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## **EARLY IMPLEMENTATION OF THE SPECIAL MEASURES TO ENHANCE MARITIME SECURITY**

1 The December 2002 SOLAS Contracting Governments Conference on Maritime Security adopted a new SOLAS chapter XI-2 on Special measures to enhance maritime security; and the International Ship and Port Facility Security (ISPS) Code. Both of these documents are expected to enter into force on 1 July 2004. It would therefore be prudent (given the high number of ships and ports which will have to implement the decisions of the Conference) that all parties concerned start putting in place, methodically, systematically and as soon as possible, all the necessary infrastructure (including legislative, administrative and operational) needed to give effect to all the decisions of the Conference. It is important that parties do not await the entry-into-force date before consideration of these important issues so as to avoid the need to have to take hasty action at the last minute and also to avoid the need for control action against ships found not in compliance with the applicable requirements of SOLAS and the ISPS Code.

2 In this respect, the particular attention of SOLAS Contracting Governments is invited to the new SOLAS regulation XI-2/9 on "Control and compliance measures" and the serious repercussions ships might face after 1 July 2004 if they are found not to be in compliance with the requirements of that regulation and Section A/9.8.1 of the ISPS Code (for which guidance can be found in Sections B/1.14, 1.21, 4.29 to 4.35 and 4.36 to 4.46 of the Code). The repercussions to ports should also be assessed and appropriate action taken accordingly.

3 It should be noted that operative paragraph 1 of Conference resolution 6 (Early implementation of the special measures to enhance maritime security) draws the attention of Contracting Governments to SOLAS and the industry to the fact that neither chapter XI-2 of the Convention nor the Code provide for any extension of the implementation dates for the introduction of the special measures to enhance maritime security adopted by the Conference.

4 The attention of Member Governments is also invited to Conference Resolution 5 (Promotion of technical co-operation and assistance), operative paragraph 1 of which strongly urges SOLAS Contracting Governments and Member Governments to provide, in co-operation with the Organization, assistance to States having difficulty in implementing the decisions of the Conference. SOLAS Contracting Governments and Member Governments needing such assistance are encouraged to use the Organization's Integrated Technical Co-operation Programme.

5 In the meantime, Member Governments are invited to consider advising companies and ships operating under the flag of their State, to take steps, dependent on the degree of perceived risk in their ships' areas of operation, to increase awareness of potential dangers. This is considered very important so that the crews of the ships concerned may be 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.

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

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