

# **Regulation of 22 June 2004 No. 972**

## **concerning protective security measures on board ships**

### **and mobile offshore drilling units**

Laid down by the Norwegian Maritime Directorate on 22 June 2004 pursuant to the Act of 9 June 1903 No. 7 relating to Public Control of the Seaworthiness of Ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to Ship Safety and Security (the Ship Safety and Security Act) sections 2, 6, 39, 40 and 43, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590. Cf. the EEA Agreement, Annex XIII point 56bb (Regulation (EC) No. 725/2004) and point 56r (Regulation (EC) No. 884/2005). Amended 4 February 2005 No. 119, 2 April 2007 No. 392 and 29 June 2007 No. 1006 (i.a. legal basis).

## **§ 1**

### *Scope of application*

- (1) This Regulation shall apply to the following Norwegian ships:
  - a) Passenger ships, including passenger high-speed craft, which are certified for international trade as defined in the SOLAS Convention, Chapter I, regulation 2(d), and passenger ships which are certified as Class A passenger ships as defined in the regulation currently in force concerning surveys, construction and equipment of passenger ships engaged in domestic trade;
  - b) cargo ships, including cargo high-speed craft, of 500 gross tonnage and more, which are certified for international trade as defined in the SOLAS Convention, Chapter I, regulation 2(d);
  - c) mobile offshore drilling units. However, mobile offshore drilling units are not subject to the requirements of this Regulation when on location or when they do not move beyond Norwegian jurisdictional areas.
- (2) This Regulation shall not apply to ships used for non-commercial purposes, with the exception of the requirements set out in Section 13.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

## **§ 2**

### *Definitions*

For the purpose of this Regulation, the following definitions shall apply:

- a) *Security level 1*: The level for which minimum appropriate protective security measures shall be maintained at all times.
- b) *Security level 2*: The level for which appropriate additional protective security measures shall be maintained for a period of time as a result of a heightened risk of a security incident.
- c) *Security level 3*: The level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent.
- d) *Ship*: The term «ship», when used in this Regulation, includes ships and mobile offshore drilling units falling within the scope of application of this Regulation.
- e) *Ship security officer (SSO)*: The person on board the ship designated by the company as responsible for the security of the ship, including implementation and maintenance of the ship security plan. The SSO is also responsible for liaison with the company security officer and port facility security officers. The SSO is accountable to the master except where the master is appointed as the SSO.
- f) *Ship security plan (SSP)*: A plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores or the ship from the risks of a security incident.
- g) *Mobile offshore drilling unit*: A mobile platform, including drillships, with propulsion machinery and equipped for drilling for subsea petroleum deposits.
- h) *Master*: The person having the highest authority on board the ship.
- i) *Port facility security officer (PFSO)*: The person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan.
- j) *Port facility security plan (PFSP)*: A plan developed to ensure the application of appropriate protective security measures for the protection of the port facility and ships, persons, cargo, cargo transport units and ship's stores within the port facility.
- k) *Passenger high-speed craft*: Craft as defined in regulation X/1 of the SOLAS Convention, as amended, certified to carry more than 12 passengers.
- l) *International ship security certificate (ISSC)*: An international certificate showing that the ship complies with the protective security requirements of the ISPS Code.

- m) *ISPS Code*: International Ship and Port Facility Security Code, adopted by the IMO, as amended.
- n) *Part A of the ISPS Code*: «Preamble» and «Mandatory Requirements Regarding the Provisions of Chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974, as amended».
- o) *Part B of the ISPS Code*: «Guidance Regarding the Provisions of Chapter XI-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974 as amended and Part A of [the ISPS] Code».
- p) *Cargo ship*: Any ship which is not a passenger ship, fishing vessel, lighter, pleasure craft or a mobile offshore unit.
- q) *Norwegian jurisdictional areas*: Internal Norwegian waters, Norway's sea territory, and the Norwegian Continental Shelf.
- r) *Passenger ship*: A ship that can carry more than 12 passengers or which is required to have official permission to carry passengers.
- s) *Recognized security organisation (RSO)*: A recognized classification society authorized by the Norwegian Maritime Directorate to issue approvals and certificates, etc. for Norwegian vessels pursuant to Chapter XI-2 of the SOLAS Convention and the ISPS Code.
- t) *Company*: As set out in section 4 of the Ship Safety and Security Act, cf. section 5. "Company", cf. SOLAS Chapter XI-2 Regulation 1, paragraph 1.1.7, is to be regarded as the shipping company.
- u) *Company security officer (CSO)*: The person designated by the company for ensuring that a ship security assessment is carried out, that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained. The CSO shall also ensure liaison with port facility security officers and the ship security officer.
- v) *Declaration of security (DoS)*: An agreement describing the distribution of responsibilities for the implementation of necessary security measures, between the ship and port facility, or between the ship and another ship, or between the ship and any other unit not required to hold an International ship security certificate.
- w) *SOLAS Convention*: International Convention for the Safety of Life at Sea, 1974, as amended.
- x) *Chapter XI-2 of the SOLAS Convention*: The chapter of the SOLAS Convention containing special measures to enhance maritime security, as amended.
- y) *Ship security assessment (SSA)*: An assessment of vulnerability to terrorist attacks against ships.
- z) *Ship security alert system (SSAS)*: A system designed to initiate and transmit a ship-to-shore security alert to a competent authority when the alarm is activated.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

### § 3 *Duties*

The company, master and other persons working on board shall perform their duties in accordance with the Ship Safety and Security Act and the supplementary provisions laid down in this Regulation.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

### § 4 *Exemptions*

(1) The Norwegian Maritime Directorate may, in individual cases and upon written application, grant exemption from the requirements of this Regulation. There must be special reasons that make such exemptions necessary and they must be justifiable in terms of safety and security. Exemptions are only granted where they do not contravene international agreements to which Norway has acceded.

(2) The Norwegian Maritime Directorate may permit ships or categories of ships to implement other security measures which are equivalent to those described in Chapter XI-2 of the SOLAS Convention or the ISPS Code, provided that such equivalent security measures are at least as effective as those described in Chapter XI-2 of the SOLAS Convention or the ISPS Code.

### § 5 *Relationship to international convention*

Ships to which this Regulation applies shall comply with applicable requirements contained in Chapter XI-1 of the SOLAS Convention, regulations 3 and 5, and Part A of the ISPS Code. Part B of the ISPS Code provide guidance to which regard shall be had to the extent prescribed by Part A, except for the following paragraphs of Part B, which are binding: 1.12, 1.16, 4.1, 4.4, 4.5, 4.8, 4.14, 4.15, 4.16, 4.18, 4.24, 4.28, 4.41, 4.45, 6.1, 8.3 to 8.10, 9.2, 9.4, 13.6, and 13.7.

## § 6

### *Relationship to EU legislation*

Annex XIII point 56bb of the EEA Agreement (Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security), shall apply as regulation with amendments and additions pursuant to Annex XIII, Protocol 1 to the Agreement and the Agreement in general. Reference is made to Annex 1 of the Regulation. In the event of conflict between other provisions in the Regulation and the above-mentioned Regulation, the latter shall take precedence.

Added by Regulation of 4 February 2005 No. 119.

## § 7

### *Ship security alert system*

(1) Ships to which this Regulation applies shall be provided with a ship security alert system in accordance with the provisions of Chapter XI-2 of the SOLAS Convention, regulation 6.<sup>1</sup>

(2) If a Rescue Coordination Centre receives a security alert from a Norwegian ship, the ship's company shall be notified as soon as possible. All companies shall have procedures to determine whether the issue of the security alert is intentional or not, and shall be able to provide information on the situation on board, if possible. Any contact with the ship shall take place in such a way as to prevent unauthorised persons to understand that a security alert has been received from the ship.

(3) When the company is notified that a security alert has been received from a ship, the company shall immediately initiate the procedures mentioned above. The company shall reply to the Rescue Coordination Centre's notification as soon as the circumstances surrounding the issue of the security alert have been clarified.

<sup>1</sup> Cf. Resolution MSC.147(77) – adopted 29 May 2003; and MSC/Circ. 1072

## § 8

### *Ship security assessment (SSA)*

(1) A ship security assessment shall be prepared as defined in Part A of the ISPS Code, Section 8.

(2) The ship security assessment shall be an essential and integral part of the process of developing and updating the ship security plan.

## § 9

### *Ship security plan (SSP)*

(1) A ship security plan shall be developed on the basis of the ship security assessment (SSA), cf. Section 8. The ship security plan (SSP) shall be developed, kept and amended pursuant to Part A of the ISPS Code, Section 9.

(2) For ships that:

- a) call at port facilities that have not prepared and implemented an approved security plan;
- b) conduct ship-to-ship activities with ships that do not hold an ISSC;
- c) transfer or receive cargo or persons to or from permanent platforms, floating platforms or mobile units that do not hold an ISSC; the ship security plan (SSP) shall also contain procedures and measures for such operations.

(3) The contents of the ship security plan (SSP) shall be approved by the Norwegian Maritime Directorate or a Recognized security organisation (RSO).

(4) The company may implement changes to the plan and the security equipment, provided that the changes do not entail less effective security measures than the approved plan, and that the company can document this. Such changes will be verified on board either by renewal or by an intermediate verification. Changes to the ship security alert system or changes to the ship or company report procedures may not be made without prior approval from the Norwegian Maritime Directorate or a Recognized security organisation (RSO).

(5) Information regarding the ship security alert system as mentioned in Part A of the ISPS Code, Section 9.4 subsections .17 and .18 may be kept elsewhere than in the security plan, in a document known only to the master, the ship security officer (SSO) and other senior shipboard personnel as may be decided by the company.

(6) The provisions in the plan relating to Part A of the ISPS Code, Section 9.4 subsections .2, .4, .5, .7, .15, .17 and .18 cannot be subject to inspection from another country's authorities without the approval of the Norwegian Maritime Directorate.

(7) The company shall periodically review the ship security plan (SSP).

(8) The company shall prepare procedures for the implementation of the internal audit of security activities.

## § 10

### *Verification and certification*

(1) When it has been verified that the ship complies with the provisions of this Regulation and with the approved ship security plan (SSP), the Norwegian Maritime Directorate or a Recognized security organisation (RSO) will issue an International ship security certificate (ISSC).

(2) The International ship security certificate (ISSC) is valid for 5 years, provided that at least one intermediate verification has been carried out. This intermediate verification shall take place between the second and third anniversary date of the certificate as defined in the SOLAS Convention Chapter I-2, 2 subsection (n). The intermediate verification shall include inspection of the security system and any associated security equipment of the ship to ensure that it remains satisfactory.

(3) The Norwegian Maritime Directorate or a Recognized security organisation (RSO) can in particular cases demand additional verifications if necessary.

## § 11

### *Interim certification*

The Norwegian Maritime Directorate or a Recognized security organisation (RSO) can issue a Interim international ship security certificate (ISSC) valid up to 6 months, if the ship complies with the conditions and requirements set out in Part A of the ISPS Code, Section 19.4. The duration of an International ship security certificate cannot be extended.

## § 12

### *Records*

(1) Records as mentioned in Part A of the ISPS Code, Section 10.1 (Records) shall be kept on board for the last 3 years and for the last 10 ports of call. Records for the period prior to the entry into force of this Regulation is not required.

(2) All records, including the ship security plan (SSP), shall be kept in the working language of the ship. If the language used is not English, a translation into English shall be included on board.

## § 13

### *Continuous synopsis record (CSR)*

(1) Ships that are subject to this Regulation shall keep a continuous synopsis record (CSR) on board, pursuant to the provisions of the SOLAS Convention Chapter XI-1, regulation 5. Forms and guidelines for the CSR are laid down in Resolution A.959(23) «Format and guidelines for the maintenance of the continuous synopsis record». The procedures of the resolution for the maintenance of the CSR shall be followed. CSR documents with updates will be issued by the ship registers.

(2) The ship's CSR shall be available for inspection at any time.

## § 14

### *Security officers (CSO and SSO)*

(1) Any company shall designate a company security officer (CSO) who is responsible for the performance of the functions required as a minimum by Part A of the ISPS Code, Section 11.

(2) Any ship shall have a ship security officer (SSO) on board who has a particular responsibility for ship security. As a minimum, the responsibility covers the functions described in Part A of the ISPS Code, Section 12.

(3) The training of the ship and company security officers shall comply with the requirements set out in Part A of the ISPS Code, Section 13, with due consideration to Part B, Section 13, and the IMO model courses for such officers. Documentation in support of the officer's completion of training, with relevant references to the ISPS Code and the IMO model courses, shall be available. Documentation in support of training as ship security officer (SSO) shall be available on board.

## § 15

### *Security level*

(1) Ships shall operate at least according to the security level determined by Norwegian authorities, unless a higher security level is required by port States pursuant to the SOLAS Convention Chapter XI-2, regulation 4.3.

(2) Ships shall respond to notifications of a change to a higher security level without delay.

(3) When Norwegian authorities decide to implement security level 2 or 3 for certain or all Norwegian ships, Norwegian authorities shall do so by informing the ships' companies. The companies shall immediately inform all

ships concerned that security level 2 or 3 has been determined, and the ship shall immediately submit a receipt to the company, confirming that the notification of a changed security level has been received on board. If such a receipt has not been received within 12 hours of the issue of the information to the company, the company shall notify the Rescue Coordination Centre of the fact.

## § 16

### *Declaration of security (DoS)*

- (1) The shipmaster or the ship security officer (SSO) shall request the relevant port authority, represented by the port facility security officer (PFSO) or another authorised person, to complete the declaration of security when:
  - a) the ship operates at a higher level of security than that of the port, or the level at which another ship it interacts with operates;
  - b) there has been a relevant threat or incident concerning the security of the ship or the port facility;
  - c) the ship is at a port facility that has not prepared and implemented an approved security plan.
- (2) The shipmaster or the ship security officer (SSO) shall furthermore request the completion of a declaration of security when the ship is engaged in activities with a ship, permanent platform, floating platforms or mobile units that do not hold an international ship security certificate (ISSC).
- (3) Declarations of security shall be kept on board for at least the period specified in Section 12.

## § 17

### *Entry into force*

- (1) This Regulation enters into force on 1 July 2004.
- (2) For class A passenger ships, the Regulation enters into force on 1 July 2005.