

EU legislation on Maritime Security

➤ Ship and port facility security : Regulation (EC) No 725/2004 on enhancing ship and port facility security

The main objective of this Regulation is to implement Community measures aimed at enhancing the security of ships through measures of preventive nature used in international trade and associated port facilities in the face of threats of intentional unlawful acts (including piracy and armed robbery at sea).

The Regulation provides a basis for the harmonised interpretation and implementation and Community monitoring of the special measures to enhance maritime security adopted by the International Maritime Organization (IMO) in 2002, which amended the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and established the International Ship and Port Facility Security Code (ISPS Code). The Regulation makes mandatory a number of recommendations introduced into Part B of the ISPS Code.

➤ Port Security Directive : Directive 2005/65/EC on enhancing port security

The Directive complements the security measures introduced by Regulation (EC) No 725/2004 by making an entire port subject to a security regime. In order to obtain maximum protection for maritime and port activities, measures should be taken that cover all ports within a perimeter defined by the Member State in question, thereby ensuring that security measures taken in accordance with the Regulation benefit from enhanced security within the areas of port activity. These measures should apply to all ports in which one or more port facilities covered under the Regulation are situated. The Directive also provides for mechanisms for implementing these measures and checking their conformity. The Member States should have transposed this Directive by 15 June 2007.

On 20 January 2009, the Commission has submitted a report assessing the implementation of the Directive to the European Parliament and the Council based, among other things, on the information obtained by monitoring the implementation of this Directive by Member States. The report therefore focuses on implementation-related matters and short-term results.

➤ Commission inspections in the field of maritime security : Commission Regulation (EC) No 324/2008 on procedures for conducting Commission inspections in the field of maritime security.

In order to monitor the application by Member States of EU legislation on maritime security, the Commission conducts inspections to verify the effectiveness of national quality control systems and maritime security measures, procedures and structures at each level of each Member State and of individual port facilities and relevant companies. The European Maritime Safety Agency (EMSA) participates in these inspections led by the Commission's services and provides the Commission with technical assistance in the performance of the inspection tasks in respect of ships, relevant companies and Recognised Security Organisations.

In accordance with Directive on port security, the Commission should monitor the implementation by Member States of the Directive jointly with the inspections provided for ships and port facilities. The Regulation adopted on 9 April 2008 lays down procedures for the monitoring by the Commission of the implementation of Directive 2005/65/EC jointly with the inspections at the level of Member States and port facilities, in respect of ports.

➤ **Maritime Security Committee (MARSEC)**

The Commission is assisted by a Regulatory Committee (Maritime Security Committee - MARSEC) acting in accordance with the regulatory procedure. MARSEC is a Regulatory Committee established by virtue of Article 11 of Regulation (EC) No 725/2004 and it also assists the Commission with regard to its activities under Directive 2005/65/EC. The Regulatory Committee is chaired by the Commission and consists of experts representing all Member States. Periodical exchange of information between Member States and Norway and Iceland, has taken place. Best practices and indications on national instructions have been shared in this forum and, most importantly, it was recently agreed to create a mechanism for secure mutual information where each Member State could insert sensitive information i.e. security levels adopted, threat evaluations and other topics relevant for the security of European shipping.

Furthermore, the Commission meets regularly the Stakeholder Advisory Group on Maritime Security (SAGMaS) which is a forum where the stakeholders can express their views on the work of the Regulatory Committee, MARSEC. The Commission will consider inviting to meetings of SAGMaS any stakeholder organisation that is a European or international (and not merely a national) organisation, and has a demonstrable professional interest in the subject of maritime security (as covered by EC legislation), and in the view of the Commission will offer an added value to the subjects under discussion at the particular meeting of the Committee.