



STATUTORY INSTRUMENTS.

**S.I. No. 284 of 2007**



EUROPEAN COMMUNITIES (PORT SECURITY) REGULATIONS 2007

**(Prn. A7/1114)**

## EUROPEAN COMMUNITIES (PORT SECURITY) REGULATIONS 2007

I, MARTIN CULLEN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005<sup>1</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Port Security) Regulations 2007.

2. (1) In these Regulations—

“authorised officer” means a person appointed under Regulation 11;

“Directive” means Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005<sup>1</sup>;

“Minister” means Minister for Transport;

“port” means any specified area of land, with boundaries defined by the Minister under Regulation 3 in which the port is situated, containing works and equipment designed to facilitate commercial maritime transport.

(2) A reference to an Article is a reference to an Article of the Directive.

(3) A word or expression which is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

3. Subject to Article 2(4), the Minister shall define for each port the boundaries of the port for the purposes of the Directive.

4. The Minister is designated as the competent authority in the State for maritime security and may designate port security authorities in accordance with Article 5.

5. The Minister shall ensure that port security assessments are carried out in accordance with Article 6 and shall approve those assessments. Port security assessments shall be carried out in accordance with Article 6.

6. The Minister shall ensure that port security plans are developed, maintained and updated in accordance with Article 7 and shall approve those plans before implementation and ensure they are implemented in accordance with that Article.

<sup>1</sup>OJ L 310, 25.11.2005, p. 38

7. The Minister shall introduce a system of security levels for ports or parts of ports in accordance with Article 8.
8. The Minister shall approve a port security officer for each port to fulfil the role of point of contact for port security related issues.
9. The Minister may appoint recognised security organisations for the purpose of Regulations 5 and 6 who shall fulfil the conditions set out in Annex IV to the Directive.
10. The Minister shall appoint for port security a focal point which shall communicate to the Commission of the European Communities the list of ports and any changes to it.
11. (1) The Minister may appoint persons to be authorised officers for the purposes of these Regulations and the Directive.
- (2) (a) An authorised officer shall be furnished with a warrant of his or her appointment.
- (b) When exercising a power conferred on him or her under this Regulation an authorised officer shall, if requested by any person thereby affected, produce the warrant or a copy of it to that person for inspection.
- (3) An authorised officer may enter a premises in a port for the purpose of carrying out a conformity check to ensure port security plans are adequate and being implemented.
- (4) An authorised officer may in carrying out a conformity check-
- (a) make such examination and inquiry as may be necessary,
- (b) require the production of any record (and, in the case of information in non-legible form to produce it in legible form) which in the opinion of the authorised officer is necessary for him or her to inspect, examine or require a copy of it or of any entry in it to be provided to him or her,
- (c) inspect and take copies of or extracts from any such records (including, in the case of information in non-legible form, a copy of or extract from the information in permanent legible form),
- (d) remove and retain the records for such period as may be reasonable for further examination or where it may be relevant in respect of proceedings,
- (e) require any person whom he or she has reasonable cause to believe to be able to give information relevant for the purposes of the Directive to answer such questions with respect to matters to which the check relates as the officer thinks fit to ask.

12. (1) A person who obstructs or impedes—

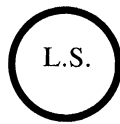
- (a) an authorised officer in carrying out a conformity check under Regulation 11,
- (b) the implementation of a port security plan or any action or training exercise taken in relation to it, or
- (c) a recognised security organisations in carrying out a port security assessment,

commits an offence.

(2) Where an offence under this Regulation is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of or be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate or any other person who was acting or purporting to act in that capacity, that person as well as the body corporate commits an offence and is liable to be proceeded against and punished as if he or she were guilty of first-mentioned offence.

(3) Proceedings for an offence under this Regulation may be brought and prosecuted summarily by the Minister.

(4) A person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding €5,000.



GIVEN under my Official Seal,  
14 June 2007

MARTIN CULLEN  
Minister for Transport.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

The purpose of this Regulation is to facilitate the introduction and implementation of EU Directive 2005/65 of the European Parliament and of the Council of 26th October 2005. The Directive implements and introduces community measures, which seek to enhance security in port areas which are not already regulated by the ISPS Code and EC Regulation 725/2004.

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(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
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€2.54

ISBN 1-4064-3192-3



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