

CIRCULAR No. 64 | Rev. 2

PORTUGUESE MARITIME ADMINISTRATION

SUBJECT | Exercise of armed private security activity on board ships flying the Portuguese flag and crossing high risk of piracy areas.

To | Shipowners, Companies, Security Companies, PSP (Public Security Police), PM (Maritime Police), AMN (National Maritime Authority), CSP, GNR (Republican National Guard), Operators, Recognised Organisations, Recognised Security Organisations e Captains of Portuguese flagged ships.

DISCLAIMER | This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources

1. OBJECTIVE

This circular has the purpose to inform interested parties about the rules applied to the exercise of armed private security activity on board 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. The provided regime is based on the need to ensure the effective protection capacity of ships, in conjunction with the adequate guarantee of public security, taking into account the subsidiarity of the activities, actions and mechanisms envisaged and the proportionality of means and resources. In this context, it is foreseen that shipowners flying the Portuguese flag will be able to contract, when their ships travel through areas of high risk of piracy, private security companies to provide security services on board, using arms and ammunition considered adequate to the protection purpose.

2. SCOPE

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.

3. INTERNATIONAL WATERS CLASSIFIED AS HIGH RISK OF PIRACY AREAS

Until the publication of the Ordinance foreseen in article 2 of Decree-Law n.º 159/19 of 24th October, the areas that are published and listed at IMO's page are considered as high risk of piracy areas (High Risk Areas - HRA), as well as such as the Gulf of Guinea Voluntary Reporting Area (VRA).

International waters defined by the following coordinates are classified as high risk of piracy areas:

- a) International waters located in the Indian ocean:
 - i) In the Southern part of the Red Sea: Northern limit 15° 00'N;
 - ii) A line joining from the territorial waters of Africa's East coast at latitude 05° 00' S and longitude 050° 00'E to positions latitude 00° 00' N and longitude 055° 00'E, latitude 10° 00' N and longitude 060° 00' E, as well as latitude 14° 00' N and longitude 060° 00' E, plus a 310° azimuth to the territorial waters of Arabian Peninsula;

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b) International waters located in the Atlantic ocean:

i) Defined by the line which, starting from the southernmost tip of Cabo Branco, joins the following positions on Africa's west coast, defined by:

latitude 20°45'N, longitude 20° 00' W; latitude 10° 00'N, longitude 20°00'W; latitude 00° 00', longitude 09° 45' W; latitude 00° 00', longitude 00° 00'; latitude 10° 00'S, longitude 10° 00' E; latitude 17° 15' S, longitude 10° 00'E; and the border line between Angola and Namibia.

4. APPLICABLE LEGISLATION

The exercise of security activity on board is regulated by Decree-Law n.º. 159/2019 of October 24th and complemented, in the omitted matters, by Laws n.º 34/2013, of May 16th and n.º 5/2006, of 23rd February, both in their current redaction. Provisions set out in Decree-Law n.º 159/2019 of October 24th, do not prejudice compliance with rules related to the protection of maritime transport provided for in other applicable legislation.

5. 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.

6. 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;

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- 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 calibre 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.

7. 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 calibre 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.

8. 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.

9. 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 authorisation by DGRM.

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10. 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.

11. ARMS AND AMMUNITION STORAGE IN NATIONAL PORTS

If such a possibility is part of the port facility protection plan, established by Decree-Law n.º 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.

12. ADDRESS FOR RECEPTION OF THE COUNTER PIRACY PLAN AND THE TRAVEL PLAN

Both counter piracy and travel plans should be submitted for DGRM approval in electronic format to the following e-mail address:

- hra.assist@dgrm.mm.gov.pt

13. INFORMATION OR ANY QUESTIONS EXCLUSIVELY RELATED TO THE PRIVATE ARMED SECURITY ACTIVITY ON BOARD PORTUGUESE FLAGGED SHIPS CROSSING AREAS OF HIGH RISK OF PIRACY:

For any questions or additional information you can use the following:

- Telephone: +351 213 035 729 or +351 213 035 893, Monday to Friday, from 10h00 to 12h00 and 14h00 to 16h00
 - E-mail: hra.assist@dgrm.mm.gov.pt

Lisbon, 28 April 2020

The General Director of Natural Resources, Safety, and Maritime Services

For further information please contact:

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ANNEX 1: Application form for Approval - Counter Piracy Plan

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ANNEX 2: OFFICIAL CHART HRA / VRA of West Africa - GULF OF GUINEA

