



TUVALU SHIP REGISTRY

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MARINE CIRCULAR 11-2005

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FOR: Shipowners, Ship Operators and Managers

INTERIM SCHEME FOR THE COMPLIANCE OF CERTAIN CARGO SHIPS WITH THE SPECIAL MEASURES TO ENHANCE MARITIME SECURITY

Please note that the Maritime Safety Committee (MSC) at its 80th session (11 to 20 May 2005) has decided that the gross tonnage as determined under the provisions of the International Convention on the Tonnage Measurement of Ships (TM 69) will be applied in determining whether a cargo ship engaged on international voyages is required to comply with the provisions of SOLAS Cap XI-2 and part A of the ISPS Code (hereinafter known as the Requirements).

MSC recognized that immediate compliance of cargo ships with keels laid before 1 January 1986, which have not been required to comply with the Requirements because their national gross tonnages were below 500 would present difficulties to owners of such ships. As a result, MSC has adopted the Interim Scheme for compliance of certain cargo ships with the special measures to enhance maritime security (please see enclosed MSC Circular 1157 and Annex).

Such cargo ships have to comply fully with the Requirements by 1 July 2008. From 1 October 2005 until 30 June 2008, a cargo ship not complying with the Requirements whilst within a port facility which is required to comply with the Requirements shall request a Declaration of Security from the port facility (please see Para 4 of the Annex).

The Tuvalu Ship Registry (hereinafter known as the Registry) is withdrawing letters issued previously to cargo ships attesting that such ships are not required to comply with the Requirements and replacing them with letters attesting that these ships are subjected to the provisions of this Interim Scheme (please see Para 5 of the Annex).

The Registry also strongly recommends all owners/managers/operators of cargo ships under the abovementioned category to begin implementation to comply with the Requirements as soon as possible to avoid a last minute rush to meet the deadline in 2008.



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INTERIM SCHEME FOR THE COMPLIANCE OF CERTAIN CARGO SHIPS WITH THE SPECIAL MEASURES TO ENHANCE MARITIME SECURITY

1 The Maritime Safety Committee (the Committee), at its eightieth session (11 to 20 May 2005), noted that in a number of cases, cargo ships engaged on international voyages of 500 gross tonnage and upwards were not required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code on the grounds that the provisions of resolution A.494(XII) on the Revised Interim Scheme for Tonnage Measurement for Certain Ships were applicable to them and thus they were allowed to use the gross tonnage, as determined under national tonnage rules which were in effect prior to the coming into force of the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69), for establishing the applicability of SOLAS chapter XI-2 and of part A of the ISPS Code.

2 The Committee agreed 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 chapter XI-2 and part A of the ISPS Code shall be that determined in accordance with the provisions of TONNAGE 69.

3 The Committee recognized that immediate compliance of the cargo ships which have not been required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code presented practical difficulties and would affect the owners and the Companies operating such ships and the port facilities serving them. As a result the Committee adopted the Interim Scheme for the compliance of certain cargo ships with the Special measures to enhance maritime security (the Interim Scheme) as set out at annex.

4 SOLAS Contracting Governments are invited to bring the Interim Scheme to the attention of owners and of Companies operating cargo ships entitled to fly their flag as well as to the attention of Designated Authorities, port facility owners and operators and port facility security officers and to request the latter to respond positively when ships request the conclusion of Declaration of Security.

5 SOLAS Contracting Governments, international organizations and non-governmental organizations with consultative status which encounter difficulties with the implementation of the Interim Scheme should bring, at the earliest opportunity, the matter to the attention of the Committee for consideration of the issues involved and decision on the actions to be taken.

ANNEX

**INTERIM SCHEME FOR THE COMPLIANCE OF CERTAIN CARGO SHIPS WITH
THE SPECIAL MEASURES TO ENHANCE MARITIME SECURITY
(adopted on 20 May 2005)**

The Maritime Safety Committee decided that:

1 For the purpose of this Scheme:

- .1 “Gross tonnage” means the gross tonnage of the ship as determined under the provisions of the International Convention on the Tonnage Measurement of Ships, 1969 and shown on the International Tonnage Certificate (1969) of the ship;
- .2 “Requirements” means the requirements of SOLAS chapter XI-2 and part A of the ISPS Code, taking into account the provisions of part B of the ISPS Code; and
- .3 “Cargo ship” means a cargo ship, irrespective of the date on which the keel of the ship was laid, of 500 gross tonnage and upwards engaged on international voyage which has not been required by the Administration to comply with the Requirements on the grounds of national tonnage rules.

2 Terms not otherwise defined in this Scheme shall have the same meaning as the meaning attributed to them in SOLAS chapters I and XI-2 or the ISPS Code.

3 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.

4 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-2/10.3¹ (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 Security² as from 1 October 2005. Contracting Governments are urged to facilitate such requests and to issue appropriate guidance on this

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.

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 measures³ 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.

5 If an Administration has issued to a cargo ship entitled to fly its flag a statement attesting that the ship is not required to comply with the Requirements, that statement shall be withdrawn and cancelled. An Administration may issue to a cargo ship entitled to fly its flag, which it did not require to comply with the Requirements, a statement attesting that the ship is subject to the provisions of this Scheme.

6 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.

7 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.

8 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 Scheme⁴.

9 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.

10 This Scheme shall cease to apply on 1 July 2008.

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 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.