# Opinion of the European Economic and Social Committee on the 'Amended proposal for a Directive of the European Parliament and of the Council on enhancing port security'

*(COM(2004) 393 final - 2004/0031 (COD))*

(2005/C 120/06)

On 11 June 2004 the Council of the European Union decided to consult the European Economic and Social Committee, under Article 80(2) of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 5 October 2004. The rapporteur was Dr Bredima-Savopoulou.

At its 412th plenary session on 27 and 28 October 2004 (meeting of 27 October), the European Economic and Social Committee adopted the following opinion by 169 votes in favour and 6 abstentions.

## 1. **Introduction**

1.1 Since the 11 September 2001 and the 11 March 2004 terrorist attacks, the world has discovered that the war on terrorism is bound to last for a long time. The EESC was prompted at an early stage by Commissioner De Palacio to deliver an exploratory Opinion on Transport Security. The EESC gave a set of yardsticks ([1]) regarding a future EU policy on transport security and is pleased to note that they have been adopted by the Commission.

1.2 Following an EU Communication on Enhancing Maritime Transport Security and a Regulation on Enhancing Ship and Port Facility Security, the EESC delivered an opinion ([2]) which refers to security of port terminals.

1.3 On 30 June 2004, the EESC adopted a further opinion ([3]) referring to the proposed Directive on enhancing port security. The proposed Directive complements the security measures introduced by the Regulation on enhancing the security of ship and port facilities by ensuring that the entire port is covered by a security regime.

## 2. **The Commission's proposal**

2.1 Following discussions in Council on the draft Directive on enhancing port security, the Commission proposes ([4]) a modification in Article 7 whereby the port security plan will ensure that, on the basis of risk assessments, adequate security controls are carried out by competent national authorities on cars and goods vehicles set for embarkation on vessels which also carry passengers.

2.2 The proposal applies to roll-on roll-off vessels on domestic and international routes. In the latter case, the Member States concerned will cooperate in the risk assessment.

## 3. **General comments**

3.1 The EESC firmly supports a balanced approach safeguarding security without impeding the free flow of trade. It understands, therefore, the concern of the Commission as expressed in the new eighth recital of the proposed Directive.

3.2 In line with its previous opinions, the EESC fully agrees with the proposed modification to the draft Directive on enhancing port security. Although absolute security can never be achieved, the EESC reiterates that the entire logistic transport chain has to be covered by security measures making sure that no weak links exist. Priority should be given to passenger transport where the consequences of a terrorist act would be the heaviest with regard to the human lives at stake.

3.2.1 Ro-Ro vessels are particularly vulnerable to terrorist actions especially if they carry passengers. Indeed, cars loaded on board Ro-Ro vessels may become modern 'Trojan horses' in terms of security.

3.2.2 Adequate measures should be taken to ensure that the cars and goods vehicles on board Ro-Ro vessels will not cause a risk. The measures should be taken in the port or at the port's confines prior to loading of the vessel and in a way impeding as little as possible the fluidity of the operations.

([1]) OJ C 61 of 14.3.2003, p. 174.
([2]) COM(2003) 229 final, OJ C 32 of 5.2.2004, p. 21.
([3]) COM(2004) 76 final, OJ C 241 of 28.9.2004.
([4]) COM(2004) 393 final.

3.2.3 Security inspections of cars/goods vehicles to be loaded on Ro-Ro passenger ferries present difficulties due to the nature of cargoes loaded on the vehicles. Longstanding experience indicates that the most adequate control of the contents of these vehicles should take place prior to embarkation in the port area in order to make use of sophisticated security devices as well as of properly trained personnel.

3.3 The EESC wishes to draw attention to the liability issues arising from the inspections. Obviously, liability from security controls of cars and goods vehicles should rest with the relevant national authorities involved and not with the ship on which these vehicles are subsequently loaded.

3.4 Regarding the identification of seafarers and port personnel involved in security controls, requirements should be applied in a practical way in order not to obstruct unduly commercial operations.

3.5 The EESC notes that as a result of the proposed modification the Commission, in cooperation with the national authorities, will start inspections to verify the means of monitoring implementation of the national plans adopted pursuant to the Directive, six months after the date of application of the proposed Directive. It emphasises the need for immediate preparedness on the part of EU ports as well as ports of non EU Member States in relation to the new security measures (ISPS Code) for port terminals which entered into force internationally on 1 July 2004.

3.6 Finally, the EESC takes the opportunity to urge that the economic dimension of port security should be addressed promptly at EU level and a harmonised approach should be developed to avoid distortion of competition among ports and among modes of transport, especially to the detriment of roll-on roll-off transport. The Commission is invited to draw up an overall impact study about the financial effects of port security and to devise an EU scheme for financing, where necessary, the implementation measures.

Brussels, 27 October 2004.

The President

of the European Economic and Social Committee

Anne-Marie SIGMUND