



MARINE SECURITY OPERATIONS BULLETIN

No: 2014-003

REQUESTS FOR TRANSPORT CANADA MARINE SECURITY SERVICES RELATED TO SECURITY ASSESSMENTS, SECURITY PLANS, SECURITY PROCEDURES AND INSPECTIONS.

PURPOSE:

The purpose of this bulletin is to provide information and guidance to Canadian marine facility operators, port administrations and Canadian flagged vessel operators subject to the provisions of the *Marine Transportation Security Regulations* (MTSR) and the *Domestic Ferries Security Regulations* (DFSR) when requesting Transport Canada Marine Security services. These services are related to the conducting of security assessments or reviews, security plan or security procedure reviews and/or inspections for the issuance or maintenance of a marine security document or security documentation.

BACKGROUND:

Transport Canada has two regulations that are in force under the authority of Section 5 of the Marine Transportation Security Act. The *Marine Transportation Security Regulations* (MTSR July 1, 2004) and the *Domestic Ferries Security Regulations* (DFSR December 1, 2009) as amended from time to time.

The compliance process for both regulations may involve the review and approval of security assessments, security plans, security procedures and inspections to be conducted; additionally, in the case of a security assessment for a MTSR marine facility or port, the conducting of a security assessment.

Requesting a marine security service in order to obtain or maintain a marine security document (MTSR) or security documentation (DFSR) in some cases has not been received in a timely manner and has resulted in a strain on resources.

In order to better coordinate the processes related to obtaining or maintaining a marine security document (MTSR) or security documentation (DFSR) and focus on improving services, this Bulletin was developed to better serve the marine industry as a whole and increase the efficiency and effectiveness of all marine security services.

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Definitions:

Terms specific to these procedures are defined below (where further clarification is required related to definitions, consult the MTSR or DFSR as appropriate):

“SOLAS ship” (MTSR interpretation section) means a vessel that

- (a) is 500 gross tonnage or more or is carrying more than 12 passengers; and
- (b) is engaged on an international voyage other than a voyage solely on the Great Lakes and the St. Lawrence River as far seaward as a straight line drawn from Cap-des-Rosiers to West Point, Anticosti Island, and from Anticosti Island to the north shore of the St. Lawrence River along the meridian of longitude 63° W.

“non-SOLAS ship” (MTSR interpretation section) means a vessel that is not a SOLAS ship, that is engaged on an international voyage, and that

- (a) is more than 100 gross tonnage but is not a towing vessel;
- (b) is carrying more than 12 passengers; or
- (c) is a towing vessel engaged in towing astern or alongside, or pushing ahead, a barge that is carrying certain dangerous cargoes.

“marine facility” includes (MTSA interpretation section):

- (a) an area of land, water, ice or other supporting surface used, designed, prepared, equipped or set apart for use, either in whole or in part, for the arrival, departure, movement or servicing of vessels,
- (b) buildings, installations and equipment on the area, associated with it or used or set apart for handling or storing goods that have been or are destined to be transported on a vessel,
- (c) equipment and facilities used to provide services relating to marine transportation, and
- (d) marine installations and structures, as defined in section 2 of the *Canadian Laws Offshore Application Act*

“occasional-use marine facility” means a marine facility that, in a calendar year, has 10 or fewer interfaces with vessels to which Part 2 applies (MTSR interpretation section).



“domestic ferry” means a vessel that is entitled to fly the Canadian flag, carries passengers on a regular schedule and operates on a route set out in Schedule 1 of the *Domestic Ferries Security Regulations* (DFSR interpretation section).

“domestic ferry facility” means a marine facility set out in Schedule 2 of the *Domestic Ferries Security Regulations* (DFSR interpretation section).

“marine security document” means any certificate, document or letter issued by the Minister under the *Marine Transportation Security Regulations* (MTSR interpretation section).

“security documentation” means one or more of the following documents under the *Domestic Ferries Security Regulations* (DFSR interpretation section):

- (a) a Security Assessment Letter of Approval in respect of a domestic ferry issued under subsection 16(1);
- (b) a Security Assessment Letter of Approval in respect of a domestic ferry facility issued under subsection 16(2);
- (c) an Interim Domestic Ferry Security Certificate in respect of a domestic ferry issued under subsection 18(1);
- (d) a Security Certificate in respect of a domestic ferry issued under paragraph 19(1)(a); and
- (e) a Statement of Compliance in respect of a domestic ferry facility issued under paragraph 19(1)(b).

“Marine Security Service(s)” means:

- (a) In the case of a marine facility or port, a request for
 - (i) a security assessment to be conducted;
 - (ii) a security assessment review;
 - (iii) a security plan review for approval; and
 - (iv) an inspection for the purposes of obtaining or maintaining a marine security document.
- (b) In the case of a SOLAS or non-SOLAS ship, a request for
 - (i) a security assessment review for approval;



- (ii) a security plan review for approval; and
 - (iii) an inspection for the purposes of obtaining or maintaining a marine security document.
- (c) In the case of a domestic ferry or a domestic ferry facility, a request for
- (i) a security assessment review for approval;
 - (ii) a security plan review for approval
 - (iii) an inspection for the purposes of obtaining or maintaining security documentation.
- (d) In the case of an occasional-use marine facility, a request for a review of their security procedures for the purposes of obtaining or maintaining a marine security document.

“in writing” means by letter, email or fax.

DIRECTIVE:

In order to increase efficiency and to ensure that marine security services are delivered in a fair, timely, efficient and in the most effective manner, the following must be met:

Requests for Marine Security Services

Domestic ferry and domestic ferry facility operators that wish to obtain or maintain security documentation in accordance with the DFSSR, or operators of marine facilities, port administrations or SOLAS and non-SOLAS ships that wish to obtain or maintain a marine security document in accordance with the MTSR, must submit the request for a marine security service to their regional Transport Canada Marine Security office.

All requests for services that may occur during or outside normal business hours must be made in writing to the Regional Manager or individual that is responsible for the Transport Canada Marine Security program in the regional office or local Transport Canada Marine Security office in your area.

Marine security service requests will be reviewed Monday to Friday, during normal business hours (08:00 to 16:00 Local Time) and will be dealt with on a first come first served basis. The scheduling of a marine security service request will be done as part of the general Transport Canada Marine Security program and are subject to the availability of a security inspector.



Urgent requests for marine security services are dealt with on a case-by-case basis and depend on the availability of a security inspector.

Scheduled marine security services will take precedence over urgent requests where there are insufficient security inspectors available to satisfy all requests; at the discretion of the Regional Manager or individual that is responsible for the Transport Canada Marine Security program in the regional office or local Transport Canada Marine Security office in your area.

Exceptions may be considered on a case by case basis as long as they do not negatively impact a previously scheduled marine security service request.

When the marine security service requested is for an inspection (and/or a security assessment in the case of a marine facility or port), it is incumbent upon the requestor (operator) to ensure that all of the required documentation is in order and they are ready in all respects and are prepared to demonstrate that they meet the requirements of the regulations applicable to their operation.

When the marine security service requested is for documentation review/approval, it is incumbent to the requester (operator) to ensure that a complete and accurate submission including all relevant documentation is provided before the review begins.

Transport Canada marine security inspectors will continue to work with marine facility operators, port administrations and vessel operators to assist in the process of inspection requests. In the event that a required inspection (and/or a security assessment in the case of a marine facility or port) is not conducted as a result of the operator not contacting Transport Canada Marine Security within a reasonable time, the marine security document or security documentation may become invalid, expire or be cancelled as a result.

Scheduling of Marine Security Inspection Services

The written requests for a marine security service must be received in advance of the actual date of the intended marine security service requirement and take into account the necessary time to travel or the distance to be travelled, in or outside Canada, or to or from the inspection location, for example a vessel, marine facility or a port located in a remote or isolated area.

The timeliness of a request for marine security service must take into account the regulatory requirements as well as the complexity of the requestors operations and the nature of the request to allow sufficient time for Transport Canada Marine Security to review or fulfill the request.

In certain circumstances, such as a vessel at anchorage, additional time may be required. Each case will be considered individually when the security inspection request has been received and agreed to by the regional manager or individual that is responsible for the Transport Canada Marine Security program in the regional office.



Where visas, other travel documents or special travel arrangements are required, additional notice must be given to allow for processing or scheduling that is outside of Transport Canada's control.

Since the period to complete a security inspection (and/or a security assessment for port or marine facility) is unknown and is based on the complexity of the operation and workload, no assurance will be given for completion within a certain period.

All scheduled marine security service requests are subject to the availability of a security inspector. Due to unforeseen circumstances, such as inclement weather or a security threat, breach or incident, a scheduled service request may be cancelled at the last moment.

Where work is unable to be completed in one visit, for whatever reason, a return visit will be scheduled taking into consideration existing scheduled marine security inspections, which have priority over return visits.

Cancellation of Marine Security Services

The cancellation of a marine security service must be provided in writing to the Transport Canada Marine Security regional office, where the service was initially requested, Monday to Friday, during normal business hours (08:00 to 16:00 Local Time).

Cancellations related to a vessel, marine facility or port visit must be done in due time taking into consideration the necessary time it takes a security inspector to travel, or the distance to be travelled in or outside Canada; for example, a vessel or a marine facility located in a remote or isolated area.

Transport Canada Marine Safety & Security Offices may be found at the following website:

<http://www.tc.gc.ca/eng/regions.htm>

Marine Transportation Security Regulations containing the recent Regulations Amending the Marine Transportation Security Regulations, published in Canada Gazette, Part II, on July 2, 2014:

<http://lois-laws.justice.gc.ca/eng/regulations/sor-2004-144/index.html>

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***Domestic Ferries Security Regulations* may be found at the following website:**

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2009-321/page-1.html>

Any comments, suggestions or concerns can be addressed to the Director, Marine Security Operations by e-mail at dirops.marsec-sumar@tc.gc.ca.



Nicole Legault
Director
Marine Security Operations

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