

Translation

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)

French legislation makes a distinction between military equipment and other weapons which are themselves divided into different categories. It does not explicitly mention "security-related equipment". The rules applying to these different types of equipment in terms of import, export and transit on national territory vary. Concerning ships carrying weapons or armed personnel from security companies, to date this issue has arisen only in the overseas departments of Reunion and Mayotte, which have adopted special rules to ensure the security of this equipment for as long as it does not leave the harbour area. These rules are stated in section 1.

A comprehensive study is under way to compile the different scenarios in which the weapons in question would leave the harbour area. The reply to section 2 will be completed at a later date.

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.

The replies below concern only the harbour area

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

YES

.1 If yes,

- What information do you require?

**Date and estimated arrival time of the ship in the territorial waters of Reunion, and planned date and time of departure from territorial waters;
Complete list of weapons and ammunition kept on board, citing reference nos. (in particular weapon serial nos.) and calibre;**

¹ High Risk Area: an area as defined in the Best Management Practices for Protection against Somalia Based Piracy (MSC.1/Circ.1339) unless otherwise defined by the flag State.

² All references to firearms include the associated ammunition, consumables, spare parts and maintenance equipment for use by PCASP, and all references to security-related equipment includes protective and communication equipment for use by PCASP.

Identity of persons responsible for safekeeping (name, surname, nationality, date and place of birth, status) and name and address of company to which they belong;

- When do you require it?

At least 48 hours before entry into territorial waters or, failing this, on departure from the last port of call;

- To whom is it required to be sent?

To CROSS Reunion: cross@orange.fr ; reunion@mrc CFR.eu ; fax: ++ 262 262 71 15 95; by any written means, if necessary via the shipping agent.

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?

Not for the moment

.1 If yes,

- What information do you require?
- 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".

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

.1 If yes,

- What information do you require?

Complete list of weapons and ammunition kept on board, citing reference nos. (in particular weapon serial nos.) and calibre;

- When do you require it?

At least 48 hours before entry into territorial waters or, failing this, on departure from the last port of call;

- To whom is it required to be sent?

To CROSS Reunion: cross@orange.fr; reunion@mrc CFR.eu; fax: ++ 262 262 71 15 95; by any written means, if necessary via the shipping agent.

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?

This category of equipment does not fall within French nomenclature. A more thorough study of its definition is needed in order to establish applicable rules.

.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

.1 If yes,

- What information do you require?

Identity of persons responsible for security (name, surname, nationality, date and place of birth, status) and name and address of company to which they belong;

- When do you require it?

At least 48 hours before entry into territorial waters or, failing this, on departure from the last port of call;

- To whom is it required to be sent?

To CROSS Reunion: cross@orange.fr ; reunion@mrc CFR.eu ; fax: ++ 262 262 71 15 95; by any written means, if necessary via the maritime agent.

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?

- **Any ship transiting French territorial waters benefits from the provisions of article L.5211-1 of the Transport Code (right of innocent passage) provided that no armed person is visible and that no weapon, individual or collective, is handled or is visible on the exterior of the ship.**
- **On entry into French territorial waters, the ship must keep weapons, on the one hand, and ammunitions, on the other, in two lockers, chests or, if these are not available, separate lockable spaces;**
- **If this requirement is not met, on arrival the ship must hand over any weapons and ammunition kept on board to the service designated for this purpose by the government representative. Organizational and escort costs shall be chargeable to the shipowner;**
- **The ship must facilitate, during transit in territorial and inland waters or at the quayside, the boarding and work of personnel from the competent services responsible for checking the weapons and ammunition, who should prevent themselves in order to perform a check in accordance with their respective functions;**
- **Lastly, the ship must give notification by VHF when it leaves French territorial waters.**

Persons from the protection and surveillance team who do not hold a seaman's book shall be subject to the general transboundary control arrangements.

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.

The rules that apply are complex and vary according to the different scenarios, which France is currently compiling and evaluating. A reply to the different points raised in this section of the questionnaire will be provided at a later date.

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)?

.1 If yes,

- What information do you require?
- 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?

- .1 If yes,
- What information do you require?
 - 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?

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?

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?

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?

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)?

A security-related incident is a situation that can arise from non-compliance with the weapons regulations, whether the non-compliance concerns the weapon or the person using it. The following examples may be cited: use of a weapon under non-authorized conditions, presence on board of an unreported and unauthorized weapon, loss or theft of a weapon or ammunition, presence among the armed guards of a person with improper accreditation.

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

YES

- .1 If yes,
- What information do you require?

Declaration of the incident and the circumstances

- When do you require it?

As soon as the incident occurs

- To whom is it required to be sent?

In accordance with SOLAS regulations XI-2/7.2 and XI-2/13 and article 9.2.7, part B, of the ISPS Code, made mandatory by regulation 725 of 31 March 2004 concerning the enhancement of ship and port facility security, security-related incidents recorded on board ships must be reported to the national contact point (see attached information) either directly or through the company security officer (CSO) or via another body to which an incident has been referred (e.g. an MRCC).
