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CONFERENCE OF CONTRACTING
GOVERNMENTS TO THE
INTERNATIONAL CONVENTION FOR
THE SAFETY OF LIFE AT SEA, 1974
Agenda items 6, 7 and 8

SOLAS/CONF.5/33
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**CONSIDERATION OF DRAFT AMENDMENTS TO THE INTERNATIONAL
CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974,
DRAFT INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE
AND DRAFT RESOLUTIONS, RECOMMENDATIONS
AND OTHER RELATED MATTERS**

As adopted by the Conference

Attached are the amendments agreed by the plenary when considering the adoption of the proposed amendments to the 1974 SOLAS Convention, the International Ship and Port Facility Security (ISPS) Code and the associated Conference resolutions, respectively.

ANNEX

CORRIGENDA

SOLAS/CONF.5/DC/1

1 Footnote 1 is amended as follow:

“The first safety equipment survey means the first annual survey, *the first periodical survey* or the first renewal survey for safety equipment, whichever is due first after 1 July 2004 and, in addition, in the case of ships under construction, the initial survey.”

2 Regulation XI-2/1.4 is amended as follows:

“4 The term “Contracting Government”, when used in regulations 3, **4, 7, and 10 to 13**, includes a reference to the “Designated Authority”.”

3 In regulation XI-2/12.2 the reference to “regulation 7” is amended to “regulation 11”

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4 Section A/4.1 of the ISPS Code is amended as follows:

“4.1 Subject to the provisions of regulation XI-2/3 *and XI-2/7*, Contracting Governments shall set security levels and provide guidance for protection from security incidents. Higher security levels indicate greater likelihood of occurrence of a security incident. Factors to be considered in setting the appropriate security level include:”

Note: subsections A/4.1.1 to A/4.1.4 remain unaltered.

5 Section A/7.6 of the ISPS Code is amended as follows:

“7.6 Prior to entering a port, or whilst in a port within the territory of a Contracting Government that has set security level 2 or 3, the ship **shall** acknowledge receipt of this instruction and shall confirm to the port facility security officer the initiation of the implementation of the appropriate measures and procedures as detailed in the ship security plan, and in the case of security level 3 in instructions issued by the Contracting Government which has set security level **3**. The ship shall report any difficulties in implementation. In such cases, the port facility security officer and ship security officer shall liaise and co-ordinate the appropriate actions.”

6 Section A/9.4.2 of the ISPS Code is amended as follows:

“2 identification of the restricted areas and measures for the prevention of unauthorized access **to them**;”

7 Section A/9.5.1 of the ISPS Code is amended as follows:

“9.5.1 The nature of the changes to the ship security plan or the security equipment that have been specifically approved by the Administration, pursuant to section 9.5, shall be

documented in a manner that clearly indicates such approval. This approval shall be available on board and shall be presented together with the International Ship Security Certificate ~~†~~(or the Interim International Ship Security Certificate)~~†~~. If these changes are temporary, once the original approved measures or equipment are reinstated, this documentation no longer needs to be retained by the ship.”

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8 Paragraphs B/4.37 and B/4.38 are amended as follows:

“4.37 Regulation XI-2/9.2.1 lists the information Contracting Governments may require from a ship as a condition of entry into port. One item of information listed is confirmation of any special or additional measures taken by the ship during its last ten calls at a port facility. Examples could include:

- .1 records of the measures taken while visiting a port facility located in the territory of a State which is not a Contracting Government especially those measures that would normally have been provided by port facilities located in the territories of Contracting Governments; and
- .2 any Declarations of Security that were entered into with port facilities *or other ships*.

4.38 Another item of information listed, that may be required as a condition of entry into port, is confirmation that appropriate ship security procedures were maintained during ship-to-ship activity conducted within the ~~†~~period of the last 10 calls at a port facility ~~†~~~~120 calendar days~~. It would not normally be required to include records of transfers of pilots, customs, immigration, security officials nor bunkering, lightering, 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. Examples of information that might be given include:”

Note: subparagraphs B/4.38.1 to B/4.38.3 remain unaltered.

9 Paragraph B/45 is amended as follows:

“4.45 With respect to ships flying the flag of a State which is not a Contracting Government to the Convention and not a Party to the 1988 SOLAS Protocol¹, Contracting Governments should ***not*** give ***more*** favourable treatment to such ships. Accordingly, the requirements of regulation XI-2/9 and the guidance provided in this Part of the Code should be applied to those ships.”

10 Paragraph B/5.4 is amended as follows:

“5.4 The main purpose of a DoS is to ensure agreement is reached between the ship and the port facility ***or with other ships with which it interfaces*** as to the respective

¹ Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974.

security measures each will undertake in accordance with the provisions of their respective approved security plans.”

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11 Draft Conference Resolution 4 on “Future Amendments to Chapter XI-2 of the 1974 SOLAS Convention on Special Measures to Enhance Maritime Security” is amended as shown on the attached Appendix.

12 Operative paragraph 4 of Conference Resolution 5 on “Promotion of Technical Co-operation and Assistance” is amended as follows:

“4. INVITES ALSO the Secretary General to give early consideration to ~~determining the feasibility of~~ establishing a Maritime Security Trust Fund for the purpose of providing a dedicated source of financial support for maritime security technical-co-operation activities and, in particular, for providing support for national initiatives ***in developing countries*** to strengthen ***their*** maritime security infrastructure and measures.”

Appendix

“CONFERENCE RESOLUTION 4 (adopted on 12 December 2002)

FUTURE AMENDMENTS TO CHAPTERS *XI-1 AND XI-2* OF THE 1974 SOLAS CONVENTION ON SPECIAL MEASURES TO ENHANCE *MARITIME SAFETY AND SECURITY*

THE CONFERENCE,

HAVING ADOPTED amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended (hereinafter referred to as “the Convention”), concerning special measures to enhance maritime safety and security,

NOTING the special nature of the measures now included in the new chapter XI-2 of the Convention aimed at enhancing maritime security,

RECOGNIZING the need for urgent and special measures to enhance maritime security and the desire of Contracting Governments to bring these measures into force as soon as possible,

NOTING ALSO that it may be necessary, due to the special nature of the issues involved, to frequently amend, in the future, the provisions of chapter XI-2 of the Convention in order to respond, in a proactive manner, to new or emerging security risks and threats,

RECALLING Resolution 5 entitled “Future amendments to Chapter XI of the 1974 SOLAS Convention on special measures to enhance maritime safety”, adopted by the 1994 Conference of Contracting Government to the International Convention for the Safety of Life at Sea, 1974,

DESIRING that future amendments to chapters *XI-1 and XI-2* of the Convention are adopted, brought into force and given effect in the shortest possible time,

RECOMMENDS that future amendments to the provisions of chapters *XI-1 and XI-2* of the Convention should be adopted by either the Maritime Safety Committee of the International Maritime Organization in accordance with article VIII(b) of the Convention or by a Conference of Contracting Governments to the Convention in accordance with article VIII(c) thereof.”