



European Maritime Safety Agency

“Training on EU Maritime Legislation for Newcomers”

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Maritime Security Legislation



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International Maritime Security Regime

IMO Diplomatic Conference 2002

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Adoption

- SOLAS Chapter XI-2
- International Ships & Port Facility Security Code
  - Part A- Mandatory
  - Part B – Recommendatory

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EU Maritime Security Legislation

How many EU legislative acts on ship security?

- **Regulation (EC) No 725/2004** of 31 March 2004 on enhancing ship & port facility security (implements SOLAS XI-2 & ISPS Code)
- **Commission Regulation (EC) No 324/2008** of 9 April 2008 (Commission Inspections)
- **Commission Decision of 23 January 2009** amending Regulation (EC) No 725/2004 (IMO Company ID number required on ISSC)

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### Regulation (EC) No.725/2004 - Structure:

- 17 Recital
- 15 Articles
- Annex I – SOLAS 74 as Amended, Chapter XI-2
- Annex II – ISPS Code, Part A, mandatory
- Annex III – ISPS Code, Part B, mandatory for paragraphs listed in Art.3.5
  - 1.12 (revision of ship security plans),
  - 1.16 (port facility security assessment),
  - 4.1 (protection of the confidentiality of security plans and assessments),
  - 4.4 (recognised security organisations),
  - 4.5 (minimum competencies of recognised security organisations),
  - 4.8 (setting the security level),
  - 4.14, 4.15, 4.16 (contact points and information on port facility security plans),
  - 4.18 (identification documents)

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### Regulation (EC) No.725/2004

**Article 1 - Outlines the objectives of the regulation**

**Objectives** – Harmonized interpretation and implementation (SOLAS amendments including ISPS Code)

**Article 3 – Scope (Application)**

1. International Shipping **1 July 2004**
2. Domestic shipping **1 July 2005**  
(Chap.XI-2 of SOLAS and Part A of ISPS Code to Class A passenger ships (Art.4 of Council Directive 98/18/EC) including port facilities serving Class A passenger ships)
3. Extent of application **1 July 2007**  
(other domestic shipping and their companies, based on security risk assessment)
  - Review security risk assessment by 1 July 2012, then at least **every 5 years!** (Reg.725/Art.3.2 & 3.3)

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### Regulation (EC) No.725/2004

**Article 4 - Communication of information**

- Enforcing SOLAS Chapter XI-2 regulation 13 (security related information to be relayed to IMO)
- Informing the Commission and MS's:
  - ✓ Details of the contact officials
  - ✓ On any ship that has been expelled or refused entry (In accordance with ISPS Code)
  - ✓ List of port facilities identified by Member States

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### Regulation (EC) No.725/2004

**Article 8 – Security checks in Member State ports**

**Certificate verification** as defined in paragraph 1.1 of regulation 9 (SOLAS Chap.XI-2) – competent authority for maritime security / Duly authorized officers as defined in Art. 2(5) of Directive 1995/21/EC (PSC)

**Enforcing port State control as mandated by SOLAS**



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### Regulation (EC) No.725/2004

**Article 9 – Implementation**

9(1) – MS shall carry administrative and control tasks + ensure that all necessary means are allocated and effectively provided

9(2) – Designate a focal point

9(3) – Obligation of Members States to develop a national programme (implementation process)

9(4) – Monitoring reports – outcome of MS national inspections



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### Regulation (EC) No.725/2004

**Article 10 – MARSEC Committee**

– Tasks

- Integration of amendments to the international instruments
- Definition of harmonised procedures (in order to avoid the broadening of the regulation)
- Define, as appropriate, a common position (MS & COMM through co-ordination meetings)

**Article 11 – MARSEC Committee**

– Appointment



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Implementation - Key issues

1. Administrations – Setting Security Levels
2. Ship Security Assessment – Ship Security Plan (procedures corresponding to security level set)
3. Flag State – RSO – Ship Security Plan Approval
4. Onboard Verification & Certification
5. Implementation – Security Management System (drills, training, records etc)
6. Control and Compliance (national programme)
7. Commission oversight and inspections

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Role of Administrations

Key tasks...

1. **Designating** responsible national authorities
2. **Deciding** scope of application to domestic ships
3. **Notifying** information to COM, IMO and EU Member States
4. **Decide** national requirements for security regime
5. **Responding** to external events/requests
6. **Setting** and **notifying** changes to Security Levels
7. **Verification** of SSPs and **Certification** of ships
8. **National programme**
9. **National oversight regimes**

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Role of Administrations

Who is responsible for what?

Designate:

- Competent authorities for ship security
- Recipients of SSAS
- To act re control and compliance measures on ships
- Provide advice and assistance to ships
- RSOs (but: **appointment is optional**)

Notify:

- COM
- IMO
- EU Member States (Reg. 725/Article 4)

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**Instructions to ships:**

- When a Declaration of Security (DoS) should be requested by ships – based on risk assessment (A/5.1)
- The minimum period a DoS must be retained on board (A/5.7)
- Changes to SSPs requiring prior approval (A/9.5)
- The period for retention of records on board (A/10.1)(breaches, drills, incidents, reviews, audits etc)
- To ensure that appropriate measures are established against unauthorised disclosure of SSA&SSP (B/4.1)
- Establish safe manning levels considering security workload of crew (B/4.28 – **Mandatory under Reg.725/Article 3.5**)

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**Certification of ships...**

**COMMISSION DECISION 2009/83/EC  
of 23 January 2009**

- Amends Regulation (EC) No 725/2004
- Mandates IMO Unique Company ID Number Scheme under IMO Resolution MSC 196(80)
- Applies to ships **engaged on both international and domestic voyages** within scope of article 3(2) of Reg. 725/2004
- ISSCs issued **on or after 1 January 2009** must **include** the Company identification number

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**Interim Certificate (Only when)**

- A ship without a Certificate, on delivery or prior to its entry or re-entry into service;
- Transfer of a ship from the flag of a Contracting Government to the flag of another Contracting Government;
- Transfer of a ship to the flag of a Contracting Government from a State which is not a Contracting Government; or
- A Company assuming the responsibility for the operation of a ship not previously operated by that Company

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**Role of Administrations**  
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### Delegation of tasks to RSOs...

**RSOs may be delegated the following tasks:**

- Carry out the SSA for a specific ship (A/8.3)
- Prepare the SSP for a ship (A/9.1.1)
- Review and approve SSPs (A/9.2)
  - but preparation must be by a different RSO (A/9.2.1)
- Carry out verifications of ships (A/19.1.2)
- Issue an ISSC for a ship (A/19.2.2)
- Endorsement of ISSCs (A/19.3.4)
- Issue an Interim ISSC for a ship (A/19.4.3)

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**Role of Administrations**  
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### National programme

Regulation (EC) 725/2004, Article 9.3:  
*"Each Member State shall adopt a national programme for the implementation of this Regulation"*

- Allocation of responsibilities within Administration
- Administration oversight regimes for ships, companies, RSOs - Flag State Control
- Instructions and guidance to companies, ships and RSOs in respect of ship security
  - for SSPs, DoS, records, verifications etc.
  - contact points for security advice, SSAS etc.
- Scope of application to domestic traffic

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**Role of Administrations**  
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### Ship Security Officer

### Company Security Officer

**BOTH**

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### EU Maritime Security Legislation

Directive 2005/65/EC OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL  
of 26 October 2005  
on enhancing port security



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### EU Maritime Security Legislation

Directive 2005/65/EC on Enhancing Maritime Security



- ISPS Code has led to a situation where each port facility within a port (area) deals with security in an 'isolated' manner
- The need to extend the existing IMO security requirements to cover the whole port area as an estate
- Directive 2005/65/EC was developed based on the ILO/IMO Code of Practice on security in ports



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### EU Maritime Security Legislation

Directive 2005/65/EC on Enhancing Maritime Security

- Objective of this Directive is to develop common basic rules on port security measures – port as an estate –
- Shall be applied to every port located in the territory of a MS in which one or more port facilities covered by an approved port facility plan pursuant to Regulation (EC) No 725/2004.
- Any port security measures introduced are to be closely coordinated with measures taken pursuant to Regulation (EC) No 725/2004.
- Based on the same functional requirements of the Regulation (EC) No 725/2004



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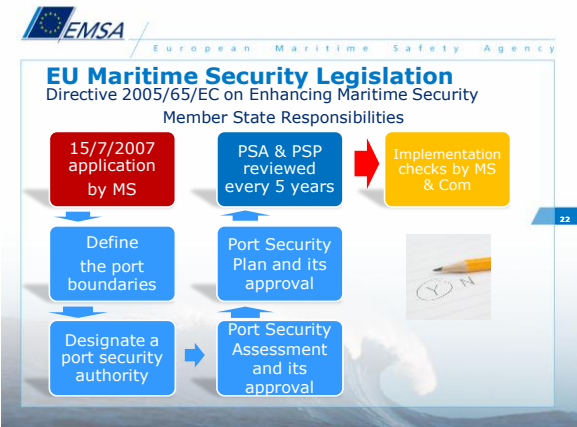
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