

Maritime transport: enhancing port security

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The Commission presented its third report assessing the implementation of the Directive on enhancing port security.

As a reminder, Directive 2005/65/EC complements Regulation (EC) No 725/2004 on enhancing ship and port facility security by establishing a security system for all of the port area, in order to ensure a high and equal level of security for all European ports serving direct sea-going services.

Over 1 200 commercial maritime ports are operated along the 70 000 km of coastline in the European Union, one of the regions in the world with the largest number of ports. Around one thousand of these ports fall within the scope of the Directive, i.e all ports housing one or more port facilities which are the subject of a security plan approved under the Regulation.

The first report was adopted on 20 January 2009, the second on 18 November 2013. This third 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. The report is based on exchanges of information with Member State authorities responsible for maritime security and other stakeholders; the results of the large number of port security inspections carried out by the Commission for the monitoring of this Directive during the period of reference; ongoing dialogue between the national authorities and the various players from the maritime and port sectors.

Monitoring the 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. A sustained dialogue has been opened with the authorities of the Member States in order to obtain regular and reliable information on the extent to which assessments have been carried out and port security plans adopted.

The decrease in the number of infringement procedures initiated is also an indicator of significant improvement of the implementation of the Directive.

The large number of port security inspections has also significantly contributed to this high level of port security; findings are exchanged between Member States through the MARSEC Committee and the exchange of best practices fostered.

Discrepancy between the objective of improving port security coordination among local authorities, port operators and public law enforcement bodies and the still imperfect results which have actually been reported remain, even if there has been significant improvement over the last years.

Defining port boundaries for security purposes is still an issue for certain Member States. Another key challenge is the five-year review of port security assessments and port security plans, which has not yet been carried out everywhere.

Inspection and supervision of port security plans

The report notes that in European ports, the level of security coordination among local authorities, port operators and public law enforcement bodies has further increased in European ports. The combination of the implementation of the Regulation and the application of the Directive has made possible a credible framework for preventing security breaches in ports and to obtain adequate protection for ships in port and port commercial activities.

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 within the port operational areas.

Conclusions and future steps

The Commission considers that this system is currently meeting the expectations and that Directive 2005/65 on enhancing port security does not need to be amended at this point in time.

In the coming months, Member States will again re-examine port security assessment and plans in accordance with the provisions of Article 10 of the Directive, which lays down that this review should take place at least once every five years. The Commission therefore considers that the methodology developed in the TAPS II study on the technical aspects of port security - which had been entrusted to the Joint Research Centre (JRC Ispra) - could be useful where necessary, in order to redefine the perimeter of ports, including the necessity to take due account of the water side of these ports.

In addition, the Commission's multiannual inspection work programme will continue to include in-depth checks of port security measures. The inspections will cover (i) the application of the procedures provided for in the port security plans to be applied to passengers and vehicles to be boarded on ro-ro ships (which are by nature particularly vulnerable); (ii) verification that the Member States concerned cooperate in the port security assessment at both ends of the maritime line, in the case of international maritime transport services.

The Commission will remain vigilant on the application of the Directive and will continue to take legal action when it deems it necessary.

Moreover, the Commission's multi-annual inspections work programme will continue to include detailed examinations of port security measures. For example, 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 continue to be the subject of further examination and monitoring by the Commission inspection services. Similarly, in the case of international maritime transport services, the approach of checks on both sides of the route will be continued in order to verify and ensure that the Member States concerned are cooperating in port security assessments.

Lastly, the Commission will continue to monitor the application of this Directive and continue to take legal action where it considers this to be necessary.