organization"), in November 2001, unanimously agreed to the development of new measures relating to the security of ships and of port facilities for adoption by a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (known as the Diplomatic Conference on Maritime Security) in December 2002. Preparation for the Diplomatic Conference was entrusted to the Organization's Maritime Safety Committee (MSC) on the basis of submissions made by Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Organization.

3 The MSC, at its first extraordinary session, held also in November 2001, in order to accelerate the development and the adoption of the appropriate security measures, established an MSC Intersessional Working Group on Maritime Security. The first meeting of the MSC Intersessional Working Group on Maritime Security was held in February 2002 and the outcome of its discussions was reported to, and considered by, the seventy-fifth session of the MSC in March 2002, when an *ad hoc* Working Group was established to further develop the proposals made. The seventy-fifth session of the MSC considered the report of that Working Group and recommended that work should be taken forward through a further MSC Intersessional Working Group, which was held in September 2002. The seventy-sixth session of the MSC considered the outcome of the September 2002 session of the MSC Intersessional Working Group and the further work undertaken by the MSC Working Group held in conjunction with

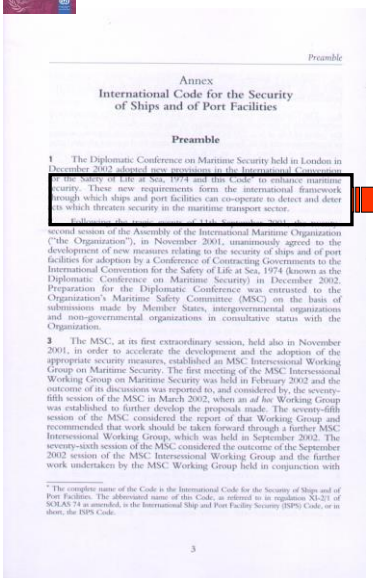
* The complete name of the Code is the International Code for the Security of Ships and of Port Facilities. The abbreviated name of this Code, as referred to in regulation XI-2/1 of SOLAS 74 as amended, is the International Ship and Port Facility Security (ISPS) Code, or in short, the ISPS Code.

3

"…international framework through which ships and port facilities can co-operate to detect and deter acts which threaten security in the maritime transport sector."

48

ISPS



Preamble

Annex
International Code for the Security of Ships and of Port Facilities

Preamble

1 The Diplomatic Conference on Maritime Security held in London in December 2002 adopted new provisions in the International Convention for the Safety of Life at Sea, 1974 and this Code* to enhance maritime security. These new requirements form the international framework through which ships and port facilities can co-operate to detect and deter acts which threaten security in the maritime transport sector.

Following the tragic events of 11th September 2001, the twenty-second session of the Assembly of the International Maritime Organization ("the Organization"), in November 2001, unanimously agreed to the development of new measures relating to the security of ships and of port facilities for adoption by a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (known as the Diplomatic Conference on Maritime Security) in December 2002. Preparation for the Diplomatic Conference was entrusted to the Organization's Maritime Safety Committee (MSC) on the basis of submissions made by Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Organization.

2 The MSC, at its first extraordinary session, held also in November 2001, in order to accelerate the development and the adoption of the appropriate security measures, established an MSC Intersessional Working Group on Maritime Security. The first meeting of the MSC Intersessional Working Group on Maritime Security was held in February 2002 and the outcome of its discussions was reported to, and considered by, the seventy-fifth session of the MSC in March 2002, when an *ad hoc* Working Group was established to further develop the proposals made. The seventy-fifth session of the MSC considered the report of that Working Group and recommended that work should be taken forward through a further MSC Intersessional Working Group, which was held in September 2002. The seventy-sixth session of the MSC considered the outcome of the September 2002 session of the MSC Intersessional Working Group and the further work undertaken by the MSC Working Group held in conjunction with

* The complete name of the Code is the International Code for the Security of Ships and of Port Facilities. The abbreviated name of this Code, as referred to in regulation XI-2/1 of SOLAS 74 as amended, is the International Ship and Port Facility Security (ISPS) Code, or in short, the ISPS Code.

3

What is addressed?

- **The use of a ship as a weapon**
- **The use of a ship for transporting either persons or their means for intending to cause a security incident**
- **The use of a ship in lawful trade for financing terrorist activities**

49

ISPS
Main Principles

- Applicable for ships international voyages & port facilities
- ISPS Code is **based on** reducing vulnerability in a **PREVENTIVE** manner and on a policy of deterrence
- Intended to help protect the ship and port facilities against any unlawful acts, whether the wilful planting of a bomb or the theft of a tool box – (THREATS - piracy, sabotage, smuggling, stowaways)
- **Based on Management Principles** – Risk Assessment – Plan – Implement -> PLAN –> DO –> CHECK -> ACT
- Managing security – **Continuous evaluation** and updates to ensure a cost-effective & response-effective system
- **Minimum International Standards for Maritime Security**

50

ISPS

ISPS Code

the Committee's seventy-sixth session in December 2002, immediately prior to the Diplomatic Conference, and agreed the final version of the proposed texts to be considered by the Diplomatic Conference.

4 The Diplomatic Conference (9 to 13 December 2002) also adopted amendments to the existing provisions of the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74) accelerating the implementation of the requirement to fit Automatic Identification Systems and adopted new regulations in chapter XI-1 of SOLAS 74 covering marking of the Ship Identification Number and the carriage of a Continuous Synopsis Record. The Diplomatic Conference also adopted a number of Conference resolutions, including those covering implementation and revision of this Code, technical co-operation, and co-operative work with the International Labour Organization and World Customs Organization. It was recognized that review and amendment of certain of the new provisions regarding maritime security may be required on completion of the work of these two Organizations.

5 The provisions of chapter XI-2 of SOLAS 74 and this Code apply to ships and to port facilities. The extension of SOLAS 74 to cover port facilities was agreed on the basis that SOLAS 74 offered the speediest means of ensuring the necessary security measures entered into force and given effect quickly. However, it was further agreed that the provisions relating to port facilities should relate solely to the ship/port interface. The wider issue of the security of port areas will be the subject of further joint work between the International Maritime Organization and the International Labour Organization. It was also agreed that the provisions should not extend to the actual response to attacks or to any necessary clear-up activities after such an attack.

6 In drafting the provision, care has been taken to ensure compatibility with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, the International Safety Management (ISM) Code and the harmonized system of survey and certification.

7 The provisions represent a significant change in the approach of the international maritime industries to the issue of security in the maritime transport sector. It is recognized that they may place a significant additional burden on certain Contracting Governments. The importance of technical co-operation to assist Contracting Governments implement the provisions is fully recognized.

8 Implementation of the provisions will require continuing effective co-operation and understanding between all those involved with, or using, ships and port facilities, including ship's personnel, port personnel, passengers, cargo interests, ship and port management and those in National and Local Authorities with security responsibilities. Existing practices and

Preamble, parag 5 …

"…it was also agreed that the provisions should not extend to the actual RESPONSE to attacks or to any necessary clear-up activities AFTER such an attack."

ISPS
Functional security requirements

For Ships	For Ports
Ship Security Plans	Port Facility Security Plan
Ship Security Officers	Port Facility Security Officer
Company Security Officers	
Certain on board equipment	Certain equipment
Monitoring and Controlling Access	Monitoring and Controlling Access
Monitoring the Activities of People & Cargo	Monitoring the Activities of People & Cargo
Ensuring that Security Communications are Readily Available	Ensuring that Security Communications are Readily Available

EUROPEAN UNION

- EU MARSEC LEGISLATION -

53

EUROPEAN UNION (EU)
EUROPEAN COMMISSION (EC)

1. **EC participates as observer in the IMO**
2. Commission tabled in May 2003 a Communication on enhancing maritime security
3. **Draft of EU Regulation -** to deliver harmonised interpretation and imple the Member States
4. **Regulation 725/2004** ca
5. Direct effect to SOLAS Chapter XI-2 and ISPS Code in Member States' National Laws.

REGULATION (EC) No 725/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 31 March 2004
on enhancing ship and port facility security
(Text with EEA relevance)

EU MARSEC Legislation Regulation (EC) No. 725/2004

EMSA

"Intentional unlawful acts and especially terrorism are among the greatest threats to the ideals of democracy and freedom and to the values of peace, which are the very essence of the European Union"

1st Recital Regulation (EC) No 725/2004

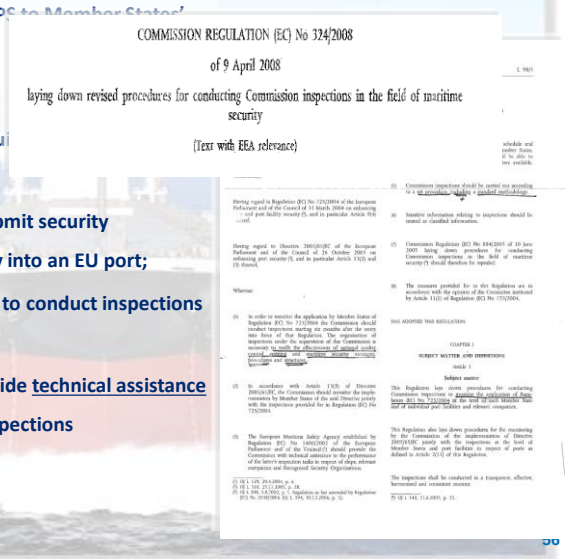
"The security of the European Community shipping and of citizens using it and of the environment in the face of threats of intentional unlawful acts such as acts of terrorism, acts of piracy or similar, should be ensured at all times"

2nd Recital Regulation (EC) No 725/2004

EU MARSEC Legislation Regulation (EC) No. 725/2004

EMSA

- In addition, extends SOLAS/ISPS to Member States' domestic shipping;
- Also:
  - certain elements of the guidance to the ISPS Code mandatory;
  - Requires that all ships submit security information prior to entry into an EU port;
  - Requires the Commission to conduct inspections in the Member States;
- EMSA has been tasked to provide technical assistance to the Commission with its inspections


COMMISSION REGULATION (EC) No 324/2008

of 9 April 2008

laying down revised procedures for conducting Commission inspections in the field of maritime security

(Text with EEA relevance)

EC MARSEC Legislation Regulation (EC) No. 725/2004

EMSA

Article 3 | **Scope**

3(1) International Shipping **1 July 2004**

3(2) Domestic shipping **1 July 2005**

Chap.XI-2 of SOLAS and Part A of ISPS Code to Class A passenger ships (Art.4 of Council Directive 98/18/EC) including port facilities serving Class A passenger ships)

3(3) Extent of application **1 July 2007**

(other domestic shipping, their companies and the port facilities serving them)

- **Mandatory security risk assessment**
- **Periodic review - no more than 5 years! (... by 1 July 2012 ... 1 July 2017...)**

3(5) Paragraphs of part B - Mandatory

57

EU Legislation Regulation (EC) No. 725/2004

EMSA

Article 3(5) *[Part B mandatory]*

- 1.12 (revision of ships security plans)
- 1.16 (port facility security assessment)
- 4.1 (protection of the confidentiality of security plans and assessments)
- 4.4 (recognised security organisations)
- 4.5 (minimum competencies of recognised security organisations)
- 4.8 (setting security levels)
- 4.14, 4.15, 4.16 (contact points and information on port facility security plans)
- 4.18 (identification documents)
- 4.24 (ships' application of security measures recommended by the State in whose territorial waters they are sailing)
- 4.28 (manning level)
- 4.41 (communication of information when entry into port is denied or the ship is expelled from port)
- 4.45 (ships from a State which is not party to the Convention)
- 6.1 (company's' obligation to provide master with information on ship's operators)
- 8.3 to 8.10 (minimum standards for the ship security assessment)
- 9.2 (minimum standards for the ship security plan)
- 9.4 (independence of recognised security organisations)
- 13.6 and 13.7 (frequency of security drills and exercises for ship's crews and for CSO and SSO's)
- 15.3 to 15.4 (minimum standards for the port facility security assessment)
- 16.3 to 16.8 (minimum standards for the port facility security plan)
- 18.5 and 18.6 (frequency of security drills and exercises in PF's and for PFSO's)

58

CONTRACTING GOVERNMENTS

- RESPONSIBILITIES -

59

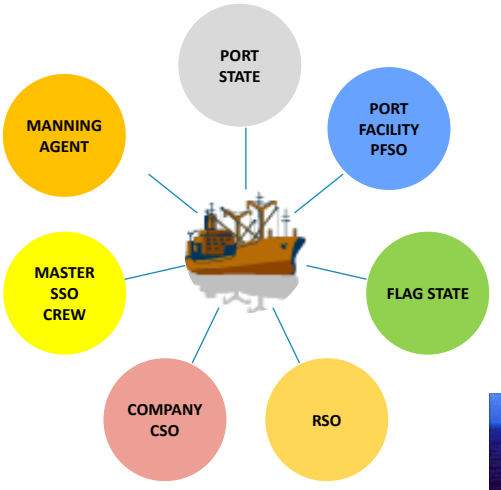
CONTRACTING GOVERNMENTS
SHIP SECURITY REQUIREMENTS

- ADMINISTRATIONS
- COMPANIES
- PORT FACILITIES
- SHIPS

60

CONTRACTING GOVERNMENTS
SHIP SECURITY REQUIREMENTS

EMSA



61

ADMINISTRATIONS

FLAG STATE

EMSA

- Designation of national authorities responsible for implementation of maritime security;
- Deciding national requirements for maritime security;
- Setting, communication of SL and provide guidance for protection from security incidents;
- Designation of authorities receiving SSAS alerts;
- Approval of SSP;
- **Verification-Certification of ships;**

62

FLAG STATE

ADMINISTRATIONS

EMSA

- Approval of PFSA and PFSP;
- Certification for port facilities;
- Monitoring of Recognised Security Organisation (RSO), when delegating maritime security tasks;
- Exercise of control.

Note: All 148 Parties to SOLAS must ensure their ships and port facilities comply with the requirements

63

FLAG STATE

Oversight regimes

EMSA

Oversee implementation by industry and other bodies appointed to carry out tasks on their behalf:

- Test the effectiveness of SSPs **(ISPS Code A/4.4)**

What have you done as Administration?

Carry out checks to guarantee the completeness and efficiency of verifications – flag State control:

- **Must be done** even if verification and certification is delegated to RSOs **(ISPS Code A/19.1.3)**
- Includes monitoring and verification of RSOs

Have you, as administration, delegate security tasks to RSOs?

If yes, how do you oversee the work of the RSOs?

64

COMPANY CSO

COMPANIES

EMSA

- **Appoint a Company Security Officer (CSO)**

- **Provide to their ships all means necessary for implementation of security measures**

- **Make available to Master information regarding:**
  - Who is responsible for appointing the crew
  - Who is responsible for the employment of the ship
  - Information regarding the parties of the charter party

- **Ensure their ships are certified in accordance with ISPS requirements**

65

SHIP SECURITY

EMSA

- Ship Security Assessment;
- Ship Security Plan;
- Ship Security Officer;
- Ship Security Alert System;
- Verification and Certification:
  - Initial
  - Intermediate
  - Renewal
  - Additional
- RSOs

66

SHIP SECURITY ASSESSMENT (SSA)

[Section A/8.4]

The SSA shall include an on-scene security survey **and**, at least, the following elements:

- identification of existing security measures, procedures and operations;
- identification and evaluation of key shipboard operations that it is important to protect;
- identification of possible threats to the key shipboard operations and the likelihood of their occurrence, in order **to establish and prioritise security measures;** and
- identification of weaknesses, including human factors, in the infrastructure, policies and procedures.

[Section A/8.5]

The SSA shall be documented, reviewed, accepted and retained by the Company.

67

Ship Security Plan (SSP)

SHIP SECURITY PLAN APPROVAL

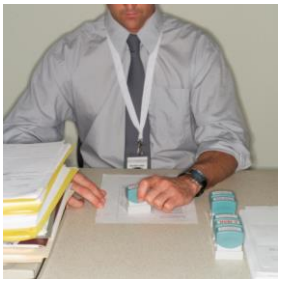
Who is doing the approval?

68

Ship Security Plan (SSP)

EMSA

What is relevant?



- Approved SSP and relevant amendments on board **(A/9.1 & A/9.5.1)**
- To ensure appropriate measures against unauthorised disclosure of the SSA & SSP **(B/4.1)**
- To determine which changes to an approved SSP shall not be implemented without prior approval **(A/9.5)**
- Test approved SSP **(A/4.4)**

69

Ship Security Plan (SSP)

EMSA

[Section A/9.1]

The **plan** shall address, at least, the following:

1. Measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorised from being taken on board the ship;

2. Identification of the restricted areas and measures for the prevention of unauthorised access to them;

3. Measures for the prevention of unauthorised access to the ship;

4. Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or ship/port interface;

70

Ship Security Plan (SSP)

5. Procedures for responding to any security instructions Contracting Governments may give at security level 3;

6. Procedures for evacuation in case of security threats or breaches of security;

7. Duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects;

8. Procedures for auditing the security activities;

9. Procedures for training, drills and exercises associated with the plan;

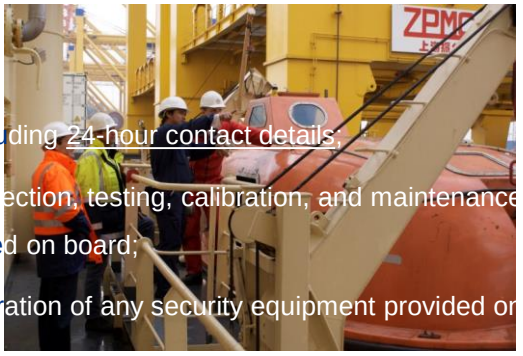
10. Procedures for interfacing with port facility security activities;

11. Procedures for the periodic review of the plan and for updating;

12. Procedures for reporting security incidents;

71

Ship Security Plan (SSP)



13. Identification of the SSO;

14. Identification of the CSO, including 24-hour contact details;

15.Procedures to ensure the inspection, testing, calibration, and maintenance of any security equipment provided on board;

16. Frequency for testing or calibration of any security equipment provided on board;

17. Identification of the locations where the SSAS activation points are provided; and

18. Procedures, instructions and guidance on the use of the SSAS, including the testing, activation, deactivation and resetting and to limit false alerts.

72

RSO

RSOs
Delegation of tasks

EMSA

RSOs may be delegated the following tasks:

- **Carry out the SSA (A/8.3)**
- **Review and approve SSP, or of amendments to a previously approved plan (A/9.2) - but preparation must be by a different RSO (A/9.2.1)**
- **Carry out verifications of ships (A/19.1.2)**
- **Issue ISSC (A/19.2.2)**
- **Endorsement of ISSC (A/19.3.4)**
- **Issue Interim ISSC (A/19.4.3)**

73

RSO

RSOs
Administrations must …

EMSA

WHAT MINIMUM REQUIREMENTS SHOULD BE OBSERVED BY ADMINISTRATIONS BEFORE DELEGATING TASKS TO RSOs?

1. Lay down criteria on which to base appointment
2. Verify applicants meet the criteria before appointment
3. Specify any national requirements or guidance (e.g. security threats) to be taken into account in SSAs and SSPs
4. Verify RSOs continue to meet the criteria for their appointment – national inspections of RSOs
5. Verify the quality of RSOs' work - flag State inspections/verifications of ships
6. Specify frequency and scope of additional verifications
7. **Fully guarantee the completeness and efficiency of the verification** (A/19.1.3)

74

VERIFICATION AND CERTIFICATION

75

Verification and Certification

Who is doing?

National Administration

RSO

Appendix to Part A

Appendix 1

Form of the International Ship Security Certificate

INTERNATIONAL SHIP SECURITY CERTIFICATE

(Official seal) (State)

Certificate Number .....

Issued under the provisions of the

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES (ISPS CODE)

Under the authority of the Government of .....

(name of State)

by .....

(person(s) or organization authorized)

Name of ship: .....

Distinctive number or letters: .....

Port of registry: .....

Type of ship: .....

Gross tonnage: .....

IMO Number: .....

Name and address of the Company: .....

►*Company identification number: .....◄

THIS IS TO CERTIFY:

1 that the security system and any associated security equipment of the ship has been verified in accordance with section 19.1 of part A of the ISPS Code;

2 that the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and part A of the ISPS Code;

3 that the ship is provided with an approved ship security plan.

Date of initial / renewal verification on which this Certificate is based .....

This Certificate is valid until .....

subject to verifications in accordance with section 19.1.1 of part A of the ISPS Code.

Issued at .....

(place of issue)

Date of issue .....

CERTIFIED

(signature of duly authorized official) (seal or stamp of the issuing authority, as appropriate)

76

Verifications

1. **Specify** the period of validity (max. 5 years) for ISSCs **(A/19.3.1)**
2. **Specify**, but not exceeding 5 years, a renewal verification interval **(A/19.1.1.2)**
3. Carry out:
   - **Initial** verifications to ensure **full compliance** with the security requirements and SSPs **(A/19.1.1.1)**
   - **Renewal** verifications - **full compliance** **(A/19.1.1.2)**
   - **Intermediate** verifications – it remains satisfactory **(A/19.1.1.3)**
   - **Additional** verifications **(A/19.1.1.4)**

   Or delegate these tasks to RSOs **(A/19.1.2 & 19.2.2)**

Duration and validity of Certificate

Extending the validity of individual ISSCs. In which situations?

- Up to 5 years if ISSC originally for less (A/19.3.3)
- If renewal verification carried out but new ISSC cannot be issued **or** placed on board before expiry of the existing certificate (A/19.3.4)
- To allow a ship to reach port if ISSC expires when at sea (A/19.3.5)
- Extend for grace period of to one month where ship engaged on short voyages (A/19.3.6)

78

Duration and validity of Certificate

EMSA

When does an ISSC cease to be valid?

- Relevant verifications are not completed within the periods specified (A/19.3.8.1);
- Certificate is not endorsed in accordance with section 19.1.1.3 and 19.3.7.1, if applicable (A/19.3.8.2);
- When a Company assumes the responsibility for the operation of a ship not previously operated by that Company; and (A/19.3.8.3);
- **Upon transfer of the ship to the flag of another State**

79

ISSC
Appendix to Part A

Form of the International Ship Security Certificate

Form of the International Ship Security Certificate

INTERNATIONAL SHIP SECURITY CERTIFICATE

(Official seal) *(State)*

Certificate Number .....

Issued under the provisions of the

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES
(ISPS CODE)

Under the authority of the Government of .....
(name of State)

by .....
(person(s) or organisation authorised)

Name of ship: .....

Distinctive number or letters: .....

Port of registry: .....

Type of ship: .....

Gross tonnage: .....

IMO Number: .....

Name and address of the Company: .....

►[10]Company identification number: .....◄

THIS IS TO CERTIFY:

1 that the security system and any associated security equipment of the ship has been verified in accordance with section 19.1 of part A of the ISPS Code;

2 that the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and part A of the ISPS Code;

3 that the ship is provided with an approved ship security plan.

Date of initial / renewal verification on which this Certificate is based

This Certificate is valid until

subject to verifications in accordance with section 19.1.1 of part A of the ISPS Code

Issued at .....
(place of issue of the Certificate)

Date of issue .....

.....
(signature of the duly authorised official issuing the Certificate)

.....
(Seal or stamp of issuing authority, as appropriate)

Interim Certification

When may an Interim ISSC be issued?

- Ship without certificate, delivery or prior to enter in its service (A/19.4.1);
- Transfer of a ship from the flag of a Contracting Government to a flag of another Contracting Government (A/19.4.2);
- Transfer of a ship to the flag of a Contracting Government from a State which is not a Contracting Government (A/19.4.3)
- Company assuming the responsibility for the operation of a ship not previously operated by that Company (A/19.4.4);

81

Interim Certification

Conditions prior Interim ISSC to be issued?

- Administration or RSO has verified (A/19.4.2):
  - SSA is completed;
  - Copy of SSP is on board and is being implemented
  - Ship provided with SSAS;
  - The CSO has ensured that:
    - Review of SSP;
    - SSP submitted for approval;
    - SSP is being implemented on board;
    - Drills, exercises, internal audits
- Master, SSO, other ship's personnel with specific security duties are familiar with their duties and responsibilities

82

Interim Certification

Case 1 a:

While sailing in the West Coast of Africa a ship changed flag. The new flag issued an interim ISSC from the office and send it to the ship based on a declaration signed by the CSO, stating that a SSP was on board and had been approved by an RSO.

Can an Interim ISSC be issued remotely from the office?

83

Interim Certification

Case 1 b:

Following the 6 months interim period, the CSO informed the Administration that was not yet ready for the initial verification and requested 1 month extension for the Interim. The Company justified its request based on lack of time to implement certain parts of the SSP.

Can an administration cause an extension of an Interim ISSC?

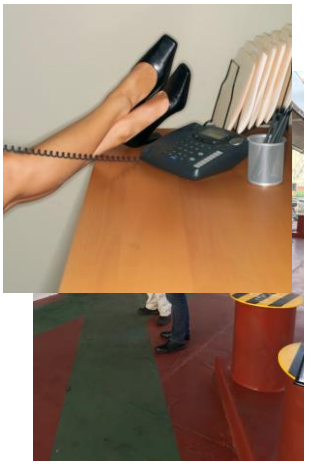
84

Interim Certification

(A/19.4.5)

" No Contracting Government shall cause a subsequent, consecutive Interim ISSC to be issue to a ship if, in the judgement of the Administration or the recognised security organisation (…)"

85



CONTROL MEASURES

86

CONTROL MEASURES

- **PORT FACILITIES**
- **FLAG SHIPS (FSI)**
- **FOREIGN FLAG SHIPS (PSC-DAO)**
  - In port
  - Intending to enter the port

87

CONTROL MEASURES - FLAG SHIPS

"States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the maritime environment."

IMO Resolution A.973(24)

88

CONTROL MEASURES – FOREIGN FLAG SHIPS

EMSA

CONTROL AND COMPLIANCE MEASURES SOLAS regulation XI-2/9

- Control of ships **in port**

- Control of ships **intending** to enter the port

89

CONTROL MEASURES – FOREIGN FLAG SHIPS

EMSA

SOLAS regulation XI-2/9
CONTROL AND COMPLIANCE MEASURES

1. Control of ships already in port;
2. Control of ships intending to enter a port of another CG

Regulation (EC) No. 725/2004

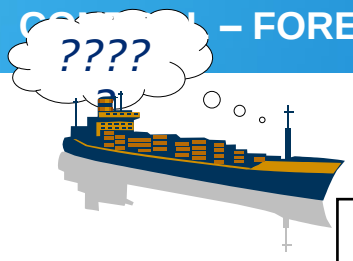
Article 8 **Security checks in Member State ports**

Certificate verification *as defined in paragraph 1.1 of regulation 9 (SOLAS Chap.XI-2/)* ***shall be carried out*** *either by the* ***competent authority for maritime security*** *or by inspectors defined in Art.2(5) of Directive 95/21/EC -* ***PSCOs****.*

[Additional provisions to both [Recital (13), Reg.725/2004]

90

CONTROL – FOREIGN FLAG SHIPS



What happen, when an officer has clear grounds for believing that a ship is not in compliance with SOLAS and the ISPS Code?

Clear Grounds (ISPS Code, B/4.32), ...

means **evidence** or **reliable information** that the security system and any associated security equipment of the ship does not correspond with the requirements of SOLAS chapter XI-2 or part A of the ISPS Code (...)

If clear grounds (ISPS Code B/4.33)... → **...control measures: additional inspections or detention**

Duly Authorised Officers (DAO), **means an official of the Contracting Government duly authorised by that Government to carry out control and compliance measures in accordance with SOLAS regulation XI-2/9.**

(MSC/Circ. 1191 (30.05.2006), MSC/Circ. 1133 (14.12.2004), MSC/Circ. 1111 (07.06.2004)

91

CONTROL MEASURES – FOREIGN FLAG SHIPS

Clear Grounds (ISPS B/4.33):

1. **Evidence** - ISSC or the Interim ISSC that it is not valid or it has expired (ISPS Code paragraph B/4.33.1);
2. **Evidence** or **reliable information** - serious deficiencies exist in the security equipment, documentation or arrangements (ISPS Code paragraph B/4.33.2);
3. **A** report or complaint which containing reliable information clearly indicating that the ship does not comply with the requirements (ISPS Code paragraph B/4.33.3);
4. **Evidence** or **observation** gained by a duly authorised officer using professional judgment that the master or ship's personnel are not familiar with essential shipboard security procedures or cannot carry out drills related to the security of the ship or that such procedures or drills have not been carried out (ISPS Code paragraph B/4.33.4);
5. **Evidence** or **observation** gained by the duly authorised officer using professional judgment that key members of the ship's personnel are not able to establish proper communication with any other key members of ship's personnel with security responsibilities on board the ship (ISPS Code paragraph B/4.33.5);

92

CONTROL MEASURES – FOREIGN FLAG SHIPS

Clear Grounds (cont.):

6. **Evidence** or **reliable information** that the ship has embarked persons, or loaded stores or goods at a port facility or from another ship where either the port facility or the other ship is in violation of chapter XI-2 or part A of the ISPS Code, and the ship in question has not completed a Declaration of Security, nor taken appropriate, special or additional security measures or has not maintained appropriate ship security procedures (ISPS Code paragraph B/4.33.6);
7. **Evidence** or **reliable information** that the ship has embarked persons, or loaded stores or goods at a port facility or from another source (e.g., another ship or helicopter transfer) where either the port facility or the other source is not required to comply with chapter XI-2 or part A of the ISPS Code, and the ship has not taken appropriate, special or additional security measures or has not maintained appropriate security procedures (ISPS Code paragraph B/4.33.7); and
8. If the ship holds a **subsequent**, **consecutively** issued **Interim ISSC** as described in section A/19.4 of the ISPS Code (…)

[**MSC/Circ.1111, 7 June 2004**] *GUIDANCE RELATING TO THE IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE*

Annex 2 - RESOLUTION MSC.159(78) (adopted on 21 May 2004)

MSC/Circ.1111
ANNEX 2
Page 6

CHAPTER 2

QUALIFICATIONS AND TRAINING OF DULY AUTHORIZED OFFICERS

2.1 Duly authorized officers are appointed by a Contracting Government to exercise control and compliance measures under the provisions of regulation XI-2/9.

2.2 It is certain that the professional backgrounds of duly authorized officers will vary. However, duly authorized officers need to have appropriate knowledge of the provisions of chapter XI-2 and of the ISPS Code, of shipboard operations and need to be appropriately qualified and trained to the level required by the functions that they are authorized to carry out.

2.3 Duly authorized officers should also be able to communicate with the master, the ship security officer and other officers on the ship in English.

2.4 Duly authorized officers should receive appropriate training to ensure proficiency in safety procedures when boarding or on board a ship, particularly if at sea, including emergency evacuation procedures and procedures for entering enclosed spaces.

2.5 Duly authorized officers when on board a ship should comply with the security measures and procedures in place on the ship unless such measures are incompatible with the specific control measures or steps.

2.6 Duly authorized officers should refrain from attempting to breach the security of a ship.

2.7 Duly authorized officers should carry, and present when boarding a ship, a photographic identification document indicating their authorization. Procedures should be in place to allow verification of the identity of those who have been appointed as duly authorized officers.

2.8 Duly authorized officers should periodically undergo training in order to update their knowledge. Training seminars or courses should be held with such frequency so as to ensure the update of their knowledge with respect to legal instruments related to control and compliance measures to enhance maritime security.

2.9 Duly authorized officers may be assisted, when appropriate, by persons with specialized expertise appointed by the Contracting Governments. Such persons should receive appropriate training, as outlined above.

I:\CIRC\MSC\1111.doc

MSC/Circ.1111
ANNEX 2
Page 28

APPENDIX 2

REPORT OF THE IMPOSITION OF A CONTROL AND COMPLIANCE MEASURE IN ACCORDANCE WITH INTERIM GUIDANCE ON CONTROL AND COMPLIANCE MEASURES TO ENHANCE MARITIME SECURITY (Resolution MSC.159(78))

(Reporting authority)
(Address)
(Telephone & Fax)

Copy to: Master
Duly Authorized Officer administrative office
If control measures, other than lesser administrative measures are taken, additional copies of this report shall be provided to:
Administration
Recognized security organization
IMO
Port State of ship next port call
(if denied entry or expelled)

1. Name of reporting authority: _____
2. Date of inspection: _____
3. Place of inspection: _____
4. Name of ship: _____
5. Flag of ship: _____
6. Type of ship: _____
7. Call sign: _____
8. IMO Number: _____
9. Gross tonnage: _____
10. Year build: _____
11. Recognized security organization: _____
12. Registered owner (from Continuous Synopsis Record (CSR)): _____
13. Registered bareboat charterer, if applicable (from CSR): _____
14. Company (from CSR): _____
15. ISSC issuing Authority: _____
16. Dates of issue/expiry: _____
17. Ship security level: _____
18. Reason(s) for non-compliance: _____

19. Action taken by Duly Authorized Officer:

20. Specific control measures taken (marks as follow: "x" actions taken, "-" no actions taken)
None
Lesser administrative measures
More detailed inspection
Ship departure delayed
Restricted Ship Operation
Cargo operation modified or stopped
Ship directed to other location in port
Ship detained
Ship denied entry into port
Ship expelled from port

21. Corrective action taken by ship or Company: _____

Issuing office: _____
Name: _____
Telephone/Fax: _____

Duly Authorized Officer
Signature: _____

I:\CIRC\MSC\1111.doc

Security information

EMSA

SOLAS XI-2	Regulation 9, parag 2.1	Reg. 725/2004	Article 6
Ships intending to enter a port of another Contracting Government		Provision of security information prior to entry into a port of a Member State	

"… a Contracting Government may require that ships intending to enter its ports provide the following information to officers duly authorized by that Government to ensure compliance with this chapter prior to entry into port with the aim of avoiding the need to impose control measures or steps:"

"…The competent authority for maritime security of that Member State shall require that information referred to in paragraph 2.1 of regulation 9 (Ships intending to enter a port of another Contracting Government) of the special measures to enhance maritime security of the SOLAS Convention be provided. The said authority shall analyse, as far as necessary, the information provided for in paragraph 2 of that SOLAS regulation"

95

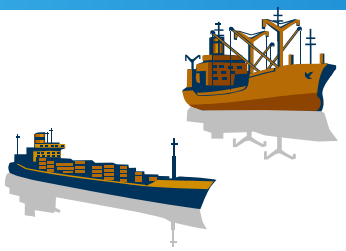
SANCTIONS

EMSA

96

SANCTIONS

EMSA



Inspections…

Although it seems to be the same action as verification, there are significant differences…

It is an enforcement action carried out exclusively by officials of the Administration, with the purpose of control which may result to **sanctions** (**Art. 14 Reg. 725/2004**)

There are no sanctions before the ship is certified!

97

European Maritime Safety Agency

Questions?

Rui Silva Dias
Senior Project Officer
Maritime Security
rui.silva-dias@emsa.europa.eu
http://www.emsa.europa.eu

twitter.com/emsa

facebook@emsa.lisbon

EMSA