

ANNEX

**QUESTIONNAIRE ON INFORMATION ON PORT AND COASTAL STATE
REQUIREMENTS RELATED TO PRIVATELY CONTRACTED ARMED SECURITY
PERSONNEL ON BOARD SHIPS**

(The present questionnaire should be read in conjunction with MSC.1/Circ.1408 on the Interim Recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area¹).

Contract of armed private security services on board is reserved for Shipowners of ships flying the Portuguese flag and crossing high risk of piracy areas, within the legal framework created by Decree-Law no. 159/2019 of October 24th and complemented, in the omitted matters, by Laws nr. 34/2013, of May 16th and nr. 5/2006, of 23rd February, both in their current redaction.

1 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals when carrying firearms and/or security-related equipment and/or PCASP².

1.1 Do you require specific notification from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

.1 If yes,

- What information do you require?
In accordance with the legal framework created by Decree-Law nr. 159/2019 of October 24th and complemented, in the omitted matters, by Laws nr. 34/2013, of May 16th and nr. 5/2006, of 23rd February, both in their current redaction:
 - a) Sender, receiver and person responsible for shipment;*
 - b) Places of origin and destination;*
 - c) Classes of weapon being shipped, with indication of their makes and serial numbers and the specific number of parts, as appropriate;*
 - d) Total weight of goods and number of parcels or packages used to send them;*
 - e) Characteristics of weapons, parts and packaging;*
 - f) Customs offices of entry and exit and intended itinerary, with indication of the technical stops considered necessary, if any;*
 - g) Means of transport and characteristics thereof.*
- When do you require it?
Sufficiently in advance, and not less than 48 hours before the planned transit date.
- To whom is it required to be sent?

To the Portuguese Maritime administration (DGRM), to the National Maritime Authority and to the National Directorate of PSP and the Maritime Police.

Note: FAL Standard 2.2, establishes the principle that the "General Declaration" (IMO FAL Form 1) shall be the document providing data required by public authorities relating to the ship.

- 1.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

For embarkation of PCASP and use of firearms on Portuguese-flagged ships consideration must be taken of In accordance with the legal framework created by Decree-Law nr. 159/2019 of October 24th.

. 1 If yes,

- What information do you require?
Embarkation of armed security teams requires prior approval by DGRM of the Counter Piracy Plan and the Travel Plan.
- When do you require it?
The counter piracy plan is approved by DGRM, under a binding opinion from the National Directorate of PSP, 10 days after receipt of that opinion. This period is reduced to 2 working days in case of urgent situations duly substantiated. Any changes to any of the elements referred to in the plan must be submitted to DGRM for approval.
- To whom is it required to be sent?
DGRM.

Note: MSC.1/Circ.1406/Rev.1 establishes the principle that "Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions." This policy "may include a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag."

- 1.3 Do you require specific notification regarding firearms for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?

Yes, Embarkation of armed security teams requires prior approval by DGRM of the Counter Piracy Plan and the Travel Plan.

1 If yes,

- What information do you require?
i. Travel route or set of similar travels;

- ii. Identification of the national port of departure and arrival or the place of embarkation and disembarkation of the security team and its arms and ammunition whenever this occurs in international waters;*
- iii. Ship security measures to be adopted;*
- iv. Make, model and caliber of arms to be embarked;*
- v. Identification of the team coordinator;*
- vi. List of security guards on board;*
- vii. Number of crew members on board the ship where the service is to be provided.*

- When do you require it?
The counter piracy plan is approved by DGRM, under a binding opinion from the National Directorate of PSP, 10 days after receipt of that opinion. This period is reduced to 2 working days in case of urgent situations duly substantiated. Any changes to any of the elements referred to in the plan must be submitted to DGRM for approval.
- To whom is it required to be sent?
DGRM.

Note: FAL Standard 2.4 establishes the principle that the "Ship's Stores Declaration" (IMO FAL Form 3) shall be the document providing data required by public authorities.

- 1.4 Do you require specific notification regarding security-related equipment for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?
Yes, the answers are as given in section 1.3

.1 If yes,

- What information do you require?
- When do you require it?
- To whom is it required to be sent?

Note: FAL Standard 2.4, establishes the principle that the "Ship's Stores Declaration" (IMO FAL Form 3) shall be the document providing data required by public authorities.

- 1.5 Do you require specific notification regarding PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?
Yes, the answers are as given in section 1.3.

.1 If yes,

- What information do you require?
- When do you require it?
- To whom is it required to be sent?

Note: FAL Standard 2.6 establishes the principle that the "Crew List" (FAL Form 5) shall be the document providing data required by public authorities.

- 1.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or PCASP when transiting through your territorial seas and/or contiguous zones before arrival in or after departure from your ports, anchorages, roadstead or offshore terminals?

Yes, the answers are as given in section 1.3.

2 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals for the purpose of embarking or disembarking firearms and/or security-related equipment and/or PCASP.

- 2.1 Do you allow the embarkation or disembarkation of firearms and/or the security-related equipment for use by the PCASP or of PCASP in your ports, anchorages, roadstead or offshore terminals or elsewhere in your territorial sea(s)?

Yes, embarkation and disembarkation of arms and ammunition is conducted under supervision of the ship's captain and monitoring of the National Maritime Authority, of ships flying the Portuguese flag and crossing high risk of piracy areas.

1 If yes,

- What information do you require?

Embarkation of armed security teams requires prior approval by DGRM of the Counter Piracy Plan and the Travel Plan.

- When do you require it?
- To whom is it required to be sent?

- 2.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports for the purpose of embarking or disembarking firearms and/or the security-related equipment for use by the PCASP or PCASP?

Yes, embarkation and disembarkation of arms and ammunition is conducted under supervision of the ship's captain and monitoring of the National Maritime Authority, of ships flying the Portuguese flag and crossing high risk of piracy areas.

.1 If yes,

- What information do you require?

Embarkation of armed security teams requires prior approval by DGRM of the Counter Piracy Plan and the Travel Plan.

- When do you require it?
- To whom is it required to be sent?

Note: MSC.1/Circ.1406/Rev.1 establishes the principle that "Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions." This policy "may include a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag."

2.3 What requirements, if any, do you have in place in connection with the import or arrival in and/or export or departure from your territory of firearms and/or security-related equipment for use by PCASP?

Previous authorization consisting of an import/export license issued by the Ministry for

2.4 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment for use by the PCASP prior to their embarkation or after their disembarkation?

Storage and security of weapons and ammunition: if such a possibility is part of the port facility protection plan, established by Decree-Law nr. 226/2006, of 15th November, arms and ammunition can be stored in national ports for a maximum period of 12 hours, in facilities under guard of the Maritime Police, with prior authorization from the local Military Police commissioner and the Port Protection Authority.

2.5 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment carried on board for use by the PCASP after their embarkation or prior to their disembarkation, when the ship is in your port, anchorage, roadstead or territorial waters?

The same requirements as in 2.4

2.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or of PCASP (which they have embarked your anchorages, roadstead or offshore terminals) when transiting through your territorial seas and/or contiguous zones after departure from your ports, anchorages, roadstead or offshore terminals?

The same requirements as in 2.4

3 Reporting of security-related incidents in territorial seas.

3.1 What do you consider to constitute a security incident in your territorial sea(s)?

The PFSA and PFSP should consider all possible threats, which include the following types of security incidents:

- *Damage to, or destruction of, the port facility or the ship, e. g. by explosive devices, arson, sabotage or vandalism;*
- *Hijacking or seizure of the ship or of persons on board;*
- *Tampering with cargo, essential ship equipment or systems or ship's stores;*
- *Unauthorized access or use, including weapons of mass destruction;*
- *Use of the ship to carry those intending to cause a security incident and their equipment;*
- *Use of the ship itself as a weapon or as a means to cause damage or destruction;*
- *Blockage of port entrances, locks, approaches, etc.*
- *Nuclear, biological and chemical attack.*

3.2 Do you require information regarding security-related incidents occurring in your territorial sea(s)?

Yes, provided the incident involves services provided by PCASP or is weapons-related.

.1 If yes,

- What information do you require?

A brief account of the facts, making full reference to the weapons, personnel, ship and location of the event.

- When do you require it?

As soon as possible.

- To whom is it required to be sent?

If the incident concerns services provided by PCASP, all information on significant incidents or events which occur in connection with provision of a weapons-related service authorized by the Director-General for the Police and Guardia Civil, and which occur on board a Spanish-flagged ship, must be transmitted by the security company providing the service, through the 24-hour operations room of the Office of Public Safety, either by telephone or mail, to the contact points made available to the company.

If it is a weapons-related incident only, the information is sent to the Guardia Civil Weapons and Explosives Inspectorate.

The information must also be sent to the Directorate General for Merchant Marine, through the company maritime security officer.

ON BOARD SECURITY SERVICES CONTRACT

Shipowners of ships flying the Portuguese flag may contract private security companies based abroad to provide security services on board, provided that:

- a) The ship's route crosses areas of high risk of piracy;*
- b) Security companies and their security guards are duly qualified to carry out the activity in an EU Member State or State party to the EEA Agreement, or in a State for that purpose recognized by PSP National Directorate;*
- c) Embarkation and disembarkation of security teams, armament and ammunition takes place outside national territory.*

Contracts are subject to prior authorization of DGRM under binding opinion of the National Directorate of PSP.

Requirements for using armed security teams on board

Embarkation of armed security teams requires prior approval by DGRM of the Counter Piracy Plan and the Travel Plan. In case of travel routes that are identical and regular, these plans can be approved for a series of travels that are repeated in an interval not exceeding one year.

COUNTER PIRACY PLAN

a) The counter piracy plan is submitted in electronic format (ANNEX 1) to DGRM, for approval, by the contracted on board security company or by its legal representatives with head offices in Portugal, containing the following elements:

- i. Travel route or set of similar travels;*
- ii. Identification of the national port of departure and arrival or the place of embarkation and disembarkation of the security team and its arms and ammunition whenever this occurs in international waters;*
- iii. Ship security measures to be adopted;*
- iv. Make, model and caliber of arms to be embarked;*
- v. Identification of the team coordinator;*
- vi. List of security guards on board;*
- vii. Number of crew members on board the ship where the service is to be provided.*

b) Counter Piracy Plan Approval

The counter piracy plan is approved by DGRM, under a binding opinion from the National Directorate of PSP, 10 days after receipt of that opinion. This period is reduced to 2 working days in case of urgent situations duly substantiated.

Any changes to any of the elements referred to in the plan must be submitted to DGRM for approval.

TRAVEL PLAN

In addition to the Counter Piracy Plan, on board security companies, based in national territory, that embark and disembark the security team and their arms and ammunition in international waters, using their own or chartered vessels, must prepare and submit a travel plan in electronic format for approval by DGRM.

The travel plan includes:

- a) Travel route;*
- b) Identification of the national port of departure and arrival of vessels and the place of disembarkation and embarkation of security teams and their arms and ammunition;*
- c) Identification of the counter piracy plan;*
- d) Make, model, number and caliber of arms and ammunition to be embarked;*
- e) Identification of coordinator(s) and members of the security team(s);*
- f) Number of crew members on board the ship where the service is to be provided.*

The travel plan is approved by DGRM within 10 days after reception of PSP's binding opinion. This period is reduced to 2 working days in case of urgent situations duly substantiated.

EMBARKATION AND DISEMBARKATION IN INTERNATIONAL WATERS

Embarkation and disembarkation of the security team and identification of respective arms and ammunition must be recorded in navigation logs by the captains of ships involved in that transshipment and by the security team coordinator.

Embarkation and disembarkation of the security team must be communicated to DGRM, which will disseminate that information to the National Directorate of PSP and the Maritime Police.

DEPARTURE AND MOORING IN NATIONAL PORTS OF SHIPS HAVING SECURITY ON BOARD

Departure and mooring in national ports of ships which have security on board are subject to prior communication and authorization by DGRM.

EMBARKATION AND DISEMBARKATION OF ARMS AND AMMUNITION IN NATIONAL PORTS

Embarkation and disembarkation of arms and ammunition is conducted under supervision of the ship's captain and monitoring of the National Maritime Authority.

ARMS AND AMMUNITION STORAGE IN NATIONAL PORTS

If such a possibility is part of the port facility protection plan, established by Decree-Law nr. 226/2006, of 15th November, arms and ammunition can be stored in national ports for a maximum period of 12 hours, in facilities under guard of the Maritime Police, with prior authorization from the local Military Police commissioner and the Port Protection Authority.