

Maritime transport: enhancing port security

2004/0031(COD) - 26/10/2005 - Final act

PURPOSE : to introduce and implement Community measures aimed at enhancing port security in the face of threats of intentional unlawful acts.

LEGISLATIVE ACT : Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security

CONTENT : The main objective of this Directive is to introduce Community measures to enhance port security in the face of threats of security incidents. This Directive also ensures that security measures taken pursuant to Regulation 725/2004/EC benefit from enhanced port security.

The measures will consist of the following:

- common basic rules on port security measures;
- an implementation mechanism for these rules;
- appropriate compliance monitoring mechanisms.

The measures laid down in this Directive will apply to every port located in the territory of a Member State in which port facilities covered by an approved port facility security plan pursuant to Regulation 725/2004/EC are situated. This Directive does not apply to military installations in ports. Member States must define for each port the boundaries of the port for the purposes of the Directive, taking into account information resulting from the port security assessment.

Member States must designate a port security authority for each port covered by the Directive, which will be responsible for the preparation and implementation of port security plans based on the findings of port security assessments. Port security assessments may be carried out by a recognised security organisation and must be approved by the Member State concerned.

Subject to the findings of port security assessments, Member States must ensure that port security plans are developed, maintained and updated. These plans must identify, for each of the different security levels referred to in the Directive, the procedures to be followed, the measures to be put in place and the actions to be undertaken. There are three security levels, which are described in the directive.

In addition, a port security officer will be approved by the Member State concerned for each port. Each port shall, where practicable, have a different port security officer, but may, if appropriate, share a security officer. Port security officers will fulfil the role of point of contact for port security related issues.

Member States will also appoint for port security aspects a focal point.

Port security plans must be reviewed at least once every five years.

By 15 December 2008 and every five years thereafter, the Commission will submit an evaluation report.

ENTRY INTO FORCE : 15 December 2005

DATE OF TRANSPOSITION : 15 June 2007.

