

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			
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. But it is also a decision to be made by the ship operator after due consideration of all risks. In addition to that, a firearm license is required.	The shipowner should be able to demonstrate its due diligence (in selecting the security service provider with professional standing) <ul style="list-style-type: none"> the security company should be licensed by its national authorities and have licenses from local Port authorities to bring arms on board if force is used it shall be the minimum necessary in the circumstances and proportionate according to the threat. 	Guidance from the Bahamas Maritime Authority (BMA Information Bulletin No.128 "Guidance to shipowners on carriage of armed personnel for vessel protection): www.bahamasmaritime.com/downloads/Bulletins/128bulletn.pdf	Recommendation to fully follow BMP3's requirements 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 shipowner or agents contracting such services (cf. insurance)
Belgium	It is not per se forbidden neither by the general applicable Belgian laws, nor by the Belgian criminal Code	It is not per se forbidden neither by the general applicable Belgian laws, nor by the Belgian criminal Code	Each ship owner has to decide according to general applicable Belgian laws and Belgian criminal Code. The person using weapon has to have a gun license/ firearms certificate. It is not permitted to use certain arms (as automatic firearms).	General Belgian laws and Belgian criminal Code	Political and practical options are under discussion
Bulgaria	X	X	X	X	X
Cyprus	No provision in national legislation	No provision in national legislation	X	X	A change of policy regarding private armed guards must be done after due consideration of all the risks involved and definitely after carefully assessing the reliability of a private security services company and its armed guards as well as the rules of engagement of such armed guards. JCSA is strongly in favour that individual states must amend their national legislation in order to provide the necessary legal framework which will regulate the use of private armed guards, as well as to allow for the arrest, prosecution and sentencing of captured pirates in "fast-track" procedure. JCSA is currently working closely with the Cyprus Government towards that direction, something which will provide the means for Cyprus to protect its interests as a Maritime Nation against Piracy and is pushing the Government to become even more involved in all international fora towards the establishment of an international legal framework that will guarantee a uniform and effective confrontation of Pirates.
Denmark	Possibility to apply for permission to use armed guards	Prohibition unless there is authorization from the Justice Department	The application to use armed guards (with the Danish Justice Department which consults with the DMA) must specify: <ul style="list-style-type: none"> -The details of the vessel, the owner, the guards, the employers and their weapons, the route and the possible alternative -Anti-piracy measures on board, convoy/escort -MSCHOA/UKMTO notification -if the crew has been offered to disembark. 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.	X	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.

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Estonia					
Finland	A private security company will get a licence for performing a job where carrying a gun is necessary for self-defence. Permission for private armed guards onboard ships could be issued as from today 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) onboard 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 the safety and security onboard. 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 inter-pose his veto (however it should be taken into account that a Master doesn't necessarily have the appropriate military experience). The FSA opinion is that we must continue pursuing 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.
France	Prohibition	Prohibition BUT Authorization can be granted under certain conditions determined by decree	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	Recommendation to fully follow BMP3's requirements.
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 General criminal Code	Political and practical options are under discussion.
Greece	Prohibition	Prohibition	X	Existing Greek legislation	Proposal of UGS on a draft law concerning the employment of private armed guards on board Greek-flagged vessels will be submitted to the government for examination and possibly adoption in the summer recess committee by the Parliament. In accordance with the proposed legislation, private armed guards will be allowed on board, subject to a precise authorisation and under strict conditions. The above measure is optional for shipowners.

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Hong Kong	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	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.	Training and certification in Hong-Kong	Marine Department Security Advisories No. 14 (which supersedes No.4)	Recommendation to join Chinese naval convoy escort; Recommendation to fully follow BMP3's requirements ;
Ireland	X	X	X	X	X
Isle of Man	Neither recommended or prohibited. It is a decision to be made by the ship operator after due consideration of all the risks.	No prohibition. A Manx firearms licence is not required for the carriage of firearms on board a Manx ship unless in Manx territorial waters. 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.	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. 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.	Industry Circular no.16, April 2011: Piracy Counter Measures. http://www.gov.im/lib/docs/ded/shipregistry/survey/industryCirculars/industryCircular16piracycounte.pdf	All Manx vessels are requested to register with MSCHOA prior to entering the risk area. 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. Procedures and facilities should be put in place for stowage and control of firearms/ammunition on board.
Italy	Adoption of Decree-law n.107 of 12 July 2011 that allow, in article 5, to place 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 will be stipulated within 60 days from the entry into force through a Decree of the Ministry of Internal Affairs concerted with the Ministry of Defence and the Ministry of Transport that will fix the requirements for the possess, use, purchase and transport of arms and munitions on board.

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Japan	Prohibition	Prohibition	X	Japanese Firearms and Swords Control Law (which in principle prohibits the possession of arms and swords in Japan)	Possibility of discussion on the issue in Japan if the current increasing level of violence of piracy acts isn't rectified
Liberia	No prohibition <ul style="list-style-type: none"> ▪ Within the master's discretion ▪ only if the Administration's requirements are satisfied 	No prohibition Within the master's discretion	Owner or Master shall conduct risk assessment as described in MSA 03/2011 and the Guidance; Owner must take appropriate measures to verify the credibility and experience of the company, as detailed in MSA 03/2011 and the Guidance. Provisions relating to PCASP should be included in an Appendix to the Ship Security Plan (SSP). The appendix should include the following features: <ul style="list-style-type: none"> ▪ Procedures pertaining to application of additional anti-piracy measures ▪ Watch keeping and vigilance ▪ Communication procedures with the PCASP ▪ Use of defensive measures ▪ Use of passive/non lethal devices ▪ Authority of the Master (PCASP embarked on the vessel are at all times subject to the overriding authority of the vessel's Master) ▪ Activation of PCASP and the risk of escalation. 	Guidance from the Bureau of Maritime Affairs of the Republic of Liberia: 1. Maritime Security Advisory-03/2011: www.liscr.com/liscr/Portals/0/SecurityAdvisory_03-2011.pdf "Interim IMO Guidance on the use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area" 2. "Piracy: Guidance for Liberian Flagged Vessels Regarding 3rd Party Security Teams 2011" 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).	Recommendations to the ship owner: <ul style="list-style-type: none"> ▪ Due diligence ▪ Training of crew and PCASP ▪ To discuss in detail the insurance coverage that the maritime security company holds ▪ Assure that a Use of Force Continuum is established as part of the contract with the PMSC
Lithuania	No legal disposition to place armed guards (private or state) on merchant ship.	No legal ground to arm ship's crew.	X	X	After the IMO guidelines for armed guards on board are published, the Lithuanian Shipowners do expect to start their talks with officials and to investigate possibilities to place armed guards on board.
Malta	X	X	X	X	X
Netherlands	No prohibition per se	According to Dutch law, it is forbidden to have fire arms on board a Dutch flagged	X	X	In practice this means that Dutch law does not permit to place a private armed team on board with sufficient weapons to act in case of a piracy attack.
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	In the amended regulation that came into force 1 July 2011: <ul style="list-style-type: none"> -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;

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Poland	No legal disposition to place armed guards (private or state) on merchant ship.	No legal ground to arm ship's crew.	X	X	There is no need for such legal dispositions in Poland. This is due to the fact that almost all ocean-going vessels which are owned and/ or operated by the Polish Shipowners are registered under the 3rd country Flag therefore, the problem of crew security and safety is regulated and/or remains under scrutiny and control of the respective Flag State administration.
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	X
Singapore	No prohibition.	No prohibition. With a caveat that carriage and use of fire-arms 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 www.mpa.gov.sg/sites/port_and_shipping/circulars_and_notices/shipping_circulars_detail.page?filename=sc11-11.xml	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 Best Management Practices (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.
Slovenia	X	X	X	X	X
Spain	Royal Decree 1628/2009 on private security and weapons.allows to take on board Spanish flag ships (both merchant and fishing vessels) 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.	The Order PRE/2914/2009 developed Royal Decree 1628/2009 by 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. The 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 properly and proportional way.	X	Royal Decree 1628/2009, on private security and weapons. Order PRE/2914/2009.	X

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Sweden	X	X	X	X	X
UK	No restrictions or regulations currently exist and the recommendations contained in MSC.1Circ.1406 are expected to be used as a basis for national control measures.	The Government's legal advice indicates that the carriage of weapons onboard UK ships is controlled by UK firearms legislation and licensing requirements, any carriage of weapons on ships by PCASP at the present time would likely contravene these existing laws.	None are specified	Carriage is currently 'Not recommended'. Both Chamber and UK Government are moving to a more neutral stance and the carriage of weapons onboard ship, under exceptional and limited conditions is likely to be permitted in the future under an exemption scheme.	It is acknowledged that some UK ships currently embark PCASP. UK Government and the Chamber wish to decriminalise the use of PCASP whilst ensuring robust control measures are put in place to regulate their activities. The widespread use of PCASP is not encouraged.
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. www.gpo.gov/fdsys/search/home.action . 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; 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 www.homeport.uscg.mil/mycg/portal/ep/home.do . 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 (...).

INTERNATIONAL CHAMBER OF SHIPPING (ICS) AND EUROPEAN COMMUNITY SHIPOWNERS ASSOCIATIONS (ECSA) JULY 2011

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