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REVISED GUIDANCE TO MASTERS, COMPANIES AND DULY AUTHORIZED OFFICERS ON THE REQUIREMENTS RELATING TO THE SUBMISSION OF SECURITY-RELATED INFORMATION PRIOR TO THE ENTRY OF A SHIP INTO PORT

1 The Maritime Safety Committee (the Committee), at its eighty-sixth session (27 May to 5 June 2009) decided to include, in the standard data set of security-related information a ship might be expected to submit prior to entry into port, the IMO Company identification number and to this end it also decided to amend accordingly the Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port set out in the annex to MSC/Circ.1130.

2 As a result the Committee approved, based on the requirements of SOLAS regulation XI-2/9.2.1 and taking into account the guidance provided in part B of the ISPS Code and resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security, a Revised guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port (the Revised guidance) which is set out at annex. The Committee has developed the Revised guidance in an effort to prevent the proliferation of different demands for security-related information, which are neither conducive to the enhancement of maritime security nor promote the facilitation of maritime traffic.

3 The attached Revised guidance cites the salient provisions of SOLAS regulation XI-2/9 and the guidance provided in paragraphs B/4.37 to B/4.40 of the ISPS Code, contains some practical advice and sets out in the appendix thereto a standard data set of security-related information a ship might be expected to submit prior to entry into port if requested to do so.

4 The Committee invites SOLAS Contracting Governments to bring the attached Revised guidance to the attention of masters, Companies and, if appropriate to the attention of port facility security officers. In addition, the Committee urges SOLAS Contracting Governments to bring the attached Revised guidance to the attention of those officers they have authorized or they may authorize to carry out control and compliance measures pursuant to the provisions of SOLAS regulation XI-2/9.

5 The Committee also invites SOLAS Contracting Governments, international organizations and non-governmental organizations with consultative status to bring to the attention of the Committee the results of the experience they have gained from the use of the Revised guidance and in particular from the use of the standard data set of security-related information.

6 MSC/Circ.1130 is hereby revoked and any reference in any report of the Committee or in any MSC resolution or circular to MSC/Circ.1130 should be read, henceforth in connection with the implementation of the provisions of SOLAS chapter XI-2 and the ISPS Code, as a reference to this circular.

ANNEX**REVISED GUIDANCE TO MASTERS, COMPANIES AND DULY AUTHORIZED OFFICERS ON THE REQUIREMENTS RELATING TO THE SUBMISSION OF SECURITY-RELATED INFORMATION PRIOR TO THE ENTRY OF A SHIP INTO PORT****PURPOSE**

1 The purpose of this Guidance is to provide a standard data set of security-related information a ship might expect to provide prior to entry into port. In addition, this Guidance, in an effort to clarify the requirements of SOLAS regulation XI-2/9 on Control and compliance measures and taking into account the guidance provided in part B of the ISPS Code, cites the salient provisions of SOLAS regulation XI-2/9 and of paragraphs B/4.37 to B/4.40 of the ISPS Code.

CONTROL AND COMPLIANCE MEASURES

2 SOLAS regulation XI-2/9 describes the control and compliance measures applicable to ships to which SOLAS chapter XI-2 applies. It is divided into three distinct sections: control of ships already in port; control of ships intending to enter a port of another SOLAS Contracting Government (Contracting Government); and additional provisions applicable to both situations.

3 SOLAS regulation XI-2/9 should always be read in association with the guidance provided in paragraphs B/4.29 to B/4.40 of the ISPS Code and resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security.

THE REQUIREMENT TO SUBMIT INFORMATION PRIOR TO ENTRY INTO PORT AND THE CONSEQUENCES OF FAILING TO DO SO

4 SOLAS regulation XI-2/9.2.2 requires every ship to which SOLAS chapter XI-2 applies intending to enter the port of another Contracting Government to provide the information described in SOLAS regulation XI-2/9.2.1 on the request of the officers duly authorized by that Government. The master may decline to provide such information on the understanding that failure to do so may result in denial of entry into port.

5 Paragraph B/4.40 of the ISPS Code states that SOLAS regulation XI-2/9.2.5 allows the master of a ship, upon being informed that the coastal or port State will implement control measures under SOLAS regulation XI-2/9.2, to withdraw the intention for the ship to enter port. If the master withdraws that intention, SOLAS regulation XI-2/9 no longer applies, and any other steps that are taken must be based on, and consistent with, international law.

THE STANDARD DATA SET OF SECURITY-RELATED INFORMATION

6 The appendix to this Guidance provides the standard data set of security-related information a ship might be expected to submit prior to entry into port.

7 The development of the standard data set of security-related information should not be construed as preventing any Contracting Government from seeking the submission of information supplementary to that contained in the standard data set, or requiring additional information as a condition for entry into a port located within its territory.

8 In addition, the development of the standard data set of security-related information should not be construed as preventing any Contracting Government or any duly authorized officer from seeking, at any stage during the stay of the ship within port, documentary or other evidence to validate or verify the information submitted or from taking any control measures or steps against the ship pursuant to the provision of SOLAS regulation XI-2/9 during the exercise of any control and compliance measures. In this respect it is noted that SOLAS regulation XI-2/9.2.1 provides that, if requested by the Contracting Government, the ship or the Company shall provide confirmation, acceptable to that Contracting Government, of the information required.

WHO SHOULD SUBMIT THE INFORMATION, TO WHOM, WHEN AND HOW

9 The information described in SOLAS regulation XI-2/9.2.1 should be submitted by the master of the ship. However, the Ship Security Officer and the Company Security Officer may submit the information on behalf of the master. In addition, the Agent of the ship at the port where the ship seeks entry may, under the expressed authority of the master, also submit the information on behalf of the master.

10 Contracting Governments are expected to advise Companies and ships to whom, including the relevant contact details, the security-related information is to be sent.

11 As indicated above, SOLAS regulation XI-2/9.2.2 requires every ship to which SOLAS chapter XI-2 applies intending to enter the port of another Contracting Government to provide the information described in SOLAS regulation XI-2/9.2.1 on the request of the officers duly authorized by that Government. However it is understood that a number of Contracting Governments have established national requirements which require every ship intending to enter their ports to provide such information. In such cases duly authorized officers do not make individual requests to ships for the submission of information. Those Contracting Governments who have established such practices are expected to advise Companies and ships on the standing requirements in place.

12 Contracting Governments should consider establishing either central or regional points of contact, or other means of providing up to date information on the submission of security-related information. The existence of such contact points should be publicized.

13 Unless a Contracting Government has established a different time period prior to the arrival of the ship in port for the submission of the required information the recommended default minimum period for the submission of such information is not to be less than 24 hours prior to the expected entry of the ship into port.

14 The information described in SOLAS regulation XI-2/9.2.1 and the standard data set of the security-related information set in the appendix may be submitted in an electronic format. In such a case it is understood that the submission will not bear the signature of the person submitting the information unless a secure form of electronic signatures is available.

OTHER SECURITY-RELATED INFORMATION WHICH MAY BE REQUIRED

15 SOLAS regulation XI-2/9.2.1.6 allows Contracting Governments to seek the submission of other practical security-related information (but not details of the ship security plan), taking into account the guidance given in part B of the ISPS Code (paragraph B/4.39 of the ISPS Code). SOLAS regulation XI-2/5 is one of the examples of practical security related information cited in paragraph B/4.39 of the ISPS Code.

16 SOLAS regulation XI-2/5 requires the Company to ensure that the master has available on board, at all times, information through which officers duly authorised by a Contracting Government can establish:

- .1 who is responsible for appointing the members of the crew or other persons currently employed or engaged on board the ship in any capacity on the business of that ship;
- .2 who is responsible for deciding the employment of the ship; and
- .3 in cases where the ship is employed under the terms of charter party(ies), who are the parties to such charter party(ies).

17 SOLAS regulation XI-2/5 should always be read in association with the provisions of paragraphs B/6.1 to B/6.8 of the ISPS Code.

APPENDIX

STANDARD DATA SET OF SECURITY-RELATED INFORMATION

1 *Particulars of the ship and contact details*

- 1.1 IMO Number^{1,2}
- 1.2 Name of ship^{1,2}
- 1.3 Port of registry^{1,2}
- 1.4 Flag State^{1,2}
- 1.5 Type of ship¹
- 1.6 Call Sign
- 1.7 Inmarsat call numbers³
- 1.8 Gross Tonnage¹
- 1.9 Name of Company^{1,2}
- 1.10 IMO Company identification number²
- 1.11 Name and 24-hour contact details of the Company Security Officer⁴

2 *Port and port facility information*

- 2.1 Port of arrival and port facility where the ship is to berth, if known
- 2.2 Expected date and time of arrival of the ship in port (*paragraph B/4.39.3 of the ISPS Code*)
- 2.3 Primary purpose of call

3 *Information required by SOLAS regulation XI-2/9.2.1*

- 3.1 The ship is provided (*SOLAS regulation 9.2.1.1*) with a valid:
 - International Ship Security Certificate Yes No
 - Interim International Ship Security Certificate Yes No
- 3.1.1 The certificate indicated in 3.1 has been issued by *<enter name of the Contracting Government^{1,2} or the Recognized Security Organization^{1,2}>* and which expires on *<enter date of expiry¹>*.
- 3.1.2 If the ship is not provided with a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate, explain why?
 - 3.1.2.1 Does the ship have an approved ship security plan on board? Yes No
- 3.2 Current security level (*SOLAS regulation XI-2/9.2.1.2*):
- 3.2.1 Location of the ship at the time the report is made (*paragraph B/4.39.2 of the ISPS Code*)

- 3.3 List the last ten calls, in chronological order with the most recent call first, at port facilities at which the ship conducted ship/port interface⁵ together with the security level at which the ship operated (*SOLAS regulation XI-2/9.2.1.3*):

No.	Date		Port, Country, Port Facility and UNLOCODE ³	Security level
	From ⁶	To ⁶		

- 3.3.1 Did the ship, during the period specified 3.3, take any special or additional security measures, beyond those specified in the approved ship security plan? Yes No

- 3.3.2 If the answer to 3.3.1 is YES, for each of such occasions please indicate the special or additional security measures which were taken by the ship (*SOLAS regulation XI-2/9.2.1.4*):

No.	Date		Port, Country, Port Facility and UNLOCODE ³	Special or additional security measures
	From ⁶	To ⁶		

- 3.4 List the ship-to-ship activities⁷, in chronological order with the most recent ship-to-ship activity first, which have been carried out during the period specified in 3.3:

Not applicable

No.	Date		Location or Latitude and Longitude	Ship-to-ship activity
	From ⁶	To ⁶		

- 3.4.1 Have the ship security procedures, specified in the approved ship security plan, been maintained during each of the ship-to-ship activities specified in 3.4 (*SOLAS regulation XI-2/9.2.1.5*)? Yes No

- 3.4.2 If the answer to 3.4.1 is NO, identify the ship-to-ship activities for which the ship security procedures were not maintained and indicate, for each, the security measures which were applied in lieu:

No.	Date		Security measures applied	Ship-to-ship activity
	From ⁶	To ⁶		

- 3.5 Provide a general description of cargo aboard the ship (*SOLAS regulation XI-2/9.2.1.6 and paragraph B/4.39.5 of the ISPS Code*):

- 3.5.1 Is the ship carrying any dangerous substances⁸ as cargo? Yes No

- 3.5.2 If the answer to 3.5.1 is YES, provide details or attach a copy of the Dangerous Goods Manifest (IMO FAL Form 7)

3.6 A copy of the ship's Crew List (IMO FAL Form 5) is attached
(SOLAS regulation XI-2/9.2.1.6 and paragraph B/4.39.4 of the ISPS Code)

3.7 A copy of the ship's Passenger List (IMO FAL Form 6) is attached
(SOLAS regulation XI-2/9.2.1.6 and paragraph B/4.39.6 of the ISPS Code)

4 Other security-related information

4.1 Is there any security-related matter you wish to report? Yes No

4.1.1 If the answer to 4.1 is YES, provide details⁹

5 Agent of the ship at the intended port of arrival

5.1 Name and contact details (telephone number) of the agent of the ship at the intended port of arrival:

6 Identification of the person providing the information

6.1 Name:

6.2 Title or position¹⁰:

6.3 Signature:

This report is dated at <enter place> on <enter time and date>.

EXPLANATORY NOTES

- 1 As appearing on the ship's International Ship Security Certificate or the ship's Interim International Ship Security Certificate.
- 2 If a copy of the ship's current Continuous Synopsis Record (CSR) is submitted there is no need to complete this entry.
- 3 If available.
- 4 Refer to paragraph 27 of the Guidance relating to the implementation of SOLAS chapter XI-2 and of the ISPS Code (MSC/Circ.1132).
- 5 *Ship/port interface* means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship (*SOLAS regulation XI-2/1.1.8*).
- 6 Provide the date.
- 7 *Ship-to-ship activity* means any activity not related to a port facility that involves the transfer of goods or persons from one ship to another (*SOLAS regulation XI-2/1.1.10*).

Information would not normally be required to include records of transfers of pilots or of customs, immigration or security officials nor bunkering, lighting, loading of supplies and unloading of waste by ship within port facilities as these would normally fall within the auspices of the Port Facility Security Plan (PFSP) (*paragraph B/4.38 of the ISPS Code*).

Ascertaining whether these activities fall within the PFSP should form part of the dialogue between the Ship Security Officer and the Port Facility Security Officer. It should be remembered that the physical boundaries of port facilities may not always coincide with the boundaries of the port or harbour authority.

- 8 *Dangerous substances as cargo* means the carriage of substances, materials and articles covered by the IMDG Code and falling under the following classes of dangerous goods irrespective of whether these are carried in bulk or packaged form:
 - Class 1: Explosives
 - Class 2.1 : Flammable gas
 - Class 2.3 : Toxic gases
 - Class 3: Flammable liquids
 - Class 4.1: Flammable solids, self-reactive substances and desensitized explosives
 - Class 5.1: Oxidizing substances
 - Class 6.1 : Toxic substances
 - Class 6.2: Infectious substances
 - Class 7: Radioactive material
 - Class 8: Corrosive substances

This information may be extracted from the Dangerous Goods Manifest (IMO FAL Form 7) or the whole Dangerous Goods Manifest may be submitted.

- 9 Other security-related matters include but are not limited to the carriage of stowaways or any persons rescued at sea. When reporting stowaways please see the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases adopted by the Organization with resolution A.871(20). This resolution provides in the Appendix to the Annex a Stowaway details report which should be completed and forwarded to the extent that is practically possible. When reporting persons rescued at sea please see the guidance provided in paragraph B/4.38.3 of the ISPS Code.
 - 10 Master, Ship Security Officer, Company Security Officer or Agent of the ship at the intended port of arrival.
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