

UNOFFICIAL TRANSLATION

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Act (2004:487) on Maritime Security

Ministry: Näringsdepartementet RST

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Content

§1: this law contains additional provisions applicable to the European Parliament and Council Regulation No 725/2004 of 31 March 2004 on enhancing ship and port facilities (Regulation (EC) No 725/2004).

§ 2: the definitions of this law shall have the same meaning as in Regulation (EC) No 725/2004.

Decisions on the level of security and additional measures

§ 3: the police authority takes, after hearing the transport agency and the coast guard, a decision under the provisions of annexes I and II to Regulation (EC) no 725/2004 on the level of security shall apply to a ship or a port facility. If a decision cannot be made valid the lowest level of security. In urgent cases, the police authority to make decisions according to the first paragraph about the change in the level of security without consulting the transport agency and the coast guard. Such a decision shall However, as soon as reviewed by the Police Department after the transport agency and the Coast Guard have been heard. Law (2014:735).

§ 4: the decision on further measures in addition to those set out in the ship or the port facility security plan are to be taken for a ship or a port facility at the highest level of security may be taken by the police, the Transport Board or The coast guard. Before such a decision is taken, the determining authority have heard the other two authorities.

If a ship is sailing in Sweden's territorial sea or if information had been provided on the ship intends to enter the territorial sea, of the ship such decisions as specified in the first subparagraph shall be taken by the Transport Agency when they two lower levels of security prevails. Law (2014:735).

Fees

§ 5: the State's costs for security shall be covered by fees. These fees shall be levied on the vessels and port facilities are subject to the supervision of maritime security.

Supervision

§ 6: he who carries out supervision under which a regulatory effect the provisions of Appendix 1 or 2 to Regulation (EC) no 725/2004 or advises on such a supervision has the right to get access to a ship or a port facility and to where do the examinations he or she needs as well as to where take part of documents and other information about the ship or port facility.

§ 7: the ship owner and the owner is responsible for the ship subject to supervision in accordance with the provisions of annex 1 and 2 to the Regulation (EC) No 725/2004. The shipowner, master, CSOs and SSOs and other officers on Board shall provide the supervisory authority the assistance it needs in the regulatory Ordinances and leave the information which the supervisory authority requests for such Ordinances.

§ 8: a port facility owner is responsible for the port facility made available to the supervisory authority and the supervisory authority otherwise assisted in the supervision in accordance with the provisions of annexes I and II to Regulation (EC) no 725/2004. The port facility owners and security officer shall submit the supervisory authority the assistance it needs in the enforcement Ordinances and submit the information supervisor request at such ceremonies.

§ 9 The supervising of the port facilities under the provisions of annexes I and II to Regulation (EC) no 725/2004 may prohibit a port facility owners to let the port facility serving the ships falling under the scope of Regulation (EC) No 725/2004, of the port facility in any material respect have gaps in their security, which means that it does not meet the regulatory requirements or the requirements of facility security plan. Instead of a ban is announced, port facility owner be required to take action to remedy the deficiency.

§9 (a): if there are reasonable grounds to believe that a Swedish ships in any material respect have deficiencies in their maritime security which does not meet the prescribed requirements or the requirements of the ship security plan, the supervising over Swedish vessels, in accordance with the provisions of annex 1 and 2 to the Regulation (EC) No 725/2004 or in accordance with regulations issued pursuant to this Act to inform

1. inhibition of the ship's continued journey,
2. prohibition to perform certain activities or use certain equipment,
3. the prohibition or injunction to enter or depart from a particular place of residence.

If there are no sufficient grounds to announce a ban or order referred to in the first subparagraph, the ship's owner or owners be required to take measures to remedy the lack or meet the requirement within the specified time. Act (2005:854).

§ 10: a decision on prohibition or injunction under the provisions of annex I to Regulation (EC) No 725/2004 or under section 9 or 9 may be subject to a penalty. Act (2005:854).

§ 11: an international ship security certificate expired according to the provision in section 19.3.8 in annex 2 to Regulation (EC) No 725/2004 shall immediately be returned to the person who issued the certificate.

The Swedish Transport Agency shall declare an international ship security certificate invalid if

1. the conditions on the ship no longer corresponds to the prescribed requirements and gaps, despite the injunction for rectification, have not been remedied, or
2. the certificate does not meet the prescribed requirements. Has been declared an international ship security certificate invalid certificate referred to in the second subparagraph, it shall immediately be handed over to the Swedish Transport Agency. Law (2008:1379).

Obligation for port facility owners to assist in security assessment

§11 (a) When the Commission carries out such an inspection as referred to in Article 9(4) of Regulation (EC) No 725/2004, relevant agencies and people submit to inspection. If necessary, the persons authorised to carry out the inspection request the assistance of the bailiff's office to implement the measures resulting from the article.

Questions about assistance under this section be reviewed by the bailiff's office. Thus, the provisions of the enforcement code on the enforcement of obligations that are not relates to liability or eviction. The bailiff's office may, however, help but inform it of the inspection shall be carried out before the execution takes place. Law (2006:738).

§ 12: a port facility owner shall assist in the performance of a security assessment and prepare and submit the information necessary for the investigation to be carried out.

Survey of people and places, etc.

Strip search and other examination

§ 13: to prevent crimes that pose danger to the security of connection with shipping, the residing on a ship or at a port facility is strip-searched. For the same purpose get bag, vehicles, cargo, hotel rooms and other enclosed storage place on the ship or within a port facility should be examined. The who refuse to allow themselves or their property shall be examined, be rejected or removed from the ship or port facility.

§ 14 : the strip search that is of more substantial basis shall be carried out in a remote location. Such searches must be carried out in witness attendance, if the request for examination and the can be done without much spin. Strip search of woman gets be performed and witnessed only by another woman, if the investigation is not done through the metal detector or similar device. Strip search which only means that objects a woman has with itself is examined, however, must be conducted and witnessed by a man.

§15: physical searches and other examination shall be in the extent specified in the ship security plan, or the port facility. The ferry company and port facility owner is responsible for the examinations take place to the extent permitted by security plans for the ship and the port facility. These surveys shall be borne by the company and port facility holder.

§16: Strip search and other examination may, with the limitation imposed by the second paragraph, be carried out by a police officer, an official at the coast guard or other designated person designated by police. Where people and property are examined by other such designated person, should the work be carried out during a police man's direction. The Customs Office shall, upon request, provide assistance to law enforcement, if necessary, to an investigation to be carried out. The shipping company or port facility owner shall assist the Police or Coast Guard in practical control work, if needed. Control of goods under customs supervision within the meaning of article 134 of the European Parliament and Council Regulation (EC) no 952/2013 of 9 October 2013 establishing a the community Union shall be done in consultation with the customs service. Law (2016:278).

§ 17: if, during a physical examination or any other examination found objects that may come into use in crimes pose serious danger to safety in connection with shipping shall, if the object cannot be seized under the provisions of the code of judicial procedure, in which the object has been found are urged to keep the object in such a way that it cannot be used for crimes. Anyone who does not comply with such a request may be rejected or removed from the ship or port facility.

§ 18: a decision pursuant to paragraph 13 of the second paragraph or section 17 shall be taken by the who according to section 16 may perform a physical examination, or other survey.

§ 19: record must be kept, and the certificate issued if made a Strip search, if the request was examined by the Ordinance or if items are seized.

Order

§ 20: Without the owner's, master's or port facility holder's permit may not have any tread a such a part of a ship and a port facility for the it by fences or signs or in any other similar way clearly shows that the public does not have access. The who according to section 16 may perform a physical examination, or other survey, from the ship or port facility reject or remove the

1. unauthorized reside there,
2. disturb order there, or
3. compromising the protection of the ship or port facility.

Appropriations

§ 21: The Government may provide for that decision in accordance with 4 § second paragraph may be taken also of the authority other than The Swedish Transport Agency. The Government or the authority that the Government may notify

1. regulations on what measures a port facility security plan shall include,
2. provisions concerning declarations of security;
3. regulations on supervision, and
4. regulations on fees to the State for maritime security. Law (2008:1379).

Recognition of organization and transfer of supervisory tasks

§ 21A of the Transport Board may admit an organization satisfy the requirements set out in paragraph 4.5 of the Annex III to Regulation (EC) No 725/2004 as a recognized security organizations.

Transportation Board may entrust a recognized maritime security organization that meets the additional requirements resulting from the regulations that have been issued with the support of 21b to

1. review and approve security plans for ships under the provision in paragraph 9.2 of annex II to Regulation (EC) no 725/2004, or
2. exercise supervision in accordance with the provisions of paragraph 19(1) — 19 (3) of Annex II to Regulation (EC) No 725/2004.

A transfer may be subject to additional terms and conditions for the execution of the tasks. Team (2013:294).

§21 b: the Government or the authority that the Government determines may provide for the additional requirements a recognized security organization must satisfy in order to receive perform tasks under section 21A. Law (2013:294).

Liability provisions

Penalty

§ 22: a fine or imprisonment not exceeding one year are judged on that intentionally or negligently violates a prohibition or injunction issued pursuant to the provisions of rule 9 of annex 1 to Regulation (EC) No 725/2004 or According to section 9.

If a prohibition or injunction referred to in the first subparagraph is coupled with a penalty, the offender shall not be sentenced to liability.

§ 23: to fine or imprisonment of up to six months is sentenced

1. anyone who intentionally supply incorrect data in order to obtain a decision recognized security organization as referred to in the provision of paragraph 4.3 of annex III to Regulation (EC) no 725/2004,
2. a person who intentionally supply incorrect data in order to get a protection plan approved, a protection certificate issued or the period of validity of a certificate is extended under the provisions in paragraphs 9.1-4, 16(1) and 19(1)-3-3 in annex 2, to Regulation (EC) No 725/2004,
3. the owner and the master of a ship who intentionally uses to shipping but that the ship has a certificate or a security plan as it should have under the provisions of rule 9.1.1 in annex 1 and annex 2 to paragraph 9(1) of Regulation (EC) No 725/2004,
4. port facility owners who knowingly serving a such a ship falling within the scope of Regulation (EC) No 725/2004 without to have an approved security plan in accordance with the provisions of rule 10.1. in annex 1, and paragraph 2 of annex II to Regulation (EC) no 725/2004,
5. shipowners and captains who willfully uses a ship or its equipment in violation of any provision of the vessel's security plan, in a certificate or in rule 4.1-2 in annex 1 and paragraph 9.4 of annex II to Regulation (EC) No 725/2004,
6. port facility owners who knowingly uses the port facility or its equipment in violation of any provision of the port facility security plan or rule 10(1) of Annex 1 and annex 2 to paragraph 16(3) of Regulation (EC) no 725/2004,
7. the owner and the owner who willfully fails to ensure that the ship is under supervision in accordance with the provisions of rule 4(1) and (2) of the Annex 1, paragraph 19 of annex II to Regulation (EC) no 725/2004,
8. port facility owners who willfully fails to keep the port facility available to the supervisory authority or otherwise assisting the supervisory authority in the supervision According to section 8,
9. the shipowners and captains who, intentionally or negligently: provide inaccurate or incomplete information prior to entry into port after the information has been requested under rule 9(2) of annex 1 to Regulation (EC) No 725/2004, if the Act is not calling as well as the
10. the shipowners, masters and port facility owners who intentionally do not carry out an investigation under the provisions in paragraphs 13 and 15 or as ordered pursuant to paragraph 4.

§ 24: to fine sentenced

1. shipowners and port facility owners who intentionally do not has appointed a security officer as required by the provisions of paragraphs 11 (1), 12(1) or 17.1 in Appendix 2 to Regulation (EC) No 725/2004,

2. a person who intentionally does not create a Declaration of security, under the provisions of paragraph 5 of the Annex II to Regulation (EC) No 725/2004,
3. shipowners and masters or port facility owners who intentionally keep the ship and port facility security plan in violation of the provisions of paragraphs 9.7 or 16(7) of annex 2 to Regulation (EC) No 725/2004,
4. the shipowners and captains who willfully do not return or submit a security certificate when required by section 11,
5. shipowners and captains who intentionally does not entail a document shall be carried on board a ship under the provisions of rule 9.2.3 in annex 1, paragraphs 9.1 and 10.1. in annex II to Regulation (EC) No 725/2004 or in accordance with the provisions adopted pursuant to paragraph 5, 21
6. masters who intentionally do not provide the information required by the provision in rule 9.2.1.6 in annex 1 to Regulation (EC) No 725/2004 and
7. port facility owners who intentionally do not provide the information required under the provision of paragraph 14.6 in annex 2 to Regulation (EC) No 725/2004.

§ 25: the Regulations on liability for anyone who violates the provisions of professional secrecy in section 30 are found in Chapter 20. section 3 of the Penal Code.

§ 26: the liability under this Act shall not be convicted of the offence is subject to stricter penalties in the criminal code or the maritime law (1994:1009).

Competent court

§ 27: Case on liability under this law are heard by the Court which is competent in accordance with the provisions of Chapter 21. 1 and 8 sections maritime law (1994:1009).

Other provisions

Immediate validity

§ 28 a decision under Regulation (EC) No 725/2004 or in accordance with This law applies immediately, unless otherwise decided.

Appeal

§ 29 A decision made within the Transport Agency and who, According to government regulations, shall notify subject to any within the Board, may not be appealed.

Decision in accordance with the provisions of annexes I and II to Regulation (EC) No 725/2004 concerning exceptions for a port facility from that the scope of the regulation and relating to the equivalent security arrangements may be appealed to the Government. Other decisions under this law or under the provisions of annex 1 and 2 to Regulation (EC) No 725/2004 shall not be subject to any General may be appealed to the Administrative Court. Leave to appeal is required for an appeal to the administrative court. Law (2008:1379).

Professional secrecy

§ 30: the one who has taken the position of supervision under the provisions of Regulation (EC) No 725/2004 or designated to security officer must not improperly disclose or take advantage of what he or she is in the assignment or in his service have been told about

1. maritime security on board ships and in port facilities,
2. professional secrets or working procedures,
3. individuals ' financial or personal circumstances, or
4. conditions of importance for national security.

He who has carried out a physical examination or any other examination under this law may not improperly disclose or exploit what during the mission, he or she or his service has a Learn about individuals ' financial or personal relationships. In the public activities should apply the provisions of public access to information and secrecy (2009:400) instead of the first and second subparagraphs. Law (2009:506).