

Regulations of 22 June 2004 No. 972

on security, anti-terrorism and anti-piracy measures

and the use of force on board ships and mobile offshore drilling units

(Security Regulations)

Legal basis: Laid down by the Norwegian Maritime Authority on 22 June 2004 under the Act of 9 June 1903 No. 7 relating to public control of the seaworthiness of ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 6, 39, 40, 43 and 47, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590.

EEA references: EEA Agreement Annex XIII point 56bb (Regulation (EC) No 725/2004) and point 56r (Regulation (EC) No 324/2008).

Amendments: Amended by Regulations of 4 February 2005 No. 119, 2 April 2007 No. 392, 29 June 2007 No. 1006 (i.a. legal basis), 16 January 2009 No. 41 (i.a. EEA reference), 8 June 2011 No. 580, 1 July 2011 No. 731, 2 January 2012 No. 40, 27 April 2012 No. 371, 7 July 2016 No. 907, 17 February 2017 No. 209, 20 December 2017 No. 2379.

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Chapter 1 General provisions

Heading added by Regulation of 1 July 2011 No. 731.

Section 1 *Scope of application*

(1) With the exception of sections 17 and 18, which shall apply to all ships, and sections 25 to 32, which shall apply only to passenger ships engaged on scheduled domestic voyages and offering overnight accommodation, these Regulations shall apply to the following Norwegian ships:

- a) passenger ships, including passenger high-speed craft, which are certified for international voyages as defined in the SOLAS Convention, Chapter I, regulation 2(d), and passenger ships which are certified as Class A passenger ships as defined in the Regulations currently in force on surveys, construction and equipment of passenger ships engaged on domestic voyages;
- b) cargo ships, including cargo high-speed craft, of 500 gross tonnage and upwards, which are certified for international voyages as defined in the SOLAS Convention, Chapter I, regulation 2(d);
- c) mobile offshore drilling units. However, mobile offshore drilling units are not subject to the requirements of these Regulations when on location or if they do not transit beyond Norwegian jurisdictional areas.

(2) These Regulations shall not apply to ships used for non-commercial purposes, with the exception of the requirements set out in section 13.

(3) Sections 18 to 24 shall apply to ships sailing in, to or from an area subject to alert level 2 or 3, but only when they are sailing south of 46 degrees north latitude.

Amended by Regulations of 29 June 2007 No. 1006 (in force on 1 July 2007), 1 July 2011 No. 731, 27 April 2012 No. 371 (in force on 1 May 2012), 7 July 2016 No. 907 (in force on 1 January 2017).

Section 2 *Definitions*

For the purpose of these Regulations, the following definitions shall apply:

- a) “*Security level 1*”: The level for which minimum appropriate protective security measures shall be maintained at all times.
- b) “*Security level 2*”: The level for which appropriate additional protective security measures shall be maintained for a period of time as a result of a heightened risk of a security incident.
- c) “*Security level 3*”: The level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent.
- d) “*Ship*”: The term “ship”, when used in these Regulations, includes ships and mobile offshore drilling units falling within the scope of application of these Regulations.
- e) “*Ship security officer (SSO)*”: The person on board the ship designated by the company as responsible for the security of the ship, including implementation and maintenance of the ship security plan. The SSO is

also responsible for liaison with the company security officer and port facility security officers. The SSO is accountable to the master except where the master is appointed as the SSO.

- f) “*Ship security plan (SSP)*”: A plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship’s stores or the ship from the risks of a security incident.
- g) “*Mobile offshore drilling unit*”: A mobile platform, including drillships, with propulsion machinery and equipped for drilling for subsea petroleum deposits.
- h) “*Master*”: The person having the highest authority on board the ship.
- i) “*Port facility security officer (PFSSO)*”: The person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan.
- j) “*Port facility security plan (PFSP)*”: A plan developed to ensure the application of appropriate protective security measures for the protection of the port facility and ships, persons, cargo, cargo transport units and ship’s stores within the port facility.
- k) “*Passenger high-speed craft*”: Craft as defined in regulation X/1 of the SOLAS Convention, as amended, certified to carry more than 12 passengers.
- l) “*International ship security certificate (ISSC)*”: An international certificate showing that the ship complies with the protective security requirements of the ISPS Code.
- m) “*ISPS Code*”: International Ship and Port Facility Security Code, adopted by the IMO, as amended.
- n) “*Part A of the ISPS Code*”: “Preamble” and “Mandatory Requirements Regarding the Provisions of Chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974, as amended”.
- o) “*Part B of the ISPS Code*”: “Guidance Regarding the Provisions of Chapter XI-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974 as amended and Part A of [the ISPS] Code”.
- p) “*Cargo ship*”: Any ship which is not a passenger ship, fishing vessel, barge, pleasure craft or a mobile offshore unit.
- q) “*Norwegian jurisdictional areas*”: Internal Norwegian waters, Norway’s sea territory, and the Norwegian Continental Shelf.
- r) “*Passenger ship*”: A ship that can carry more than 12 passengers or which is required to have official permission to carry passengers.
- s) “*Recognised security organisation (RSO)*”: A recognised classification society authorised by the Norwegian Maritime Authority to issue approvals and certificates, etc. for Norwegian vessels pursuant to Chapter XI-2 of the SOLAS Convention and the ISPS Code.
- t) “*Company*”: As set out in section 4 of the Ship Safety and Security Act, cf. section 5. “Company”, cf. SOLAS Chapter XI-2 regulation 1, paragraph 1.1.7, is to be regarded as the shipping company.
- u) “*Company security officer (CSO)*”: The person designated by the company for ensuring that a ship security assessment is carried out, that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained. The CSO shall also ensure liaison with port facility security officers and the ship security officer.
- v) “*Declaration of security (DoS)*”: An agreement describing the distribution of responsibilities for the implementation of necessary security measures, between the ship and port facility, or between the ship and another ship, or between the ship and any other unit not required to hold an International Ship Security Certificate.
- w) “*SOLAS Convention*”: International Convention for the Safety of Life at Sea, 1974, as amended.
- x) “*Chapter XI-2 of the SOLAS Convention*”: The chapter of the SOLAS Convention containing special measures to enhance maritime security, as amended.
- y) “*Ship security assessment (SSA)*”: An assessment of vulnerability to terrorist attacks against ships.
- z) “*Ship security alert system (SSAS)*”: A system designed to initiate and transmit a ship-to-shore security alert to a competent authority when the alarm is activated.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

Section 3 *Duties*

The company, master and other persons working on board shall perform their duties in accordance with the Ship Safety and Security Act and the supplementary provisions laid down in these Regulations.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

Section 4 *Exemptions*

(1) The Norwegian Maritime Authority may, in individual cases and upon written application, grant exemption from the requirements of these Regulations. There must be special reasons that make such exemptions necessary and they

must be justifiable in terms of safety and security. Exemptions are only granted where they do not contravene international agreements to which Norway has acceded.

(2) The Norwegian Maritime Authority may permit ships or categories of ships to implement other security measures which are equivalent to those described in Chapter XI-2 of the SOLAS Convention or the ISPS Code, provided that such equivalent security measures are at least as effective as those described in Chapter XI-2 of the SOLAS Convention or the ISPS Code.

Chapter 2 International provisions

Heading added by Regulation of 1 July 2011 No. 731.

Section 5

Relationship to international convention

Ships to which these Regulations apply shall comply with applicable requirements contained in Chapter XI-1 of the SOLAS Convention, regulations 3 and 5, and Part A of the ISPS Code. Part B of the ISPS Code provide guidance to which regard shall be had to the extent prescribed by Part A, except for the following paragraphs of Part B, which are binding: 1.12, 1.16, 4.1, 4.4, 4.5, 4.8, 4.14, 4.15, 4.16, 4.18, 4.24, 4.28, 4.41, 4.45, 6.1, 8.3 to 8.10, 9.2, 9.4, 13.6, and 13.7.

Section 6

Relationship to EU legislation

Annex XIII point 56bb of the EEA Agreement (Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security), shall apply as regulation with amendments and additions pursuant to Annex XIII, Protocol 1 to the Agreement and the Agreement in general. Reference is made to Annex 1 to the Regulations. In the event of conflict between other provisions in the Regulations and the above-mentioned Regulation (EC), the latter shall take precedence.

Annex XIII point 56r of the EEA Agreement (Regulation (EC) No 324/2008 of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security, as amended by Implementing Regulation (EU) 2016/462) shall apply as regulation with amendments and additions pursuant to Annex XIII, Protocol 1 to the Agreement and the Agreement in general. Reference is made to Annex 2 to the Regulations. In the event of conflict between other provisions in the Regulations and the above-mentioned Regulation (EC), the latter shall take precedence.

Added by Regulation of 4 February 2005 No. 119. Amended by Regulations of 2 April 2007 No. 392, 16 January 2009 No. 41, 17 February 2017 No. 209.

Section 6a

Reporting to regional security centres in high-risk areas for piracy

Ships planning to operate in or transiting areas defined as high-risk areas for piracy attacks in “Best management practices to deter piracy off the Coast of Somalia and in the Arabian Sea Area”, shall follow the recommendations of “Best management practices to deter piracy off the Coast of Somalia and in the Arabian Sea Area” concerning registration with MSCHOA and reporting to UKMTO and other focal points before entering the area and while underway.

Added by Regulation of 8 June 2011 No. 580.

Chapter 3 Security and anti-terrorism measures

Heading added by Regulation of 1 July 2011 No. 731.

Section 7

Ship security alert system

(1) Ships to which these Regulations apply shall be provided with a ship security alert system in accordance with the provisions of Chapter XI-2 of the SOLAS Convention, regulation 6.¹

(2) If the Joint Rescue Coordination Centres receive a security alert from a Norwegian ship, the ship's company shall be notified as soon as possible. All companies shall have procedures to determine whether the issue of the security alert is intentional or not, and shall be able to provide information on the situation on board, if possible. Any contact with the ship shall take place in such a way as to prevent unauthorised persons to understand that a security alert has been received from the ship.

(3) When the company is notified that a security alert has been received from a ship, the company shall immediately initiate the procedures mentioned above. The company shall reply to the Joint Rescue Coordination Centre's notification as soon as the circumstances surrounding the issue of the security alert have been clarified.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

¹ Cf. Resolution MSC.147(77) – adopted 29 May 2003; and MSC/Circ. 1072

Section 8

Ship security assessment (SSA)

(1) A ship security assessment shall be prepared as defined in Part A of the ISPS Code, section 8.

(2) The ship security assessment shall be an essential and integral part of the process of developing and updating the ship security plan.

Section 9

Ship security plan (SSP)

(1) A ship security plan shall be developed on the basis of the ship security assessment (SSA), cf. section 8. The ship security plan (SSP) shall be developed, kept and amended pursuant to Part A of the ISPS Code, section 9.

(2) For ships that:

- a) call at port facilities that have not prepared and implemented an approved security plan;
- b) conduct ship-to-ship activities with ships that do not hold an ISSC;
- c) transfer or receive cargo or persons to or from permanent platforms, floating platforms or mobile units that do not hold an ISSC; the ship security plan (SSP) shall also contain procedures and measures for such operations.

(3) The contents of the ship security plan (SSP) shall be approved by the Norwegian Maritime Authority or a Recognised security organisation (RSO).

(4) The company may implement changes to the plan and the security equipment, provided that the changes do not entail less effective security measures than the approved plan, and that the company can document this. Such changes will be verified on board either by renewal or by an intermediate verification. Changes to the ship security alert system or changes to the ship or company report procedures may not be made without prior approval from the Norwegian Maritime Authority or a Recognised security organisation (RSO).

(5) Information regarding the ship security alert system as mentioned in Part A of the ISPS Code, section 9.4 subsections .17 and .18 may be kept elsewhere than in the security plan, in a document known only to the master, the ship security officer (SSO) and other members of the crew as may be decided by the company.

(6) The provisions in the plan relating to Part A of the ISPS Code, section 9.4 subsections .2, .4, .5, .7, .15, .17 and .18 cannot be subject to inspection from another country's authorities without the approval of the Norwegian Maritime Authority.

(7) The company shall periodically review the ship security plan (SSP).

(8) The company shall prepare procedures for the implementation of the internal audit of security activities.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007)

Section 10

Verification and certification

(1) When it has been verified that the ship complies with the provisions of these Regulations and with the approved ship security plan (SSP), the Norwegian Maritime Authority or a Recognised security organisation (RSO) will issue an International ship security certificate (ISSC).

(2) The International ship security certificate (ISSC) is valid for 5 years, provided that at least one intermediate verification has been carried out. This intermediate verification shall take place between the second and third anniversary date of the certificate as defined in the SOLAS Convention Chapter I, regulation 2 subsection (n). The intermediate verification shall include inspection of the security system and any associated security equipment of the ship to ensure that it remains satisfactory.

(3) The Norwegian Maritime Authority or a Recognised security organisation (RSO) can in particular cases demand additional verifications if necessary.

Section 11

Interim certification

The Norwegian Maritime Authority or a Recognised security organisation (RSO) can issue a Interim international ship security certificate (ISSC) valid up to 6 months, if the ship complies with the conditions and requirements set out in Part A of the ISPS Code, section 19.4. The duration of an International ship security certificate cannot be extended.

Section 12

Records

(1) Records as mentioned in Part A of the ISPS Code, section 10.1 (Records) shall be kept on board for the last 3 years and for the last 10 ports of call. Records for the period prior to the entry into force of these Regulations is not required.

(2) All records, including the ship security plan (SSP), shall be kept in the working language of the ship. If the language used is not English, a translation into English shall be included on board.

Section 13

Continuous synopsis record (CSR)

(1) Ships that are subject to these Regulations shall keep a continuous synopsis record (CSR) on board, pursuant to the provisions of the SOLAS Convention Chapter XI-1, regulation 5. Forms and guidelines for the CSR are laid down in Resolution A.959(23) "Format and guidelines for the maintenance of the continuous synopsis record". The procedures of the resolution for the maintenance of the CSR shall be followed. CSR documents with updates will be issued by the ship registers.

(2) The ship's CSR shall be available for inspection at any time.

Section 14

Security officers (CSO and SSO)

(1) Any company shall designate a company security officer (CSO) who is responsible for the performance of the functions required as a minimum by Part A of the ISPS Code, section 11.

(2) Any ship shall have a ship security officer (SSO) on board who has a particular responsibility for ship security. As a minimum, the responsibility covers the functions described in Part A of the ISPS Code, section 12.

(3) The training of the ship and company security officers shall comply with the requirements set out in Part A of the ISPS Code, section 13, with due consideration to Part B, section 13, and the IMO model courses for such officers. Documentation in support of the officer's completion of training, with relevant references to the ISPS Code and the IMO model courses, shall be available. Documentation in support of training as ship security officer (SSO) shall be available on board. From 1 July 2013, any person designated as the ship security officer must be issued with a certificate of proficiency pursuant to the Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers.

Amended by Regulations of 29 June 2007 No. 1006 (in force on 1 July 2007), 2 January 2012 No. 40.

Section 15

Security level

(1) Ships shall operate at least according to the security level determined by Norwegian authorities, unless a higher security level is required by port States pursuant to the SOLAS Convention Chapter XI-2, regulation 4.3.

(2) Ships shall respond to notifications of a change to a higher security level without delay.

(3) When Norwegian authorities decide to implement security level 2 or 3 for certain or all Norwegian ships, Norwegian authorities shall do so by informing the ships' companies. The companies shall immediately inform all ships concerned that security level 2 or 3 has been determined, and the ship shall immediately submit a receipt to the company, confirming that the notification of a changed security level has been received on board. If such a receipt has not been received within 12 hours of the issue of the information to the company, the company shall notify the Joint Rescue Coordination Centre of the fact.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

Section 16

Declaration of security (DoS)

(1) The shipmaster or the ship security officer (SSO) shall request the relevant port authority, represented by the port facility security officer (PFSO) or another authorised person, to complete the declaration of security when:

- a) the ship operates at a higher level of security than that of the port, or the level at which another ship it interacts with operates;
 - b) there has been a relevant threat or incident concerning the security of the ship or the port facility;
 - c) the ship is at a port facility that has not prepared and implemented an approved security plan.
- (2) The shipmaster or the ship security officer (SSO) shall furthermore request the completion of a declaration of security when the ship is engaged in activities with a ship, permanent platform, floating platforms or mobile units that do not hold an international ship security certificate (ISSC).

(3) Declarations of security shall be kept on board for at least the period specified in section 12.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

Chapter 4 Use of force and reporting

Chapter added by Regulation of 1 July 2011 No. 731.

Section 17 *Use of force*

(1) When necessary to prevent or protect against acts of terrorism and piracy, the master shall be permitted to decide to employ force subject to the limitations laid down by international law. Any person on board shall be obliged to provide assistance and to respect the measures taken.

(2) The use of force shall only be permitted against a threat which is direct, immediate, significant and otherwise unavoidable. The use of force shall be avoided wherever possible, and when it is necessary, it shall be reasonably proportionate in view of the scope of the threat and the conditions otherwise.

(3) The unlawful use of force may result in criminal liability pursuant to the Norwegian Penal Code of 20 May 2005 No. 28.

Added by Regulation of 1 July 2011 No. 731, amended by Regulation of 20 December 2017 No. 2379 (in force on 1 January 2018).

Section 18 *Reporting*

(1) If the ship has been subjected to an attack and the ship has employed force, the incident shall be reported to the Norwegian Maritime Authority within 72 hours. The report shall describe the incident and detail the persons involved and the use of force, including firearms. If the circumstances permit it, the situation should be documented by means of sound and video recordings, to the extent that this is possible.

(2) If there is reason to believe that the use of force has resulted in personal injury or death, a report shall immediately be made to the Norwegian National Criminal Investigation Service (Kripos).

Added by Regulation of 1 July 2011 No. 731.

Section 19 *Relationship with the Freedom of Information Act*

(1) Information which is sent to the Norwegian Maritime Authority or the Norwegian National Criminal Investigation Service (Kripos) pursuant to section 18, section 20 second paragraph or section 23 second paragraph, may be covered by the exemption from access set out in the Freedom of Information Act section 24 third paragraph.

Added by Regulation of 1 July 2011 No. 731.

Chapter 5 Use and storage of firearms, armed guards, etc.

Chapter added by Regulation of 1 July 2011 No. 731.

Section 20 *Use of armed guards and documentation requirement*

(1) To prevent or protect the ship against acts of terrorism and piracy, armed guards may be employed following the completion of a risk assessment and following consultation with the master.

(2) Before armed guards are taken on board pursuant to the first paragraph, the company shall send the following documents to the Norwegian Maritime Authority for briefing purposes:

- a) A statement of reasons stating why the industry's guideline preventive measures are deemed insufficient and that there is a need for armed guards.
- b) An assessment of the suitability of the security firm and the guards, including the security firm's own documentary evidence:
 1. of satisfactory procedures for the recruitment and training of personnel;
 2. of satisfactory procedures for the procurement, use, maintenance, storage and transportation of equipment, including firearms and ammunition, relevant to the assignment in question;
 3. that the guards hold the necessary qualifications and have completed necessary training, including firearms training, for the assignment in question; and
 4. that the guards are at least 18 years of age, can identify themselves and can submit a recently issued certificate of good conduct. If a certificate of good conduct cannot be obtained, an alternate, similar confirmation or reference should be procured.

The documentation shall also be stored on board.

(3) When selecting and using security firms, the company shall take account of guidelines developed by the International Maritime Organisation, IMO.

(4) If the Norwegian Maritime Authority becomes aware that a specific security company cannot be regarded as suitable for use on Norwegian-registered ships, the Norwegian Maritime Authority shall be permitted to decide that companies are not permitted to use the company in question.

Added by Regulation of 1 July 2011 No. 731.

Section 21

Duty of the company to notify its insurers

Before using armed guards, the company shall give reasonable notice to the insurers covering its liability, losses, expenses or expenditure resulting from piracy, and provide any information required by an individual insurer in order to clarify matters relating to its insurance policy.

Added by Regulation of 1 July 2011 No. 731.

Section 22

Procedures for the use of armed guards

(1) The company shall establish procedures for the use of armed guards, and for the use and storage of firearms, that take into account the requirements laid down in these Regulations. The procedures shall be notified to the master, the crew and guards accompanying the ship.

(2) The procedures shall state that guards on board are under the master's command.

(3) The procedures shall further state that guards brought on board must be briefed on the ship and conditions on board which are significant for their assignment.

(4) The procedures shall not be subject to verification and certification pursuant to sections 10 and 11 of the Regulations.

Added by Regulation of 1 July 2011 No. 731.

Section 23

Storage of firearms

(1) Firearms shall be stored in a safe manner in accordance with the Regulations of 25 June 2009 No. 904 concerning firearms, firearm parts and ammunition, etc.

(2) The company or the master shall ensure that a register is kept of the firearms and ammunition loaded onto and unloaded from the ship, and shall report such loading and unloading to the Norwegian Maritime Authority immediately. An explanation shall be provided for any discrepancy.

Added by Regulation of 1 July 2011 No. 731.

Section 24

Use of firearms

(1) Arming and the implementation of procedures for the use of firearms shall be approved by the master in each individual case. Individuals shall always be responsible for ensuring that their use of firearms complies with sections 17 and 22.

(2) Before firearms are used, consideration shall be given to the dangers or damage to which those on board may be exposed as a result of such use.

(3) If the circumstances permit, the attacker(s) shall be warned by means of light and sound signals and the firing of warning shots.

(4) The firing of aimed shots with the objective of rendering a person harmless shall only occur as a last resort and after other, gentler means have been tried unsuccessfully, or in situations in which alternative means clearly have no chance of success.

Added by Regulation of 1 July 2011 No. 731.

Chapter 6

Securing passenger ships engaged on scheduled domestic voyages that offer overnight accommodation

Added by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017).

Section 25

Risk assessment

(1) Passenger ships engaged on scheduled voyages that offer overnight accommodation shall undergo a risk assessment that inter alia should include an assessment of existing security measures, key shipboard functions, possible threats and vulnerability factors. The company should consider which parts of the ship security assessment, as set out in section 8 part A of the ISPS Code, that should be included in the risk assessment.

(2) The risk assessment shall be reviewed and updated at least every five years. The risk assessment shall form the basis for actions and procedures implemented to secure the ship.

(3) When the basis for the risk assessment changes, the company shall prepare a new risk assessment.

(4) The risk assessment shall be submitted to the Norwegian Maritime Authority.

Added by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017).

Section 26

Search of the ship

(1) Passenger ships engaged on scheduled voyages that offer overnight accommodation shall be searched for objects that could pose a danger to the safety on board. The areas to be searched as well as the search method and frequency are determined based on the risk assessment referred to in section 25.

(2) The company shall ensure that procedures are in place and that the crew has undergone the appropriate training for the handling and isolation of objects as referred to in the first paragraph.

Added by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017).

Section 27

Access control and spot checks

(1) The company shall ensure that any person boarding the ship is authorised to do so.

(2) A spot check of luggage, vehicles and cargo shall be carried out. The scope of the spot check is determined on the basis of the risk assessment pursuant to section 25.

Added by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017).

Section 28

Information regarding supervision of luggage

The passengers shall be adequately informed of the fact that any luggage that is not placed in the cabin must not be left unattended. Such information shall be given over the ship's public address system or video and by other equivalent information material on board.

Added by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017).

Section 29

Preventing unauthorised access

The ship shall have a procedure for preventing unauthorised access to areas on board reserved for crew members.

Added by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017).

Section 30

Contingency plan

The ship shall have an appropriate contingency plan for dealing with security threats identified in the risk assessment.
Added by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017).

Chapter 7

Final provisions

Heading added by Regulation of 1 July 2011 No. 731. Amended by Regulation of 7 July 2016 No. 907 (in force on 1 January 2017, formerly chapter 6).

Section 31

Entry into force

- (1) These Regulations enter into force on 1 July 2004.
- (2) For Class A passenger ships, the Regulations enter into force on 1 July 2005.

Amended by Regulations of 29 June 2009 No. 1006 (in force on 1 July 2009), formerly section 18), 1 July 2011 No. 731 (formerly section 17), 7 July 2016 No. 907 (in force on 1 January 2017, formerly section 25).

Annex 1

Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,
Having regard to the proposal from the Commission,
Having regard to the Opinion of the European Economic and Social Committee(1),
Having consulted the Committee of the Regions,
Acting in accordance with the procedure laid down in Article 251 of the Treaty(2),
Whereas:

(1) Intentional unlawful acts and especially terrorism are among the greatest threats to the ideals of democracy and freedom and to the values of peace, which are the very essence of the European Union.

(2) The security of European Community shipping and of citizens using it and of the environment in the face of threats of intentional unlawful acts such as acts of terrorism, acts of piracy or similar, should be ensured at all times.

(3) In connection with the transport of goods containing especially dangerous substances, such as chemical and radioactive substances, the potential consequences of the threats posed by intentional unlawful acts for Union citizens and the environment are very serious.

(4) On 12 December 2002 the Diplomatic Conference of the International Maritime Organisation (IMO) adopted amendments to the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and an International Ship and Port Facility Security Code (ISPS Code). These instruments are intended to enhance the security of ships used in international trade and associated port facilities; they comprise mandatory provisions, the scope of some of which in the Community should be clarified, and recommendations, some of which should be made mandatory within the Community.

(5) Without prejudice to the rules of the Member States in the field of national security and measures which might be taken on the basis of Title VI of the Treaty on European Union, the security objective described in recital 2 should be achieved by adopting appropriate measures in the field of maritime transport policy establishing joint standards for the interpretation, implementation and monitoring within the Community of the provisions adopted by the Diplomatic Conference of the IMO on 12 December 2002. Implementing powers should be conferred on the Commission to adopt detailed implementing provisions.

(6) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

(7) Security should be enhanced not only for ships used in international shipping and the port facilities which serve them, but also for ships operating domestic services within the Community and their port facilities, in particular passenger ships, on account of the number of human lives which such trade puts at risk.

(8) Part B of the ISPS Code comprises a number of recommendations which should be made mandatory within the Community in order to make uniform progress towards achievement of the security objective described in recital 2.

(9) In order to contribute to the recognised and necessary objective of promoting intra-Community short-sea traffic, the Member States should be asked to conclude, in the light of regulation 11 of the special measures to enhance maritime

security of the SOLAS Convention, the agreements on security arrangements for scheduled maritime traffic within the Community on fixed routes using dedicated port facilities, without this compromising the general standard of security sought.

(10) Permanently applying all the security rules provided for in this Regulation to port facilities situated in ports which only occasionally serve international shipping might be disproportionate. The Member States should determine, on the basis of the security assessments which they are to conduct, which ports are concerned and which alternative measures provide an adequate level of protection.

(11) Member States should vigorously monitor compliance with the security rules by ships intending to enter a Community port, whatever their origin. The Member State concerned should appoint a "competent authority for maritime security" responsible for coordinating, implementing and monitoring the application of the security measures laid down in this Regulation as they apply to ships and port facilities. This authority should require each ship intending to enter the port to provide in advance information concerning its international ship security certificate and the levels of safety at which it operates and has previously operated, and any other practical information concerning security.

(12) Member States should be permitted to grant exemptions from the systematic requirement to provide the information referred to in recital (11) in the case of intra-Community or domestic scheduled shipping services, provided the companies operating such services are able to provide such information at any time on request by the competent authorities of the Member States.

(13) Security checks in the port may be carried out by the competent authorities for maritime security of the Member States, but also, as regards the international ship security certificate, by inspectors acting in the framework of port State control, as provided for in Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) (3). Where different authorities are concerned, provision must therefore be made for them to complement each other.

(14) In view of the number of parties involved in the implementation of security measures, each Member State should appoint a single competent authority responsible for coordinating and monitoring the application of shipping security measures at national level. Member States should put in place the necessary resources and draw up a national plan for the implementation of this Regulation in order to achieve the security objective described in recital 2, in particular by establishing a timetable for the early implementation of certain measures in accordance with the terms of Resolution 6 adopted by the Diplomatic Conference of the IMO on 12 December 2002. The effectiveness of the checks on the implementation of each national system should be the subject of inspections supervised by the Commission.

(15) The effective and standard application of measures under this policy raises important questions in relation to its funding. Funding certain additional security measures ought not to give rise to distortions of competition. To this end, the Commission should immediately undertake a study (intended to address in particular the way financing is shared between the public authorities and the operators, without prejudice to the distribution of competences between the Member States and the European Community) and to submit the results and, if appropriate, any proposals to the European Parliament and the Council.

(16) The measures needed to implement this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission(4). A procedure should be defined for the adaptation of this Regulation in the light of experience, to make mandatory further provisions of Part B of the ISPS Code not initially made mandatory by this Regulation.

(17) Since the objectives of this Regulation, namely the introduction and implementation of appropriate measures in the field of maritime transport policy, cannot be sufficiently achieved by the Member States and can therefore, by reason of the European scale of this Regulation, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Article 1

Objectives

1. The main objective of this Regulation is to introduce and implement Community measures aimed at enhancing the security of ships used in international trade and domestic shipping and associated port facilities in the face of threats of intentional unlawful acts.
2. The Regulation is also intended to provide a basis for the harmonised interpretation and implementation and Community monitoring of the special measures to enhance maritime security adopted by the Diplomatic Conference of the IMO on 12 December 2002, which amended the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and established the International Ship and Port Facility Security Code (ISPS Code).

Article 2

Definitions

For the purposes of this Regulation:

1. “special measures to enhance maritime security of the SOLAS Convention” means the amendments, as attached as Annex I to this Regulation, inserting the new Chapter XI-2 into the Annex to the SOLAS Convention of the IMO, in its up-to-date version,
2. “ISPS Code” means the International Ship and Port Facility Security Code of the IMO, in its up-to-date version,
3. “Part A of the ISPS Code” means the Preamble and the mandatory requirements forming Part A of the ISPS Code, as attached as Annex II to this Regulation, concerning the provisions of Chapter XI-2 of the Annex to the SOLAS Convention in its up-to-date version,
4. “Part B of the ISPS Code” means the guidelines forming Part B of the ISPS Code, as attached as Annex III to this Regulation, regarding the provisions of chapter XI-2 of the Annex to the SOLAS Convention, as amended, and of Part A of the ISPS Code, in its up-to-date version,
5. “maritime security” means the combination of preventive measures intended to protect shipping and port facilities against threats of intentional unlawful acts,
6. “focal point for maritime security” means the body designated by each Member State to serve as a contact point for the Commission and other Member States and to facilitate, follow up and inform on the application of the maritime security measures laid down in this Regulation,
7. “competent authority for maritime security” means an authority designated by a Member State to coordinate, implement and monitor the application of the security measures laid down in this Regulation in respect of ships and/or one or more port facilities. The competences of this authority may differ depending on the tasks assigned to it,
8. “international shipping” means any maritime transport service by ship from a port facility of a Member State to a port facility outside that Member State, or conversely,
9. “domestic shipping” means any transport service by ship in sea areas from a port facility of a Member State to the same port facility or another port facility within that Member State,
10. “scheduled service” means a series of sailings organised in such a way as to provide a service linking two or more port facilities:
 - (a) either on the basis of a published timetable;
 - (b) or with a regularity or frequency such as to constitute a recognisable systematic service,
11. “port facility” means a location where the ship/port interface takes place; this includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate,
12. “ship/port interface” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship,
13. “intentional unlawful act” means a deliberate act, which, by its nature or context, could harm the vessels used for international or national maritime traffic, their passengers or their cargoes, or the port facilities connected therewith.

Article 3

Joint measures and scope

1. In respect of international shipping, Member States shall apply in full, by 1 July 2004, the special measures to enhance maritime security of the SOLAS Convention and Part A of the ISPS Code, in accordance with the conditions and with respect to the ships, companies and port facilities referred to therein.
2. In respect of domestic shipping, Member States shall apply, by 1 July 2005, the special measures to enhance maritime security of the SOLAS Convention and Part A of the ISPS Code to Class A passenger ships within the meaning of Article 4 of Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships(5) operating domestic services and to their companies, as defined in regulation IX-1 of the SOLAS Convention, and to the port facilities serving them.
3. Member States shall, after a mandatory security risk assessment, decide the extent to which they will apply, by 1 July 2007, the provisions of this Regulation to different categories of ships operating domestic services other than those referred to in paragraph 2, their companies and the port facilities serving them. The overall level of security should not be compromised by such a decision.

Member States shall notify the Commission of such decisions when they are adopted, as well as of the periodic review, which must take place at intervals of no more than five years.
4. When implementing the provisions required pursuant to paragraphs 1, 2 and 3, Member States shall take fully into account the guidelines contained in Part B of the ISPS Code.
5. Member States shall conform to the following paragraphs of Part B of the ISPS Code as if they were mandatory:
 - 1.12 (revision of ship security plans),
 - 1.16 (port facility security assessment),
 - 4.1 (protection of the confidentiality of security plans and assessments),
 - 4.4 (recognised security organisations),

- 4.5 (minimum competencies of recognised security organisations),
 - 4.8 (setting the security level),
 - 4.14, 4.15, 4.16 (contact points and information on port facility security plans),
 - 4.18 (identification documents),
 - 4.24 (ships' application of the security measures recommended by the State in whose territorial waters they are sailing),
 - 4.28 (manning level),
 - 4.41 (communication of information when entry into port is denied or the ship is expelled from port),
 - 4.45 (ships from a State which is not party to the Convention),
 - 6.1 (company's obligation to provide the master with information on the ship's operators),
 - 8.3 to 8.10 (minimum standards for the ship security assessment),
 - 9.2 (minimum standards for the ship security plan),
 - 9.4 (independence of recognised security organisations),
 - 13.6 and 13.7 (frequency of security drills and exercises for ships' crews and for company and ship security officers),
 - 15.3 to 15.4 (minimum standards for the port facility security assessment),
 - 16.3 and 16.8 (minimum standards for the port facility security plan),
 - 18.5 and 18.6 (frequency of security drills and exercises in port facilities and for port facility security officers).
6. Notwithstanding the provisions of paragraph 15.4 of Part A of the ISPS Code, the periodic review of the port facility security assessments provided for in paragraph 1.16 of Part B of the ISPS Code shall be carried out at the latest five years after the assessments were carried out or last reviewed.
 7. This Regulation shall not apply to ships of war and troopships, cargo ships of less than 500 gross tonnage, ships not propelled by mechanical means, wooden ships of primitive build, fishing vessels or vessels not engaged in commercial activities.
 8. Notwithstanding the provisions of paragraphs 2 and 3, Member States shall ensure, when ship security plans and port facility security plans are approved, that such plans contain appropriate provisions to ensure that the security of ships to which this Regulation applies is not compromised by any ship or port interface or ship-to-ship activity with any ships not subject to this Regulation.

Article 4

Communication of information

1. Each Member State shall communicate to the IMO, the Commission and the other Member States the information required pursuant to regulation 13 (Communication of information) of the special measures to enhance maritime security of the SOLAS Convention.
2. Each Member State shall communicate to the Commission and the other Member States the contact details of the contact officials referred to in paragraph 4.16 of Part B of the ISPS Code and the information provided for in paragraph 4.41 of Part B of the ISPS Code when a ship is expelled from or refused entry to a Community port.
3. Each Member State shall draw up the list of port facilities concerned on the basis of the port facility security assessments carried out, and establish the scope of the measures taken to apply the provisions of paragraph 2 of regulation 2 (extent of application to port facilities which occasionally serve international voyages) of the special measures to enhance maritime security of the SOLAS Convention.

Each Member State shall communicate the said list to the other Member States and to the Commission by 1 July 2004 at the latest. The Commission and any Member State concerned shall also be given sufficient details of the measures taken.

Article 5

Alternative security agreements or equivalent security arrangements

1. For the purposes of this Regulation, regulation 11 (Alternative security agreements) of the special measures to enhance maritime security of the SOLAS Convention may also apply to scheduled intra-Community shipping operating on fixed routes and using associated port facilities.
2. To that end, Member States may conclude among themselves, each acting on its own behalf, the bilateral or multilateral agreements provided for in the said SOLAS regulation. Member States may, in particular, consider such agreements in order to promote intra-Community short sea shipping.

The Member States concerned shall notify the agreements to the Commission and provide sufficient details of the measures to allow the Commission to consider whether the agreements compromise the level of security of other ships or port facilities not covered by the agreements. The details of the measures directly linked to national security, if any, may be omitted from the notification to the Commission.

The Commission shall examine whether the agreements guarantee an adequate level of protection, in particular as regards the requirements of paragraph 2 of the abovementioned SOLAS regulation 11, and whether they conform with Community law and are in accordance with the proper functioning of the internal market. If the

agreements do not meet these criteria, the Commission shall within four months adopt a decision in accordance with the procedure referred to in Article 11(3); in such cases, the Member States concerned shall revoke or adapt the agreements accordingly.

3. The periodic review of such agreements provided for in paragraph 4 of regulation 11 of the special measures to enhance maritime security must take place at intervals of no more than five years.
4. Member States may adopt, for domestic shipping and the port facilities as referred to in Articles 3(2) and 3(3) of this Regulation, equivalent security arrangements as provided for in regulation 12 (equivalent security arrangements) of the special measures to enhance maritime security of the SOLAS Convention, provided such security arrangements are at least as effective as those prescribed in Chapter XI-2 of the SOLAS Convention and the relevant mandatory provisions of the ISPS Code.

The Member State concerned shall communicate to the Commission sufficient details of such arrangements when they are adopted, and the outcome of periodic reviews thereof, at the latest five years after they were adopted or last reviewed.

The conditions of application of such arrangements shall be subject to the Commission inspections provided for in Article 9(4), (5) and (6) of this Regulation under the procedures defined therein.

Article 6

Provision of security information prior to entry into a port of a Member State

1. When a ship which is subject to the requirements of the special measures to enhance maritime security of the SOLAS Convention and of the ISPS Code or of Article 3 of this Regulation announces its intention to enter a port of a Member State, the competent authority for maritime security of that Member State shall require that the information referred to in paragraph 2.1 of regulation 9 (Ships intending to enter a port of another Contracting Government) of the special measures to enhance maritime security of the SOLAS Convention be provided. The said authority shall analyse, as far as necessary, the information provided and, where necessary, apply the procedure provided for in paragraph 2 of that SOLAS regulation.
2. The information referred to in paragraph 1 shall be provided:
 - (a) at least 24 hours in advance; or
 - (b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours; or
 - (c) if the port of call is not known or if it is changed during the voyage, as soon as the port of call becomes known.
3. A report shall be kept of the procedure followed in respect of each ship subject to a security incident, as defined in paragraph 1.13 of regulation 1 (definitions) of the special measures to enhance maritime security of the SOLAS Convention.

Article 7

Exemptions from the provision of security information prior to entry into a port

1. Member States may exempt scheduled services performed between port facilities located on their territory from the requirement laid down in Article 6 where the following conditions are met:
 - (a) the company operating the scheduled services referred to above keeps and updates a list of the ships concerned and sends it to the competent authority for maritime security for the port concerned,
 - (b) for each voyage performed, the information referred to in paragraph 2.1 of regulation 9 of the special measures to enhance maritime security of the SOLAS Convention is kept available for the competent authority for maritime security upon request. The company must establish an internal system to ensure that, upon request 24 hours a day and without delay, the said information can be sent to the competent authority for maritime security.
2. When an international scheduled service is operated between two or more Member States, any of the Member States involved may request of the other Member States that an exemption be granted to that service, in accordance with the conditions laid down in paragraph 1.
3. Member States shall periodically check that the conditions laid down in paragraphs 1 and 2 are being met. Where at least one of these conditions is no longer being met, Member States shall immediately withdraw the privilege of the exemption from the company concerned.
4. Member States shall draw up a list of companies and ships granted exemption under this Article, and shall update that list. They shall communicate the list and updates thereof to the Commission and any Member State concerned.
5. Notwithstanding the provisions of paragraphs 1 and 2, a Member State may, on security grounds and on a case-by-case basis, request the provision of the information referred to in paragraph 2.1 of regulation 9 of the special measures to enhance maritime security of the SOLAS Convention prior to entry into a port.

Article 8

Security checks in Member State ports

1. Certificate verification, as defined in paragraph 1.1 of regulation 9 (Control of ships in port) of the special measures to enhance maritime security of the SOLAS Convention, shall be carried out in the port either by the competent authority for maritime security defined in Article 2(7) of this Regulation or by the inspectors defined in Article 2(5) of Directive 95/21/EC.
2. Where the officer conducting the certificate verification referred to in paragraph 1 has clear grounds for believing that the ship is not in compliance with the requirements of the special measures to enhance maritime security of the SOLAS Convention and of the ISPS Code, but does not belong to an authority which in that Member State is responsible for carrying out the measures provided for in paragraphs 1.2 and 1.3 of regulation 9 of the special measures to enhance maritime security of the SOLAS Convention, s/he shall immediately refer the matter to the said authority.

Article 9

Implementation and conformity checking

1. Member States shall carry out the administrative and control tasks required pursuant to the provisions of the special measures to enhance maritime security of the SOLAS Convention and of the ISPS Code. They shall ensure that all necessary means are allocated and effectively provided for the implementation of the provisions of this Regulation.
2. Member States shall designate a focal point for maritime security by 1 July 2004.
3. Each Member State shall adopt a national programme for the implementation of this Regulation.
4. Six months after the date of application of the relevant measures referred to in Article 3, the Commission, in cooperation with the focal point referred to in paragraph 2, shall start a series of inspections, including inspections of a suitable sample of port facilities and relevant companies, to monitor the application by Member States of this Regulation. These inspections shall take account of the data supplied by the focal point referred to in paragraph 2, including monitoring reports. The procedures for conducting such inspections shall be adopted in accordance with the procedure referred to in Article 11(2).
5. The officials mandated by the Commission to conduct such inspections in accordance with paragraph 4 shall exercise their powers upon production of an authorisation in writing issued by the Commission and specifying the subject-matter, the purpose of the inspection and the date on which it is to begin. The Commission shall in good time before inspections inform the Member States concerned by the inspections.

The Member State concerned shall submit to such inspections and shall ensure that bodies or persons concerned also submit to those inspections.
6. The Commission shall communicate the inspection reports to the Member State concerned, which shall indicate sufficient details of the measures taken to remedy any shortcomings within three months of receipt of the report. The report and the list of measures taken shall be communicated to the Committee referred to in Article 11(1).

Article 10

Integration of amendments to international instruments

1. The applicable international instruments referred to in Article 2, which are applied in accordance with Article 3(1), shall be those which have entered into force, including the most recent amendments thereto, with the exception of the amendments excluded from the scope of this Regulation resulting from the conformity checking procedure established by paragraph 5.
2. The integration of amendments to the international instruments referred to in Article 2 in respect of ships operating domestic services and the port facilities serving them to which this Regulation applies, in so far as they constitute a technical update of the provisions of the SOLAS Convention and the ISPS Code, shall be decided in accordance with the procedure referred to in Article 11(2). The procedure for checking conformity established by paragraph 5 shall not apply in these cases.
3. In accordance with the procedure referred to in Article 11(2), provisions may be adopted in order to define harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of this Regulation.
4. For the purposes of this Regulation and with a view to reducing the risks of conflict between Community maritime legislation and international instruments, Member States and the Commission shall cooperate, through coordination meetings and/or any other appropriate means, in order to define, as appropriate, a common position or approach in the competent international fora.
5. A procedure for checking conformity is hereby established in order to exclude from the scope of this Regulation any amendment to an international instrument only if, on the basis of an evaluation by the Commission, there is a manifest risk that such an amendment will lower the standard of maritime security or be incompatible with Community legislation.

The procedure for checking conformity may be used solely to make amendments to this Regulation in the fields expressly covered by the procedure referred to in Article 11(2) and strictly within the framework of exercise of implementing powers conferred on the Commission.

6. In the circumstances referred to in paragraph 5, the procedure for checking conformity shall be initiated by the Commission, which, where appropriate, may act at the request of a Member State.

The Commission shall submit to the Committee set up in Article 11(1), without delay, after the adoption of an amendment to an international instrument, a proposal for measures with the aim of excluding the amendment in question from this Regulation.

The procedure for checking conformity, including, if applicable, the procedures set up in Article 5(6) of Decision 1999/468/EC, shall be completed at least one month before the expiration of the period established internationally for the tacit acceptance of the amendment concerned or the envisaged date for the entry into force of said amendment.

7. In the event of a risk as referred to in the first subparagraph of paragraph 5, Member States shall refrain, during the course of the procedure for checking conformity, from taking any initiative intended to integrate the amendment in national legislation or to apply the amendment to the international instrument concerned.
8. All relevant amendments to international instruments that are integrated in Community maritime legislation, in accordance with paragraphs 5 and 6, shall be published, for information purposes, in the Official Journal of the European Union.

Article 11

Committee procedure

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.
3. Where reference is made to this paragraph, Articles 6 and 7 of Decision 1999/468/EC shall apply having regard to the provisions of Article 8 thereof.

The periods laid down in Article 6(b) and (c) respectively of Decision 1999/468/EC shall be set at one month.
4. The Committee shall adopt its Rules of Procedure.

Article 12

Confidentiality

In applying this Regulation, the Commission shall take, in accordance with the provisions of Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal Rules of Procedure(6), appropriate measures to protect information subject to the requirement of confidentiality to which it has access or which is communicated to it by Member States.

The Member States shall take equivalent measures in accordance with relevant national legislation.

Any personnel carrying out security inspections, or handling confidential information related to this Regulation, must have an appropriate level of security vetting by the Member State of the nationality of the personnel concerned.

Article 13

Dissemination of information

1. Without prejudice to the public right of access to documents as laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents(7), the inspection reports and the answers of the Member States referred to in Articles 4(3), 5(2), 5(4) and 9(6) shall be secret and shall not be published. They shall only be available to the relevant authorities, which shall communicate them only to interested parties on a need-to-know basis, in accordance with applicable national rules for dissemination of sensitive information.
2. Member States shall, as far as possible and in accordance with applicable national law, treat as confidential information arising from inspection reports and answers of Member States when it relates to other Member States
3. Unless it is clear that the inspection reports and answers shall or shall not be disclosed, Member States or the Commission shall consult with the Member State concerned.

Article 14

Sanctions

Member States shall ensure that effective, proportionate and dissuasive sanctions for breaching the provisions of this Regulation are introduced.

Article 15

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 July 2004, apart from the provisions of Articles 3(2) and (3), and 9(4), which shall enter into force on and apply from the dates specified therein.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 31 March 2004.

For the European Parliament

The President

P. Cox

For the Council

The President

D. Roche

Annex 1 to this Regulation is not included in this edition, but is obtainable from the Norwegian Maritime Authority. The Annex can also be found on www.lovdato.no.

Annex 2

Annex 2 to the Regulations is obtainable from the Norwegian Maritime Authority.

Added by Regulation of 2 April 2007 No. 392.