

# **Directive 2005/65/EC on enhancing port security**

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..... Conference  
(London, xx March 2006)

# The EU legislation is based on 2 main texts:

- Regulation (EC) n°725/2004 of 31 March 2004
  - →transposes into the EC law the December 2002 IMO's security provisions (SOLAS chapter XI/2, and the ISPS code).
  - →extends these measures with a different agenda and to a certain extent to domestic traffic of MS.
  - →creates an inspection regime managed by the European Commission.
  - →basically introduces security regulations to be applied by any “port facility”.
- now: **Directive 2005/65/EC on enhancing port security: the security measures are extended to the framework: the port. Particular attention is given to RO/RO vessels carrying passengers and vehicles.**

# Directive 2005/65/EC on enhancing port security Basic concepts 1.

→ Adopted formally 26/10/2005 (published on the Official Journal of European Union dated Nov. 25<sup>th</sup> 2005), entering into force the twentieth day following its publication (Dec.14<sup>th</sup> 2005) .

→ Applies to any port in which one or more port facilities are situated to which Regulation 725/2004 applies, **without prejudice to the rules of the Member States in the field of national security.**

→ It complements maritime and ship/port interface security and **expands** into all security relevant port areas; **the security measures differ according to the security level in place and reflect differences in the risk profile of different sub-areas in the port.**

→ Boundaries of the port to be defined on a case by case basis by the Member States.

# Directive 2005/65/EC on enhancing port security Basic concepts 2.

- Member States shall ensure that measures introduced by this Directive are closely coordinated with measures taken pursuant to Regulation EC n.725/2004.
- Using the same tools as Regulation 725/2004 (security assessment, security plan, 3 security levels, approval by Member States, Port Security Authority),
- Member States shall bring into force the laws, regulations and administrative provisions necessary **to comply with this Directive by 15 June 2007.**
- Measures to enhance port security shall consist of:
  - ✓ Common basic rules;
  - ✓ An implementation mechanism;
  - ✓ Appropriate compliance monitoring system.

# Directive 2005/65/EC on enhancing port security Basic concepts 3.

- → Member States will approve port security plans incorporating the findings of the port security risk assessment.
- → It is recommended the **clear division** of tasks between all parties involved as well as **regular exercises**.
- → Ro/ro vessels are individuated as particularly vulnerable to security incidents in particular if they carry passengers as well as cargo. Adequate security measures should be taken on the basis of the risk assessment for vessels trading **on domestic and international routes, in a way which impedes as little as possible the fluidity of the operations**.
- → Member states should ensure that a **focal point** for port security will assume the role of contact point between the European Commission and Member States.
- → The funding of extra security measures **should not generate distortions of competition**. By 30 June 2006 the Commission should submit the finding of a study on the costs involved in measures taken under this Directive, addressing in particular the way financing is shared.

# Directive 2005/65/EC on enhancing port security Port Security Assessment (P.S.A.) 1.

- Member States shall ensure that P.S.A. are carried out for the ports covered by this Directive, taking into account the assessments for port facilities within their boundaries (EC 725/2004).
- Minimum detailed requirements: Annex I to the Directive.



# Directive 2005/65/EC on enhancing port security Port Security Assessment (P.S.A.) 2.

- P.S.A. may be carried out by recognized security organizations (as per Art.11 fulfilling the conditions as per Annex IV).
- P.S.A. approved by the Member State concerned.





# Directive 2005/65/EC on enhancing port security Port Security Plan (P.S.P.) 1.

- P.S.P. shall adequately address the specificities of different sections of a port and shall integrate the security plans for the port facilities.
- Identifying for each **security level**:
  - ✓ The procedures to be followed;
  - ✓ The measures to be put in place;
  - ✓ The actions to be undertaken.
- P.S.P. shall take into account as minimum the requirements specified in Annex II and shall include “**security measures to be applied to passengers and vehicles set for embarkation on seagoing vessels which carry passengers and vehicles**”. (In case of international services Member States concerned shall cooperate in the security assessment).



# Directive 2005/65/EC on enhancing port security Port Security Plan (P.S.P.) 2.

- P.S.P. may be carried out by recognized security organizations (as per Art.11 fulfilling the conditions as per Annex IV).
- P.S.P. approved by the Member State concerned before implementation.
- Member State shall ensure that the implementation of P.S.P. is monitored, coordinating with other control activities.
- Performing adequate exercises (basic security training exercise requirements: Annex III).



# Directive 2005/65/EC on enhancing port security Various 1.

- **Security levels:** three security levels as defined in Regulation Ec n. 725/2004. At each security level a member state may determine that different security measures are to be implemented in different parts of the port as per P.S.A..
- **Port security officer(PSO):** approved by MS concerned for each port (possibility to share between more ports). Close cooperation recommended between PSO and Port Facility Security Officers.
- **Reviews:** P.S.A. and P.S.P. shall be revised at least once every five years.
- **Recognized Security Organizations:** minimum requirements as per Annex IV.
- **Focal Point for port security:** appointed by MS, may be the same appointed under Regulation EC n. 725/2004.

## Directive 2005/65/EC on enhancing port security Various 2.

- **Implementation and conformity checking:** MS shall set up a system ensuring adequate and regular supervision of the P.S.P. and their implementation. The Commission shall monitor the implementation of the Directive in cooperation with the Focal Points, this monitoring having to be conducted jointly with the inspections provided under reg. N.725/2004.
- **Confidentiality and dissemination of information.**
- **Penalties:** MS shall ensure that **effective, proportionate and dissuasive penalties are introduced** for infringements of the national provisions adopted pursuant to this Directive.



# Directive 2005/65/EC on enhancing port security Annexes

- **Annex I-Port Security Assessment:** minimum requirements for P.S.A.
- **Annex II-Port Security Plan:** minimum requirements for P.S.P. Remarkable: it is confirmed that the procedures will take into account the **specificities of certain groups of port users, allowing for dedicated measures in order to limit the negative impact of the requirements.**
- **Annex III: Basic security training exercise requirements:** to be carried out at least **once each calendar year** with no more than 18 months elapsing between the training exercises.
- **Annex IV: Conditions to be fulfilled by a recognized security organization.**



**Thank you for  
your attention**

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