

Maritime transport: enhancing port security

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The Commission presents its second report assessing the implementation of the Directive 2005/65/EC on enhancing port security. The main objective of the Directive was to complement the measures adopted in 2004 by means of Regulation (EC) No 725/2004 on enhancing ship and port facility security.

The [first report was adopted on 20 January 2009](#). This second report on progress made in terms of implementing the Directive describes the measures which have been taken in order to promote the implementation of standardised port security measures across the Union, progress made during the last five-year reference period and the continued problems which have arisen during the implementation period.

At the end of this assessment period, the main provisions of the Directive had finally been transposed into the national law of the vast majority of Member States. Unfortunately, there continued to be organisational and functional difficulties in terms of ensuring implementation in practical terms at port level, since local administrations did not yet have all the resources necessary in order to ensure the practical implementation of the Directive. The main difficulty related to **defining the port perimeter** from a security point of view.

During the period 2009-13, the Commission has continued its commitment to ensuring a more effective implementation of the Directive, through initiatives to help Member States and also monitoring activities. The definition of port perimeter was given special attention. A study on the technical aspects of port area security (TAPS II) was assigned to the Joint Research Centre (JRC – Ispra).

Monitoring action plans for completion of the practical implementation of the Directive: since 2009, the Commission has had a system for receiving regular information from Member

States on the implementation of the Directive.

92 % of assessments have currently been carried out and **just over two-thirds (70 %) of port security plans have been established and approved**. The delays are caused by the United Kingdom, Spain, Greece and Germany. The lack of willingness on the part of these Member States to show their commitment to prioritising the implementation of the Directive has prompted the Commission to **open infringement proceedings**.

Inspections carried out by the Commission: the inspections carried out since 2012, both by national administrations and in the form of direct inspections of a sample of ports, have shown that although the general framework of the implementation of the Directive has now been correctly applied, there is a **large discrepancy between the objective of improving port security and the still imperfect results which have actually been reported**.

Critical size of the ports: during discussions with stakeholders, the view is often expressed that the Directive is generally well designed for large ports with high commercial activity but that implementation is harder for small ports. On the basis of the port security assessment, the port boundaries have very often (but not always) been defined as being the same as that of the port facility.

Therefore, of the 1 052 ports housing one or several port facilities covered by a ship security plan approved under the Regulation, **586 ports have been considered as falling under the provisions of the Directive, i.e. 55 % of ports in the European Union**.

Awareness of the threat and awareness-raising amongst players: the report stresses the importance of increasing awareness of general security policy, of which all staff employed at the port (i.e. staff of port undertakings but also those employed by external companies involved in port activities) and also the various users of the port need to be aware. Awareness-raising activities provide key tools in this regard.

The Commission considers that by taking better account of requirements as regards staff training and port security drills, the general level of knowledge required for the protection of ports could be improved.

Inspection and supervision of port security plans: each Member State has developed its own monitoring system depending on its own internal organisation and the resources available. This monitoring role has been devolved to either central or local government, or even to multi-purpose teams combining several administrative bodies (transport, police, customs, harbour-master offices, etc.).

The reports, both of national auditors and also of those of Commission inspectors, serve as a basis for the national authorities to provide advice and assistance to the competent authorities at the ports, with a view to rectifying the shortcomings identified. This practice should be encouraged and extended. The paper notes, however, that **some Member States have not yet put in place the structures needed** in order to provide this verification of compliance on a regular and appropriate basis. **Human or financial resources** needed for these monitoring tasks should be put in place as soon as possible.

In conclusion, the Commission states that the assessment of the implementation of Directive 2005/65/EC has shown that the measures needed to implement all provisions of the Directive in full still need to be improved in most Member States. **The Commission will continue to work with Member States to improve the implementation of the Directive.**

However, experience acquired during the monitoring of the implementation of the Directive has shown that **significant progress has been made.** There is no doubt that the level of security has increased in European ports.

- Although it is difficult to assess the impact of these measures in terms of providing a deterrent for terrorist acts, port authorities agree that there has been a major impact in terms of smuggling, theft and malicious acts, which have been greatly reduced.
- Furthermore, the introduction of security measures have often led to a review of the organisation of ports, such as—for example—the movement and storage of goods, the control of access to different areas of the port or a definition of restricted areas.

In the coming months, Member States will have to re-examine port security assessment and plans. The Commission therefore considers that the **methodology developed in the TAPS II study** could be useful where necessary, in order to redefine the perimeter of ports, including the necessity to take due account of the water side boundaries.

Moreover, the Commission's multi-annual inspections work programme will **enter a phase of more detailed examination:** (i) the implementation and application of procedures under the port security plans to be applied to passengers and vehicles to be loaded on RO-RO vessels (which are, by nature, particularly vulnerable) will be the subject of further examination; (ii) in the case of international maritime transport services, checks will be carried out on both sides of this route to verify that the Member States concerned are cooperating in port security assessments.