

**ASEAN Regional Forum
5th ISM on Maritime Security
Seoul, Republic of Korea, 18-19 April, 2013**

ISPS Code: The EU statement

The EU being a important actor in maritime security, taking into account its fundamental interest in maintaining maritime transport lanes open, safe and free for navigation, is active player in the subject.

25 of 27 Member States 25 are flag states; 22 are coastal states bringing the number of ports to 764 and 3800 port facilities.

Therefore the EU takes seriously the implementation of ISPS Code and has corresponding legislation dating from starting 2004 as introduced by the European Commission:

1. Regulation (EC) n° 725/2004 on maritime and port facility security
It transposes into the law IMO/Solas and is extended to internal EU traffic. It brought about European inspection regime.
2. Directive Port Security EC n° 65/2005
It is based on the ILO/IMO Code of Conduct and extends security measures to the whole port area introducing a monitoring system.
3. Commission regulation 324/2008 on inspections
4. Regulation (EC) 450/2008 Modernised Customs Code
On integrated management of external border (cargo), introduced Authorised Economic Operator.

The European Commission, DG for Mobility and Transport is in charge of the implementation of this legislation.

In general, this legislation is well implemented by Member States.

Some of challenges are brought by differences in national administrative practices and different administrations for ships and ports, as well as the fact that there are both federal and decentralised structures.

In the period 2005-2012 more than 600 EU Commission inspections have been carried out.

The role of inspections is crucial; there are both inspections at MS and the Commission level. National inspections are vital. National monitoring reports give evidence of high commitment regarding national quality control through inspections

The EU Member States serve as “laboratories” of best practices: The European Commission is working together with Member States bilaterally, and at the EU level through MARSEC Committee consisting of MSs designated official representatives and also with stakeholders – SAGMaS with the aim to raise awareness and to stimulate reactions, to question and to challenge “certainties“, to disseminate best practices of Member States and to take part in the dissemination of information and alerts.

These experiences have also had an impact on external cooperation actions.

While the EU does not have a dedicated fund of ISPS related outreach activities it is working through numerous external tools, including the development instruments and delivers capacity building in various forms:

- cooperation with the US Coast Guards
- participation in international events to share its experiences on specific issues like the very recent workshop on ship profiling in KL this week in ARF format
- a transregional capacity building instrument with a designated programme “Critical Maritime Routes” with possible projects to address ISPS implementation in future
- right now maritime security cooperation activities are more focussed on capacity building to address piracy and armed robbery, such as cooperation with ReCAAP, support to implementation of Djibouti Code of Conduct, their respective cooperation activities; comprehensive engagement in Western Indian Ocean
- the EU is looking for more and innovative ways to do that, in cooperation with other partners.