

**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)

**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 request of information on armed personnel and the weapons held by them it is not of MT-RNA authority/competence.

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?

To be included in the General Declaration form the statement "Existence of firearms and/or presence of PCASP".

- When do you require it?

As it is specified for the General Declaration Form.

- To whom is it required to be sent?

To the national law enforcement authorities (Ministry of Internal Affairs).

*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?

YES

.1 If yes,

- What information do you require?

The authorization of use of each PCASP and/or crew of firearms.

- When do you require it?

Prior to the arrival in order to be a national authorization.

- To whom is it required to be sent?

To the national law enforcement authorities (Ministry of Internal Affaires).

*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 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.

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?

We require the number of firearms on board of the ship, the type and producer of each firearm, the serial number, caliber and year of each firearm, the handler/owner of each firearm and the place to be kept on board of the ship.

We also require information about ammunition: type, caliber, number of units and place to be kept.

This information should be mandatory to be mentioned in the "Ship's Stores Declaration" but the details should be inserted in a separate Form, specially created for this purpose.

- When do you require it?

As it is specified for the Ship's Stores Declaration Form.

- To whom is it required to be sent?

To the national law enforcement authorities (Ministry of Internal Affaires)

*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

.1 If yes,

- What information do you require?

We require the number of number and type of security related equipment and other useful information.

- When do you require it?

As it is specified for the Ship's Stores Declaration Form.

- To whom is it required to be sent?

To the national law enforcement authorities (Ministry of Internal Affaires)

*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?

We require the same information as the crew, with the mention that they are PCASP.

- When do you require it?

As it is specified for the Crew List.

- To whom is it required to be sent?

To the national law enforcement authorities (Ministry of Internal Affairs and Ministry of Transport).

*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?

PCASP and/or crew will respect the national legislation regarding the regime of firearms while transiting the national territory of a state.

## **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 embarkation/disembarkation of the armed personnel and the weapons held by them it is not of MT-RNA authority/competence.

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)?

*With the approval of the National Police, in concordance with the national law regarding the regime of firearms. The information regarding the firearms will be in the abovementioned forms.*

.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?

*With the approval of the National Police, in concordance with the national law regarding the regime of firearms. The information regarding authorization will be in the abovementioned forms.*

*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?

*- If we refer to firearms and related ammunition for civilian use (privately contracted armed security personnel onboard ships - PCASP), the control of import, export and transit operations is under the jurisdiction of the General Inspectorate of the Romanian Police, according to the Law No. 295/2004, republished.*

*- The Ministry of Foreign Affairs, through the Department for Export Controls – ANCEX, according to Government Emergency Ordinance No. 158/1999 on the control regime of exports, imports and other operations with military goods, republished, is the national authority for the control of imports, exports, brokering, transit and transshipment, on permanent or temporary basis, on Romanian territory (including maritime territory), for firearms destined to military use and related ammunition, as mentioned in the EU Common Military List, implemented by Order of the Minister of Foreign Affairs No. 493/2015.*

*- All the above-mentioned operations can be made on Romanian territory by legal or natural persons who are Romanian residents (including public authorities), who are registered with ANCEX and have previously obtained a license for that specific operation from ANCEX.*

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?

*Firearms and ammunition lethal and non-lethal must be stored on board on the ship in security conditions in accordance with the flag state provisions. Embarkation of disembarkation of the firearms and ammunition should be done with prior informing of the National Police and Border Police.*

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?

*Firearms and ammunition lethal and non-lethal must be stored on board on the ship in security conditions in accordance with the flag state provisions. Embarkation of disembarkation of the firearms and ammunition should be done with prior informing of the National Police and Border Police.*

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 PCASP will respect the national legislation regarding the regime of firearms (Law no. 295 / 2004, regarding the regime of firearms and ammunition).

### **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)?

- According to SOLAS chapter. XI-2, Reg. 1 pt. 1.13 accepted by Government Emergency Ordinance no. 80 of 11 September 2003 for the acceptance by Romania of the amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, as amended, and the International Ship and Port Facility Security Code adopted at the International Maritime Organization Conference in London during 9 to 13 December 2002, Annex 1:

*"Security incident means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit or a fast craft, or a port facilities or any ship to port connection or ship to ship activity. "*

In relation to the ships with firearms and PCAPS on board, according to Romanian Law no. 17 of 07<sup>th</sup> August 1990, regarding the legal regime of national interior seas, territorial seas, contiguous zone and economic exclusive zone of Romania, article 18, point (2):

*"It is considered that the transit is a threat to the peace, public order and national security, if a ship carries on in the territorial seas or in the interior seas, one of these activities:*

.....  
*b) maneuvers or exercises using firearms of any kind"*

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?

- Any relevant information regarding the identification of the vessel, of the area in which the event occurred and a summary description of the situation.

- When do you require it?

As soon as the incident occurs.

- To whom is it required to be sent?

To the Romanian Naval Authority – Ministry of Transport, or any other authority with competence in the territorial seas.

- According to GD. 248 of 26 February 2004, Annex 1, Ch. 3 pt. 4.F when "Constanta Radio" receives a radio call about a security incident suffered by a vessel on sea or on inland waterway, "Constanta Radio" will send an appropriate distress message alerting the Romanian Naval Authority, the port and/or the waterways authority and will immediately inform the Ministry.

**Note:**

The questionnaire was filled in accordance with RNA-MT competencies on ships security. We mention that in terms of weapons, ammunition, security companies on board ship, they fall within the competence of other structures of the public central administration.