

Official Journal

of the European Union

L 67



English edition

Legislation

Volume 53

17 March 2010

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 220/2010 of 16 March 2010 adopting the programme of ad-hoc modules, covering the years 2013 to 2015, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 ⁽¹⁾** 1

Commission Regulation (EU) No 221/2010 of 16 March 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables 4

DECISIONS

- ★ **Council Decision 2010/156/CFSP of 16 March 2010 extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia** 6

2010/157/EU:

- ★ **Commission Decision of 12 March 2010 prolonging the validity of Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters (notified under document C(2010) 1314) ⁽¹⁾** 9

2010/158/EU:

- ★ **Commission Decision of 16 March 2010 concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in Romania (notified under document C(2010) 1862) ⁽¹⁾** 10

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

Price: EUR 3

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

RECOMMENDATIONS

2010/159/EU:

★ **Commission Recommendation of 11 March 2010 on measures for self-protection and the prevention of piracy and armed robbery against ships ⁽¹⁾** 13



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 220/2010

of 16 March 2010

adopting the programme of ad-hoc modules, covering the years 2013 to 2015, for the labour force sample survey provided for by Council Regulation (EC) No 577/98

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 577/98, it is necessary to specify the elements of the programme of ad-hoc modules covering the years 2013 to 2015.
- (2) There is a need for additional sources ⁽²⁾ for certain sectors with high risks of occupational accidents or diseases and other work-related health problems but which usually are not covered, or not fully covered, by national social security systems, such as 'Fishing and aquaculture' (division 03 of NACE rev. 2), 'Mining and quarrying' (section B of NACE rev. 2) or 'Human health and social work activities' (section Q of NACE rev. 2).
- (3) A new ad-hoc module on accidents at work and work-related health problems will provide considerable value added to the information obtainable from the European Statistics on Accidents at Work (ESAW) and European Occupational Diseases Statistics (EODS), allowing, in

particular, the data on accidents and occupational diseases to be directly linked to the situation of persons on the labour market and information to be obtained on emerging risks (e.g. work-related health problems not recognised as occupational diseases in national legislation).

- (4) The European Employment Strategy fully reflects the need to take into account the labour aspects of immigration, in particular the need to improve the labour market situation of migrants. The Employment Guidelines adopted by Council Decision 2008/618/EC ⁽³⁾, which are an integral part of the 'Integrated Guidelines Package', which is designed to spur growth and jobs in Europe as part of the relaunched Lisbon Strategy, call for particular attention to be paid to significantly reducing the employment gaps for people at a disadvantage, including the gap between third country nationals and EU citizens. They explicitly state that combating discrimination and integrating immigrants is essential and call for appropriate management of economic migration to improve matching of labour market needs. Appropriate data to monitor these issues are extremely important, especially since, given the ageing of the EU labour force and predicted skill shortages, the need for migrant workers will continue to grow in future years.
- (5) In the context of the ongoing debate on flexicurity and the expressed need for greater adaptability of both enterprises and workers in Europe, a key issue highlighted in the European Employment Strategy and the Employment Guidelines, it is necessary to have data from a large-scale European survey on the extent of application of various forms of new work organisation practices and working time arrangements and workers' experiences with these.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

⁽¹⁾ OJ L 77, 14.3.1998, p. 3.

⁽²⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work, adopted on 21.2.2007 — COM(2007) 62.

⁽³⁾ OJ L 198, 26.7.2008, p. 47.

HAS ADOPTED THIS REGULATION:

Article 1

The programme of ad-hoc modules for the labour force sample survey, covering the years 2013 to 2015, as set out in the Annex, is hereby adopted.

Article 2

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 March 2010.

For the Commission
The President

José Manuel BARROSO

ANNEX

LABOUR FORCE SURVEY**Multiannual programme of ad-hoc modules****1. ACCIDENTS AT WORK AND OTHER WORK-RELATED HEALTH PROBLEMS**

List of variables: to be defined before December 2011.

Reference period: 2013. Member States may provide data for all 52 weeks or for the second quarter of the year.

Member States and regions concerned: to be defined before December 2011.

Representativeness of the results: to be defined before December 2011.

Completeness of the ad-hoc module sample: the ad-hoc module sample should fulfil the requirements of Annex I, point 4, to Commission Regulation (EC) No 377/2008 ⁽¹⁾, i.e. the sample used to collect information on ad-hoc modules must also provide information on structural variables.

Transmission of the results: before 31 March 2014.

2. LABOUR MARKET SITUATION OF MIGRANTS AND THEIR IMMEDIATE DESCENDANTS

List of variables: to be defined before December 2012.

Reference period: 2014. Member States may provide data for all 52 weeks or for the second quarter of the year.

Member States and regions concerned: to be defined before December 2012.

Representativeness of the results: to be defined before December 2012.

Completeness of the ad-hoc module sample: the ad-hoc module sample should fulfil the requirements of Annex I, point 4, to Regulation (EC) No 377/2008, i.e. the sample used to collect information on ad-hoc modules must also provide information on structural variables.

Transmission of the results: before 31 March 2015.

3. WORK ORGANISATION AND WORKING TIME ARRANGEMENTS

List of variables: to be defined before December 2013.

Reference period: 2015. Member States may provide data for all 52 weeks or for the second quarter of the year.

Member States and regions concerned: to be defined before December 2013.

Representativeness of the results: to be defined before December 2013.

Completeness of the ad-hoc module sample: the ad-hoc module sample should fulfil the requirements of Annex I, point 4, to Regulation (EC) No 377/2008, i.e. the sample used to collect information on ad-hoc modules must also provide information on structural variables.

Transmission of the results: before 31 March 2016.

⁽¹⁾ OJ L 114, 26.4.2008, p. 57.

COMMISSION REGULATION (EU) No 221/2010**of 16 March 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 March 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 March 2010.

*For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	107,2
	JO	59,4
	MA	78,3
	TN	133,8
	TR	115,0
	ZZ	98,7
0707 00 05	EG	219,6
	JO	134,1
	MK	134,1
	TR	137,6
	ZZ	156,4
0709 90 70	MA	192,2
	TR	93,9
	ZZ	143,1
0709 90 80	EG	32,4
	ZZ	32,4
0805 10 20	EG	42,9
	IL	54,6
	MA	56,9
	TN	49,7
	TR	61,4
	ZZ	53,1
0805 50 10	EG	76,3
	IL	97,8
	TR	68,0
	ZZ	80,7
0808 10 80	AR	103,6
	BR	89,3
	CA	73,7
	CN	74,2
	MK	24,7
	US	116,6
	ZZ	80,4
0808 20 50	AR	84,0
	CL	74,8
	CN	82,0
	ZA	101,9
	ZZ	85,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION 2010/156/CFSP

of 16 March 2010

extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Policy objective

Having regard to the Treaty on European Union, and in particular Articles 28, 31(2) and 33 thereof,

The EUSR's mandate shall be based on the policy objective of the European Union in the former Yugoslav Republic of Macedonia, which shall be to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, thereby facilitating further progress towards European integration through the Stabilisation and Association Process.

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

The EUSR shall support the work of the HR in the region.

- (1) On 17 October 2005, the Council adopted Joint Action 2005/724/CFSP⁽¹⁾ appointing Mr Erwan FOUÉRE European Union Special Representative (EUSR) in the former Yugoslav Republic of Macedonia.
- (2) On 15 September 2009, the Council adopted Joint Action 2009/706/CFSP⁽²⁾ extending the mandate of the EUSR until 31 March 2010.
- (3) The mandate of the EUSR should be extended until 31 August 2010. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a recommendation of the High Representative of the Union for Foreign Affairs and Security Policy (HR) following the entry into force of the decision establishing the European External Action Service,

Article 3

Mandate

In order to achieve the policy objective, the mandate of the EUSR shall be to:

- (a) maintain close contact with the Government of the former Yugoslav Republic of Macedonia and with the parties involved in the political process;
- (b) offer the Union's advice and facilitation in the political process;
- (c) ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of the Framework Agreement of 13 August 2001, as set out in the Agreement and the Annexes thereto;
- (d) follow closely, and report on, security and inter-ethnic issues and liaise with all relevant bodies to that end;
- (e) contribute to the development and consolidation of respect for human rights and fundamental freedoms in the former Yugoslav Republic of Macedonia, in accordance with EU human rights policy and EU guidelines on human rights.

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Erwan FOUÉRE as the European Union Special Representative (EUSR) in the former Yugoslav Republic of Macedonia is hereby extended until 31 August 2010. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a recommendation of the HR following the entry into force of the decision establishing the European External Action Service.

⁽¹⁾ OJ L 272, 18.10.2005, p. 26.

⁽²⁾ OJ L 244, 16.9.2009, p. 25.

*Article 4***Implementation of the mandate**

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 April 2010 to 31 August 2010 shall be EUR 340 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 April 2010. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.

2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽¹⁾, in particular when managing EU classified information.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

Article 12

Coordination

1. The EUSR shall promote overall Union political coordination. He shall help to ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide

regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a comprehensive mandate implementation report at the end of the mandate.

Article 14

Entry into force

This Decision shall enter into force on the date of its adoption.

Article 15

Publication

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 16 March 2010.

For the Council

The President

E. SALGADO

COMMISSION DECISION

of 12 March 2010

prolonging the validity of Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters

(notified under document C(2010) 1314)

(Text with EEA relevance)

(2010/157/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) Commission Decision 2006/502/EC ⁽²⁾ requires Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters.
- (2) Decision 2006/502/EC was adopted in accordance with the provisions of Article 13 of Directive 2001/95/EC, which restricts the validity of the Decision to a period not exceeding 1 year, but allows it to be confirmed for additional periods none of which shall exceed 1 year.
- (3) Decision 2006/502/EC was amended three times, firstly by Decision 2007/231/EC ⁽³⁾ which prolonged the validity of the Decision until 11 May 2008, secondly by Decision 2008/322/EC ⁽⁴⁾ which prolonged the validity of the Decision until 11 May 2009 and thirdly by Decision 2009/298/EC ⁽⁵⁾ which prolonged the validity of the Decision for a further year until 11 May 2010.

(4) In the absence of other satisfactory measures addressing the child safety of lighters, it is necessary to prolong the validity of Decision 2006/502/EC for a further 12 months and to amend it accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

Article 1

In Article 6 of Decision 2006/502/EC, paragraph 2 is replaced by the following:

‘2. This Decision shall apply until 11 May 2011.’

Article 2

Member States shall take the necessary measures to comply with this Decision by 11 May 2010 at the latest and shall publish those measures. They shall forthwith inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 12 March 2010.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ OJ L 198, 20.7.2006, p. 41.

⁽³⁾ OJ L 99, 14.4.2007, p. 16.

⁽⁴⁾ OJ L 109, 19.4.2008, p. 40.

⁽⁵⁾ OJ L 81, 27.3.2009, p. 23.

COMMISSION DECISION

of 16 March 2010

concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in Romania

(notified under document C(2010) 1862)

(Text with EEA relevance)

(2010/158/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(3) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(3) thereof,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽³⁾, and in particular the first paragraph of Article 18 thereof,

Whereas:

(1) Avian influenza is an infectious viral disease in birds, including poultry. Infection with avian influenza viruses in domestic poultry causes two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.

(2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.

(3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other poultry holdings and to wild birds. As a result it may spread from one Member State to another Member State and to third countries through trade in live birds or their products and by migration of wild birds.

(4) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza ⁽⁴⁾ sets out measures for the control of both the low pathogenic and highly pathogenic forms of avian influenza. Article 16 of that Directive provides for the establishment of protection, surveillance and further restricted zones in the event of outbreaks of highly pathogenic avian influenza.

(5) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community ⁽⁵⁾ lays down additional protection measures to be applied in a Member State affected by the highly pathogenic avian influenza virus of the H5N1 subtype in order to prevent the spread of that disease, taking into account the specific epidemiology of that particular virus strain.

(6) Article 4 of Decision 2006/415/EC requires that Member States immediately following a suspected or confirmed outbreak of highly pathogenic avian influenza of subtype H5N1 establish a high risk area consisting of protection and surveillance zones (area A) and a low risk area separating area A from the disease-free parts of the affected Member State (area B). Those areas are listed in the Annex to that Decision.

(7) Romania has notified the Commission of a confirmed outbreak of highly pathogenic avian influenza of subtype H5N1 on its territory and has taken the appropriate measures as provided for in Decision 2006/415/EC, including the establishment of areas A and B.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 146, 13.6.2003, p. 1.

⁽⁴⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁵⁾ OJ L 164, 16.6.2006, p. 51.

- (8) The Commission has now examined those protection measures in collaboration with Romania and is satisfied that the borders of areas A and B established by the competent authority in that Member State are at a sufficient distance to the actual location of the confirmed outbreak.
- (9) In order to prevent any unnecessary disturbance to trade within the Union and to avoid the adoption of unjustified barriers to trade by third countries, it is necessary to promptly establish a list of the areas A and B in Romania at Union level.
- (10) Accordingly, pending the next meeting of the Standing Committee on the Food Chain and Animal Health, areas A and B in Romania, where the protection measures laid down in Decision 2006/415/EC are to apply, should be listed in the present Decision and the duration of that regionalisation fixed.
- (11) This Decision will be reviewed at the next meeting of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

This Decision defines the areas within which the interim protection measures provided for in Decision 2006/415/EC shall apply and the period of application of such measures.

Article 2

1. The area listed in Part A of the Annex to this Decision shall be considered the high risk area (area A) as referred to in Article 3(1) of Decision 2006/415/EC.
2. The area listed in Part B of the Annex to this Decision shall be considered the low risk area (area B) as referred to in Article 3(2) of Decision 2006/415/EC.

Article 3

This Decision is applicable until 17 April 2010.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 March 2010.

For the Commission

John DALLI

Member of the Commission

ANNEX

PART A

Area A as referred to in Article 2(1):

ISO country code	Member State	Area A		Date until applicable
		Code	Name	
RO	Romania	00038	Area comprising:	17.4.2010
			Protection zone: Letea	
			Surveillance zone: C.A. Rosetti Sfiştofca Cardon	

PART B

Area B as referred to in Article 2(2):

ISO country code	Member State	Area B		Date until applicable
		Code	Name	
RO	Romania	00038	The areas of the County of Tulcea other than listed in Area A	17.4.2010

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 11 March 2010

on measures for self-protection and the prevention of piracy and armed robbery against ships

(Text with EEA relevance)

(2010/159/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The resurgence of acts of piracy off the coast of Somalia led the Maritime Safety Committee of the International Maritime Organisation (IMO) to adopt a series of measures at its 86th session from 27 May to 5 June 2009. It issued a number of circulars either updating the general recommendations in force on the measures to combat piracy and armed robbery against ships or defining specific measures to tackle piracy in the Gulf of Aden and off the coast of Somalia.
- (2) Circular MSC.1/Circ.1334 of 23 June 2009 offers 'Guidance to ship owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships'. The circular lists a comprehensive series of measures that can be taken onboard ships under any circumstances to prevent attacks or, when they occur, to minimise the risks to the crew and ship.
- (3) Circular MSC.1/Circ.1332 of 16 June 2009 lists the best management practices to avoid, deter or delay acts of piracy in the Gulf of Aden and off the coast of Somalia, devised by maritime industry organisations on a voluntary basis and supported and encouraged by the contracting parties on account of the urgent need to combat attacks off the coast of Somalia. The maritime industry organisations updated these measures in version 2, which was published as circular MSC.1/Circ. 1335 of 29 September 2009.
- (4) Although the measures set out in these IMO circulars are not compulsory or binding, the clear need to improve maritime security means that ships flying the flag of a

Member State should protect themselves as best they can using current know-how when they are exposed in navigation regions with a high risk of piracy and armed robbery.

- (5) By their very nature, acts of piracy and armed robbery against ships are often violent and pose a serious threat in several regions of the world, beyond the current situation off the coast of Somalia and in the Gulf of Aden and Indian Ocean.
- (6) Piracy figures for 2008 are the highest since the International Maritime Bureau began collecting data in 1991, with 293 attacks on ships, 49 captures, 889 seamen held hostage, 11 killed, and 21 missing and presumed dead. Since 2008, there has been a sharp increase in the number of ships attacked and hijacked off the coast of Somalia and in the Gulf of Aden and Indian Ocean. Numerous ships have been attacked and detained by pirates, who hold the crew hostage until a ransom is paid for their release. The periods of captivity last several weeks or even months and are as unacceptable as they are traumatic for the seamen detained.
- (7) The number of attacks in the Indian Ocean and Gulf of Aden has increased since the beginning of 2009, despite a brief respite in the summer on account of the monsoon and the difficult sailing conditions for pirates. Pirates carried out at least 164 attacks in 2009, 48 of which led to a ship being captured.
- (8) The best management practices urge maritime companies and ships to register on the website of the Maritime Security Centre — Horn of Africa (MSCHOA (<http://www.mschoa.org>)) before passing through the Gulf of Aden. Ships that register receive all the information available on the current situation in this particular navigation region and are tracked by the EU NAVFOR-ATLANTA operation forces, reducing the risk of

attack. Yet more than one third of ships in transit are still not registered with the MSCHOA and, as a result, cannot benefit from the measures in place to safeguard their transit through this region.

- (9) On 15 June 2009, the Council of the European Union decided to extend the EU NAVFOR-ATALANTA military operation by one year from 13 December 2009 in order to help deter, prevent and suppress acts of piracy and armed robbery off the coast of Somalia. This military operation is the first naval operation conducted under the European Security and Defence Policy (ESDP), the Council having observed that piracy off the coast of Somalia continued to pose a significant threat to sea transport in the region.
- (10) Since they are complementary to measures taken under the EU NAVFOR-ATALANTA operation, the effective and harmonised implementation of the preventive measures recommended by circulars MSC.1/Circ. 1334 and MSC.1/Circ. 1335 can but increase the effectiveness of the naval protection measures adopted by the Council to combat piracy off the coast of Somalia.
- (11) It is the responsibility of the Member States to implement the measures aimed at strengthening maritime security and to ensure that all necessary means are allocated and provided to that end,

HAS ADOPTED THIS RECOMMENDATION:

1. The Member States are requested to ensure the effective and harmonised application of preventive measures to deal with the threats which ships may face during acts of piracy and armed robbery. These measures, which have been inventoried and consolidated, have received wide support from the IMO and maritime industry organisations.

2. *General measures*

- 2.1. The Member States are requested to inform operators registered with them of circular MSC.1/Circ.1334 adopted at the 86th session of the IMO's Maritime Safety Committee, which sets out and updates preventive measures for self-protection that ships and shipping companies are called on to implement in order to combat piracy and armed robbery wherever such risk occurs, in accordance with the International Ship and Port Facility Security Code (ISPS Code).
- 2.2. The Member States are requested to ensure above all that their ships are sufficiently and effectively manned in accordance with Rule 4.28 of Part B of the ISPS Code, which has become compulsory under Article 3(5) of Regulation (EC) No 725/2004 of the European Parliament and of the Council ⁽¹⁾.

3. *Measures specific to the situation off the coast of Somalia*

- 3.1. The Member States are requested to inform operators registered with them of circular MSC.1/Circ.1332 adopted at the 86th session of the IMO's Maritime Safety Committee, supplemented by circular MSC.1/Circ.1335, which endorse best management practices at global level to avoid, deter or delay piracy in the Gulf of Aden and off the coast of Somalia, which are published and updated by maritime industry organisations on a regular basis.
- 3.2. The Member States are requested to take all necessary steps to ensure the dissemination, pass on the regular updates and verify the implementation of the best management practices to deter piracy off the coast of Somalia, which are set out in the Annex to this Recommendation.

Done at Brussels, 11 March 2010.

For the Commission
Siim KALLAS
Vice-President

⁽¹⁾ OJ L 129, 29.4.2004, p. 6.

ANNEX

Best management practices to deter piracy in the Gulf of Aden and off the coast of Somalia
(Version 2 — August 2009)

In an effort to counter piracy in the Gulf of Aden and off the coast of Somalia, these best management practices are supported by the following international industry representatives:

1. International Association of Independent Tanker Owners (Intertanko)
2. International Chamber of Shipping (ICS)
3. Oil Companies International Marine Forum (OCIMF)
4. Baltic and International Maritime Council (BIMCO)
5. Society of International Gas Tanker and Terminal Operators (SIGTTO)
6. International Association of Dry Cargo Ship Owners (Intercargo)
7. International Group of Protection and Indemnity Clubs (IGP & I)
8. Cruise Lines International Association (CLIA)
9. International Union of Marine Insurers (IUMI)
10. Joint War Committee (JWC) and Joint Hull Committee (JHC)
11. International Maritime Bureau (IMB)
12. International Transport Workers Federation (ITF)

These best management practices are also supported by:

13. Maritime Security Centre Horn of Africa (MSCHOA)
14. UK Maritime Trade Organisation (UKMTO Dubai)
15. Maritime Liaison Office (MARLO)

Suggested planning and operational practices for owners, operators, managers and masters of ships transiting the Gulf of Aden and off the coast of Somalia

Purpose

1. The purpose of this document is to provide best management practices (BMP) to assist companies and ships in avoiding piracy attacks, deterring attacks and delaying successful attacks in the Gulf of Aden (GoA) and off the coast of Somalia. The organisations consulted on this document represent the vast majority of ship owners and operators transiting the region.
2. These organisations will encourage their members to utilise these BMP and will endeavour to promulgate these to other shipping interests as BMP for combating piracy in the region. This document complements guidance provided in the IMO MSC Circular MSC.1/Circ.1334.

Typical attack profiles and lessons learnt

1. During 2008 and the first half of 2009, an increase in the number of pirate attacks on merchant ships occurred throughout the GoA and off the coast of Somalia and within the wider North-West Indian Ocean. The majority of attacks were initially clustered around the northern side of the GoA but attacks have occurred further off the east coast of Somalia.

2. Analysis of successful attacks indicates that the following common vulnerabilities are exploited by the pirates:
 - (a) low speed;
 - (b) low freeboard;
 - (c) inadequate planning and procedures;
 - (d) visibly low state of alert and/or lack of evident self-protective measures;
 - (e) where a slow response by the ship is evident.
3. Commonly two or more small high-speed (up to 25 knots) open boats/skiffs' are used in attacks often approaching from the port quarter and/or stern.
4. The use of a pirate 'mother ship', which is a larger ship carrying personnel, equipment, supplies and smaller attack craft, has enabled attacks to be successfully undertaken at a greater range from the shore.
5. Vigilance should be highest at first light and last light, as the majority of the attacks have taken place during these periods.
6. Higher speed vessels (15 knots and above) should not presume to be safe from attack but speed is an effective form of defence. The use of small arms fire, rocket-propelled grenades (RPG), in an effort to intimidate masters of vessels to reduce speed has occurred within the area. Maintaining full sea speed in such circumstances has been shown to be effective.
7. The majority of attempted hijacks have been repelled by ship's crew who have planned and trained in advance of the passage and employed passive counter measures to good effect.
8. Prevailing weather and sea state conditions also greatly influence attackers' ability to operate. Wind strengths in excess of 18 knots and wave heights above 2 metres are considered sufficient to provide protection for all but the most vulnerable vessels, particularly where masters are taking full account of best management practices.

Recommended best management practices

1. Introduction

- (a) Whilst recognising the absolute discretion of the master at all times to adopt appropriate measures to avoid, deter or delay piracy attacks in this region, this document of best practices is provided for ship owners and ship operators, masters and their crews.
- (b) Not all measures discussed in this document may be applicable for each ship. Therefore, as part of the risk analysis, an assessment is recommended to determine which of the BMP will be most suitable for the ship. The following have, however, generally proved effective:

2. Prior to transit — general planning

(a) General

- (i) UKMTO Dubai is the first point of contact for ships in the region. The day-to-day interface between masters and the military is provided by UKMTO Dubai, who talk to the ships and liaise directly with MSCHOA and the naval commanders at sea. UKMTO Dubai require regular updates on the position and intended movements of ships. They use this information to help the naval units maintain an accurate picture of shipping. (See Glossary at Annex A for further details.)
- (ii) The Maritime Security Centre — Horn of Africa (MSCHOA), is the planning and coordination authority for EU forces (EU NAVFOR) in the Gulf of Aden and the area off the coast of Somalia. (See Glossary at Annex A.)
- (iii) The Marine Liaison Office (MARLO) operates as a conduit for information exchange between the Combined Maritime Forces (CMF) and the commercial shipping community within the region. (See Glossary at Annex A.)
- (iv) Prior to transiting the high-risk area, the owner and master should carry out their own risk assessment to assess the likelihood and consequences of piracy attacks on the ship, based on the latest available information. The outcome of this risk assessment should identify measures for prevention, mitigation and recovery and will mean combining statutory requirements with supplementary measures to combat piracy.

- (v) Company crisis management procedures should consider appropriate measures to meet the threat of piracy by adopting IMO and other industry recommended practices as appropriate to the particular circumstances and ship type.
 - (vi) Advanced notice of a vessel's intended passage is required by the naval authorities so that they can identify vulnerabilities and plan suitable protection. This is achieved by primarily:
 - 1. initial report to UKMTO Dubai (e-mail or fax);
 - 2. initial report to MARLO (e-mail or fax);
 - 3. additionally, if planning to transit the Gulf of Aden, or navigate within the area bound by 12° N, 58° E and 10° S: register the vessel movement with MSCHOA (either, online or by e-mail or fax).
 - (vii) Whilst measures should be taken to prevent pirates boarding, the safety of crew and passengers is paramount.
- (b) Company planning
- It is strongly recommended that managers and/or the operations department register for access to the restricted sections of the MSCHOA website (www.mschoa.eu), review the information contained therein and share this as appropriate within their fleet.
- (i) 4-5 days before the vessel enters the international recommended transit corridor (IRTC), or area bound by 12 degrees north or 58 degrees east or 10 degrees south, ensure that a 'Vessel movement registration' submission has been logged with MSCHOA (online, e-mail or fax). Note: This can be done by either the ship or the company.
 - (ii) Review the ship security assessment (SSA) and implementation of the ship security plan (SSP) as required by the International Ship and Port Facility Code (ISPS Code) to counter the piracy threat.
 - (iii) The company security officer (CSO) is encouraged to see that a contingency plan for the high-risk passage is in place, exercised, briefed and discussed with the master and the ship security officer (SSO).
 - (iv) Be aware of the particular high-risk sea areas that have been promulgated.
 - (v) Offer their ship's master guidance with regard to the preferred and available methods of transiting the region (group transit, escorted group transit, national convoy, etc.).
 - (vi) Conduct periodic crew training sessions.
 - (vii) The use of additional private security guards is at the discretion of the company but the use of armed guards is not recommended.
 - (viii) Consider additional resources to enhance watchkeeping numbers.
 - (ix) Consider the outfitting of ships with self-protection measures (SPM) prior to transiting high-risk areas.
- (c) Ship's master planning
- (i) Communication of 'Initial report' to UKMTO Dubai and MARLO (e-mail or fax) when entering the reporting area between Suez, and 78 degrees east 10 degrees south, see anti-piracy planning chart Q6099.
 - (ii) 4-5 days before entering the IRTC, or the area within 12 degrees north, 58 degrees east or 10 degrees south, ensure that a 'Vessel movement registration' submission has been logged with MSCHOA (online, e-mail or fax). Note: This can be done by either the ship or the company. If it is completed by the company, masters should satisfy themselves with their companies that their details are correctly registered with MSCHOA.
 - (iii) Prior to transit of the region it is recommended that the crew should be thoroughly briefed.
 - (iv) The anti-piracy contingency plan has been shown to be most effective when implemented in advance. A drill is conducted prior to arrival in the area, the plan reviewed and all personnel briefed on their duties, including familiarity with the alarm signal signifying a piracy attack.

- (v) Masters are advised to also prepare an emergency communication plan, to include all essential emergency contact numbers and pre-prepared messages, which should be ready at hand or permanently displayed near the communications panel (e.g. telephone numbers of MSCHOA, IMB PRC, CSO etc. — see Contact List at Annex B).
- (vi) Define the ship's AIS policy: SOLAS permits the master the discretion to switch off AIS if he believes that its use increases the ship's vulnerability. However, in order to provide naval forces with tracking information within the GoA it is recommended that AIS transmission is continued but restricted to ship's identity, position, course, speed, navigational status and safety-related information. Off the coast of Somalia the decision is again left to the master's discretion, but current naval advice is to turn it off completely. If in doubt this can be verified with MSCHOA.

3. Prior to transit voyage planning

- (a) Vessels are encouraged to report their noon position, course, speed, estimated and actual arrival times to UKMTO Dubai and MARLO whilst operating in the region.
- (b) Vessels are also encouraged to increase the frequency of such reports when navigating in known high-risk/piracy areas and further report upon passing point A or B in the GoA, as shown on anti-piracy chart Q6099.
- (c) Inside the GoA
 - (i) EU NAVFOR strongly recommends that ships conduct their passage within the IRTC. Westbound ships should bias themselves to the northern portion of the corridor, and eastbound ships to the southern portion. Group transit (GT) guidance within the GoA for times and speeds are on the MSCHOA website, if a GT is contemplated.
 - (ii) Ships should avoid entering Yemeni territorial waters (YTWs) while on transit. This is for reasons of customary international law, as it is not possible for international military forces (non-Yemeni) to protect ships that are attacked inside YTWs.
 - (iii) Ships may be asked to make adjustments to passage plans to conform to MSCHOA routeing advice.
 - (iv) During GTs ships should not expect to be permanently in the company of a warship. But all warships in the GoA, whether part of EU NAVFOR or coordinating with them, will be aware of the GoA GTs and will have access to the full details of vulnerable shipping.
 - (v) MSCHOA strongly recommends masters make every effort to plan transit periods of highest risk areas of the GoA for night passage (MSCHOA will advise ships). Very few successful attacks have occurred at night.
- (d) Outside the GoA
 - (i) Ships navigating off the east coast of Somalia should consult with the MSCHOA website or UKMTO Dubai in order to obtain the most recent routeing advice.
 - (ii) Masters should still update UKMTO Dubai in the usual manner with their ship's course and details.
- (e) A list of useful contact details are contained in Annex B.

4. Prior to transit — defensive measures

- (a) Taking into account the manning levels, ensure that ship routines are adjusted sufficiently in advance so that well-rested and well-briefed crew are on watch and sufficient watchkeepers are available. The master and officers of the watch should be familiar with the impact of zigzag manoeuvres onboard their particular ship (in all sea conditions) and in particular the impact that these manoeuvres can have upon reducing the speed of the vessel.
- (b) Consider minimising external communications (radios, handsets and AIS information) to essential safety- and security-related communication and SOLAS information only during transit of the GoA and passing the coast of Somalia.
- (c) Increase readiness and redundancy by running additional auxiliary machinery, including generators and steering motors.
- (d) Increase lookouts/bridge manning.
- (e) Man the engine room.
- (f) Secure and control access to the bridge, engine room, steering gear room, and all accommodation/internal spaces. All potential access points (doors, portholes, vents, etc.) should be risk-assessed and adequately secured, especially where the potential access point is considered large enough for an attacker to gain entry. Access to and from the accommodation and internal work spaces should be reduced to a single point of entry when transiting the high-risk areas. Any measures employed should not obstruct an emergency exit from within the internal space, whilst remaining secure from access by pirates outside.

- (g) In case of emergency, warships can be contacted on VHF Ch. 16 (Backup Ch.08).
- (h) Check all ladders and outboard equipment are stowed or up on deck.
- (i) Check that self-protection measures put in place in advance remain securely fitted and function as intended. Be mindful that temporary devices may work loose and consequently may only provide a reduced level of protection.
- (j) If the ship has a comparatively low freeboard, consider the possibility of extending the width of the gunwales to prevent grappling hooks from gaining hold. Check the MSCHOA website for examples of such measures.
- (k) It is recommended that a piracy attack muster point or 'citadel' be designated and lock-down procedures rehearsed in order to delay access to control of the ship and buy time. Ideally this should be away from external bulkheads and portholes. Due to the ongoing debate on the use of citadels and their method of employment, masters are recommended to check regularly with MSCHOA.
- (l) Consider the use of dummies at the rails to simulate additional lookouts. However, if ship design creates lookout black spots and the security assessment identifies this risk, then it may have to be covered by manpower.
- (m) It is suggested fire pumps and/or hoses should be pressurised and ready for discharge overboard around the vessel, particularly at the most vulnerable points.
- (n) Consideration should also be given to creating a water curtain around the vessel to further deter boarding.
- (o) Consider the use of razor wire/physical barriers around stern/lowest points of access, commensurate with crew safety and escape.
- (p) Consider the use of passive defence equipment.
- (q) Consider providing night vision optics for use during the hours of darkness.
- (r) Operate CCTV (if fitted).

5. In transit — operations

- (a) Ship's crew should not be exposed to undue risk when employing self-protective measures (SPM).
- (b) All ships inside the GoA are strongly urged to use the IRTC and follow MSCHOA GT advice and timings as promulgated on the MSCHOA website.
- (c) Attention of mariners is also drawn to IMO circular SN.1 Circ. 281 dated 4 August 2009, 'Information on internationally recognised transit corridor (IRTC) for ships transiting the Gulf of Aden' where advice is provided that the IRTC is subject to change by military authorities according to prevailing circumstances. Mariners are therefore urged to obtain up-to-date information from the 'MSCHOA' website <http://www.mschoa.org> or NAV warnings promulgated for that area.
- (d) If you intend to follow a group transit (GT) through the IRTC: transit at the group transit speed, but remain aware of the ship's limitations. (Current advice, for example, is that if your full sea speed is 16 knots, consider joining a 14-knot GT and keep those 2 knots in reserve.)
- (e) If you do not intend to follow a GT through the IRTC: maintain full sea speed through the high-risk area. (Current advice is that if the full sea speed of the ship is more than 18 knots, then do not slow down for a GT. Instead, maintain full sea speed and aim to transit as much of the high-risk area in darkness as possible.)
- (f) Ships should comply with the International Rules for Prevention of Collision at Sea at all times. Masters should endeavour not to impede the safe navigation of other vessels when joining and leaving the IRTC. Navigation lights should not be turned off at night. Follow the guidance given by flag State authority.
- (g) Provide deck lighting only as required for safety. Lighting in the shadow zones around the ship's hull may extend the area of visibility for lookouts, but only where consistent with safe navigation. Where fitted, and deemed suitable, consider the immediate use of 'remotely operated' ship searchlights, if suspicious activity around the vessel is observed, the use of searchlights may startle and deter a potential attack. (Current naval advice is to transit with navigation lights only).

- (h) Keep photographs of pirate 'mother ships' on the bridge. Report immediately if sighted. Report all sightings of suspect mother ships to UKMTO Dubai and the IMB PRC. (See Annex C for an example of a piracy report for passing on such information or reporting on any other attack or sighting.)
- (i) The master should try to make as early an assessment of a threat as possible. As soon as the master feels that a threat is developing he should immediately call the UKMTO Dubai.
- (j) Keep a good lookout by all available means for suspicious craft, especially from astern and each quarter.
- (k) Protect the crew from exposure to undue risk. Only essential work on deck should occur in transit of the high-risk area. Masters should, in so far as possible, keep crew members clear from external deck spaces during hours of darkness, whilst being mindful of their obligation to maintain a full and proper lookout at all times.
- (l) Use light, alarm bells and crew activity to alert suspected pirates that they have been detected.
- (m) A variety of other additional commercially available non-lethal defensive measures are available that could be considered; however these should be assessed by companies on their merits and on the particular characteristics and vulnerability of the ship concerned.

6. If attacked by pirates

- (a) Follow the ship's pre-prepared contingency plan.
- (b) Activate the emergency communication plan, and report the attack immediately to the single primary point of contact in the event of an attack, which is UKMTO Dubai. (MSCHOA, as the continually manned maritime security watch centre for piracy attacks in the region, will continue to function as a back-up contact point in the event of an attack.)
- (c) Activate the ship security alert system (SSAS), which will alert your company security officer and flag state. Post attack reports should be communicated as quickly as possible to all relevant piracy reporting centres as explained in section 9.
- (d) If the master has exercised his right to turn off the automatic identification system (AIS) during transit of the piracy area, this should be turned on once the ship comes under pirate attack.
- (e) Sound the emergency alarm and make a 'pirate attack' (PA) announcement in accordance with the ship's emergency plan.
- (f) Make a 'mayday' call on VHF Ch. 16 (and backup Ch. 08, which is monitored by naval units). Send a distress message via the DSC (digital selective calling) system and Inmarsat-C, as applicable. Establish telephone communication with UKMTO Dubai.
- (g) Prevent skiffs closing on the ship by altering course and increasing speed where possible⁽¹⁾. Pirates have great difficulty boarding a ship that is:
 - (i) making way at over 15 knots;
 - (ii) manoeuvring — it is suggested that as early as possible masters undertake continuous small zigzag manoeuvres to further deter boarding whilst maintaining speed. Consider increasing the pirates' exposure to wind/waves and using bow wave and stern wash to restrict pirate craft coming alongside. Masters and the officer of the watch (OOV) should be aware of the handling and manoeuvring characteristics of the vessel. Particular attention should be given to the effects of varying helm orders and the impact these can have on the ship's speed.
- (h) Activate fire pump defensive measures.
- (i) Consider turning on forward facing deck lights to draw attention to your vessel and aid positive identification by arriving military forces as a vessel under attack.
- (j) Muster all remaining crew in accordance with the ship's contingency plan.

⁽¹⁾ If you can buy time until the military forces arrive, this often leads the pirates to abort their attack. This is why early registration with MSCHOA, use of group transit timings and updating your position with UKMTO Dubai are all essential: it gives a better probability that naval support will be nearby if the pirates attack.

7. If boarded by pirates

- (a) Before pirates gain access to the bridge, inform UKMTO Dubai and, if time permits, the company.
- (b) Offer no resistance; this could lead to unnecessary violence and harm to the crew.
- (c) If the bridge/engine room is to be evacuated, then the main engine should be stopped; all way taken off the vessel if possible and the ship navigated clear of other ships.
- (d) Remain calm and cooperate fully with the pirates.
- (e) Ensure all crew, other than the bridge team, stay together in one location.
- (f) If in a locked down 'citadel' ensure internal protection/cover is available in case the pirates attempt to force entry. Keep clear of entry point/doors and portholes/windows — do not resist entry. Use citadel emergency communication methods to communicate with authorities.

8. In the event of military action

- (a) Crew should be advised NOT to use cameras with flash at any time when any military action is under way.
- (b) In the event that military personnel take action onboard the ship, all personnel should keep low to the deck, cover their heads with both hands, with hands visible and empty.
- (c) Be prepared to answer questions on identity and status onboard.
- (d) Be aware that English is not the working language of all naval units in the region.
- (e) Military forces may initially secure all persons encountered. This is standard practice. Brief and prepare ship's personnel to expect this and to cooperate fully during the initial stages of military action onboard.

9. Post incident reporting (reference Annex C).

- (a) Following any piracy attack or suspicious activity, it is vital that a detailed report of the event is reported to MSCHOA, UKMTO DUBAI and the IMB.
- (b) This will ensure full analysis and trends in piracy activity are established as well as enabling assessment of piracy techniques or changes in tactics, in addition to ensuring appropriate warnings can be issued to other merchant shipping in the vicinity.
- (c) Masters are therefore requested to complete the standardised piracy report form contained in Annex C.

Updating best management practices

1. It is anticipated that these BMP will be periodically updated based upon operational experience and lessons learned. The parties to this document will endeavour to meet regularly to update these BMP and to circulate revisions to their respective members and other interested organisations.
 2. If in doubt, consult the MSCHOA website where additional relevant information will always be posted (noting that this may not be endorsed by all of the above-listed organisations).
-

ANNEX A

GLOSSARY

The roles and inter-relationship of the coordinating bodies involved.

EU NAVFOR

EU NAVFOR is the coordinating authority which operates the Maritime Security Centre (Horn of Africa). All information and contact details are to be found within the MSCHOA website.

MSC (HOA) Maritime Security Centre (Horn of Africa)

MSCHOA was set up by the European Union (EU) as part of a European Security and Defence Policy initiative to combat piracy in the Horn of Africa. This work commenced with the establishment of EU NAVCO in September 2008. This coordination cell working in Brussels established links with a broad cross-section of the maritime community and provided coordination with EU forces operating in the region. In November 2008, the Council of the European Union took a major step further by setting up a naval mission — EU NAVFOR ATALANTA — to improve maritime security off the Somali coast by preventing and deterring pirate attacks and by helping to safeguard merchant shipping in the region.

UKMTO Dubai — (UK) Maritime Trade Operations

The UK Maritime Trade Operations (UKMTO Dubai) office in Dubai acts as a point of contact for industry liaison with the combined military forces (CMF). UKMTO Dubai also administers the voluntary reporting scheme, under which merchant ships are encouraged to send daily reports, providing their position and ETA at their next port, whilst transiting the region bound by Suez, 78° E and 10° S. UKMTO Dubai subsequently tracks ships, and the positional information is passed to CMF and EU headquarters. Emerging and relevant information affecting commercial traffic can then be passed directly to ships, rather than by company offices, improving responsiveness to any incident and saving time.

For further information, or to join the voluntary reporting scheme, please contact UKMTO Dubai: UKMTO@eim.ae

ANNEX B

Useful contact details

UKMTO Dubai

E-mail UKMTO@eim.ae
Telephone + 971 505523215
Cell
Fax + 971 43065710
Telex (51) 210473

MSCHOA

Via website for reporting www.mschoa.org
Telephone + 44 (0) 1923958545
Fax + 44 (0) 1923958520
E-mail postmaster@mschoa.org

IMB PRC

E-mail piracy@icc-ccs.org
Telephone + 60 320310014
Cell
Fax + 60 320785769
Telex MA34199 IMBPC1

MARLO

E-mail Marlo.bahrain@me.navy.mil
Telephone + 973 17853927
Cell + 973 39442117

ANNEX C

FOLLOW-UP REPORT — PIRACY ATTACK REPORT

Vessel particulars/details

1. NAME OF SHIP:
2. IMO No:
3. FLAG:
4. CALL SIGN
5. TYPE OF SHIP:
6. TONNAGES: GRT: NRT: DWT:
7. OWNERS (ADDRESS AND CONTACT DETAILS):
8. MANAGERS (ADDRESS AND CONTACT DETAILS):
9. LAST PORT/NEXT PORT:
10. CARGO DETAILS: (TYPE/QUANTITY)

Details of incident

11. DATE AND TIME OF INCIDENT: LT UTC
12. POSITION: LAT: (N/S) LONG: (E/W)
13. NEAREST LANDMARK/LOCATION:
14. PORT/TOWN/ANCHORAGE AREA:
15. COUNTRY/NEAREST COUNTRY:
16. STATUS (BERTH/ANCHORED/STEAMING):
17. OWN SHIP'S SPEED:
18. SHIP'S FREEBOARD DURING ATTACK:
19. WEATHER DURING ATTACK (RAIN/FOG/MIST/CLEAR/ETC, WIND (SPEED AND DIRECTION), SEA/SWELL HEIGHT):
20. TYPES OF ATTACK (BOARDED/ATTEMPTED):
21. CONSEQUENCES FOR CREW, SHIP AND CARGO: ANY CREW INJURED/KILLED: ITEMS/CASH STOLEN:
22. AREA OF THE SHIP BEING ATTACKED:
23. LAST OBSERVED MOVEMENTS OF PIRATES/SUSPECT CRAFT:

Details of raiding party

24. NUMBER OF PIRATES/ROBBERS:
25. DRESS/PHYSICAL APPEARANCE:
26. LANGUAGE SPOKEN:
27. WEAPONS USED:
28. DISTINCTIVE DETAILS:
29. CRAFT USED:
30. METHOD OF APPROACH:
31. DURATION OF ATTACK:
32. AGGRESSIVE/VIOLENT:

Further details

33. ACTION TAKEN BY MASTER AND CREW:
34. WAS INCIDENT REPORTED TO THE COASTAL AUTHORITY? IF SO TO WHOM?
35. PREFERRED COMMUNICATIONS WITH REPORTING SHIP: APPROPRIATE COAST RADIO STATION/HF/MF/VHF/INMARSAT IDS (PLUS OCEAN REGION CODE)/MMSI
36. ACTION TAKEN BY THE AUTHORITIES:
37. NUMBER OF CREW/NATIONALITY:
38. PLEASE ATTACH WITH THIS REPORT — A BRIEF DESCRIPTION/FULL REPORT/MASTER — CREW STATEMENT OF THE ATTACK/PHOTOGRAPHS TAKEN IF ANY

Additional guidance for vessels engaged in fishing, supplementary to the best management practices to deter piracy in the Gulf of Aden and off the coast of Somalia

I. Recommendations to vessels in fishing zones

1. Non-Somali fishing vessels should avoid operating or transiting within 200 nm of the coast of Somalia, irrespective of whether or not they had been issued with licences to do so.
2. Do not start fishing operations when the radar indicates the presence of unidentified boats.
3. If polyester skiffs of a type typically used by pirates are sighted, move away from them full speed, sailing into wind and sea to make their navigation more difficult.
4. Avoid stopping at night, be alert and maintain bridge, deck and engine room watch.
5. During fishing operations, when the vessel is more vulnerable, be alert and maintain radar watch in order to give maximum notice to the authorities if an attack is in course.
6. While navigating at night, use only the mandatory navigation and safety lights so as to prevent the glow of lighting attracting pirates who sometimes are in boats without radars and are just lurking around.
7. While the vessel is drifting while fishing at night, keep guard at the bridge on deck and in the engine room. Use only mandatory navigation and safety lights. The engine must be ready for an immediate start up.
8. Keep away from unidentified ships.
9. Use VHF as little as possible to avoid being heard by pirates and make location more difficult.
10. Activate AIS when maritime patrol aircraft are operating in the area to facilitate identification and tracking.

II. Identification

1. Managers are strongly recommended to register their fishing vessels with MSCHOA for the whole period of activity off the coast of Somalia. This should include communicating a full list of the crewmen on board and their vessels' intentions, if possible.
2. Carry out training prior to passage or fishing operations in the area.
3. Whenever fishing vessels are equipped with VMS devices, their manager should provide MSCHOA with access to VMS data.
4. Fishing vessels should avoid sailing through areas where they have been informed that suspected pirate 'mother ships' had been identified and should use all means to detect, as soon as possible, any movement of large or small vessels that could be suspicious.
5. Fishing vessels should always identify themselves upon request from aircraft or ships from Operation ATALANTA or other international or national anti-piracy operation.
6. Military, merchant and fishing vessels should respond without delay to any identification request made by a fishing vessel being approached (in order to facilitate early action to make escape possible, especially if the vessel is fishing).

III. In case of attack

1. In case of an attack or sighting a suspicious craft, warn the authorities (UKMTO and MSCHOA) and the rest of the fleet.
2. Communicate the contact details of the second master of the vessel (who is on land) whose knowledge of the vessel could contribute to the success of a military intervention.

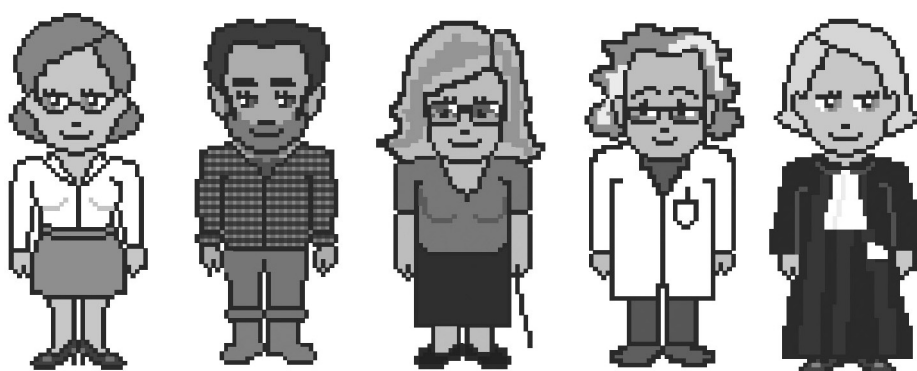
Recommendations only for purse-seiners

3. Evacuate all personnel from the deck and the crew's nest.
 4. If pirates have taken control of the vessel and the purse-seine is spread out, encourage the pirates to allow the nets to be recovered. If recovery of the purse-seine is allowed, follow the instructions for its stowage and explain the functioning of the gear in order to avoid misunderstanding.
-

EU Book shop

All the EU publications

YOU are looking for!



bookshop.europa.eu

2010 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

CD-Rom formats will be replaced by DVD formats during 2010.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>

