



Ref. T2-NAVSEC/2.11

MSC/Circ.1104
15 January 2004

IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

1 The amendments to the Annex to the International Convention for the Safety of Life at Sea (SOLAS), 1974 and the introduction of the International Ship and Port Facility Security Code (ISPS Code), both adopted by the Conference of SOLAS Contracting Governments on Maritime Security on 12 December 2002, are due to enter into force on 1 July 2004.

2 The urgent need for early action by all parties concerned (Governments, port authorities and the shipping industry) to ensure that the maritime security regime established by the 2002 Conference is implemented by 1 July 2004 is highlighted in both Conference resolution 6 and MSC/Circ.1067 on "Early implementation of measures to enhance maritime security".

3 The importance and significance of IMO's work on maritime security was also recognized by the Council and the Assembly in agreeing that the Organization's theme for the current year should be: "IMO 2004: Focus on maritime security". However, recent surveys carried out on the status of implementation of the security measures introduced by the aforementioned SOLAS amendments and the ISPS Code raise concerns that not enough progress has been achieved so far. This has been reported by Governments and other interested parties (including industry organizations such as ICS, IAPH, BIMCO, IACS, INTERTANKO and INTERCARGO). Given that the purpose of the new measures is to protect shipping against terrorist attacks, the information received gives rise to grave concern also from the point of view of the serious repercussions to ships, shipping companies, port facilities and the international shipborne trade if the situation does not improve by next July and parties concerned are found not in compliance with the measures. It is also worrying from the point of view of the very substance of implementation of the measures if, as a result of last minute bottlenecks, plans are approved and certificates are issued hastily without proper verification.

4 In view of the above, SOLAS Contracting Governments, port authorities, classification societies, recognized security organizations, training institutions and all other parties concerned are invited to redouble their efforts to protect shipping against terrorism by taking action as soon as possible to ensure compliance with the requirements of SOLAS chapter XI-2 and the ISPS Code at as early a stage as possible. Similarly, Administrations are again invited to advise companies and ships operating under their countries' flag to take appropriate steps to increase awareness of the potential dangers so that their crews are extremely vigilant and alert to any security threat they may encounter or be suspicious of, whether they are in port, at offshore terminals or underway.

5 Pursuant to the foregoing, Member Governments are requested to advise the Organization of the current status of their implementation of the aforementioned security measures and to provide the Secretariat with appropriate progress reports in the run up to the 1 July entry-into-force date. Member Governments are reminded of the mechanism for notifying compliance with SOLAS regulation XI-2/13 (on Communication of information), as described in Circular letter No.2514 dated 8 December 2003.

6 Member Governments and international organizations are further invited to bring this circular to the attention of national Designated Authorities, Administrations and all other parties concerned and responsible for the implementation of IMO's maritime security measures.

7 This circular is issued following consultations between the Secretary-General and the Chairman of the Maritime Safety Committee.
