



## MARINE SECURITY OPERATIONS BULLETIN

File number: 4303-12

No: 2014-004

### AMENDMENT TO *THE MARINE TRANSPORTATION SECURITY REGULATIONS* RELATED TO OCCASIONAL-USE MARINE FACILITIES

#### **PURPOSE:**

The purpose of this bulletin is to provide information and guidance related to the provisions of the *Regulations Amending the Marine Transportation Security Regulations* (MTSR) Part 3 section 302(2) published in *Canada Gazette II* on July 2, 2014.

#### **BACKGROUND:**

The *Marine Transportation Security Regulations* (MTSR - SOR 2014-162) introduce amendments which require an occasional-use marine facility (OUMF) to submit security procedures to Transport Canada Marine Security for approval.

These security procedures are prescribed in the amended Regulations and include a provision that sets out the validation period of the approved security procedures not to exceed five years from the date approved.

In accordance with the MTSR, when a marine facility meets the definition of an OUMF, the operator is required to comply with the MTSR requirements sections 315 and 355 to 360.1 before the beginning of the first interface with a vessel to which Part 2 of the MTSR applies.

In order for the operator of an OUMF to be compliant before the beginning of the first interface, the required documentation must be submitted to Transport Canada Marine Security for review in sufficient time to ensure that they are approved, the approved procedures are in place and a Transport Canada Marine Security Letter of Compliance (LoC) has been issued before that interface occurs.

The Regulations also require an OUMF to clearly mark restricted areas with signs, prohibit the operation of an OUMF without a valid LoC and provide a mechanism for the cancellation and suspension of marine security documents (which includes a LoC).

The *Regulations Amending the Marine Transportation Security Regulations* were published in the *Canada Gazette*, Part II, on July 2, 2014 and may be found at the following website:

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

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## DEFINITIONS:

“**existing OUMF**” (for the purpose of this bulletin) means an operator who had existing security procedures or submitted security procedures for review before July 2, 2014.

“**Letter of compliance (LoC)**” (MTSR, Part 3 section 360.(1)) means an approval document issued by Transport Canada Marine Security identifying that the security procedures for an OUMF meet the requirements of the MTSR Part 3 section 302(2). This document allows an operator to operate as an OUMF in accordance with the regulations.

“**new OUMF**” (for the purpose of this bulletin) means an operator who did not have existing security procedures and applies to become a OUMF after July 2, 2014.

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

## DIRECTIVES:

**Directive on the implementation of the amended MTSR (Canada Gazette II, SOR 2014-162 registered June 19, 2014):**

### **Transitional Provision: Existing OUMF**

During implementation of the new *Regulations Amending the Marine Transportation Security Regulations*, Transport Canada Marine Security will use a graduated compliance and enforcement approach with respect to the amendments to the MTSR.

This operational transitional period does not restrict Transport Canada from taking any compliance and enforcement actions where necessary to ensure the safety and security of the marine transportation system.

In order to ensure there is an adequate time period for an existing OUMF to meet the requirements of the MTSR Part 3 section 302(2), OUMF operators working with Transport Canada Marine Security regional offices must have approved security procedures, a LoC, and meet all other MTSR requirements for an OUMF by **July 1, 2015**.

During the transition period of submission and approval of the marine security procedures the operator of an existing OUMF must ensure that their existing approved security procedures are maintained at all times, through every interface.

The existing OUMF that does not meet all MTSR requirements (including the *Regulations Amending the MTSR* requirements, SOR 2014-162, published in the *Canada Gazette II* on 2 July 2014) **before July 1, 2015** may result in their existing approved security procedures or LoC being cancelled in accordance with the MTSR section 14(1), Suspension and Cancellation of



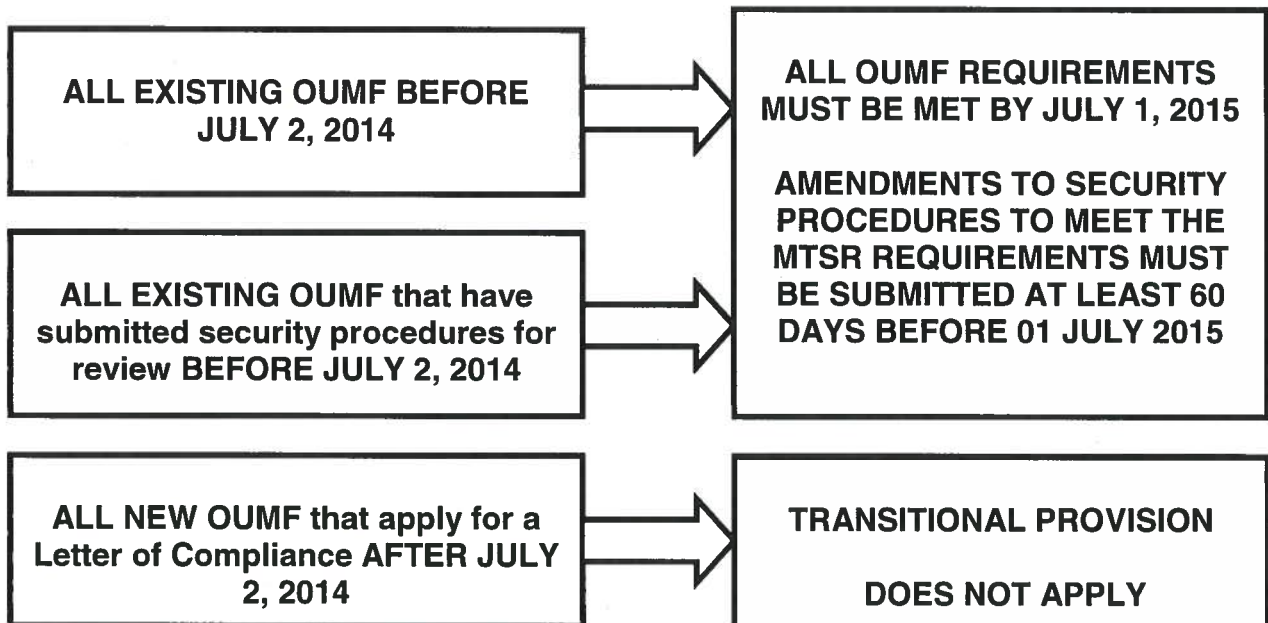
marine security documents.

Existing OUMF operators are encouraged and reminded that it is in their best interest to amend and submit their security procedures for review and approval by Transport Canada as soon as practicable.

**Transitional Provision: New OUMF**

There is no transitional provision for new OUMF as these facilities must meet the current MTSR requirements when they become subject to Part 3 section 302(2) of the MTSR and before the beginning of the first interface with a vessel to which Part 2 of the MTSR applies.

**OUMF TRANSITIONAL PROVISION TIMETABLE**



**Requesting Transport Canada Marine Security Services**

The operator of an OUMF is responsible for requesting Transport Canada Marine Security services related to the conducting of security assessments or reviews, security procedures reviews and approvals, and/or inspections specifically for the issuance or maintenance of marine security documents including Letters of Compliance.

For information in regards to the Requests for Transport Canada Marine Security Services, please refer to the MSOB # 2014-003, issued on October 28, 2014.

RDIMS # 9936397





## REFERENCES:

The following documents, as amended from time to time, support this bulletin or are referenced within and must be read in conjunction with:

- *Marine Transportation Security Act;*
- *Marine Transportation Security Regulations;*
- *Regulations Amending the MTSR (SOR 2014-162, registered June 19, 2014);*
- *Updates to the Marine Security oversight regime under the Marine Transportation Security Act (MSOB – 2013-001);*
- *Requests for Transport Canada Marine Security Services related to security assessments, security plans, security procedures and inspections (MSOB 2014-003); and*
- *Applying the Marine Transportation Security Regulations to Canadian Vessels on a Domestic Voyage to Maintain International Requirements and Marine Facilities Interfacing with them (MSOB 2014-002).*

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

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