TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-24/2012/1

11/2012

FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies

SUBJECT: NOTICE OF INTENDED ENTRY INTO PORT

DEFINITIONS:

The following abbreviations stand for:

- "CSO" – Company Security Officer
- "DAO" – Duly Authorized Officer
- "DPA" – Designated Person Ashore
- "CSR" – Continuous Synopsis Record
- "GT" – Gross Tonnage in accordance to ITC 69
- "ISPS Code" – International Ship and Port Facility Security Code implemented through chapter XI-2 Special measures to enhance maritime security in SOLAS.
- "ISSC" – International Ship Security Certificates as required by the ISPS Code
- "IMDG Code" – International Maritime Dangerous Goods Code
- "ITC 69" – International Convention on the Tonnage Measurement of Ships, 1969
- "MSC" – IMO Maritime Safety Committee
- "PFSO" – Port Facility Security Officer
- "PFSP" – Port Facility Security Plan
- "SOLAS" – International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended
- "SSO" – Ship Security Officer
- "SSP" – Ship Security Plan
- "PAN" – Pre-Arrival Notification

The following terms shall mean:

- "Administration" – Tuvalu Ship Registry;

- "Company" – the owner of the ship or any other organization or person such as the Manager, or the Bareboat Charterer, who has assumed the responsibility for operation of the ship from the ship owner and who on assuming such responsibility has agreed to do so in writing. This definition is the same as that found in the ISM Code and is applied in like manner;

PURPOSE:

The purpose of this marine circular is to provide a standard data set of security-related information that a ship should be expected to provide prior to entry into port. In addition, this circular, attempts 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, highlights the prominent provisions of SOLAS Regulation XI-2/9 and of paragraphs B/4.37 to B/4.40 of the ISPS Code.

REFERENCES:

(a) MSC/Circ. 1130
(b) SOLAS Regulation XI-2/9.2.1
(c) Resolution MSC.159(78)
(d) SOLAS Regulation XI-2/5

APPLICATION:

This circular applies to all vessels that are required to comply with the ISPS Code.

CONTENTS:

1. Control and Compliance Measures

1.1. 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:

1.1.1. control of ships already in port;

1.1.2. control of ships intending to enter a port of another SOLAS Contracting Government (Contracting Government); and

1.1.3. additional provisions applicable to both situations.

1.2. 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 IMO resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security.

2. Submission of information prior to entry into port & consequence of non-compliance

2.1. SOLAS regulation XI-2/9.2.2 requires every ship, to which SOLAS chapter XI-2 applies, that intends 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.

2.2. 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.

3. Standard Data Set of Security-Related Information

3.1. The appendix at the end of this circular provides the standard data set of security-related information a ship should expect to be requested to submit prior to entry into port.

3.2. The standard data set of security-related information should not, however, 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.

3.3. In addition, the standard data set of security-related information should not be construed as preventing any Contracting Government or any DAO 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 please note 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.

4. Person(s) responsible for submission of information

4.1. The information described in SOLAS regulation XI-2/9.2.1 should be submitted by the master of the ship. However, the SSO and the CSO may submit the information on behalf of the master. In addition, the port agent of the ship where the ship seeks entry may, under the expressed authority of the master, also submit the information on behalf of the master.

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

4.3. As indicated above, SOLAS regulation XI-2/9.2.2 requires every ship, to which SOLAS chapter XI-2 applies, that intends 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 DAOs of 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 certain information. In such cases DAOs 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. Masters are reminded to confirm what those practices are well in advance of arrival.

4.4. Contracting Governments have been instructed to 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 which should be publicized.

4.5. 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 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, unless the transit time between foreign ports of call is less than 24 hours, in which case the submission should be made upon departure for the next port.

4.6. 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 below 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.

5. Other Security-Related information that may be requested

5.1. 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.

5.2. 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 authorized by a Contracting Government can establish:

5.2.1. 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;

5.2.2. who is responsible for deciding the employment of the ship; and

5.2.3. in cases where the ship is employed under the terms of charter party(ies), who are the parties to such charter party(ies).

5.3. 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.

6. Notification of Arrival in ports of Australia

6.1. Based on cooperative international arrangements, including with neighbouring countries, in accordance with international and domestic law, the Australian Government is proposing to establish a Maritime Identification Zone as a framework for seeking, analyzing and managing information on vessel identity, crews, cargoes and ship movements to support Australia's maritime security needs, particularly in relation to vessels seeking to enter Australian ports.

6.2. The development of this proposal takes into account the limited circumstances in which positional information can be required from non-Australian flagged vessels.

6.3. Through the establishment of this Identification Zone, the Australian Government aims to centrally coordinate and integrate the maritime information that is already collected by a number of Australian Government and State agencies. The collection of information on known and forecast vessel movements will assist in the more effective conduct of maritime surveillance within Australia's maritime zones.

6.4. This Identification Zone would have graduated application in the following manner:

6.4.1. Up to 1,000 nautical miles or 48 hours steaming from the Australian mainland, Australia will seek advanced arrival information from ISPS Code vessels whose next port of call is in Australia. This information, on ship identity, crew, cargo, location, course, speed, and intended port of arrival is already collected for Australian Customs and ISPS Code purposes. Other countries collect similar advanced arrival information for the same domestic and international purposes.

6.4.2. Up to 500 nautical miles or 24 hours steaming from Australia, information will be sought, on a wholly voluntary basis, on identity, course and speed from vessels proposing to transit Australian waters.

6.5. Within Australia's exclusive economic zone, the aim will be to identify all vessels, other than day recreational boats. Such information is already sought for purposes such as fisheries protection; and is often provided voluntarily for maritime safety purposes. DPAs, CSOs, Ship's Masters and port agents are advised to follow developments throughout the year and to comply with the eventual requirements for the Notification of Arrival in Australian Ports.

7. Notification of Arrival in ports of Hong Kong

7.1. The Government of Hong Kong Marine Department issued a press release dated 17 June 2003 stating they are strictly enforcing the requirement that vessels submit a PAN at least 24 hours before arriving into Hong Kong waters. According to the press release, failure to submit a timely PAN subjects the owner and the master both to a potential fine of HK$40,000. (www.info.gov.hk/mardep/pressrel/pr030617.htm)

7.2. Hong Kong Marine Department Notice 132 of 2002 states that all vessels over 300 GT are required to submit a PAN, however the press release broadens this requirement to all vessels, regardless of tonnage, other than ferries plying the waters within river trade limits. PAN submission guidelines are detailed in Hong Kong Marine Notice 132 of 2002. (www.info.gov.hk/mardep/notices/mdn02132.pdf)

7.3. Owners and Masters are instructed to comply with this reporting requirement.

8. Notification of Arrival in ports of Panama

8.1. The Panama Canal Authority issued Advisory No. 56-2004 dated 2 December 2004 (http://www.pancanal.com/common/maritime/advisories/a-56-2004.html) reminding Masters to submit timely and complete PANs. Failure to comply will result in transit delays.

8.2. The PAN for vessels approaching the Panama Canal is 96 hours. This requirement also applies to vessels bound for the Panama Canal with a voyage time of less than 96 hours from their previous port of call.

8.3. Vessels that fail to provide their PAN 96 hours prior to arriving at Canal waters will not be scheduled for transit ahead of vessels that have complied with this requirement or that have already been assigned pilots for transit.

8.4. The following means are available to provide PANs to the Traffic Management Unit of the Panama Canal Authority:

Email: ETA@pancanal.com
Fax: +507 272-3976
Telephone: +507 272-4200

8.5. All PANs sent via email or fax must comply with the following requirements:

8.5.1. Shall provide information using ACP Form 4376 - "SHIP DUE" available at (http://www.pancanal.com/eng/index.html) under *Maritime Operations, Customer Forms*;

8.5.2. The vessel's name (spelled correctly), ship's identification number (SIN), call letters and customer code shall be included in order to properly identify the vessel. Abbreviations are unacceptable.

9. Notification of Arrival in Oman - Port of Salalah

9.1. Salalah Port Services Co (S.A.O.G.) Port Salalah has issued Marine Notice No. 02/05 dated February 26, 2005 stating that in order to enhance communication with regard to the ISPS Code requirement, with effect from March 1, 2005, all ships calling Port of Salalah are to include the following information in the "Arrival Notice" sent to Port Control by the Vessel Shipping Agent:

- International Ship Security Certificate (ISSC) No.
- Date of Issue/Expiry
- Name of Organization issuing the ISSC
- Name of Ship Security Officer
- Ship Security threat level

9.2. For information about operations at Salalah, contact GAC Oman at salalah@gacworld.com

10. Notification of Arrival in Singapore

10.1. The Maritime and Port Authority of Singapore (MPA) has issued Port Marine Circular No. 9 of 2004 on reporting procedures for notification and confirmation of a vessel's arrival in Singapore (http://www.mpa.gov.sg/circulars_and_notices/pdfs/pc04-09.pdf).

10.2. The owner, agent, master or person-in-charge of any passenger vessel or a vessel of 300 GT or more shall notify the Port Master at least 12 hours prior to the arrival of the vessel. A vessel coming from a nearby port, with less than 12 hours steaming time to Singapore, shall immediately on departure from such port notify the Port Master.

10.3. The Notification of Arrival report shall be addressed to the Port Master and provides the information in the reporting format shown in Appendix A of Port Marine Circular No. 9 of 2004. It shall be transmitted by any of the following means:

- Email: noa@mpa.gov.sg
- Telefax: +65 6224 5776
- Telex: RS 34970 (Answer Back PORTPM 34970)
- MARINET: an Electronic Data Interchange system for electronic transaction between shipping community and MPA

10.4. Owners, agents, masters or person-in-charge of vessels carrying hazardous and noxious substances in bulk are required to provide 24 hours advance notification on the details of such cargo they are carrying.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry

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 ship [1]

1.6. Call Sign

1.7. Inmarsat call numbers [3]

1.8. Gross Tonnage [1]

1.9. Name of Company [1, 2]

1.10. Name and 24-hour contact details of the Company Security Officer [4]

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 expiry [1]>*.

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?

3.1.3. 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 interface 5 together with the security level at which the ship operated *(SOLAS regulation XI-2/9.2.1.3)*:

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

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)*:

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

3.4. List the ship-to-ship activities [7], 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

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

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:

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

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 substances [8] 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 [5]) 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 details [9]

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 position [10]:
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.