

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

Flag State	Authorization 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 do not expressly prohibit. Decision to be made by Shipowners, ship operators and Masters after risk assessment indicates this as a necessity.	No express prohibition. It is a decision to be made by the Shipowners, ship operators and ship Masters after risk assessment indicates this as 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/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.</p>	Guidance from the Antigua and Barbuda Department of Marine Services and Merchant Shipping (ADOMS) is contained in Circular Letter 02-003-11 "Counter Piracy and Armed Robbery at Sea - Preventative Measures for ships operating in the Gulf of Aden, the Arabian Sea, and the wider Indian Ocean" at <a href="http://www.antiguamarine.com">www.antiguamarine.com</a>	The Master retains overall responsibility for safety and security onboard, 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.
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.	Bermuda Shipping Notice 2011-012 can be downloaded from website <a href="http://www.bermudashipping.bm/">http://www.bermudashipping.bm/</a>	<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 onboard. The Master must retain ultimate responsibility for safety and security onboard 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	Not recommended neither prohibited. It is a decision to be made by the ship operator after due consideration of all risks.	Possibility under Bahamian Law. However it is also a decision to be made by the operator after due consideration of all risks. In addition to that, a firearms licence is required.	<p>The shipowner should be able to demonstrate due diligence (in selecting the security service provider with professional standing); All shipowner/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.</p> <ul style="list-style-type: none"> <li>the security company should be licensed by its national authorities and have licenses from local Port authorities to bring arms on board;</li> <li>if force is used it shall be the minimum necessary in the circumstances and proportionate according to the threat.</li> </ul>	Guidance from the Bahamas Maritime Authority (BMA Information Bulletin No.128 "Guidance to ship-owners on carriage of armed personnel for vessel protection): <a href="http://www.bahamasmaritime.com/downloads/Bulletins/128bulltn.pdf">http://www.bahamasmaritime.com/downloads/Bulletins/128bulltn.pdf</a>	<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 ship-owner or agents contracting such services (cf. insurance).</p>
Belgium	No provision in national legislation.	No provision in national legislation.	X	X	<p>The Belgian government has reached an agreement to take additional steps in allowing the deployment of private armed guards on board ships. Awaiting this positive measure, the RBSA has prepared a draft regulation which can now be used as a starting point. The writing of the necessary legislative texts has now started and will be finalised by summer.</p> <p>The current legislation defines methods and procedures for the normal private security sector and some of the more special assignments. This will also have to be done for private armed guards on ships and these methods and procedures will have to be provided for in training and education programs. More specifically, the existing Belgian legislation will be amended by providing a piece of legislation so that another special activity is possible, namely "protection of persons and goods on ships from acts of piracy". In order to have an effective tool of control and monitoring, the government must receive timely and accurate information on the activities (on board), which also means registration and transferring of reports. Apart from this, other issues will also be dealt with. The relationship between the captain of the vessel and the guards is one example.</p>
Canada	In consultation with Flag State authorities.	Firearms are regulated primarily by the <i>Firearms Act</i> and by Part III 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</i> (MTSRs) 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 (MTRSR s. 236.D7 <a href="http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-144/page-16.html#h-40">http://laws-lois.justice.gc.ca/eng/regulations/SOR-2004-144/page-16.html#h-40</a> ).	To legally possess firearms in Canada, one must meet and comply with the requirements set out in the <i>Firearms Act</i> and Part III of the <i>Criminal Code</i> . The national Marine Transportation Security Regulations (MTSRs) 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.	Canada supports the current IMO policy that discourages the presence of arms on board ships.	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 onboard Canadian or foreign-flagged vessels in Canadian jurisdiction.

China	No provision in national legislation.	No provision in national legislation.	X	X	An ocean going vessels escort company is presently under preparation to provide armed guards on board chinese flagged ships.
Cyprus	Limited provision in national legislation.	Limited provision in national legislation.	See comments.	See comments.	<p>Cyprus has now adopted a new law to combat piracy on Cyprus flagged ships. The new 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 will have to 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, therefore any request for further official advice or assistance before the preparation of an English translation of the text must be directed to the Department of Merchant Shipping.</p>
Denmark	Possibility to apply for permission to use armed guards	Prohibition unless there is authorization from the Justice Department	<p>The application to use armed guards (with the Danish Justice Department which consults with the DMA) must specify:</p> <ul style="list-style-type: none"> <li>-The details of the vessel, the owner, the guards, the employers and their weapons, the route and the possible alternative;</li> <li>-Anti-piracy measures on board, <i>convoy/escort</i>;</li> <li>-MSCHOA/UKMTO notification;</li> <li>-if the crew has been offered to disembark.</li> </ul> <p>It has previously been necessary to substantiate a specific and extraordinary threat against the ship in question. Based on an application, the shipping companies now have the possibility of obtaining a firearms certificate for using armed guards on board Danish ships, provided that the general threat assessment for the area is perceived to require this, and as long as the specifics of the case, also in terms of compliance with Best Management Practices, do not otherwise speak against it. An approval will have to be obtained for each voyage, for each guard and for each weapon.</p>	X	<p>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 DSA is working with the Danish Justice Department to change current rules. New rules are expected to enter into force by 1 July 2012. At that date shipowners may apply for a general permission to put armed guards onboard in known piracy waters. The general permission will be valid for one year.</p>
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>	<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.</p>	X	<p>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.</p>	<p>Referring to TraFi (Maritime Administration) the armed guards can't be employed according to the STCW-regulations and they can't 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.</p> <p>The FSA opinion is that the right to make decisions about using arms belongs to the safety guard but the captain is also in the position to interpose his veto (however it should be taken into account that a Master doesn't necessarily have the appropriate military experience). The FSA continues to pursue a policy to get government guidance. The optimal solution would be if the government decided to send units from the Finnish Army onboard. Unfortunately we don't have any military bases in the region.</p> <p>Shipowners are still kept in a grey zone if they are interpreting the Firearms Act (1/1998) and the Government Decree on Private Security Services ( 543/2002) in a correct way or not and are urging the government for clarifications while pushing for clearer regulations.</p>

France	Not administratively authorised	Not administratively authorised	X	<p>General French Laws (Act n° 83-629 of 12th July 1983: this law lists the allowed activities of private surveillance and does not include the maritime activities; decree n° 95-589 concerning arms detention authorization scheme).</p> <p>Act n° 83-629 of 12th July 1983  <a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000320194&amp;fastPos=1&amp;fastReqId=715690089&amp;categorieLien=cid&amp;oldAction=rechTexte">http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000320194&amp;fastPos=1&amp;fastReqId=715690089&amp;categorieLien=cid&amp;oldAction=rechTexte</a></p> <p>Decree n° 95-589  <a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000736335&amp;fastPos=1&amp;fastReqId=36095323&amp;categorieLien=cid&amp;oldAction=rechTexte">http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000736335&amp;fastPos=1&amp;fastReqId=36095323&amp;categorieLien=cid&amp;oldAction=rechTexte</a></p>	<p>Recommendation to fully follow the requirements of BMP4. 2 main developments since December 2011</p> <p>Political position: the French government and the French shipowners are both still favorable to the protection of French flagged ships and their crews by military teams of protection supplied by the French State (as it is currently the case as often as possible). Nevertheless, when such a protection cannot be supplied by the French State, it is now agreed that it is necessary to allow the shipowners to protect their ships and their crews by means of PCASPs employed by a PMSC.</p> <p>Legal framework: the concerned ministries are currently working on a law to allow such a protection of French flagged ships and their crews by a PMSC (with parapets such as for instance the French State's approval of the PMSC itself, its private certification by an independent verifier body, and all conditions relative to weapons on board). The adoption of this law and its texts of application is expected by the French government before first quarter of year 2013.</p> <p>During that time of drafting, practical options are under discussion (the huge urgency was indicated several times by the shipowners).</p>
Germany	Requests never approved by German Flag State BUT it is not forbidden per se neither by the general applicable German laws, nor by the German Criminal Code (might be methods of self defence).	Requests never approved by German Flag State BUT it is not forbidden per se neither by the general applicable German laws, nor by the German Criminal Code (might be methods of self defence).	Each shipowner has to decide according to general applicable German Laws and German criminal Code. The person using a weapon has to have a gun licence/firearms certificate. It is not permitted to use automatic firearms.	General German laws and German Criminal Code	Political and practical options are under discussion. So far, recommendation to fully apply BMP4. New development: The German federal government has presented a draft bill under which PAG could be approved on German flagged vessels in future if certain requirements (e.g. certification, precise authorization, no use of automatic firearms) are met. Competent ministry is currently reviewing first comments on the necessary legal basis for the certification of PCSC etc. Inter-service consultation has not yet started.
Greece	<p>Enactment of the Law 4058 of 22 March 2012</p> <p>The above-mentioned law states that, on authorisation 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>	<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>	<p>A file must be submitted for the issuance of the authorisation that shall include an application by the ship owner or manager comprising the ship's particulars and an analysis of the estimated risk taking into consideration the voyage, the category and the features of the ship, the Best Management Practices recommended 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 authorisation shall be issued in Greek and 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>	<p>Following enactment of the 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>	<p>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, 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>
Hong Kong	<p>Recommended but experienced security consultants only (not considered as security guards; possibly signed on as supernumeraries); to assist the crew in following BMP's requirements and give confidence to all on board.</p>	<p>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 ship owners 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.</p>	Training and Certification in Hong Kong.	Marine Department Security Advisories No. 14 (which supersedes No.4).	<p>Recommendation to join Chinese naval convoy escort; Recommendation to fully follow BMP4's requirements.</p>
Isle of Man	<p>Neither recommended or prohibited.</p> <p>It is a decision to be made by the ship operator after due consideration of all the risks.</p>	<p>No prohibition.</p> <p>A Manx firearms licence is not required for the carriage of firearms on board a Manx ship unless in Manx territorial waters.</p> <p>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.</p>	<p>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 risk assessment does not need to be approved by the Registry.</p> <p>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.</p>	<p>Industry Circular No. 16, April 2011: Piracy Counter Measures.  <a href="http://www.gov.im/lib/docs/ded/shipregistry/survey/industryCirculars/industryCircular16piracycounte.pdf">http://www.gov.im/lib/docs/ded/shipregistry/survey/industryCirculars/industryCircular16piracycounte.pdf</a></p>	<p>All Manx vessels are requested to register with MSCHOA prior to entering the risk area.</p> <p>The use of BMP when in the risk area is recommended. Security operatives should have the same health and safety protections as crew. Use of firearms on vessels with dangerous cargoes requires special consideration, mitigation measures should be put in place.</p> <p>Procedures and facilities should be put in place for stowage and control of firearms/ammunition on board.</p>

Italy*	Adoption of Decree-law n.107 of 12 July 2011 that allows, in article 5, the placement of armed guards (governmental or in case of unavailability private contractors) on board Italian flagged vessels. DL n.107 entered into force on 12 July 2011, the same day of its publication on the Italian Official Journal.	No provision in national law.	X	On request of the Shipowners who bear the entire cost, it is possible to embark armed guards on board from the Naval Forces that may also appeal to personnel of others military forces, and use of arms to ensure the protection of the ship and crew. In case of unavailability of governmental guards, private contractors can be embarked.	Detailed rules and terms of reference for armed guards are stipulated in an agreement between Confitarma and the Ministry of Defence. 10 teams of six military personnel will be available for Italian-registered vessels. The final obstacle is to secure the diplomatic agreements with ports and states in the region for the transit of military personnel and their arms enabling them to join and leave vessels.
Jamaica	Not generally supported but not prohibited.	Not generally supported but there is no objection to the use of trained armed personnel onboard 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 by and keep on board a copy of the "Handbook on Best Management Practices to Deter Piracy". 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. "JSR Piracy Advisory" at <a href="http://www.jamaicaships.com/JSR/TechCirc/CIRCULAR%20PDF/Circular%20-%20JSR%20Piracy%20Advisory.pdf">http://www.jamaicaships.com/JSR/TechCirc/CIRCULAR%20PDF/Circular%20-%20JSR%20Piracy%20Advisory.pdf</a>	The Maritime Authority of Jamaica is cooperating with the International Maritime Organization to ensure the safety of its vessels.
Japan	Prohibition.	Prohibition.	X	Japanese Firearms and Swords Control Law (which in principle prohibits the possession of arms and swords in Japan).	JSA has requested the government to place public armed guards such as the Self Defense Force and the Japan Coast Guard on board Japanese flagged vessels.

Liberia	<p>No prohibition</p> <ul style="list-style-type: none"> <li>• Within the Master's discretion</li> <li>• Only if the Administration's requirements are satisfied</li> </ul>	<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"> <li>• Procedures pertaining to application of additional anti-piracy measures;</li> <li>• Watch keeping and vigilance;</li> <li>• Communication procedures with the PCASP;</li> <li>• Use of defensive measures;</li> <li>• Use of passive/non lethal devices;</li> <li>• Authority of the Master (PCASP embarked on the vessel are at all times subject to the overriding authority of the vessel's Master);</li> <li>• Activation of PCASP and the risk of escalation.</li> </ul>	<p>Guidance from the Bureau of Maritime Affairs of the Republic of Liberia:</p> <ol style="list-style-type: none"> <li>1. Maritime Security Advisory – 03/2011 : <a href="http://www.lisr.com/lisr/Portals/0/SecurityAdvisory_03-2011.pdf">http://www.lisr.com/lisr/Portals/0/SecurityAdvisory_03-2011.pdf</a></li> <li>2. "Interim IMO Guidance on the use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area"</li> <li>3. "Piracy: Liberian Guidelines for Contracting PMSC and PCASP"</li> <li>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).</li> </ol>	<p>Recommendations to the ship owner:</p> <ul style="list-style-type: none"> <li>• Due diligence;</li> <li>• Training of crew and PCASP;</li> <li>• To discuss in detail the insurance coverage that the maritime security company holds;</li> <li>• Assure that a Use of Force Continuum is established as part of the contract with the PMSC;</li> </ul>
Lithuania*	<p>No legal disposition to place armed guards (private or state) on merchant ship.</p>	<p>No legal ground to arm ship's crew.</p>	<p>X</p>	<p>X</p>	<p>No further steps have been taken by the National Association to allow shipping companies to use private security personal on ship's board. Such demand was not clearly expressed by national shipping companies. Additionally, Lithuanian safety maritime administration has a negative view regarding the employment of private arms on national ships.</p>
Malta	<p>Neither prohibited nor recommended. At discretion of shipowners who are required to undertake a risk assessment of the situation before deciding to employ PCASP.</p> <p>However, a request has to be submitted to the Administration for approval. See terms and conditions.</p>	<p>Not prohibited. See terms and conditions.</p> <p>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.</p>	<p>Request to Administration for approval must contain the following info:</p> <ol style="list-style-type: none"> <li>1) An undertaking that shipowner, operator, and master have considered and applied MSC.1/Circ.1405;</li> <li>2) Voyage specific risk assessment of the vulnerability of the ship determining the requirement to engage PCASP;</li> <li>3) An undertaking that the provisions of BMP latest version will be implemented in its entirety;</li> <li>4) Details of cargo on board;</li> <li>5) Details relating to the security personnel to be employed and related training (one person shall have recognised trauma medical qualification);</li> <li>6) Details of firearms and ammunition to be carried on board. Consent of the Administration will be null and void if necessary import/export procedures and documentation of coastal and port states are not satisfied;</li> <li>7) The ship can take onboard additional persons in terms of LSAs and accommodation;</li> <li>8) Certification in basic training STCW95 for the security personnel being employed;</li> <li>9) Maritime knowledge and experience of team leader;</li> <li>10) The intended voyage with PCASP is covered by proper insurance cover;</li> <li>11) Details of the voyage plan requiring the employment of PCASP with their dis/embarkation plan detail;</li> <li>12) Rules of engagement;</li> <li>13) A clear statement that the Master shall remain in command and have overriding authority at all times.</li> </ol>	<p>MSC.1/Circ.1339; MSC.1/Circ.1405; BMP latest version; and MS Notices 71 and 82 <a href="http://www.dca.gov.mt">http://www.dca.gov.mt</a> Maritime, Official Notices, MS Notices.</p>	<p>No objection for placing PCASP onboard is given by the the Administration on a case by case basis and on condition that:</p> <ol style="list-style-type: none"> <li>(i) it is ensured at all times that the master retains overall responsibility for the safety and the security of the ship;</li> <li>(ii) the embarkation of additional personnel must be in line with the ship's LSA and crew accommodation requirements;</li> <li>(iii) all firearms and ammunitions must be removed from the ship when it arrives at its destination and the armed officers disembark;</li> <li>(iv) it is ensured at all times that national requirements regarding firearms in coastal and port states are complied with;</li> <li>(v) it is ensured at all times that procedures covering all lawful actions prior to boarding until disembarkation with explicit instructions on the carriage, storage and lawful use of firearms onboard are strictly followed;</li> <li>(vi) the company agrees that the flag State shall, at no time be responsible for any claim, from the crew or any other third party including in the case of damage to or losses of the ship or cargo or any property, for any delay to or failure to supply, load, and discharge or deliver the cargo, as well as claims in case of death, injury or loss of limb of any person, arising out of acts of public enemies, pirates, assailing thieves or use of weapons.</li> </ol>
Marshall Islands	<p>At the discretion of the company. The Republic of the Marshall Islands Maritime Administrator does not object to vessel owners, operators and/or Masters taking appropriate measures in regard to the safety and security of their vessels and crew. Whether to use an armed security detail is a decision for the vessel operator to make.</p>	<p>No prohibition. Allowed under the Republic of the Marshall Islands Firearms Control Act. If boarded by pirates, Marshall Islands advises not to use firearms even if available.</p>	<p>The decision to use armed guards 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 anti-piracy related countermeasures. The risk assessment should include the IMO MSC.1/Circ.1405, Rev.1, Guidelines regarding the use of private contracted armed security personnel, and include discussions with charterers, legal counsel, underwriters, labour representatives and port officials.</p>	<p>Marine Notice No. 2-011-31 Rev.11/11 Piracy, Armed Attacks, Hijacking or Terrorism: Reporting Incidents, Ship Security Plans and Best Management Practices.</p> <p><a href="http://www.register-iri.com/forms/upload/MN-2-011-31.pdf">http://www.register-iri.com/forms/upload/MN-2-011-31.pdf</a></p> <p>Marine Notice No. 2-011-39 Rev.2/12 Use of PCASPs.</p> <p><a href="http://www.register-iri.com/forms/upload/MN-2-011-39.pdf">http://www.register-iri.com/forms/upload/MN-2-011-39.pdf</a></p>	<p>Detailed requirements and recommendations; Marshall Islands ships operating in the high risk area must comply with the reporting, Ship Security Plan, BMP and Authorization Letter requirements of the notice.</p>
Netherlands	<p>There is no legal basis for the use of private security companies, Ship-owner can apply for military Vessel Detachment Team (VPD)</p>	<p>Crew on Dutch civil merchant ships can apply for a weapons permit for two weapons for self-defense against pirates</p>	<p>The criteria to get a VPD are laid down in a confidential script, The weapons permit contains an allowance for the transport of the weapons to and from the vessel, it includes the possession of a handgun and/or a rifle (semi automatic). ☐</p>	<p>General Dutch laws and Dutch criminal code, VPD teams are put into action under military law; the criminal liability of the captain is lifted if a VPD team is placed on board his vessel.</p>	<p>A recommendation to fully follow the requirements of BMP4 under all previously mentioned circumstances. VPD framework exists since 15 June 2011: shipowners have been reluctant so far to apply due to high costs, long application times and the relative high number of military used to protect the ship. A working group (KVNR and ministry of Defence) is working on solutions. A number of depots have been put in place to accommodate these problems. Talks with the government to use PSC as a second option have stranded. The request to bring the Dutch Arms Law in line with future possible implementation for the use of PSC was rejected.</p>

Norway	No prohibition (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)	No prohibition	Private guidelines with detailed regulations have been published. by The Norwegian Shipowners' Mutual War Risk Club (DNK) .  According to the guidelines the DNK has to be notified in advance when the ship owner considers using PSC.  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 month. The license is a general permission given to the company to have private armed guards on board the companies' Norwegian flagged vessels.	*Act of 16 February 2007 No.9 relating to Ship Safety and Security (The Ship Safety and Security Act) art. 39 and 40.  *Amendments to the Regulation of 22 June 2004 No. 972 concerning protective security measures on board ships and mobile offshore drilling units .  Government provisional guidelines on the use of armed guards on Norwegian ships: <a href="http://www.sjofartsdir.no/PageFiles/6995/Provisional%20guidelines%20e2%80%93%20use%20of%20armed%20guards%20on%20board%20Norwegian%20ships.pdf">http://www.sjofartsdir.no/PageFiles/6995/Provisional%20guidelines%20e2%80%93%20use%20of%20armed%20guards%20on%20board%20Norwegian%20ships.pdf</a>	In the amended regulation that came into force 1 July 2011: -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;
Panama	Neither recommended nor prohibited. The decision to do so strictly belongs to the ship operator/owner. It is necessary to fulfill some requirements in order to be able to place security personnel on board vessels. Panama MMC 228. 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)	No Prohibition. The companies providing these services must be duly established and must comply with the guidelines given by IMO.	The Security Company providing the personnel must ensure the experience 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 , first aid. Use of a particular company strictly belongs to ship operators. Resolution No.106-13-DGMM, dated March 8th, 2012. (MMC 228)	International Maritime Organization Guidelines established on MSC1/Circ.1405/Rev.1; MSC1/Circ.1406/Rev.1. Panama Maritime Authority Guidelines established on MMC 206, MMC 208, MMC 228 and Resolution No.106-13-DGMM, dated March 8th, 2012.	Panama Maritime Authority highly recommends following BMP4 recommendations and also the use of the ITC. All these recommendations also established on Panama Maritime Authority MMC 208 and 238.
Poland	The use of PSASP 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). <a href="http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051451221">http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051451221</a>	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 dd 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)	
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.	Maritime and Port Authority of Singapore Shipping Circular No. 11 of 2011, 10 June 2011 <a href="http://www.mpa.gov.sg/sites/port_and_shipping/circulars_and_notices/ship_ping_circulars_detail.page?filename=sc11-11.xml">http://www.mpa.gov.sg/sites/port_and_shipping/circulars_and_notices/ship_ping_circulars_detail.page?filename=sc11-11.xml</a>	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.
U.K	No restrictions on the carriage of personnel as supernumeraries, subject to receiving familiarisation training in accordance with STCW.	In the process of being changed, weapons will be licensed to Privately Contracted Armed Security Personnel (PCASP) providers and their use will be permitted onboard in exceptional circumstances.	Due diligence is to be conducted by the shipowner prior to contracting PCASP. PCASP should only be used:  1. When transitting HRA. 2. When BMP are followed but are deemed insufficient. 3. The use of Armed Guards is assessed to reduce risk to life.	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 <a href="http://assets.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy/use-of-armed-guards-to-defend-against-piracy.pdf">http://assets.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy/use-of-armed-guards-to-defend-against-piracy.pdf</a> ). 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 it to be one of the most comprehensive sets of guidance that has been produced but regrets that it does not cover the accreditation of PCASP providers.	The shift from a policy of strong recommendation not to carry PCASP is being modified to allow their exceptional carriage in 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" (Ship owner's decision)	The U.S. State Department grants temporary licenses under ITAR regulations, and the Department of Homeland Security enforces the requirements. <a href="http://www.gpo.gov/fdsys/search/home.action">http://www.gpo.gov/fdsys/search/home.action</a> . 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 <a href="http://homeport.uscg.mil/mycg/portal/ep/home.do">http://homeport.uscg.mil/mycg/portal/ep/home.do</a> . 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; Within the Ship Security Plan approval process, the owner is responsible for performing background checks on personnel; The Coast Guard Authorization Act (section 912) provides substantial, but not complete, immunity for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy (...).