



# The EU's maritime security system and inspections

Expert Meeting on Security, the Danube Commission

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1. Maritime Security Legislative Framework
2. Maritime Cybersecurity
3. MARSEC Handbook
4. Maritime Security Inspections



# 1. Maritime Security Legislative Framework

# What is Maritime Security?

*... ‘maritime security’ means the combination of preventive measures intended to protect shipping and port facilities against threats of **intentional unlawful acts**, ...*

Definition according to Article 2(5) of Regulation (EC) No 725/2004

# EU Maritime Security Legislation

- The International Ship and Port Facility Security (ISPS) Code as the basis
- Regulation (EC) N°725/2004 on enhancing ship and port facility security
- Directive 2005/65/EC on enhancing port security
- Commission Regulation (EC) No 324/2008, as amended, laying down revised procedures for conducting Commission inspections in the field of maritime security
- Cover port, port facility and ship security – issues such as access control, perimeter protection, surveillance monitoring
- Compliance monitoring through both Commission inspections and inspections by Member States



# Implementation and conformity checking

## Article 9 of Regulation (EC) No 725/2004

1. **Member States** shall carry out the administrative and control tasks required. They shall ensure that all necessary means are allocated and effectively for the implementation.

4. **The Commission** conducts inspections, including inspections of a suitable sample of port facilities and relevant companies, to monitor the application by Member States of this Regulation.

## Article 13 of Directive 2005/65/EC

1. **Member States** shall set up a system ensuring adequate and regular supervision of the port security plans and their implementation.

2. **The Commission shall**, in cooperation with the focal points referred to in Article 12, **monitor the implementation of this Directive by Member States.**

3. **This monitoring shall be conducted jointly with the inspections** provided for in Article 9(4) of Regulation (EC) No 725/2004.

# 2. Maritime Cybersecurity Legislative Framework

# EU Cybersecurity Legislation

- The NIS Directive of 2016 brought in new EU-wide cybersecurity rules, concerning ports, shipping companies, but not individual vessels
- NIS2 Directive broadens the scope to all medium and large companies in various sectors, still including maritime transport
- Aligns security and incident reporting obligations
- One important policy objective is to see how this can work well together with the maritime security legislation

# Cybersecurity in the MarSec Legislation



- The legislation refers to assets and infrastructure that need to be protected, such as “computer systems and networks” – both for ships and port facilities
- Regulation 725/2004, Annex III, paragraph 15.3.5: *A Port Facility Security Assessment should address the following elements within a port facility: [...] radio and telecommunication systems, including computer systems and networks*

# EU Guidance on how to treat cybersecurity at the port facility and port level

- Clarify the requirements concerning the security of network and information systems in ports and port facilities, according to EU maritime security legislation
- Address how requirements from EU MarSec legislation and the NIS/ NIS2 Directive can complement each other



# Cybersecurity for Ships



- NIS 2 Directive does not apply to individual vessels > gap
- EMSA Guidance on how to address cybersecurity onboard ships during audits, controls, verifications and inspections
- Adoption of the IMO Revision of the Guidelines on Maritime Cyber Risk Management (MSC-FAL.1/Circ.3/Rev.2) a key step at the international level

# 3. EU MARSEC Handbook

**Guidance on Maritime Security for Member States' Competent Authorities**

## **EU MARSEC Handbook**

### **Guidance on Maritime Security for Member States' Competent Authorities**

Version. 2024

## Objective of the EU Marsec Handbook

- This is a living document that is revisited within the MARSEC Committee at least on a yearly basis at the initiative of the Commission, requests from the Member States, and notably based on the observations during Commission inspections in Member States
- The guidance in this document should always be considered subject to and in conjunction with reference to the Member States' specific regulatory and operational contexts and any other relevant circumstances

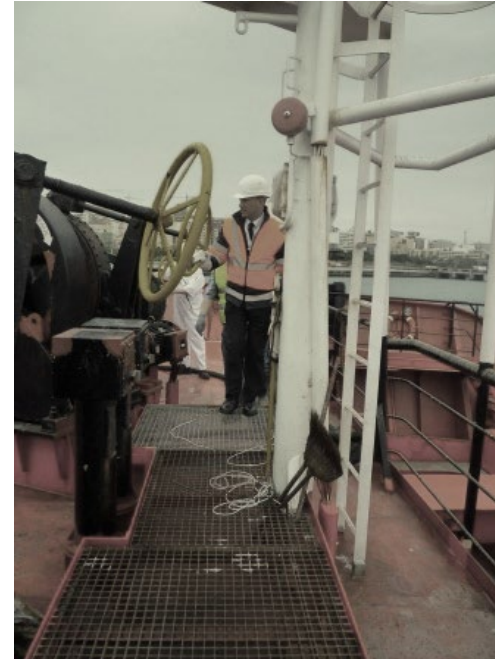
# Traits of the MARSEC Handbook

- Public document – wide dissemination among public and private stakeholders is encouraged
- Non-regulatory and non-binding
- Living document
- Provides explanations, recommendations and best practices
- Non-exhaustive
- Makes extensive reference to MARSEC documents – papers where the MARSEC Committee has agreed on an approach for a particular topic, or presents best practices/recommendations

# 4. Maritime Security Inspections

# 3 different types of Commission inspections

- National Administration
- Ports, port facilities, ships, DAO
- RSOs and maritime companies



# 1433 EU COM inspections from 2005 to November 2024

TYPE OF INSPECTION/ SCOPE	NUMBER OF INSPECTIONS 2005 - 2023
Companies (C)	12
Recognised Security Organisation (RSO)	16
Port Directive (DIR; DIR NA)	276
National Administration (NA)	259
Ship	431
Port facility (PF)	537
<b>TOTAL</b>	<b>1531</b>

# Commission maritime security inspection strategy

- The inspections of the Commission need to:
  - provide a reasonable degree of assurance on the implementation by Member States of all legal requirements contained in the EU maritime transport security legislation
  - cover the activities of the Member States in setting up, maintaining and applying effective national maritime transport security programmes and in exercising their supervision and control tasks
  - provide feedback to policy development on the adequacy and clarity of maritime transport security legislation

# Thank you



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