

MTSA/ISPS POLICY ADVISORY COUNCIL

August 26, 2004

Issue/Discussion/Decision Facilities Receiving Vessels from Canada 43-04

FINAL

Issue (43-04): Will facilities receiving Canadian flagged vessels be required to comply with the Marine Transportation Security Act?

Discussion: Numerous facilities receive vessels from Canada. Canada's Marine Transportation Security Regulations state which of these vessels will be required to have security plans. Non-SOLAS vessels will carry Canadian Vessel Security Certificates if the vessel meets the provisions of the security plan. Through the bilateral agreement between the Canadian Department of Transport and the United States Coast Guard, the United States accepts this security certificate as evidence of compliance with required vessel security plan requirements. In other words, the Canadian Department of Transportation and the United States Coast Guard have determined that their respective regulations addressing vessel security plan requirements provide equivalent levels of security. Do these U.S. facilities that receive these "foreign cargo vessels greater than 100 gross registered tons" have to have a FSP under 105.105 (a)(4), if the vessels are not required to have a plan?

Decision: With strict regards to facilities that only receive Canadian flagged vessels, facilities will be required to meet the requirements of 33 CFR Part 105 if they receive Canadian flagged vessels carrying Canadian Vessel Security Certificates. Conversely, facilities will not need to meet the requirements of 33 CFR Part 105 if they only receive Canadian vessels that do not carry Canadian Vessel Security Certificates.

Facilities that receive U.S. flagged vessels or vessels of other foreign flags in addition to Canadian flagged vessels might need to meet the requirements of 33 CFR Part 105 depending on the classifications of these vessels. See 33 CFR 105.105.