
Translation

Ministry of Public Works; Office of the Secretary of State for Transport, Directorate General for Merchant Marine

**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.

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 article 68 of the Weapons Regulations:

- 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?

In accordance with article 69 of the Weapons Regulations:

Sufficiently in advance, and not less than 24 hours before the planned transit date

- To whom is it required to be sent?

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.

According to article 68.1 of the Weapons Regulations, to the Ministry of Foreign Affairs and Cooperation

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 Spanish-flagged ships consideration must be taken of Order PRE/2914 of 30 October 2009, which applies the provisions of Royal Decree 1628 of 30 October 2009 amending certain rules of the Private Security Regulations, approved by Royal Decree 2364 of 9 December 1994, and of the Weapons Regulations, approved by Royal Decree 137 of 29 January 1993.

For the other flags no provision is made.

.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, the answers are as given in section 1.1

.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.

1.4 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?

Only if such equipment is covered by the Weapons Regulations; if not, notification is unnecessary.

- .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?

No, according to the Weapons Regulations.

- .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?

No such requirement is in place.

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 security-related equipment for use by PCASP or of PCASP in your ports, anchorages, roadstead or offshore terminals or elsewhere in your territorial sea(s)?

No, the embarkation is only permitted for PCASP belonging to a Spanish security company and when the ship is flying the Spanish flag.

- .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?

No

- .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?

Previous authorization consisting of an import/export licence issued by the Ministry for Industry, Tourism and Trade

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?

Those laid down in sections 7, 8 and 9 of Order PRE/2914 of 30 October 2009 which applies the provisions of Royal Decree 1628 of 30 October 2009 amending certain rules in the Private Security Regulations, approved by Royal Decree 2364 of 9 December 1994, and in the Weapons Regulations, approved by Royal Decree 137 of 29 January 1993.

Storage and security of weapons and ammunition: At the headquarters and offices of private security companies, military weapons and their ammunition must be kept in strongboxes/gun racks separate from those that the company might have for storing other types of weapons and ammunition, and must also comply with the requirements of article 6 of Order INT/314 of 1 February 2011 concerning private security companies.

Also, an authorization for service provision issued by the Directorate-General for the Police and the Guardia Civil must state the requirements and security measures to be complied with in the storage and safekeeping of weapons and ammunition on ships, as contained in the suitability report issued by the Guardia Civil Central Weapons and Explosives Inspectorate.

Checking of weapons and ammunition: This check must be performed by the head of the service or responsible person designated for this purpose by the security company or, failing this, by the most senior security guard serving on board the ship, taking into account the content of Order INT/314 of 1 February 2011 concerning private security companies.

On a weekly basis, the responsible person must report to the company's head of security on the condition and location of the weapons and ammunition, with both documenting the communication. In every case, the head of security must note these communications in the appropriate register of weapon movements.

Any new development affecting the use and safekeeping of weapons must be communicated immediately to the head of security, who must transmit the information without delay to the Central Weapons and Explosives Inspectorate.

On a quarterly basis, the company's head of security must submit to the Inspectorate certificates attesting to the condition and location of the weapons and ammunition.

Transfer of weapons and ammunition: The transfer of military weapons and ammunition from their place of storage and safekeeping to a place where they will be either used actively or used for target practice, or between offices, requires previous authorization issued by the Directorate-General for the Police and Guardia Civil (Guardia Civil Central Weapons and Explosives Inspectorate), which must accompany the shipment.

Any request for such authorization submitted by a security company must contain at least the following information:

- a) Full name of the head of security or designated person who is requesting authorization, with an indication of the security company to which he/she belongs;
- b) Full names and national ID Nos. of the security guards who will carry out the transfer;
- c) Quantity, class, make and serial number of weapons to be transferred;
- d) Quantity and calibre of ammunition to be transferred;
- e) Licence number of transportation to be used;
- f) Origin, destination, date and scheduled time of transfer of weapons and ammunition;
- g) Reason for transfer;
- h) Action plan to deal with possible incidents.

The transfer of military weapons on land must always be done by road through a security company using an armoured vehicle which meets the conditions laid down in article 11 of Order INT/314 of 1 February 2011 concerning private security companies, with two armed security guards.

The transfer of metal ammunition for such weapons must be carried out in another armoured vehicle, with at least one armed security guard.

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)?

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.
