

Maritime transport: ship and port facility security

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The Council held a policy debate on a proposal for a Regulation aimed at enhancing security on board ships and in ship/port areas in the light of increased security risks following the terrorist attacks on 11 September 2001. It requested the Permanent Representatives Committee to proceed rapidly with the examination of the proposal, in the light of the positions expressed by delegations, with a view to enabling the Council to reach agreement preferably at its meeting on 9 and 10 October. The Commission's proposal, presented in May, is aimed at incorporating into Community legislation measures to suppress and prevent acts of terrorism against ships adopted last December by the International Maritime Organisation (IMO). The Council supported the objective of transposing the IMO measures by means of a Regulation. Concerns were however expressed that the ambitious scope proposed by the Commission could jeopardise implementation. Amongst ideas expressed by delegations to overcome this, that of extending the scope of the Regulation for domestic shipping to certain vessels and port facilities presenting higher risks, such as A-class passenger ships and cargo ships transporting oil or dangerous goods, met with broad support, as well as the idea of allowing more time for implementing these measures. The Council recognised the need for notification and examination by the Commission of bilateral and multilateral agreements on alternative security agreements. Concerns were however expressed that the procedure proposed would jeopardise implementation of the measures by 1 July 2004. The possibility of giving guidance by means of a model agreement identifying minimum security requirements, to be agreed at Community level, was also mentioned. A majority of delegations favoured the idea of a control mechanism. However some expressed concerns at having Commission inspections in fields related to public and national security. The precedent of inspections provided for in Regulation 2320/2002 on civil aviation security was noted as a possible basis for an agreement, bearing in mind also the particular characteristics of the maritime sector. The Council considered that the proposed Regulation is not the appropriate legal instrument for enlarging the functions of the European Maritime Safety Agency or the EU's Committee on Safe Seas and the Prevention of Pollution from Ships. Most delegations expressed doubts on the appropriateness of considering at this stage an extension of EMSA's role when it has barely existed for three months and is not yet fully operational. Regarding committee procedures, several delegations expressed a preference for a specific committee dealing with security matters, as in the aviation sector. Some even suggested merging these two committees into a single transport security committee. The need for rapid agreement was moreover emphasised, given the implementation date of 1 July 2004 agreed by the IMO.