



## SPECIAL ISSUE: PIRACY

### SAFETY AND SECURITY:

#### ITALIAN COAST GUARD PROCEDURES ON EMBARKATION OF NAVY OR CONTRACTORS [PCASP] ONBOARD ITALIAN FLAGGED SHIPS

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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 Headquarters 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).

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.

##### **NMPs AND CONTRACTORS [PCASP]**

NMPs and Contractors are qualified as “*other than persons*” pursuant to SOLAS 74, Chapter I-

2 (e) (i).

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*.

##### **LOCAL FOR AMMUNITION STORE**

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 Italian Register (RINA) or other classification society 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.

**SAFETY**

Due to NMPs or Contractors onboard the vessel during the navigation a risk assessment has to be carried out, considering ISM procedures already implemented and guidelines/audits arranged by Owner according to IMO Resolutions MSC 273(85) dated 4 December 2008 and [MSC 1/Circ. 1405/rev. 2](#) dated 25 May 2012 and following amendments.

**SECURITY**

As far as security, the **Ship Security Plan (SSP)** of a ship sailing in the piracy risk area has to be supplemented by a specific risk assessment concerning measures and procedures.

**LIFE EQUIPMENT**

The employment of NMPs or Contractors has to be arranged in compliance with the maximum number as indicated by vessel security certificates.

Derogation for exceptional and provable reasons have been provided by the decree at issue for NMPs only, considering the contents of SOLAS 74, Chapter I-5 and Chapter III-21.1.1.1.

**TRAINING AND FAMILIARIZATION**

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;
- emergency procedures.

NMPs or Contractors have to attend a drill abandonment of the ship within 24 hours of sailing.

**INSURANCE COVER**

The insurance cover has to be in compliance with Italian law in force and [MSC.1/Circ. 1405/Rev.2](#)

**COMMAND AND CONTROL**

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](#).

**MANAGEMENT OF FIREARMS AND RULES OF THE USE OF FORCE**

The shipowner / operator / bareboat charterer when entering into a contract with Contractors has to ensure that the management of the firearms and the use of the force comply with Italian law in force and, if applicable, [MSC.1/Circ. 1405/Rev.2](#) (5.11–5.12, 5.13–5.15).

**REPORTING AND RECORD-KEEPING**

The shipowner / operator / bareboat charterer when entering into a contract with Contractors has to ensure that :

- the Master should maintain a log of any event and circumstance concerning the deploy of NMPs or Contractors according to Italian Code of Navigation , specific rules and [MSC.1/Circ. 1405/Rev.2](#) (5.16–5.17);
- in the event of an incident, the PCASP team leader has to submit a full report with photos and/or videos, if available ([MSC.1/Circ. 1405/Rev.2, 5.16–5.18](#));
- following a tour of duty the PCASP team should submit a full report of all activities carried out ([MSC.1/Circ. 1405/Rev.2](#));
- the Master has to report to the appropriate military authorities when a ship intending to transit, or transiting, the HRA is carrying PCASP.

#### STATEMENT OF COMPLIANCE

By 96 hours before NMP or Contractors embarking, a statement of compliance as provided for by Annex I of the decree has to be forwarded to Head Office of Italian Coast Guard.

Whilst every care has been taken to ensure the accuracy of this information at the time of publication, the information is intended as guidance only. It should not be considered as legal advice. For any further information, please contact Studio Legale Garbarino Vergani at the following contacts as reported hereunder.

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