

# Maritime transport: ship and port facility security

2003/0089(COD) - 31/03/2004 - Final act

**PURPOSE** : to introduce Community measures aimed at enhancing the security of ships used in international trade and domestic shipping and associated port facilities in the face of threats of intentional unlawful acts. **LEGISLATIVE ACT** : Regulation 725/2004/EC of the European Parliament and of the Council on enhancing ship and port facility security. **CONTENT** : the security of European Community shipping and of citizens using it and of the environment in the face of threats of intentional unlawful acts such as acts of terrorism, acts of piracy or similar, need to be ensured at all times. This Regulation is intended to enhance ship and port security. It is also to provide a basis for the harmonised interpretation and implementation and Community monitoring of the special measures to enhance maritime security adopted by the Diplomatic Conference of the IMO on 12 December 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 main points are as follows: - Part B of the ISPS Code comprises a number of recommendations which are made mandatory within the Community; - In order to contribute to the objective of promoting intra-Community short-sea traffic, the Member States are asked to conclude, in the light of the SOLAS Convention, the agreements on security arrangements for scheduled maritime traffic within the Community on fixed routes using dedicated port facilities, without this compromising the general standard of security sought; - Permanently applying all the security rules provided for in this Regulation to port facilities situated in ports which only occasionally serve international shipping would be disproportionate. Accordingly, Member States will determine, on the basis of the security assessments which they are to conduct, which ports are concerned and which alternative measures provide an adequate level of protection; - Member States must vigorously monitor compliance with the security rules by ships intending to enter a Community port, whatever their origin. The Member State concerned must appoint a "competent authority for maritime security" responsible for coordinating, implementing and monitoring the application of the security measures laid down in the Regulation as they apply to ships and port facilities. This authority will require each ship intending to enter the port to provide in advance information concerning its international ship security certificate and the levels of safety at which it operates and has previously operated, and any other practical information concerning security; - Member States are permitted to grant exemptions from the systematic requirement to provide this information in the case of intra-Community or domestic scheduled shipping services, provided the companies operating such services are able to provide such information at any time on request by the competent authorities of the Member States; - Security checks in the port may be carried out by the competent authorities for maritime security of the Member States, but also, as regards the international ship security certificate, by inspectors acting in the framework of port State control, as provided for in Council Directive 95/21/EC. Where different authorities are concerned, provision must therefore be made for them to complement each other; - In view of the number of parties involved in the implementation of security measures, each Member State will appoint a single competent authority responsible for coordinating and monitoring the application of shipping security measures at national level; - The effective application of measures raises important questions in relation to its funding. Funding certain additional security measures ought not to give rise to distortions of competition. To this end, the Commission must immediately undertake a study (intended to address in particular the way financing is shared between the public authorities and the operators, without prejudice to the distribution of competences between the Member States and the European Community) and to submit the results and, if appropriate, any proposals to the European Parliament and the Council. **ENTRY INTO FORCE** : 19/05/04. **DATE OF APPLICATION** : 01/07/04.