

**American Club:  
Piracy - Flag State Comparison Table**



| 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 & Barbuda | National laws and regulations do not expressly prohibit use of security personnel on board ship. Decision to be made by shipowners, ship operators and Masters after risk assessment indicates this as a necessity.  | No expressed 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 <i>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</i> 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 2013-003 "Piracy and Armed Robbery" <a href="http://www.abregistry.ag">www.abregistry.ag</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 down loaded 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 <i>Privately Contracted Armed Security Personnel on Board Ships</i>.</p> |
| Bahamas           | Not recommended but not prohibited.<br>It is a decision to be made by the ship operator after due consideration of all risks.  | Possibility under Bahamian Law.<br>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> <p>Furthermore,</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; and</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           | A legal framework providing for a number of measures to protect against maritime piracy was published on January 16 2013 allows the deployment of private security services Belgian flagged vessels is awaiting a number of Royal Decrees to put it into full effect.          | Yes, if deployed by security services in accordance with the new law. Maximum caliber of firearms is fifty caliber.   | <p>The Maritime security company must be authorized by the Belgian government for a certain period of time (maximum two years). Several conditions are set out in order for authorization to be achieved.</p> <p>Maritime security companies can only be used in a defined area as outlined in Royal Decree.</p> <p>The agreement between the shipowner and PMSC must meet certain legal requirements and a copy must be provided to the Belgian flag State.</p> <p>BMP must be applied. In the interim period between the full promulgation of the Royal Decrees, PMSCs that comply with the the basic requirements already set out may apply for an interim licence.</p>   | Awaiting completed Royal Decrees.   | <p>The Master retains overall authority and legal responsibility. The operational manager of the security company advises the master and has authority to act only after the approval of the Master (there exists an exception for extreme urgency).</p> <p>The shipowner is under an obligation to notify the flag State prior to each voyage using Private Security Companies (PSCs). Incidents must be reported immediately.</p>  |

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| Canada     | Yes, but only in consultation with flag State authorities.                                      | Firearms are regulated primarily by the Firearms Act and by Part III of the Criminal Code. The Firearms Act and its supporting regulations establish the rules for possessing a firearm. The Criminal Code and its supporting regulations identify the various firearms, weapons and devices regulated by the Firearms Act. Both the Criminal Code and the Firearms Act contain offences and penalties for illegal possession or misuse of a firearm.<br><br>Provinces, territories and municipalities may have additional laws and regulations that apply to their jurisdiction. The 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 (MTR 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 Firearms Act and Part III of the Criminal Code. 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.  | 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.<br><br>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.<br><br>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 <a href="http://www.shipping.gov.cy">www.shipping.gov.cy</a> |
| Denmark    | Possibility to apply for general permission to use armed guards.                                | Prohibition unless there is authorization from the Justice Department.   | The application to use armed guards must specify:<br><br>- the details of the owner and the ISM responsible;<br>- that weapons are stowed securely on board according to the regulation;<br>- short description of the company's anti-piracy measures; and<br>- a reason for requesting armed security guards.<br><br>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 on its Danish flagged ships in areas with a piracy threat. | X  | The overall responsibility for the security and safety on board remains with the Master as 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 by 1 July 2012.  |

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| Finland*   | A private security company will get a licence for performing a job where carrying a gun is necessary for self-defence.<br><br>Permission for private armed guards onboard ships could be issued for so called short guns (revolvers and smaller guns) for protecting the vessel. | 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 can't be regarded as passengers. Their position in the crew list must be safety officer or safe guard. The Master remains overall responsible for safety and security onboard.<br><br>The FSA opinion is that the right to make decisions about using arms belongs to the safety guard but the Master 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.<br><br>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.   |
| France     | Not administratively authorized.   | Not administratively authorized.   | X   | 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).<br><br>Act n° 83-629 of 12th July 1983<br><a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000320194&amp;fastPos=1&amp;fastReqId=715690089&amp;categorieLien=cid&amp;oldAction=rechTexte">http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000320194&amp;fastPos=1&amp;fastReqId=715690089&amp;categorieLien=cid&amp;oldAction=rechTexte</a> .<br><br>Decree n° 95-589<br><a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000736335&amp;fastPos=1&amp;fastReqId=36095323&amp;categorieLien=cid&amp;oldAction=rechTexte">http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000736335&amp;fastPos=1&amp;fastReqId=36095323&amp;categorieLien=cid&amp;oldAction=rechTexte</a> . | Recommendation to fully follow the requirements of BMP4.<br><br>There are two main developments since December 2011:<br><br>(1) 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.<br><br>(2) 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 verification 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 the end of year 2013.<br><br>During that time of drafting, practical options are under discussion (the huge urgency was indicated several times by the shipowners). |
| 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. 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. | Trade, Commerce, and Industry Act (Gewerbeordnung), as amended by the Law for the Introduction of an Approval Procedure for Guard Companies on Seagoing Ships of 4 March 2013.   | Obligation to use only BAFA-approved guard companies on ships under German flag begins on December 1, 2013. Generally closely aligned with the IMO Interim Guidelines. Open to international PMSC.   |

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| 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 ship's Master 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 ship's Master 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 Master 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 shipowner 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 Master.</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 Master 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 due to risk of escalation of violence and risks to the crew:</p> <p>But in case of no naval protection: possibility to obtain authorization to carry weapons.</p> <p>The shipowners have to request a letter for the carriage of weapons on board.</p> <p>Conditions:</p> <ol style="list-style-type: none"> <li>Possession of weapons only by the Master or person authorized by the owner; and</li> <li>Taking into consideration: <ul style="list-style-type: none"> <li>-criteria of choice of the security consultants;</li> <li>-legal situation and liabilities;</li> <li>-request agreement of other parties involved in the voyage;</li> <li>-briefing of the crew.</li> </ul> </li> </ol> | <p>Traning and certification in Hong Kong required for Armed Security Guards only. Not required if arms are separated from security consultants.</p>  | <p>Marine Department Security Advisories No. 14 (which supersedes No.4).</p>   | <p>Recommendation to join Chinese naval convoy escort.</p> <p>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 (PSP) 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.</p> <p><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 High 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>  |
| India       | <p>Government has issued circular allowing armed guards on ships of Indian flag and foreign ships visiting Indian ports.</p>  | <p>Possession of arms by Master/crew on Indian ships is prohibited. Foreign ships visiting Indian ports are required to declare arms in their custom declaration and ensure are sealed in secure storage for the duration of the ship's stay in India.</p>   | <p>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 of armed guards would be allowed to be loaded or unloaded in Indian ports, and weapons must be secured when in indian ports.</p>   | <p>Ministry of Shipping issued "Guidelines on deployment of Armed Security guards " available on the site <a href="http://shipping.nic.in/">http://shipping.nic.in/</a>. (Note: use the title search function to locate the guidelines, there is no direct link.)</p>                                      | <p>Foreign flagged vessels may not embark or disembark armed guards in Indian waters.</p>   |

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| <b>Italy</b>   | <p>Following the recent 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 NMPs (Navy) or Contractors (PCASP).</p> <p>The decree no. 349/2013 replaces the previous decree no. 963/2011 issued by same Italian Coast Guard on 7 October 2011. The main issues are the following:</p> <p>NMPs and Contractors [PCASP] NMPs and Contractors are qualified as "other than persons" pursuant to SOLAS 74, Chapter I-2 (e) (i).</p> <p>Before embarking, a specific list has to be drawn up by the Master concerning the personal particulars of NMP members or Contractors, who shall be qualified respectively as Military Government Staff or Privately Contracted Armed Security Personnel.</p> | Yes.  | <p>The rule provides for that all vessels which take on board NMPs or contractors have to be previously equipped with a suitable location for the storage and carriage of IMDG class 1.4s "explosives" ammunition.</p> <p>Such a location has to be approved by Registro Italiano Navale (RINA) or other classification societies recognised by the Italian Maritime Administration. Ammunition stores shall be considered part of the ship's store and equipment pursuant to SOLAS 74, Chapter VII-2.2.</p>   | <p>The rule provides for that all vessels which take on board NMPs or Contractors have to be previously equipped with a suitable location for the storage and carriage of IMDG class 1.4s "explosives" ammunition. Such a location has to be approved by RINA) or other classification societies recognised by the Italian Maritime Administration. Ammunition stores shall be considered part of the ship's store and equipment pursuant to SOLAS 74, Chapter VII-2.2.</p>  | <p>NMP - Detailed rules and terms of reference for armed guards are stipulated in an agreement between Confindustria and the Ministry of Defence. Ten (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.</p> <p>PCASP- Training and Familiarization<br/>In occasion of the embarkation a suitable familiarization has to be provided to NMPs or Contractors concerning the following issues: routine communication protocol; vessel particulars and risks; and emergency procedures.</p> <p>NMPs or contractors have to attend a drill abandonment of the ship within 24 hours of sailing.</p> <p>Command and Control<br/>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> |
| <b>Jamaica</b> | 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. Jamaica is in the process of a review to determine whether or not that policy will undergo any amendments in view of evolving practices and any subsequent changes to the international guidelines.  |
| <b>Japan</b>   | Prohibition.   | Prohibition.  | X  | Japanese Firearms and Swords Control Law (which in principle prohibits the possession of arms and swords in Japan).  | <p>A bill allowing armed guards aboard Japanese flagged vessels was passed the Diet on Nov 13, 2013.</p> <p>MLIT Officials state that the new rule will be enforced within 3months after the Diet decision. Terms and conditions of use of armed guards are still being decided.</p> <p>JSA requested government to issue and enforce the new rule as soon as possible.</p> <p>JSA has also coordinated and consulted on the application procedure between shipowners and government.</p>   |
| <b>Liberia</b> | <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); and</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> "Interim IMO Guidance on the use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area"</li> <li>2. "Piracy: Liberian Guidelines for Contracting PMSC and PCASP"</li> <li>3. Liberian maritime regulations 10.296 and Section 296 specifies 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; and</li> <li>• assure that a Use of Force Continuum is established as part of the contract with the PMSC.</li> </ul>  |

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|                  | Security personnel on board   | Possession of weapons on board   |  |  |   |
| 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. 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.  |
| 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.<br><br>However, a request has to be submitted to the Administration for approval. See terms and conditions. | Not prohibited. See terms and conditions.<br><br>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:<br><br>i. the Ship Security Plan is developed and updated with the Ship Security Assessment considering that the ship is operating in a High Risk Area;<br><br>ii. the provisions of these circulars and shipping notices have been considered and applied: a) MSC.1/Circ.1405/Rev2; b) MSC.1/Circ.1339; c) Merchant Shipping Notice 71; and d) Merchant Shipping Notice 82;<br><br>iii. the Master of the ship retains overall responsibility for the safety and the security of the ship;<br><br>iv. the embarkation of additional personnel is in line with the requirements concerning safety equipment on board and crew accommodation requirements;<br><br>v. all firearms and ammunitions are removed from the vessel when the PCASP disembark;<br><br>vi. all firearms and ammunitions are not to be deployed from the designated secure keeping in sea areas which are not defined as a High Risk Area;<br><br>vii. 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; and c) are 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);<br><br>viii. any details or documents required shall immediately be made available at the request of the Maltese competent authority. | Merchant Shipping Notice 106:<br><br><a href="http://www.transport.gov.mt/admin/uploads/media-library/files/Notice%20106%20-%20Placement%20of%20PCASP%20on%20board%20Maltese%20ships.pdf_20130308143034.pdf">www.transport.gov.mt/admin/uploads/media-library/files/Notice%20106%20-%20Placement%20of%20PCASP%20on%20board%20Maltese%20ships.pdf_20130308143034.pdf</a><br><br>Legal Notice 19:<br><br><a href="http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&amp;itemid=24474&amp;l=1">justiceservices.gov.mt/DownloadDocument.aspx?app=lp&amp;itemid=24474&amp;l=1</a>  | X   |
| Marshall Islands | Whether to use an armed security detail is a decision for the vessel operator to make after a thorough risk assessment has been conducted in accordance with IMO guidelines.  | Allowed under the Republic of the Marshall Islands Firearms Control Act. Firearms must be licensed and/or certified under applicable law in accordance with IMO guideline MSC.1/Circ.1443.   | 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.2, <i>Guidelines regarding the use of private contracted armed security personnel</i> , and include discussions with charterers, legal counsel, underwriters, labour representatives and port officials.   | Marine Notice No. 2-011-31 Rev.11/11 Piracy, Armed Attacks, Hijacking or Terrorism: Reporting Incidents, Ship Security Plans and Best Management Practices:<br><br><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><br><br>Marine Notice No. 2-011-39 Rev.2/12 Use of PCASPs:<br><br><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>  | Recommendation to follow the requirements of BMP4. The Maritime Administrator recommends that privately contracted armed security personnel (PCASP) be declared as supernumeraries as opposed to seafarers when providing service on Marshall Islands vessels.  |
| Netherlands      | There is not yet a legal basis for the use of private security companies. Since June 2011 a shipowner can apply for military Vessel Protection Detachment (VPD) Team.   | In principle crew on Dutch flagged civil merchant ships can apply for a weapons permit for two weapons (handgun and semi-automatic rifle) for self-defense against pirates. Shipowners and KVNVR strongly reject the use of firearms by seafarers. | The criteria to get a VPD are laid down in a confidential script. In practice the use of a VPD is hampered by a lack of flexibility, size of the team (11 persons) and costs. The costs are € 5,000 per day.   | General Dutch laws and Dutch criminal code.<br><br>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.  | A recommendation to fully follow the requirements of BMP4 under all previously mentioned circumstances.<br><br>A working group (KVNVR and ministry of Defence) is working on solutions to improve the deployment of VPD's. A number of depots have been put in place to accommodate these problems.<br><br>April 2013, the government recognized the limitations in the use of VPD's and announced a new law to allow the use of PCASP's in addition to VPD's. The Dutch Parliament – with quite some reluctance – agreed that a proposal for a new law can be put forward, but whether it will pass is not yet sure. Proposals for new legislation are expected December 2013 for public consultation. In the course of 2014 the proposal will be send to Parliament. Entry into force will not be sooner than 2015. Until that time PCASP's may not be deployed on Dutch flagged vessels. |
| 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).<br><br>According to the guidelines the DNK has to be notified in advance when the ship owner considers using PSC.<br><br>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.<br><br>*Amendments to the Regulation of 22 June 2004 No. 972 concerning protective security measures on board ships and mobile offshore drilling units.<br><br>Government provisional guidelines on the use of armed guards on Norwegian ships:<br><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:<br><br>-the Master remains in command and has the last word in all cases;<br><br>-the ship owner has the overall responsibility for the safety and security on board;<br><br>-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;   |

**American Club:  
Piracy - Flag State Comparison Table**



| 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  |   |   |  |
| 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. On 4 April 2012 was published in the Official Gazette, the Resolution No.106-13-DGMM, dated 8 March 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 3 October 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 Resoluciton No. 106-13-DGMM dated 8 March 2012.                 | The Security Company providing the personnel must ensure the experience and qualification of said personnel. They must have their criminal records available and proof of all the courses and certifications. They must also have records available for any other type of training such as firefighting, first aid, etc.. The decision to use a particular company strictly belongs to ship operators. Resolution No.106-13-DGMM, dated 8 March 2012. (MMC 228 and MMC 245) | International Maritime Organization Guidelines established on MSC1/Circ.1405/Rev.2; MSC1/Circ.1406/Rev.2 apply.<br><br>Panama Maritime Authority Guidelines established on MMC 206, MMC 208, MMC 228, MMC 238 and Resolution No.106-13-DGMM, dated 8 March 2012 apply.  | 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, 238 and 249.  |
| Poland     | The use of PSASP is approved by Polish law. The main legal basis is "the protection of person and property act" from 22 August 1997 (Journal of Laws of the Republic of Poland 2005, Nr 145, poz. 1221).<br><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 21 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 dated 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.<br><br>*IMO circular MSC.1/Circ. 1408 of 16/09/2011<br><br>* No legal guidelines. However, the Polish Marine Administration recommends to observe (1) BMP 4; (2) 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; (3) 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 (4) 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  |
| 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/Rev.2. 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<br><a href="http://www.mpa.gov.sg/sites/port_and_shipping/circulars_and_notices/shipping_circulars_detail.page?filename=sc11-11.xml">http://www.mpa.gov.sg/sites/port_and_shipping/circulars_and_notices/shipping_circulars_detail.page?filename=sc11-11.xml</a>  | There may be scenarios that shipowners are considering the use of armed guards for ships transiting the piracy High Risk Area due to the increased threat by Somalia-based pirates.<br><br>However, the use of PCASP should not be considered as an alternative to BMP and other protective measures.<br><br>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. |

## American Club: Piracy - Flag State Comparison Table



| 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   |  |   |  |
| 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.<br><br>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.   |
| United Kingdom | No restrictions on the carriage of personnel as supernumeraries, subject to receiving familiarisation training in accordance with the STCW Convention.   | New maritime licenses are used for PMSC and PCASP. Regulation of floating armouries in hand.   | The Department of Transport is to be informed. ISO 28007 pilot projects being progressed with accreditation of first companies expected before end 2013.   | 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.<br><br>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 the 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.   |
| United States  | Possibility under the principles of "self-defence" and "Defence of others" (shipowner'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> . (To access information from this site, select "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;<br><br>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);<br><br>U.S. Coast Guard approval. Conditions have to be reviewed and approved by the U.S. Coast Guard; and<br><br>No U.S. government insurance requirements. | Port Security Advisory (3-09) on <i>Guidance on self-Defence or Defence of others by U.S. flagged commercial vessels operating in high risk waters</i> can be found at <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.<br><br>Liability for use of force is dependent on the circumstances of each case.<br><br>Security guards are not part of the crew and are treated as passengers for the purpose of safety.<br><br>Within the Ship Security Plan approval process, the owner is responsible for performing background checks on personnel.<br><br>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 (...). |

We would like to thank the International Chamber of Shipping (ICS) and European Community Shipowners Association (ECSA) for their permission in reproducing the following table of flag State rules in respect of private armed guards. We would like to draw readers' attention to the following disclaimer:

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