



● Maritime security under EU legislation

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The basis



● Maritime Security: The Basics

- **40 %** of population and GDP allocated in EU's maritime regions;
- **90%** of EU external trade and **40%** of internal exchange is using sea transport mode;
- **EU** countries lead the global shipping industry with **40%** of the world fleet;

● Maritime Security: The Basics

- More than **450** mil. Passengers passed through EU-27 MSs ports;
- Some millions of Non-SOLAS vessels sailing in MSs territorial waters (passenger, commercial, fishing and recreational);
- Maritime industries, coastal tourism and off-shore energy exploitation.



Maritime security perspective in the EU 27 : (22 coastal States & 25 Flag States) about

- 9500 flagged vessels (over 500 GT)
- 4300 maritime companies
- 1250 ports (among which 750 fall under Directive 2005/65)
- > 4700 port facilities
- 80 RSO appointed by the MS

● Maritime Security: The Basics

- Protection of ports and ships (ISPS “Plus”)
 - » Risk analysis
 - » Security plans
 - » Physical protection
 - » Security functions
- Security of what we carry
 - » Passengers
 - » Cargo
- Maritime surveillance
 - » “Declarative”
 - » External

The EU Legal Basis for transport security

- Transport policy = “ex-Community” competence (art. 91.1.d and 100.2 of TFEU)
- Customs policy= “ex-Community” competence (art. 31, 33, 114 and 207 of TFEU)
- Role of the European Commission :
 - exclusive right of initiative to propose legislative measures of preventive nature
 - + monitor their implementation

EU maritime transport security related legislation



1. Regulation EC n° 725/2004 maritime & port facility security
 - > IMO/Solas – ISPS transposed into the EC law
 - > extended to inner EU traffic
 - > European inspection regime
2. Directive Port Security EC n° 65/2005
 - > Based on the ILO/IMO Code of Conduct
 - > Security measures extended to the whole port area
 - > Monitoring system
3. Commission regulation 324/2008 on inspections
4. Regulation (EC) 450/2008 Modernised Customs Code
 - Integrated management of external border (cargo)
 - Authorized Economic Operator



Definition



**Under Regulation 725/2004, article 2.5,
« maritime security means the combination of
preventive measures intended to protect
shipping and port facilities against threats
of intentional unlawful acts»**



Maritime Security



Regulation (EC) n° 725/2004 of 31 March 2004

- Is based on SOLAS chapter XI/2 and the ISPS Code, in force since 19/05/2004
- Its scope is also limited to ships, companies and port facilities
- International maritime traffic covered since 01/07/2004
- « Class A » national maritime traffic since 01/07/2005
- Other national maritime traffic from 01/07/2007, dependent upon the result of a compulsory security risk analysis to be conducted by each Member State
- Some provisions of ISPS part B are mandatory
- Importance of Community inspection regime, essential to allow consistency



Directive 2005/65/EC of 26 October 2005 on enhancing port security

- Based on the IMO/ILO code of practices for Port Security
- Threat not limited to the ship-port interface but also includes ports as a whole;
- Applies to any port with port facilities within scope of Regulation 725/2004;
- Complements ship and port facility security and expands into all security relevant port areas;
- Boundaries of the port to be defined on a case by case basis by the Member States

● Directive 2005/65/EC of 26 October 2005 on enhancing port security

- Uses the same tools as Regulation 725/2004 (security assessment, security plan, three Security Levels, approval by Member States, plus appointment of a Port Security Authority);
- Minimum requirements for PSA, PSP, training and RSOs (detailed in the Annexes);
- Port security officer to be appointed;
- A port security committee *may* provide practical advice on security matters;
- Particular attention to be given to Ro-Ro vessels carrying passengers and vehicles.

Directive 2005/65/EC of 26 October 2005 on enhancing port security

Implementation and conformity checking

- Member States must set up a system ensuring adequate and regular supervision of the PSPs and their implementation.
- *Commission monitoring of Member States' implementation jointly with inspections under Regulation 725/2004.*
- EU Member States had to adopt required legislation and implementing rules by 15 June 2007.





The role of the Commission



“Working together”

- Working with Member States;
- MARSEC Committee;
- Experts working groups;
- European industry stakeholder organisations - SAGMaS;
- Results of inspections to support & enhance national implementation:
 - National Administrations;
 - Port facilities;
 - Maritime companies;
 - RSOs.

Input in the IMO





Commission Regulation (EC) N 324/2008 on Commission inspections

Commission's obligation to :

- Monitor application of maritime security legislation
- Verify effectiveness of national quality control:
National administrations, Port facilities,
Companies, Ships, Recognised Security
Organisations (RSOs)
- Team of inspectors from Commission, MS and
EMSA
- about 106 inspections – until 2007,
- about 120 - 2008;
- About 180- 2009
- 🕒 1st report to MARSEC 05/07, 2nd report 06/08



Implementation

- In general, Regulation 725 /2004 well implemented by Member States
- Differences in national administrative practices
 - » Different administrations for ships and ports
 - » Federal and decentralized structures
- Great effort by ports to implement security measures
 - » “Collateral benefits”
- Next step : « monitoring » of Directive 2005/65/EC...



Maritime security inspections : Main findings

- Very good cooperation with the MS authorities
- Points of special attention:
 - » access control
 - » content of security plans
 - » free-access port facilities
 - » PFSO's responsibility
 - » RSO (study)
 - » exercises and drills (call for proposals)
 - » Training and qualification
 - » **5 years' periodic survey**

Improving international standards

- Commission and Member States undertaking capacity building efforts with 3rd countries, in particular :
 - » EUROMED /SAFEMED
 - » TAIEX
 - » Specific actions
- Input in the IMO
- Commission maintains regular maritime security dialogue with EU's main trading partners ;





Thank you for your attention

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