

Maritime transport: ship and port facility security

2003/0089(COD) - 02/05/2003 - Legislative proposal

OBJECTIVE: To enhance ship and port facility security. **CONTENT:** The European Union must develop all necessary means of dealing with the terrorist threat. However, despite a number of warnings, the shipping world has only very recently shown an interest in its security. The International Maritime Organisation (IMO) adopted two international instruments laying the foundations for a global system of maritime security at one of its diplomatic conferences on 12 December 2002: an amendment of the International Convention for the Safety of Life at Sea (SOLAS) and the International Ship and Port Facility Security (ISPS) Code. These instruments apply from 1 July 2004 and require harmonised implementation within the Community. A Community regulation is therefore necessary to: - provide the Member States with the best possible conditions for the timely implementation of the new maritime security instruments adopted by the IMO Diplomatic Conference on 12 December 2002, - guarantee and monitor at Community level the achievement of the main objective of these international instruments, i.e. enhancing the security of ships and port facilities, - ensure uniform conditions throughout the European Union for access to and control of markets and activities associated with the maritime sector. In order to achieve these objectives, the proposed regulation, which essentially contains preventive measures, transposes Chapter XI-2 of the IMO SOLAS Convention and the ISPS Code, providing a basis for their harmonised interpretation and implementation, as well as Community monitoring, and extends some of their provisions to domestic maritime traffic. The regulation goes beyond the measures adopted by the IMO in that it: - makes mandatory certain provisions which have the status of recommendations, in order to raise the level of security sought and to avoid variations in interpretation between Member States; - details the arrangements to be made by Member States for ports only occasionally serving international traffic; - establishes the system of security checks prior to the entry of ships of whatever origin into a Community port, as well as that of security checks in the port; - calls for the nomination of a single national authority responsible for the security of ships and port facilities, and the adoption, for some arrangements under the regulation, of a timetable for early implementation compared with the dates laid down by the IMO agreement; - provides for a process of inspections, supervised by the Commission, to check the arrangements for monitoring and the implementation of national plans adopted pursuant to the regulation; - entrusts to the European Maritime Safety Agency (EMSA) the role of assisting the Commission in the performance of its tasks; - adapts various terms adopted in the IMO framework to the benefit of the national maritime traffic within Member States; - extends all the provisions of Chapter XI-2 of the SOLAS Convention and of Part A of the ISPS Code to include passenger ships engaged on domestic voyages during which they are required to be more than 20 nautical miles from the coast; - extends to other ships sailing nationally the requirements of the texts relating to undertaking safety evaluations, establishing safety plans, and designating safety agents for companies and for ships; it provides for adaptation of the procedures for ships on regular services; - provides for possible exemption, under strict conditions, for ships engaged on a scheduled service within a Member State or between two or more Member States. In the months to come, the Commission will: - present a proposal for a directive defining the complementary measures to be put in place in EU ports; - support, in conjunction with Member States, the work of the International Labour Organisation (ILO) concerning increasing security in identifying mariners, and will take, as necessary, a legislative initiative in the matter, following the adoption of a new text by the ILO, planned for June 2003. Alongside this proposal, the Commission submitted a communication stressing the need to enhance the security of the entire maritime transport chain, from the supplier to the consumer. The communication goes further than the framework of ship and port installations security treated by the IMO, and opens the debate on the entirety of maritime transport. In particular it addresses port zones as a whole, the identification of seamen, and also the security of the

whole intermodal transport chain. The Commission stresses the need for Member States to apply effectively the measures adopted by the international authorities in order to encourage third countries to recognise our levels of security and provide for similar measures.