



COMDTPUB P16700.4
NVIC 02-05
15 FEBRUARY 2005

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 02-05

Subj: INTERNATIONAL PORT SECURITY (IPS) PROGRAM

- Ref: (a) Maritime Transportation Security Act (MTSA) of 2002, 46 USC 70101-70117 (Pub. L 107-295)
 (b) International Ship and Port Facility Security (ISPS) Code
 (c) Port State Control Targeting And Boarding Policy for Vessel Security and Safety, COMDTPUB P16700.4, NVIC 06-03, CH-1
 (d) International Labour Organization (ILO) Code of Practice for Port Security

1. PURPOSE. This Navigation and Vessel Inspection Circular (NVIC) outlines the procedures for conducting the International Port Security (IPS) Program. The guidance contained herein details the process for conducting information exchanges with other countries to learn how they are implementing the International Ship and Port Facility Security (ISPS) Code and the actions to be taken in the event that significant implementation problems are discovered.

2. ACTION.

- a. Headquarters Program Managers, Area and District Commanders, and Commanding Officers of ACTEUR/MIO Europe and FEACT/Asia will adhere to the contents of this circular and conduct activities as appropriate to meet the requirements delineated in Enclosure (1). The Coast Guard will distribute this circular by electronic means only. It is available on the Worldwide Web at <http://www.uscg.mil/hq/g-m/nvic/index.htm>. Internet release authorized.
- b. The United States Coast Guard (USCG) intends to use this guidance when conducting information exchanges with other countries. This guidance may be helpful to other governments, Designated Authorities and owners/operators of port facilities to prepare for and facilitate country visits by the IPS Program.

DISTRIBUTION – SDL No. 142

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3. DIRECTIVES AFFECTED. None.

4. BACKGROUND.

- a. Reference (a) directed “the Secretary of the department under which the Coast Guard operates to assess the effectiveness of anti-terrorism measures maintained by foreign ports that are served by vessels that also call on the United States, foreign ports to which U.S. vessels visit, and foreign ports which are determined to be a security risk to international maritime commerce.”
- b. To assess the effectiveness of anti-terrorism measures implemented in other countries, and for taking appropriate follow on actions in cases where effective anti-terrorism measures are not in place, the USCG established the IPS Program. This program is managed and conducted by Commandant (G-MPP-3).
 - (1) The program is supported by a network of International Port Security Liaison Officers (IPSLO’s) assigned to the Coast Guard Area Commanders located in Portsmouth, VA and Alameda, CA.
 - (a) IPSLO’s are stationed in Asia, Europe, and the United States.
 - (b) Each IPSLO focuses on a portfolio of countries. They represent a significant information resource regarding the IPS Program and maritime security in general for the countries in their portfolios. They also provide valuable local knowledge to the IPS Program.
 - (c) Specific point of contact information for the IPSLO’s is contained on the IPS Program web site: <http://www.uscg.mil/hq/g-m/mp/IPSP.shtml> including the portfolio of countries for which they are responsible.
 - (2) The program coordinates with and is supported by several other agencies within the U.S. Government, including the Department of State, the Department of Transportation, the Department of Commerce, the Department of Homeland Security and its Transportation Security Administration (TSA), and the Bureau of Customs and Border Protection (CBP).
- c. The IPS Program reviews the country’s implementation of port facility measures using recently established security standards, particularly the International Maritime Organization’s (IMO’s) ISPS Code. The ISPS Code is the benchmark by which the IPS Program will assess the effectiveness of a country’s anti-terrorism measures in its ports. Countries substantially implementing the ISPS Code will be deemed to have effective anti-terrorism measures. Countries that are not substantially implementing the ISPS Code will be deemed not to have effective anti-terrorism measures. Substantial implementation does not mean a complete absence of any problems. The Coast Guard understands that equipment can break, systems can become inoperable, and individual personnel responsible for various security functions can make errors. A country is substantially implementing the ISPS Code if, taken as a whole, the individual port facilities are meeting the requirements of the ISPS Code and the government is exercising effective oversight through appropriate means.

- d. The IPS program also reviews the country's implementation of ship security provisions of the ISPS Code to assist in the decision process for the Coast Guard's port state control program.

5. DISCUSSION.

- a. Applicability. The IPS Program seeks to visit all countries that conduct maritime trade with the U.S. Bilateral discussions will be conducted with these trading partners to exchange information and share best practices in order to align port security programs through implementation of the ISPS Code and other international maritime security standards. This program applies to:
 - (1) All trading partners signatory to the International Convention for the Safety of Life at Sea (SOLAS).
 - (2) All non-SOLAS countries that conduct maritime trade with the U.S. A State Department cable was sent to these countries in May of 2004 asking for information regarding their ISPS Code compliance level by July 1, 2004.
- b. Prioritization of Country Visits. It is the goal of the IPS Program to visit all countries that conduct maritime trade with the U.S. within three years. In order to schedule visits, a prioritization methodology has been established that considers the amount of trade with the U.S., the internal conditions of the country involved, and other factors. This methodology is not available for public distribution. Visits are generally scheduled on a bilateral basis, however, the Coast Guard is open to multilateral engagements if practicable and desired by our trading partners.
- c. Notification to the Country. Countries are engaged early in the process to discuss possible visit dates. Enclosure (1) provides more detail on the notification process. In addition, countries can request the USCG to conduct a country visit by contacting the IPS Program at securityinfoexchange@comdt.uscg.mil, the U.S. Embassy, or the IPSLO whose portfolio includes the requesting country. It may not be possible to accommodate all requests, but a country's desire for a visit will be considered in the scheduling process.
- d. Visits.
 - (1) An in-country review of ISPS Code implementation is the centerpiece of the IPS Program. The primary purpose of the visit is to ascertain that the country has substantially implemented the ISPS Code. This is accomplished by conducting an information exchange and sharing of best practices with the host government and by visiting port facilities in the country.
 - (2) The country visit will be led by the USCG, and may include interagency U.S. government participation. At the conclusion of the visit a report consisting of general findings about ISPS Code implementation and best practices noted will be prepared. Enclosure (1) provides details of the visit process.

- e. ISPS Code Implementation Status. The Coast Guard anticipates that most countries will have substantially implemented the ISPS Code. However, in those countries found to have not substantially implemented the code, the following process applies:
- (1) A country may be found as not having substantially implemented the ISPS Code if:
 - (a) The country fails to communicate the information required by the ISPS Code to the IMO or to the USCG.
 - (b) An IPS Program visit finds that the ISPS Code has not been substantially implemented.
 - (c) A credible report by another U.S. government agency or other source acceptable to the U.S. government finds substantial security concerns exist that affect maritime security.
 - (d) The Coast Guard is unable to ascertain a country's implementation status. It is a government's right to deny United States personnel entry to their country or specific port facilities. However, denial of access may result in impacts to maritime trade between the U.S. and the country. Since the U.S. Coast Guard cannot find that the ISPS Code has been substantially implemented, the Coast Guard will be forced to implement operational control measures to mitigate potential unknown security concerns. These measures could significantly delay vessels and cargo coming from the affected countries. The Coast Guard will do everything possible to accommodate the concerns of the countries we seek to visit, however, the Coast Guard is intent on accomplishing its mission to ensure security programs with our trading partners are implemented in a manner that is in accordance with internationally agreed upon standards.
 - (2) The Coast Guard will communicate both informally and formally with countries believed to not be substantially implementing the international security standards. Recommendations will be provided to countries and the USCG will help identify points of contact for assistance programs (technical, financial, and training) to facilitate improvements.
 - (3) Vessels that call on the U.S. after visiting countries, ports or port facilities that have not substantially implemented the ISPS Code must be viewed as potentially posing a greater risk and will therefore be subject to operational measures as discussed in reference (c). This process will normally be in two stages.
 - (a) First, a "Port Security Advisory" will be issued. This will be a public notification that the USCG has concerns regarding the level of ISPS Code implementation in a country. This advisory will be posted on the IPS Program web site: <http://www.uscg.mil/hq/g-m/mp/IPSP.shtml>
 - (b) Then, if the conditions leading to the Port Security Advisory do not substantially improve, a Maritime Security (MARSEC) Directive or a Commandant Order will be issued, notice of which will be published in the Federal Register. The MARSEC Directive or Commandant Order will outline the operational measures that will be imposed on vessels arriving in the U.S. from the country of concern.

- (4) While the focus of the program is country based, the implementation status of specific ports or port facilities will be considered on a case-by-case basis if the country has not substantially implemented the ISPS Code. In certain cases, a port facility that has implemented the ISPS Code in a country that has not may request that it be considered separately from the country. Requests will be handled on a case-by-case basis and will generally be limited to only those port facilities critical to maritime trade with the U.S. based on factors such as the volume and importance of the cargo imported from or exported to that port or port facility. Requests should be submitted to Commandant (G-MPP).
- (a) The specific port facility must submit an augmented security plan for approval by the IPS Program. The additional security measures must describe what procedures the port facility will take to assume the responsibilities noted in the ISPS Code for Contracting Governments.”
- (b) A Recognized Security Organization (RSO), acceptable to the U.S. Coast Guard, must verify the implementation of the ISPS Code and the additional measures in (a) above at the facility.
1. The RSO must be an independent, reputable, and internationally recognized organization, with expertise and experience in maritime security.
 2. The port facility should include the RSO information in their submission including the qualifications of the specific individuals performing the verification.
 3. The cost of the RSO verification must be borne by the non-compliant country and/or the specific port facility.
- (c) The IPS Program will notify the specific port facility if its plan is acceptable, and if needed, amend any Port Security Advisory.
- f. Reciprocity. Government representatives from other countries may conduct reciprocal visits with the USCG to conduct an information exchange and learn how the United States is implementing the ISPS Code. To initiate a reciprocal visit, a country should contact the U.S. Embassy, or speak directly with the IPSLO whose portfolio includes the requesting country. The USCG will always cooperate with other countries to answer questions, provide USCG implementation policy documents, or share best practices.
6. DISCLAIMER. While the guidance contained in this document may assist the industry, the public, the USCG, and other Federal and State regulators in applying statutory and regulatory requirements, it is not a substitute for applicable legal requirements, nor is it in itself a rule. Thus it is not intended to, nor does it, impose legally binding requirements on any party, including the Coast Guard, other Federal agencies, the States, the regulated community, or our trading partners.
7. CHANGES. This NVIC will be posted on the web at <http://www.uscg.mil/hq/g-m/nvic/index00.htm>. Changes to this circular will be issued as necessary. Time sensitive amendments will be issued as “urgent change” posted in the website for the benefit of the maritime transportation community pending their inclusion to the next change to this circular; changes will

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also be distributed to the USCG by messages. Suggestions for improvement of this circular should be submitted in writing to Commandant (G-MPP).



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Encl: (1) Description of the Country Visit Process

ENCLOSURE 1

DESCRIPTION OF THE COUNTRY VISIT PROCESS

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1. General Overview of the Process.

- a. The IPS Program process begins with a preliminary information exchange at the national level. The U.S. Coast Guard will send a request for a visit to the government entity responsible for implementing the SOLAS Chapter XI-2 security regulations and the ISPS Code. It will state the objective of the visit, which is to engage in bilateral discussions, exchange information and share best practices to align port security measures through implementation of the ISPS Code and other international maritime security standards. The government entity is encouraged to confirm agreement with the proposed visit by letter or other official means.
- b. The U. S. Coast Guard will ask the government to provide its country guidance for implementation of the ISPS Code, as well as any relevant legislation and/or regulations, which address maritime security. The U.S. Coast Guard will analyze the information in order to develop an understanding of the government's legislative process and interpretation of the ISPS Code. The U.S. Coast Guard will offer to share similar information.
- c. Following the preliminary information exchange, the U.S. Coast Guard will develop a proposed visit list of ports and port facilities, concentrating on those which trade with the U.S., and submit it to the government. The U.S. Coast Guard, with the government's participation, will conduct a review of the approved locations, based on the government's interpretation of the ISPS Code.
- d. Visits will be conducted by a Country Visit Team (Visit Team) and will include reviewing the measures the government is taking to implement the ISPS Code, identifying any additional efforts to address wider port/vessel security issues as described in the ILO Code of Practice for Port Security, and determining the apparent effectiveness of those measures. Approximately 45 countries will be visited per year. Personnel from other U.S. government agencies may participate in the port visits to coordinate our government maritime efforts in the country.
- e. Upon completion of the visit, the IPS Program will prepare and submit a report to the government. This report will not be shared with other governments because of the sensitivity of the information. The U.S. Coast Guard will evaluate if the country has "substantially implemented" or "not substantially implemented" the ISPS Code based on the effectiveness of the implementation of the government's mandated ISPS Code measures.
- f. If a status of "not substantially implemented" is appropriate, the government will be encouraged to mitigate any significant shortcomings as soon as practicable. As the country is in the process of mitigation efforts, vessels arriving from ports in countries that have not substantially implemented the ISPS Code will be subject to additional port state control measures as discussed in reference (c).

2. Pre-Visit Procedures.

- a. Initial Contact with the Country to be Visited. The government of the country to be visited is formally notified of the visit by a letter signed by the U. S. Coast Guard. The letter will normally be sent 60 to 90 days prior to the proposed visit depending on the time needed to translate the countries internal ISPS Code implementation guidance. Prior to the letter being prepared and delivered, the cognizant IPSLO will notify the government representatives in country of the interest of the U.S. Coast Guard to visit the country and to answer any preliminary questions.
- b. Preliminary Information Exchange.
 - (1) The purpose of the preliminary information exchange is to obtain the country's internal guidance and procedures regarding how that country interprets and implements the provisions of the ISPS Code prior to actually visiting the country.
 - (2) The preliminary information exchange is initiated with the Visit Request Letter to the government. The exchange will include information regarding the implementation of ISPS Code requirements, the processes used to approve and review port facility and vessel assessments and plans, potential port facilities of interest, and government methodology for monitoring implementation of ISPS Code.
 - (3) The International Maritime Organization has developed a voluntary self-assessment questionnaire and tool to assist governments and port facilities in the implementation of the ISPS Code requirements. These documents are published in an IMO Circular (MSC/Circ.1131 - Interim Guidance on Voluntary Self-Assessment by SOLAS Contracting Governments and by Port Facilities) and may be found on the IMO Website. The country to be visited will be encouraged to complete the questionnaire and tool and share the results with the U.S. Coast Guard. It is desirable that the Contracting Government questionnaire be completed no later than 45 days prior to the visit date, and the self assessment tool for port facilities for each facility to be visited be completed 20 days prior to the visit date. This will allow the Visit Team and host country adequate time to plan the visit. Completion and sharing of the questionnaire and tool is voluntary, however, doing so in advance of the visit will help facilitate the information exchange. The cognizant IPSLO will offer the host country assistance in completing the questionnaire if necessary, and the Coast Guard will share the completed questionnaire from the United States if requested.
 - (4) This information exchange is also an opportunity for the government to inquire as to best practices used by the U.S. Coast Guard and other U.S. government agencies for domestic port, port facility and ship security plans.
 - (5) The governments of the countries to be visited are encouraged to provide port facility and ISPS Code legislation/regulations and guidance with an English translation to facilitate better understanding by the Visit Team.

3. On-Site Visit Procedures.

- a. Upon arrival in country, the Visit Team will meet with the U.S. Embassy. This will be an opportunity to brief embassy personnel about the program, and obtain any insights they may have regarding maritime security in the country.
- b. The Visit Team Leader will conduct a meeting with the host government's maritime authorities on the first day of the visit. The purpose of the meeting is to explain the program, process and scope; confirm the visit schedule and arrangements; and clarify any questions identified in the country guidance review process. The Visit Team Leader and the senior member of the host government should jointly chair the meeting. The government may also want to provide briefings or information to the Visit Team to facilitate their understanding of the implementation process.
- c. The primary purpose for the in-country visit is outlined in Paragraph 5.d.(1) of this NVIC. The visit looks at the nation's overall port security regime. In this regard, how the nation conducts its port state and flag state responsibilities are reviewed. It should be stressed that there are a variety of ways that a country can choose to implement the ISPS Code. The Coast Guard is seeking to better understand how a country is implementing the ISPS Code. In general, area of emphasis during the visit will include:
 - (1) Section 14.2.1 through Section 14.2.7 of the ISPS Code, Part A.
 - (2) The ship security assessment, plan review and the approval process leading to issuance of the International Ship Security Certificate.
 - (3) The country's overall security management system, particularly the ability of the country to set security levels and coordinate governmental activities.
- d. Appendix (A) is a more detailed listing of areas that the Coast Guard is interested in learning about.
- e. The Visit Team prefers to interview key personnel in the government and/or designated authority to gain a better understanding of the guidance that the government provides to port facilities and/or Recognized Security Organizations. In addition, the Visit Team will review the oversight the government provides for organizations delegated to act on its behalf. The Visit Team will also examine a sampling of documents such as checklists or other job aids used by the country to review assessments and approve plans. During the interviews, Visit Team members will make recommendations and share best practice information with the host government. Other government agencies and stakeholders will be visited to ascertain the level of cooperation in place between agencies, if appropriate.
- f. The Visit Team will visit selected ports to observe how the guidance provided by the government is being implemented. These ports will be a representative combination of large, medium, and small ports that reflect the trading patterns of the country with the U.S.

- (1) Individual facilities in ports will be visited. The implementation of Sections 14.2.1 through Section 14.2.7 of the ISPS Code, Part A will be emphasized during the visit to these facilities.
 - (2) As each port is likely to be different, the Visit Team Leader will determine the number and location of the port facilities that should be observed. When visiting a Container Security Initiative (CSI) port, the Visit Team Leader will contact the local U.S. Customs and Border Protection personnel on scene and invite them to accompany the team when visiting any port facilities involved in the CSI program. This contact will be coordinated with CBP Headquarters.
 - (3) Other maritime related government agencies will be visited to ascertain the level of cooperation in place between agencies.
 - (4) Information will be collected through interviews with port facility personnel, reviewing regulatory documents, and observing activities and procedures at the port facility. Implementation concerns will be recorded with clear indication of how and why the findings were made.
- g. In order to facilitate open communication and assist the government in finding early solutions to identified concerns, Visit Team members will provide information on their findings to their host government counterparts on a daily basis. Often many of these issues may be resolved quickly.
 - h. After the visit activities are completed, the Visit Team will review all information to confirm which findings, if any, indicate that the ISPS Code has not been substantially implemented. The Visit Team will ensure that the findings are documented in a clear, concise manner and are supported by reference to the ISPS Code or country guidance.
 - i. Upon completion of the visit, an out-brief will be conducted with the U.S. Embassy and with the appropriate representative of the government or designated authority. The Visit Team Leader will be careful to point out that the visit findings are only preliminary.
4. Post Visit Procedures. Upon completion of the visit, the Visit Team Leader will be responsible for preparing a report. The report will contain an introduction, a description of the contracting government's ISPS Code implementation procedures, a description of surveyed facilities, future plans and recommendations and conclusions. This report, upon approval by Commandant (G-M), will be provided to the host government via the U.S. Embassy. The key finding will focus on whether the country has "substantially implemented" or "not substantially implemented" the ISPS Code. The contents of the report will be designated "For Official Use Only" and will only be shared with the host government and those within the U.S. government with a need to know.
 - a. Substantially Implemented. If the government is found to have "substantially implemented" the ISPS Code the Coast Guard will send a confirmation letter to the country. The U.S. Coast Guard will identify the government as having properly implemented the ISPS Code and no further action is required, unless there are changes in threats or actionable intelligence information.

b. Not Substantially Implemented. If a country is found to have “not substantially implemented” the ISPS Code, the report will identify concerns and recommend possible mitigation security measures.

- (1) The mitigation period will normally extend 90 days from the date of the report.
- (2) The IPSLO will coordinate with the U.S. Coast Guard International Training Division at Training Center Yorktown, the Maritime Administration, and with the U.S. Department of State to identify training opportunities the U.S. government may be able to provide.
- (3) The cognizant IPSLO will work with the country to identify points of contact for sources of funds and grants available to assist with security improvement projects. Potential funding sources include the World Bank, the various regional development banks, and the U.S. Department of State.
- (4) The cognizant IPSLO will continually monitor the progress toward “substantial implementation” of the ISPS Code.

Appendix: (A) Coast Guard ISPS Areas of Interest

**APPENDIX A TO ENCLOSURE 1
TO NAVIGATION AND INSPECTION CIRCULAR 02-05**

COAST GUARD ISPS AREAS OF INTEREST

COAST GUARD ISPS AREAS OF INTEREST

1. General Administration

- a. Is the state signatory to SOLAS/the ISPS Code?
- b. What, if any, legislation has been enacted instituting the requirements of the ISPS Code?
- c. Who has the state identified and authorized as the governing agency to enforce the requirements of the ISPS Code?
- d. Have port facilities requiring implementation of the ISPS Code been identified?
- e. Has a port facility security assessment system been developed?
- f. Are recognized security organizations (RSO's) authorized to conduct port facility security assessments on behalf of the governing authority?
 - 1) Identify those RSO's authorized to conduct port facility security assessments.
 - 2) Does the governing agency review port facility security assessments conducted by RSO's?
- g. Are port facility security plans required of each port facility serving ships on an international voyage?
- h. What measures are required of each port facility to prevent weapons or any other dangerous substances and devices from being introduced into the port facility?
- i. What measures are required of port facilities to respond to security threats or breaches of security?
- j. What are the training requirements for personnel designated as port facility security officers?
- k. What kind of port facility security drills are conducted and how often, i.e., announced or unannounced?

2. Access Control.

- a. Is a ship required to report its compliance with the ISPS Code prior to its arrival in port?

- b. What measures are required to control access to the port from ships that are not in compliance with the ISPS Code?
 - c. What access control methods are required to be in place to prevent unauthorized landside access to the port facilities at other than designated access points?
 - d. Are there prescribed methods of security during passenger embarkation and debarkation?
 - e. How are passengers verified?
 - f. How are crewmembers verified?
3. Port Facilities, Anchoring and Berthing Areas at Greater Risk.
- a. Have any port facilities been designated as being at greater risk than others within ports?
 - b. Having any anchorages or berthing areas been designated as a greater risk than others within ports?
 - c. Have any ship traffic schemes been altered to increase security in the vicinity of any of the port facilities?
4. Restricted Areas.
- a. Are port facilities required to identify areas within the facility boundaries as “restricted access” areas?
 - b. What methods are prescribed for monitoring access to these areas?
5. Handling Of Cargo.
- a. Are cargo-handling operations of general cargo required to be supervised by security personnel?
 - b. Do any of the port facilities handle LPG, LNG or explosives?
 - c. Are there any security measures that are required to be taken by either the port facility or the governing authority when such cargoes are transported within the port or handled at a facility?
 - d. Are there any other cargoes that require supervision by security personnel during their handling?

6. Handling Of Ship's Stores.

- a. Are vendors permitted within the port facility in order to service ships?
- b. If vendors are permitted within the port facility, are their movements monitored?

7. Security Communication.

- a. What methods are in place to communicate a port's security level to facilities and ships?

8. Ship Security Plans

- a. Does the Contracting Government issue International Ship Security Certificates?
- b. Does the Contracting Government authorize RSOs to act on its behalf to approve ship security plans?
- c. If so, how does the Contracting Government exercise oversight over the RSOs acting on its behalf?