

Maritime transport: enhancing port security

2004/0031(COD) - 10/02/2004 - Legislative proposal

PURPOSE : to introduce and implement Community measures aimed at enhancing port security in the face of threats of intentional unlawful acts. **PROPOSED ACT** : Directive of the European Parliament and of the Council. **CONTENT** : After the events of September 11th 2001, the EU developed legislation on aviation security and turned to the problem of terrorist gateways through international maritime transport. The IMO Diplomatic Conference on 12 December 2002 adopted amendments to the SOLAS Convention and the related ISPS-Code on a security regime for international maritime shipping and the ship/port interface. The results of the IMO Diplomatic Conference are in the process of being incorporated into EU legislation in the form of a regulation to ensure a uniform application. Parts of the non-mandatory elements of the ISPS Code will be made mandatory and there will be fine-tuning of the IMO texts to address the specific conditions in the EU. However, the scope of IMO rules limits the field of application to international shipping and the ship/port interface. Although already a significant breakthrough, this limited scope leaves an unwanted void in security since the areas beyond the ship/port interface fall outside the coverage. Hence, a Community directive on port security is considered necessary to: - provide the Member States with a uniform framework to enhance security in ports; - establish a uniform approach to integrate key maritime and non-maritime port areas in an overarching port security framework; - support Member States in developing secure ports both towards maritime transport and towards landside population, as well as vis--vis the marine and land environment; - ensure uniform conditions throughout the EU for access to and control of markets and activities associated with the port sector. Briefly, the proposal requires each Member State to identify the boundaries of the ports subject to the directive. Member States should outline a security policy for these areas and ensure that security assessments and appropriate security plans are established and updated. A national central authority must monitor the introduction and implementation of each national port's security policy. For the purposes of reaching a desired common level of implementation, the directive includes priority issues in its Annex for the port security assessment and the port security plan. More particularly, the measures required for enhancing port security would follow these principles: - port security complements maritime and ship/port interface security and ensures that these security measures are reinforced by security measures in the entire port area; - a port security assessment decides what measures are required, where and when; - security levels distinguish between normal, heightened or imminent threats; - a port security plan outlines all measures and details for enhancing port security; - a port security authority is responsible for the identifying and implementing appropriate port security measures by means of the assessment and the plan; - a port security officer coordinates development and implementation of the port security plan; - a port security committee provides advice to the responsible authority; - training and control will support implementation of the required measures. The proposal: - calls upon Member States to ensure that proper port security assessments and port security plans are developed; - calls upon Member States to determine and communicate the security levels in use and changes thereto; - calls upon Member States to designate a port security authority for every port or for groups of ports. This is this public authority that will be responsible for the appropriate identification and implementation of port security measures. - establishes the need to appoint a port security officer for each individual port to ensure proper coordination when port security assessments and plans are established, updated and followed up; - establishes the general requirement of an advisory security committee, bringing together representatives of all relevant operational and government functions in a port; - puts forward minimum requirements for security assessments and plans; - calls for the appointment of focal points in the Member States to provide the necessary communication both to other Member States and to the Commission; - provide for inspection procedures to monitor the implementation of port security measures; - lays down a procedure for the adaptation of its provisions. **FINANCIAL IMPLICATIONS** : The directive provides for a monitoring and inspection exercise to be carried out by the Commission. It is expected that, as from 2006, approximately 84 inspection visits will be carried out each year (5 days per port at EUR 1500). Monitoring and inspection will be accompanied by meetings of experts. A study on implementation and possible future

initiatives should be carried out in 2008 (i.e. two years after the directive has become operational). A study will be commissioned evaluate the impact and the effectiveness of the measures adopted. Such a study should be conducted in 2008, and then every three years. Such regular evaluation is necessary to enable the Commission to propose, via the committee procedure, any adjustments to the proposed system which might prove necessary. The unit cost of each study is estimated at EUR 150 000. Budget lines and headings: 06 02 03 02 Transport security 06 02 11 03 Committees. Period of application: indefinite, starting in 2006 Overall multi-annual estimate of expenditure: Commitments and payments total EUR 0.670 million. Technical and administrative assistance and support expenditure : none Overall financial impact of human resources and other administrative expenditure: EUR 4.001 million. The overall total is EUR 4.671million. Total staff, permanent and temporary : 9