

COMPARISON OF FLAG STATE LAWS ON ARMED GUARDS AND ARMS ON BOARD

Flag State	Authorisation of arms on board, employment of private armed guards on board and use of firearms		Terms and Conditions	National Official Guidance	Other commentaries
	Security personnel on Board	Possession of Weapons on Board			
Antigua and Barbuda	National Laws and regulations	No express prohibition. It is a decision to be made by the Shipowners, ship operators and ship Masters after risk assessment indicates this is a necessity.	<p>The use of private armed guards should not be considered as an alternative to compliance with BMP 4.</p> <p>Shipowners, ship operators and ship Masters are to be guided by the provisions of MSC.1405/Rev.1 on Revised interim guidance to shipowners, ship operators and shipmasters on the use of privately contracted armed security personnel on board ships in the high risk area when considering the company that will provide armed personnel.</p> <p>All shipowners/operator shall, when entering into a contract with a PMSC, ensure that there is a clearly defined and documented command and control structure linking the Shipowner/operator, the Master, the ship's officers, and the PCASP team leader.</p>	<p>Guidance from the Antigua and Barbuda Department of Marine Services and Merchant Shipping (ADOMS) is contained in Circular Letter 2013-003 "Piracy and Armed Robbery"</p> <p>www.abregistry.ag</p>	<p>The Master retains overall responsibility for safety and security on board, and has overriding authority on matters of security at all times. The total number of personnel on board should not exceed the LSA requirements, however the Flag will consider granting exemptions where considered necessary. It is incumbent on the shipowner/operator and the PMSC to ensure that adequate insurance coverage exists to cover any unforeseen liability claims. The Government of Antigua and Barbuda will not accept liability for any matter arising from the use of privately armed security personnel on board.</p>
Bermuda	Not recommended in the BMPs; however Bermuda Administration recognises that shipowners have an obligation to protect their crews and supports this intent when the circumstances are such that putting an armed team on board is considered to be the only effective solution.	Not expressly prohibited. The Administration is aware that owners are increasingly turning to this solution to protect their ships, and that the international community is recognising that this approach is inevitable.	Decision lies with the owner and should be taken after consideration of all the issues and analysis of the risks, in consultation with insurance underwriters, P&I Club, charterers and legal counsel. No requirement to inform the Administration. However, in any case where the carriage of an armed team places the total complement on board in excess of LSA capacity it is necessary to contact the Administration which will consider, on a case by case basis, the issue of a temporary exemption for the period necessary.	<p>Bermuda Shipping Notice 2011-012 can be downloaded from website</p> <p>www.bermudashipping.bm</p>	<p>Recommendation to follow the requirements of BMP4. Great care should be taken in the selection of PMSCs. Rules of Engagement should be clear and understood by everyone on board. The Master must retain ultimate responsibility for safety and security on board at all times. Masters cannot delegate this responsibility to a "security contractor" and may well be held responsible for their actions. The Master must brief an armed security team on the nature and risks associated with the ship's cargo.</p> <p>Recommends the IMO guidelines on the Use of Privately Contracted Armed Security Personnel on Board Ships.</p>
Bahamas	<p>Not recommended neither prohibited.</p> <p>It is a decision to be made by the ship operator after due consideration of all risks and in consultation with insurers</p>	<p>Possibility under Bahamian Law.</p> <p>However it is also a decision to be made by the operator after due consideration of all risks and in consultation with insurers.</p> <p>In addition, a firearms licence is required.</p>	<p>The shipowner should be able to demonstrate due diligence (in selecting the security service provider with professional standing) All shipowners/operators shall, when entering into a contract with a PMSC, ensure that there is a clearly defined and documented command and control structure linking the shipowner/operator, the Master, the ship's officers and the PCASP team leader. The Master's overriding authority must be established in any contract with PMSC.</p> <ul style="list-style-type: none"> The security company should be licensed by its national authorities and have licenses from local Port authorities to bring arms on board; if force is used it shall be the minimum necessary in the circumstances and proportionate according to the threat. 	<p>Guidance from the Bahamas Maritime Authority (BMA information Bulletin No. 128 "Guidance to shipowners on carriage of armed personnel for vessel protection" which can be downloaded here:</p> <p>http://www.bahamasmaritime.com/publications/information-bulletins/</p> <p>Last updated 05 February 2015</p>	<p>Recommendation to fully follow the requirements of BMP4;</p> <p>The Bahamas Government will not accept liability for any matter arising from the use of private armed security personnel on board. It is the sole responsibility of the shipowner or agents contracting such services (cf. insurance).</p>
Belgium	A maritime security company needs a license to be able to deploy private armed guards. The conditions in order to obtain such a license and the procedures to be followed during a passage are set out in the law of 16 January 2013. This provides a number of measures to protect against maritime piracy. The conditions are further outlined in 9 Royal Decrees.	Yes. However the law of 16 January 2013 contains a specific exception for automatic weapons: a maximum calibre of .50 is permitted.	<p>Conditions of license and the procedures to follow during a voyage are set out in the 16 January law and 9 Royal Decrees which cover the following topics:</p> <ol style="list-style-type: none"> Zone: Limited to the Gulf of Aden and the Indian Ocean. Since September 14 2016 also permitted on the open seas in the Gulf of Guinea. Notification by the shipowner Logbook Model identification cards: Mission Report: Methods Division of responsibilities between the agents, the operational manager and the captain Authorization of the maritime security company Training of security personnel 	<p>9 Royal Decrees from 16 January 2013.</p> <p>Royal Decree from 14 September 2016 related to Gulf of Guinea.</p>	<p>Since 14 September 2016 it is now possible for Belgian flagged vessels to carry private armed guards in an additional zone on the open seas in the Gulf of Guinea.</p>

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Canada*	In consultation with Flag State authorities	Firearms are regulated primarily by the <i>Firearms Act and by Part III</i> of the <i>Criminal Code</i> . The <i>Firearms Act</i> and its supporting regulations establish the rules for possessing a firearm. The <i>Criminal Code</i> and its supporting regulations identify the various firearms, weapons and devices regulated by the <i>Firearms Act</i> . Both the <i>Criminal Code</i> and the <i>Firearms Act</i> contain offences and penalties for illegal possession or misuse of a firearm. Provinces, territories and municipalities may have additional laws and regulations that apply to their jurisdiction. The <i>Marine Transportation Security Regulations (MRSRs)</i> require that the security plan must contain procedures to secure weapons, explosives and incendiaries and other dangerous substances and devices that are authorized to be on boards (MTRSR s. 236,D7 http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-144/page-16.html#h-40)	To legally possess firearms in Canada, one must meet and comply with the requirements set out in the <i>Firearms Act</i> and Part II of the <i>Criminal Code</i> . The national Marine Transportation Security Regulations (MTRSRs) require that the security plan must contain procedures to secure weapons, explosives and incendiaries and other dangerous substances and devices that are authorized to be on board.	X	There are other federal and provincial requirements (e.g. licensing, import/export controls, etc. that may restrict or limit the presence, possession or use of firearms or weapons on board Canadian or foreign-flagged vessels in Canadian jurisdiction.
China*	No provision in national legislation	No provision in national legislation	X	X	An ocean gong vessels escort company is presently under preparation to provide armed guards on board Chinese flagged ships.
Croatia	Yes, if a permit has been granted.	Yes, if a permit has been granted.	The embarkation of armed security personnel on board Croatian flagged ships can be carried out by domestic or foreign legal persons that have been issued with a permit. The decision to grant a permit is made by the Ministry competent for Maritime affairs after the prior opinion of an impartial Committee consisting of: two representatives of the Ministry of Maritime Affairs; one representative of the Ministry of the Interior; one representative of the Ministry of Defence; one representative of the Association of Shipowners and one representative of the Seafarers' Union. The conditions that must be met for a permit to be issued are set out in Article 6 of the Ordinance ' On the Conditions to be met by Legal Persons Providing Services of Embarkation of Armed Security Personnel on Board Croatian Flag Ships' The procedures to be followed on board are set out in Article 9 of the Ordinance	Ordinance on the Conditions to be Met by Legal Persons Providing Services of Embarkation of Armed Security Personnel On Board of Croatian Flag Ships http://www.mppi.hr/UserDocImages/ORDINANCE%20armed%20maritime%20escort%202012_12.pdf	X

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Cyprus	Limited provision in national legislation.	Limited provision in national legislation.	See comments.	See comments.	<p>Cyprus has adopted the Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012 (Law 77(I)/2012) to combat piracy on Cyprus flagged ships. The law provides for the obligations and rights, of both the shipowners and private security service providers with regard to the security and protection of ships. Private security service providers must undergo a vetting procedure through the Maritime Administration in order to be approved and certified prior to being in a position to provide their services. Thus, the Law also includes particular provisions in relation to applications and the issuance of certificates. There are also a number of limitations and prohibitions in relation to private security services providers, their private security guards, the firearms and the specialised security equipment to be used. It also clarifies the legal status of ships in relation to unlawful occupation and also provides the rights and obligations of the ship-owner, the ship-operator, the crew manager and of the shipboard personnel, in terms of contracts of employment. The law also includes provisions in relation to the protection of Cyprus ships by armed or security forces.</p> <p>The law is drafted in the Greek language and an “unofficial” English translation can be downloaded from the website of the Cyprus Department of Merchant Shipping at www.shipping.gov.cy</p>
Denmark	Possibility to apply for general permission to use armed guards.	Prohibition unless there is authorization from the Justice Department.	<p>The application to use armed guards must specify:</p> <ul style="list-style-type: none"> • The details of the owner and the ISM responsible; • That weapons are stowed securely on board according to the regulation; • Short description of the company's anti-piracy measures; • A reason for requesting armed security guards. <p>It has previously been necessary to obtain an approval for each voyage, for each guard and for each weapon. Now the company can obtain a one year general permit to use armed guards on its Danish flagged ships in areas with a piracy threat.</p>	X	The overall responsibility for the security and safety on board remains with the Master; he has the authority to decide when the arms are to be used. The shipowner and the Master are both for their part responsible for the safety and security of the private security guards. The new rules entered into force on 1 July 2012.
Finland*	<p>A private security company will get a licence for performing a job where carrying a gun is necessary for self-defence.</p> <p>Permission for private armed guards onboard ships could be issued for so called short guns (revolvers and smaller guns) for protecting the vessel.</p>	The interpretation of the private security service is that heavier firearms can be used if the client contracts is established for acting as guard for persons (seafarers) on-board the vessel. This restriction can also be circumvented if the safety guard is educated by an army unit on the use of shotguns and rifles.	X	The approval procedure is based on the Firearms Act (1/1998) and the Government Decree on Private Security Services (543/2002). Licences are issued by the Police Administration.	Referring to TraFi (Maritime Administration) the armed guards can't be employed according to the STCW-regulations and they cannot be regarded as passengers. Their position in the crew list must be safety officer or safe guard. The Master remains responsible overall for safety and security onboard.

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France	Armed guards have been allowed on board French flagged vessels since the 2014-742 Act of 1st July 2014. Control is exercised by a National Private Security Council.	Allowed but only in the areas designated by French Authorities; license and authorisation are required.	<p>Formal authorisation from Authorities and insurance are required for Maritime Security Companies; license and permit are required for armed guards; training is required for armed guards.</p> <p>French Flag is required.</p> <p>The minimum number of armed guards is 3.</p> <p>In principle, armed guards are allowed on board all types of ships, including passenger ships, and to address all types of threats (piracy and terrorism). However a decree provides that certain types of ships are not eligible.</p> <p>Armed guards are allowed only in designated areas.</p> <p>Weapons and their use are strictly governed by a legal framework.</p> <p>Subcontracting is forbidden.</p>	2014-742 Act authorizing private security activities on board of French vessels. There are also 9 decrees.	Recommendation to fully follow the requirements of BMP4.
Germany	Armed security personnel allowed, subject to approval by the Federal Office of Economics and Export Control (BAFA)	Allowed, subject to permits under the Weapons Act	PMSC have to apply to BAFA for approval, outlining company structure, personnel selection and training, planning and reporting procedures and insurance cover. The license is granted in consultation with the Federal Police (BPol) which mainly reviews the procedures and maritime standards. Shipping companies have to apply for change to Ship Security Plan, mandating use of ship reporting systems (e.g. MSHOA) and reporting to Point of Contact.	The Law Introducing a Licensing Procedure for Security Companies on Board Ocean-Going Vessels of March 4, 2013. In combination with section 31 of the Trade Regulation Code (Gewerbeordnung). Further information on the German Licensing and on how to apply online can be found on the BAFA website- http://www.bafa.de/EN/Foreign_Trade/Maritime_Security/maritime_security_node.html	All private security companies who wish to perform security functions to counter piracy on board ocean-going vessels sailing under German flag – independently of the place where their head office is established - will need a licence issued by the Federal Office for Economic Affairs and Export Control (BAFA) as from 1 December 2013. Similarly the German security companies also have to apply for licence if they wish to offer security services on vessels sailing under other flags in international waters. A List of already licensed Companies can be found under: http://www.bafa.de/EN/Foreign_Trade/Maritime_Security/maritime_security_node.html (scroll to “list of licensed companies”)
Greece	<p>Enactment of the Law 4058 of 22 March 2012</p> <p>The above-mentioned law states that, on authorization issued by the Chief of the Hellenic Coastguard, private armed guards may provide security services to commercial ships flying the Greek flag.</p> <p>Private armed guards providing services aboard shall be subject to the authority of the captain or his lawful substitute.</p> <p>The use of weapons, in the context of the provision of security services shall be allowed within high-risk areas to address imminent risks to the passengers, the ship or its cargo, by order of the captain and only to the extent required to avert the risk.</p>	Weapons and ammunition of the private armed guards shall be kept on the ship, at premises accessed jointly by the captain or his substitute and the head of private armed guards or his substitute who shall be defined by name in the authorization.	<p>A file must be submitted for the issuance of the authorization that shall include an application by the shipowner or manager comprising the ship’s particulars and an analysis of estimated risk, taking into consideration of the voyage, the category and features of the ship the Best management Practices recommended by the International Maritime Organisation and the views of the ship’s captain.</p> <p>The terms and conditions relating to private armed guards shall be certified by the security service provider and shall be ensured in the context of the contract with the shipowner or manager.</p> <p>The authorization shall be issued in Greek or English for a specific ship within fifteen days of the submission of a complete file and the original authorisation shall be kept on the ship.</p>	Following enactment of Law No. 4058/2012 a Joint Ministerial Decision No. 641.36-2/12 of 24 April 2012 was adopted, covering details and providing guidance on the implementation of national legislation.	<p>There are different obligations of the captain of a ship flying a foreign flag:</p> <p>The captain of a ship flying a foreign flag shall be obliged, within twenty four (24) hours before sailing across Greek territorial waters, to notify in writing the Operations Centre of the Hellenic Coastguard Headquarters of the presence of armed guards or of weapons and ammunition associated with the provision of services by private armed guards aboard and comply with any instructions given. The notification obligation concerns the number, type and quantity of weapons and ammunition, their safekeeping premises aboard, the port of arrival and whether the ship holds the relevant authorisation by the authorities of its flag country.</p> <p>Any use of weapons and ammunition including the maintenance thereof carried or located aboard ships flying foreign flags shall be prohibited within Greek territory.</p>

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Hong Kong	Recommended but experienced security consultants only (not considered as security guards; possibly signed on as supernumeraries;) to assist the crew in following the BMP's requirements and give confidence to all on board.	Not recommended (risk of escalation of violence and risks to the crew): But in case of no naval protection: possibility to obtain authorization to carry weapons. The shipowners have to request a letter for the carriage of weapons on board. Conditions: 1. Possession of weapons only by the Master or person authorized by the owner; 2. Take into consideration: -criteria of choice of the security consultants - legal situation and liabilities -request agreement of other parties involved in the voyage; -briefing of the crew	Training and Certification in Hong Kong required for Armed Security Guards only. Not required if arms are separated from security consultants.	Marine Department Security Advisories No. 14 (which supersedes No. 4).	Recommendation to join Chinese naval convoy escort; Recommendation to fully follow BMP4's requirements.
Isle of Man	Permitted in the High Risk Area, Risk Assessment must be made. It is a decision to be made by the ship operator after due consideration of all the risks.	Permitted in the High Risk Area, Risk Assessment must be made. A Manx firearms licence is not required for the carriage of firearms on board a Manx ship unless in Manx territorial waters. When in port, local laws concerning the carriage and use of firearms must be complied with. When in the territorial sea, due account should be taken of any applicable laws.	The decision to use armed guards should not be made without first conducting a thorough risk analysis in cooperation with the vessel's insurance underwriters, charterers and legal counsel. The Master of the ship should also be included in the decision. Use of Armed Guards must be reported to the Flag State. Vetting and selection of a Private Security Provider remains the responsibility of the ship owner. The Master's overriding authority for safety and security of the vessel should be established with the PSP.	Manx Shipping Notice MSN 045 (May 2016) provides details, and can be downloaded here: https://www.gov.im/ded/shipregistry/shippingnotices.aspx?menuid=21488	All Manx vessels are requested to register with MSCHOA prior to entering the risk area. Piracy incidents to be reported to IMO. The ship registry will not accept a situation where PCASP are used as an excuse to ignore the highly effective self-protection measures of BMP.
India	Government has issued a circular allowing armed guards on ships of Indian Flag and Foreign Ships visiting Indian Ports	Possession of Arms by Master/ Crew on Indian Ships is prohibited. Foreign ships visiting Indian ports are required to declare arms in their Customs declaration and ensure they are sealed in secure storage for the duration of the ship's stay in India.	Deployment of Private Guards is not prohibited for Indian ships or ships visiting India. However, strict criteria must be adhered to when engaging PMSCs. No ammunition/weapons belonging to armed guards would be allowed to be loaded or un-loaded in Indian Ports, and weapons must be secured when in Indian ports.	Ministry of Shipping issued "Guidelines on deployment of Armed Security Guards" available on website http://shipping.nic.in (use the search function to locate the guidelines, there is no direct link)	Foreign flagged vessels may not embark or disembark armed guards in Indian waters.

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Italy	Following the Decree of the Ministry of Interior Affairs no. 266 dated 28 December 2012, which allows the embarkation of Privately Contracted Armed Security Personnel (PCASP) onboard Italian flagged ships, the Italian Coast Guard have issued a new decree no. 349/2013, in order to regulate safety and security aspects in compliance with the employment of Contractors (PCASP).	Yes	The rule provides that all vessels which take on board Contractors have to be previously equipped with a suitable location for the storage and carriage of IMDG class 1.4s "explosives" ammunition.	Since 2013, it has been possible to embark PCASP.	<p>PCASP- Training and Familiarization</p> <p>At embarkation, a suitable familiarization has to be provided to Contractors concerning the following issues: routine communication protocol; vessel particulars and risks; emergency procedures.</p> <p>Contractors have to attend a drill abandonment of the ship within 24 hours of sailing.</p> <p>Command and Control</p> <p>The shipowner / operator / bareboat charterer when entering into a contract with Contractors has to ensure that the command and control structure linking the ship operator, the Master, the ship's officers and the PCASP team leader has been clearly defined and documented according to MSC.1/Circ. 1405/Rev.2.</p>
Jamaica	Not generally supported but not prohibited.	Not generally supported but there is no objection to the use of trained armed personnel on board vessels traversing the high risk areas, who are following international guidelines.	Vessels are required to consult with the Maritime Authority of Jamaica prior to hiring private security and also to make contact with Naval Forces in the MSCHOA and the UK MTO and such other bodies providing support to vessels traversing the regions. Only approved, trained and Armed Security Personnel, may be allowed on board. Such personnel must utilize best management practices as articulated in the "Handbook on Best Management Practices to Deter Piracy", which must be kept on board. Vessels with a low freeboard and traveling at less than 16 knots in particular, must adhere to the guidelines.	Guidance from the Maritime Authority of Jamaica can be found in Circular No. 10-03-02 regarding security precautions on its website. "Jamaica Ships Piracy Advisory" at http://jamaicaships.com/JSR/technicalcirculars.html	The Maritime Authority of Jamaica is cooperating with the International Maritime Organization to ensure the safety of its vessels. Jamaica will keep abreast of its changing security environment and make amendments to its policies as necessary, taking into account evolving practices and any subsequent changes in the international guidelines.

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Japan	Armed security personnel allowed, subject to approval by Japanese Government (Ministry of Land Infrastructure Transport and Tourism/MLT)	Allowed, subject to approval by Japanese Government (MLIT) under Japanese Law	<p>PMSC have to apply to MLIT for approval via contracted shipping company. (It is not acceptable for the PMSC to apply direct to MLIT) PMSC has to submit necessary documents such as proof of criminal history for each armed guard who is registered in list of application and take examination designated by MLIT. If PMSC is confirmed to fulfil requirement of MLIT, approval is obtained as part of the approval for contracted shipping company's application. (Approval for PMSC is inclusive in Approval for contracted shipping company)</p> <p>One approval is only for one vessel of contracted company. If PMSC intends to serve another ship of same shipping company, the same procedure should be taken again.</p> <p>These terms are only applicable for crude oil tankers.</p>	X	Obligation to use the MLIT procedure, in place since 30 November 2013.
Liberia	<p>No prohibition.</p> <ul style="list-style-type: none"> • Within the Master's discretion; • Only if the Administration's requirements are satisfied. 	<p>No prohibition.</p> <p>Within the Master's discretion.</p>	<p>Owner or Master shall conduct risk assessment as described in MSA 03/2011 and the Guidance;</p> <p>Owner must take appropriate measures to verify the credibility and experience of the company, as detailed in MSA 03/2011 and the Guidance.</p> <p>Provisions relating to PCASP should be included in an Appendix to the Ship Security Plan (SSP). The appendix should include the following features:</p> <ul style="list-style-type: none"> • Procedures pertaining to application of additional anti-piracy measures; • Watch keeping and vigilance; • Use of defensive measures; • Use of passive/non lethal devices; • Authority of the Master (PCASP embarked on the vessel are at all times subject to the overriding authority of the vessel's Master); • Activation of PCASP and the risk of escalation. 	<p>Guidance from the Bureau of Maritime Affairs of the Republic of Liberia:</p> <ol style="list-style-type: none"> 1. Maritime Security Advisory – 03/2011 : http://www.liscr.com/liscr/Portals/0/SecurityAdvisory_03-2011.pdf “Interim IMO Guidance on the use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area” 2. "Piracy: Liberian Guidelines for Contracting PMSC and PCASP" 3. Liberian maritime regulations 10.296 and Section 296 which specify that ship's Master shall assume full responsibility for the safety of the members of the crews and passengers, and has to take all necessary and appropriate steps in connection therewith). 	<p>Recommendation to the shipowner:</p> <ul style="list-style-type: none"> • Due diligence • Training of crew and PCASP; • To discuss in detail the insurance coverage that the maritime security company holds; • Assure that a Use of Force Continuum is established as part of the contract with the PMSC.

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Lithuania	No legal disposition to place armed guards (private or state) on merchant ship.	No legal ground to arm ship's crew.	X	X	No further steps have been taken by the National Association to allow shipping companies to use private security personal on ship's board. This need is not clearly expressed by national shipping companies. There is no direct prohibition of the use of private security on a ship's board, but the question how private armed guards would be engaged on the board is not legally regulated in the national legislation.
Malta	Neither prohibited nor recommended. At discretion of shipowners who are required to undertake a risk assessment of the situation before deciding to employ PCASP. However, a request has to be submitted to the Administration for approval. See terms and conditions.	Not prohibited. See terms and conditions. The unlawful use of firearms is subject to criminal liability in terms of Maltese law in respect of any offence that is committed on a Maltese registered ship.	Must be in compliance with Legal Notice 19 of 2013. An application to carry PCASP must be made to the Maltese Merchant shipping Directorate in accordance with Merchant Shipping Notice 106. When submitting and application for consideration, the shipowner is undertaking that: i. the Ship Security Plan is developed and updated with the Ship Security Assessment considering that the ship is operating in a HRA; ii. the provisions of these circulars and shipping notices have been considered and applied: a) MSC.1/Circ.1405/Rev2; b) MSC.1/Circ.1339c) Merchant Shipping Notice 71;d) Merchant Shipping Notice 82; iii. the master of the ship retains overall responsibility for the safety and the security of the ship; iv. the embarkation of additional personnel is in line with the requirements concerning safety equipment onboard and crew accommodation requirements; v. all firearms and ammunitions are removed from the vessel when the PCASP disembark; vi. all firearms and ammunitions are not to be deployed from the designated secure keeping in sea areas which are not defined as High Risk Area; viii. the PCASP are: a) qualified for providing the service for which they are being engaged; b) qualified in the use of the firearms being taken onboard; c) in possession of certificates for the four elements of basic training, namely: Personal survival techniques (STCW A-VI 1-1); Fire fighting and fire prevention (STCW A-VI/1-2); Elementary first aid (STCW A-VI/1-3); and Personal safety and social responsibility (STCW A-VI/1-4); ix. any details or documents required shall immediately be made available at the request of the Maltese competent authority.	Merchant Shipping Notice 106: www.transport.gov.mt/admin/uploads/media-library/files/Notice%20106%20-%20Placement%20of%20PCASP%20on%20board%20Maltese%20ships.pdf 20130308143034.pdf Legal Notice 19 justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=24474&l=1	X

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Marshall Islands	<p>Use of a private armed security detail is at the discretion of the Company and/or Master. However, the decision must be based on a thorough risk assessment conducted in accordance with IMO guidelines and Republic of the Marshall Islands (RMI) maritime regulation as promulgated through MN-2-011-39.</p> <p>In accordance with MSC.1/Circ.1406, Rev.3, Private Maritime Security Companies (PMSC) providing service on board RMI registered vessels must be certified to the ISO 28007 standard by an authorized and accredited certification body.</p> <p>Rules for the Use of Force (RUF) must be clearly explained and understood by the PCASP team and all relevant vessel personnel.</p>	<p>Permitted under the RMI Weapons Control Act if used for the sole purpose of enhancing the safety and security of any RMI registered vessel against acts or attempted acts of terrorism, piracy, armed robbery, or hijacking.</p> <p>In accordance with IMO guideline MSC.1/Circ.1443, all PMSC/PCASP firearms, ammunition, and additional kit contents (as applicable) shall be owned and licensed for export, transport, and end-use to said PMSC/PCASP by a national licensing agency or export control authority. Any additional requirements and prohibitions contained within this license shall be obeyed.</p> <p>The practice of sharing or renting firearms among PMSCs and PCASP teams is strictly prohibited (see RMI Ship Security Advisory #1-15)</p>	<p>The decision to use a private armed security detail should not be made without first conducting a thorough risk assessment of the piracy related risks in the area where the vessel will be operating, as well as the potential risks and benefits of available counter-piracy measures. Risk assessments should be based on IMO MSC.1/Circ.1405, Rev.2, <i>Guidelines regarding the use of private contracted armed security personnel</i>, and may include discussions with charterers, legal counsel, underwriters, labour representatives and port officials.</p>	<p>RMI Marine Notice MN-2-011-39 - Use of Privately Contracted Armed Security Personnel (PCASP)</p>	<p>PCASP shall be declared as supernumeraries, temporarily employed for a specific purpose other than the normal operation of the vessel.</p> <p>Use of a PCASP team shall not be viewed as a substitute for the implementation of relevant best management practices (BMP Guidelines).</p> <p>The Administrator shall not issue a letter of non-objection (LONO) for the use of locally-sourced vessel protection detachments (VPD) embarked, disembarked, and utilized wholly within the territorial waters / jurisdiction of a port or coastal State. See RMI SSA #6-15 for additional information.</p>
Netherlands	<p>There is no legal basis for the use of private security companies,</p> <p>Ship-owner can apply for military Vessel Detachment Team (VPD)</p>	<p>Crew on Dutch civil merchant ships can apply for a weapons licence which is valid during a voyage through dangerous areas known for piracy.</p>	<p>The criteria for receiving a VPD are laid down in a confidential script, owned by the government, The liability for the use of violence against pirates is lifted from the captain when a VPD is on board.</p> <p>The weapons licence only allows the possession of a handgun and/or a rifle (semi automatic). The use of weapons carried under this licence is only allowed for self-defence.</p>	<p>Weapons licence for self-defence against piracy: Art. 6.2.1., Circular Weapons and Munition (2016) (http://wetten.overheid.nl/BWBR0038281/2016-07-15)</p> <p>VPDs are subject to military laws.</p>	<p>The government recommends to follow the BMP4 requirements whenever ships enter the HRA.</p> <p>The policy position of the Dutch government of allowing PCASP when the use of VPDs is not possible is not yet accepted by the House of Representatives.</p>
Norway	<p>No prohibition</p> <p>(the Act of 16 February 2007 states that actions should be taken by the master in order to avoid and prohibit piracy and this could include the use of force, e.g. private armed guards on board flag state vessels)</p>	<p>No prohibition.</p>	<p>Private guidelines with detailed regulations have been published by the Norwegian Shipowners' Mutual War Risk Club (DNK) .</p> <p>According to the guidelines the DNK has to be notified in advance when the ship owner considers using PSC.</p> <p>According to the Regulation on weapons, the shipowner needs a license issued by the local police. The license is issued for a period of six months. The license is a general permission given to the company to have private armed guards on board the companies' Norwegian flagged vessels.</p>	<p>*Act of 16 February 2007 No.9 relating to Ship Safety and Security (The Ship Safety and Security Act) art. 39 and 40.</p> <p>*Amendments to the Regulation of 22 June 2004 No. 972 concerning protective security measures on board ships and mobile offshore drilling units .</p> <p>Government provisional guidelines on the use of armed guards on Norwegian ships: https://www.sjofartsdir.no/globalassets/sjofartsdirektoratet/fartoy-og-sjofolk---dokumenter/ulykker-og-sikkerhet/pirater---isps-security/retningslinjer-og-dokumenter/provisional-guidelines--use-of-armed-guards-on-board-norwegian-ships.pdf, Concerning Norwegian MARSEC levels, you can visit this link:</p> <p>https://www.sjofartsdir.no/sjofart/ulykker-og-sikkerhet/piratvirksomhet/marsec-security-level/</p>	<p>In the amended regulation that came into force 1 July 2011:</p> <ul style="list-style-type: none"> -The Master remains in command and has the last word in all cases; -The ship owner has the overall responsibility for the safety and security on board; -Each party to the contract agrees to bear the responsibility for its own people and property without the right of recourse against the other contracting party;

Flag State	Authorisation of arms on board, employment of private armed guards on board and use of firearms		Terms and Conditions	National Official Guidance	Other commentaries
	Security personnel on Board	Possession of Weapons on Board			
Panama	Neither recommended nor prohibited. The decision to do so strictly belongs to the ship operator/owner. It is necessary to fulfil some requirements in order to be able to place security personnel on board vessels. On April 4th, 2012 was published in the Official Gazette, the Resolution No.106-13-DGMM, dated March 8th, 2012, whereby the Panama Maritime Authority establishes requirements for the Private Maritime Security Companies (PMSC) to meet, in order to become authorized by this Administration. This Resolution will enter into force on October 3rd, 2012. (MMC 243). Until now all the Security Companies recognized by PMA are posted in the MMC 245.	No Prohibition. The companies providing these services must be duly established and must comply with the guidelines given by IMO and with the Resolution No. 106-13-DGMM dated March 8th, 2012 and Resolution 106-85-DGMM dated December 17th, 2014. The possession of weapons on board by seafarers is not allowed (MMC 320).	The Security Company providing the personnel must ensure the experience and qualification of said personnel. Must have their criminal records and proof of all the courses and certifications. Very important also, any other type of training such as firefighting or first aid. The decision to use a particular company strictly belongs to ship operators. Resolution No.106-13-DGMM, dated March 8th, 2012 and Resolution 106-85-DGMM dated December 17th, 2014. (MMC 228, MMC 243 and MMC 245). A new system of multiple accreditation for Private Security Companies have been established for those interested to be authorized as affiliates or subsidiaries under Resolution No.106-74-DGMM dated September 15th, 2016 (MMC 338).	International Maritime Organization Guidelines established on MSC1/Circ.1405/Rev.2; MSC1/Circ.1406/Rev.2. Panama Maritime Authority Guidelines established on MMC 206, MMC 208, MMC 228, MMC 238, MMC 338 / Resolution No.106-13-DGMM, dated March 8th, 2012 Resolution 106-85-DGMM dated December 17, 2014 and Resolution No.106-74-DGMM dated September 15th, 2016.	Panama Maritime Authority highly recommends following Best Management Practices Version 4 (BMP4) recommendations and also the use of the International Transit Corridor (ITC). All these recommendations also established on Panama Maritime Authority MMC 208, 238, 249 and 327.
Philippines	Permitted	Permitted	Permission must be sought from the Maritime Industry Authority (MARINA) and a number of requirements followed which are set out in Administration Advisory No.2012-06	The list of requirements are by virtue of Flag State Administration Advisory No.2012-06 which can be found on the Maritime Industry Authority's website www.marina.gov.ph	X
Poland*	The use of PCASP is approved by Polish law. The main legal basis is "the protection of person and property act" from 22th August, 1997 (Journal of Laws of the Republic of Poland 2005, Nr 145, poz. 1221).	No legal ground to arm ship's crew. Freight of weapons and ammunition supported by "weapon and ammunition act" from 21st May, 1999 (Journal of Laws of the Republic of Poland 2004, Nr 52, poz. 525 z późn. zm.).	Vessel operators or agents are required, in accordance with the national law (Decree of the Ministry of Infrastructure 17 November 2010), to provide a list of goods and liquids which are prohibited and instruction how to prevent accidents when carrying weapons on board.	*International (IMO) and national law and regulations (ISPS Code) govern maritime security and include provisions that apply to national law and also direct vessel operators. *IMO circular MSC.1/Circ. 1408 of 16/09/2011 * No legal guidelines however the Polish Marine Administration recommends to observe BMP 4 and MSC.1/Circ.1405/Rev.1 REVISED INTERIM GUIDANCE TO SHIPOWNERS, SHIP OPERATORS, AND SHIPMASTERS ON THE USE OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS IN THE HIGH RISK AREA and Circular MSC 1406 (REVISED INTERIM RECOMMENDATIONS FOR FLAG STATES REGARDING THE USE OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS IN THE HIGH RISK AREA and IMO circular MSC.1/Circ. 1408 of 16/09/2011 (INTERIM RECOMMENDATIONS FOR PORT AND COASTAL STATES REGARDING THE USE OF PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS IN THE HIGH RISK AREA)	X

Flag State	Authorisation of arms on board, employment of private armed guards on board and use of firearms		Terms and Conditions	National Official Guidance	Other commentaries
	Security personnel on Board	Possession of Weapons on Board			
Portugal	No legal disposition allowing for the presence of armed guards on board	No legal disposition allowing the existence and the use of weapons on board.	To adopt this measure a specific permission from the Portuguese Administration is required.	X	The Portuguese Administration is planning to promote a wide reflection on the subject in view of the seriousness of the situation which continues to develop and the complexity of the measures adopted worldwide; it is hoped that from that reflection some guidance will be obtained.
Singapore	No prohibition.	No prohibition. With a caveat that carriage and use of firearms and ammunition on board Singapore registered ships is not encouraged.	The MPA Shipping circular No. 11 of 2011 refers to the interim guidance in IMO document MSC.1/Circ.1405, 23 May 2011. Owners embarking PCASP should keep the Registry informed of their decision via email.	X	There may be scenarios that ship owners are considering the use of armed guards for ships transiting the piracy High Risk Area due to the increased threat by Somalia-based pirates. However, the use of PCASP should not be considered as an alternative to BMP and other protective measures. While the crew of a Singapore-registered ship, or their hired armed security personnel may lawfully bear arms, they will still be liable under Singapore's laws if they use their arms on board the ship without lawful excuse, as a person on board is not exempted from criminal liability in respect of any offence that he commits on the ship.
Spain*	Royal Decree 1628/2009 on private security and weapons allows Spanish flag ships (both merchant and fishing vessels) to take on board armed private security guards to accomplish protection tasks (preventing and repelling attacks), if such ships are outside the Spanish territorial waters and confront a situation of particular risk to persons and property.	Order PRE/2914/2009 developed Royal Decree 1628/2009 setting the conditions for the possession, control, use and acquisition of war weapons by private security companies, as well as the characteristics of authorized weapons. According to this Order, these services may only be provided by security companies established in Spain, registered in the Spanish Interior Ministry and authorized to provide monitoring and protection activities and services.	Security guards must make limited use of such weapons, with the sole aim of preventing and discouraging from possible attacks, but may, if necessary, use the weapons in order to repel an armed aggression in a proper and proportional way.	Royal Decree 1628/2009, on private security and weapons. Order PRE/2914/2009.	Spanish flag tuna clippers operating in the Seychelles area are making regular use of these regulations to employ armed guards on board with positive result for the time being.

Flag State	Authorisation of arms on board, employment of private armed guards on board and use of firearms		Terms and Conditions	National Official Guidance	Other commentaries
	Security personnel on Board	Possession of Weapons on Board			
UK	Carriage of security personnel as supernumeraries permitted subject to receiving familiarisation training in accordance with STCW.	UK maritime licenses available are used for PMSC and PCASP. UK Flag armouries not currently permitted, trial being progressed.	Only permitted in Indian Ocean HRA. DfT to be informed. ISO 28007 recognised with about 40 PMSCs certified to standard.	The Department for Transport has published Interim Guidance to UK Flagged Shipping on the Use of Armed Guards to Defend Against the Threat of Piracy in Exceptional Circumstances (available at https://www.gov.uk/government/publications/interim-guidance-to-uk-flagged-shipping-on-the-use-of-armed-guards-to-defend-against-the-threat-of-piracy-in-exceptional-circumstances) This includes: guidance on risk assessments; selection of PCASP provider; security team size, composition and equipment; the Master's authority; storage, handling and movement of firearms; what to do when a pirate attack occurs. The Chamber considers advice to be one of the most comprehensive sets of guidance and now includes ISO 28007.	UK allows the exceptional carriage of PCASP only in Indian Ocean High Risk Area. Carriage must comply with all Flag and Port State requirements. The onus is placed on the shipowner through due diligence to ensure full documentary compliance with all legal requirements. The use of PCASP is not a substitute for observance of BMP4.
USA	Possibility under the principles of "self-defence" and "defence of others" (shipowners' decision)	The U.S. State Department grants temporary licenses under ITAR regulations, and the Department of Homeland Security enforces the requirements. http://www.gpo.gov/fdsys/search/home.action . Selection "Code of Federal Regulations" on right side banner, then "2011" then "Title 22 – Foreign Relations", then "Chapter 1 – Department of State", then "Subchapter M – ITAR Regulations". ITAR Regulations are found at 22 CFR 120-130; specific applicability of Section 22 CFR 123.	Weapons: only fifty caliber or less and not fully automatic; ISPS Code: to take into account the ISPS Ship Security Plan conditions (the U.S. requires that private armed guard protection be part of the Ship Security Plan approved by the Coast Guard); U.S. Coast Guard approval: conditions have to be reviewed and approved by the U.S. Coast Guard; No U.S. government insurance requirements.	Port Security Advisory (3-09) on Guidance on self-Defence or Defence of others by U.S. Flagged commercial vessels operating in high risk waters http://homeport.uscg.mil/mycg/portal/ep/home.do . At search block in upper right hand corner of home page input "port security advisory"; then scroll down to PSA 03-09 to open file	The master has the responsibility for and control of private armed security guards including when the force is used; Liability for use of force is dependent on the circumstances of each case; Security guards are not part of the crew and are treated as passengers for the purpose of safety;

Notes

INTERNATIONAL CHAMBER OF SHIPPING (ICS) AND EUROPEAN COMMUNITY SHIPOWNERS' ASSOCIATIONS (ECSA) FEBRUARY 2017

The information in this table is for general guidance only and is not a substitute for proper verification with the Flag States concerned. It should not be considered legal advice.

For flag states marked with a * the flag state could not be contacted and the information could not otherwise be verified as up to date. Information may still be applicable but treat with extra caution.

This table contains information primarily on flag state policies towards their own ships. Coastal and Port States may have different rules and requirements. IMO collects some information on these which, along with information on IMO policies concerning Privately Contracted Armed Security Personnel (PCASP), can be accessed here: <http://www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Pages/Private-Armed-Security.aspx>