

Maritime transport: enhancing port security

2004/0031(COD) - 20/01/2009 - Follow-up document

This report assesses the implementation status of Directive 2005/65/EC on enhancing port security and the effectiveness of the measures taken. The main objective of this Directive is to complement the measures adopted in 2004 by means of Regulation (EC) No 725/2004 on enhancing ship and port facility security.

The main objective of Regulation (EC) No 725/2004 was to implement Community measures aimed at enhancing ship and port facility security in the face of the threats posed by intentional unlawful acts. The Directive completes the mechanism provided for under this Regulation by establishing a security system for all port areas, in order to ensure a high and comparable level of security for all European ports. The aim of the Directive is to improve security in port areas not covered under the Regulation and to ensure that the enhancement of port security will support the security measures taken under the Regulation, without creating additional obligations in areas already governed by the Regulation. It should be noted that the Directive applies to all ports located in the territory of a Member State in which one or more port facilities, covered by a port facility security plan approved in accordance with Regulation (EC) No 725/2004, is or are located.

Given that the Commission's experience of the application of the Directive has been relatively recent, **it is still too early to perform a final assessment of its impact.**

However, following the difficult task of implementing the provisions designed to improve ship security and that of associated port facilities, which Member States have been doing since 2004, the challenge is now to complete security provisions for port areas in order to ensure high and comparable security in all European ports. The work carried out by the Member States in order to complete transposition of the Directive down to local level must continue, not only in order to complete the regulatory framework for maritime security but above all to enhance security in maritime and port activity areas and to ensure maximum protection for these activities within the perimeter of all ports. It should always be borne in mind that the security of the whole logistics chain will always be the same as that of its weakest link.

On the basis of these conclusions, the Commission recalls that the security of ports and their approach areas is essential to security within maritime transport as a whole. It is in no-one's interests to entrust or offload passengers or cargo in a port which is not 'secure'. Conditions of port security require a high level of vigilance on the part of Member States and the preparation of all those involved in order to ensure high and comparable security for all European ports. For this reason, as regards security in maritime areas and ports, work should continue to permanently improve prevention, protection and response measures to **counteract the new threats arising from terrorism, piracy or any other intentional illegal act.** To this end, from 2009, the working programme for the performance of maritime security inspections carried out by the Commission will include a systematic component allowing verification that procedures for monitoring the application of the Directive have been correctly applied.

The Commission is also proposing examining the **constraints facing the authorities responsible for the implementation of security measures.** This study should enable an objective typology of ports to be drawn up and to examine how best to include the interests of all parties involved in ports, with suggestions for putting in place the necessary security measures to protect against illegal acts and the devastating consequences of such acts. The research should necessarily focus on interaction between the various areas of port activity, whether commercial, industrial or residential activity or other water-based activity such as fishing or leisure craft with a direct or indirect impact on the general security of the port.

Depending on the characteristics identified for each type of port, research should be done into the most suitable method of ensuring the necessary **balance between the fundamental principles of freedom and the implementation of measures** essential for taking vulnerabilities into account and for responding to threats, in order to ensure – depending on the assessment of risk level – the best level of protection for all users of ports and maritime transport, for Europe's economy and society in general.