

Anti-Piracy Manual Shipmaster

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The Netherlands Shipmasters' Association
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Anti-Piracy Manual for the Shipmaster of a ship flying the flag of the Netherlands



A practical, legal reference work for the Shipmaster to help protect his ship and those on board against pirates in the Gulf of Aden and along a section of the coast of East Africa, in the official Risk Area.

This Manual is an initiative and publication of the Netherlands Shipmasters' Association (*Nederlandse Vereniging van Kapiteins ter Koopvaardij*, NVKK) and has been produced in cooperation with the Ministry of Justice and Security, the Ministry of Infrastructure and Water Management, and the Human Environment and Transport Inspectorate.



Anti-Piracy Manual Shipmaster

by

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For a more detailed discussion about maritime legal subjects see the *'Legal Handbook Shipmaster'*, also published by the NVKK

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Foreword



Shipmaster and crew can be exposed to serious danger while sailing in an area with a high risk of piracy.

The safety of ship, crew and cargo is always the main focus.

Since 1 February 2022, it is possible for ships sailing under the Dutch flag to get protection from private security personnel if a VPD of the Royal Netherlands Navy is unable to board the ship.

When private security personnel are on board, it is very important for the shipmaster to be well prepared.

This practical Manual, with a large number of uniquely numbered checklists, is intended for masters of ships sailing under the Dutch flag, who may encounter piracy during their voyage. From the preparation of the voyage to the final mandatory travel reports, the shipmaster are guided in their task.

The core of this Manual is formed by a number of uniquely numbered checklists to make sure the shipmaster does not forget anything.

Furthermore, a number of important subjects are discussed, such as the use of force, notifications and reports, fines, etc.

This manual is primarily for the shipmaster, but it is also recommended to all other seafarers and interested parties, such as ship managers, trade unions, educational institutions and the government.

This Manual only applies to the Gulf of Aden and along a section of the coast of East Africa.

This new digital publication will be updated frequently and can be downloaded free of charge from the website <https://www.nvkk.nl/>

NVKK trusts that this publication too will meet the existing need.

Leen van den Ende
President of the NVKK
The Hague, 1 October 2022

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This Manual only applies to the Southern Red Sea, the Gulf of Aden and along a section of the coast of East Africa, in the official Risk Area.

1. Outline

1.1. Introduction

The purpose of this Manual is to provide more insight and information to the shipmaster when armed private maritime security personnel come on board; this is due to legislation in this area.

As the legislation only concerns piracy in the Southern Red Sea, the Gulf of Aden and East Africa, this Manual applies only to this official Risk Area and not to other areas with a high piracy risk, such as the Gulf of Guinea.



Figure 1. Official Risk Area (RA) (Source: Merchant Shipping Protection Decree)

In short, only in the above-mentioned official Risk Area (RA) may ships sailing under the Dutch flag make use of armed private security personnel.

Under this legislation the shipmaster gets new responsibilities and obligations, which can also be enforced and, where necessary, penalised with sanctions or measures.

The shipmaster can navigate this Manual via the Contents page or a search function. NVKK's Legal Handbook Shipmaster may be useful for the explanation of certain legal issues. Both the Handbook and this Manual can be downloaded free of charge from the NVKK website (www.nvkk.nl).

The legislation on armed private security personnel has entered into force. If the correct permissions and permits have been granted, a shipmaster may sail in the Gulf of Aden and along a section of East Africa with armed private security personnel.

See Figure 1 for the official Risk Area where armed private security personnel are permitted.

The application process will be explained in detail below to provide the shipmaster with a better understanding.

The diagrams (Figures 2 and 3) are intended for the shipmaster. It shows the shipmaster his own tasks and responsibilities, placed within a broader context.

The shipmaster is and remains the pivot on board the ship.

1.2. Process

1. The ship manager may submit a request for protection to the Coastguard.
2. The Coastguard will decide whether a VPD team should be used or if private security is an option. The principle is: "VPD, unless...".
3. If official permission is granted for private security, the ship manager will engage a maritime security company with an official Dutch licence to perform maritime security activities.

4. The agreement (contract) between the ship manager and this maritime security company (licence holder) sets out details such as numbers, embarkation point, time, rates, duration, etc.
5. Protective measures such as those specified by law, BMP, etc. remain in force, even if armed private security personnel are on board.
6. The ship manager passes on all the mandatory details and data, such as documents, names and weapon numbers to the shipmaster.
7. On the basis of this information, the shipmaster will check the maritime security personnel and their firearms when they board the ship.
8. The shipmaster and the team leader of private security personnel will ensure that they have the same information about names, arms, the rules about the use of force, etc.
9. The shipmaster also needs to check the documents/licences of the coastal state where the ship is moored.
10. If there is something wrong with the papers, the security personnel or the firearms, the shipmaster must refuse the security personnel or firearms permission to come on board.
11. The shipmaster must then postpone departure until everything is in order.
12. When the security personnel and their firearms are on board, the shipmaster is the person responsible.
13. The shipmaster stores and guards the firearms and ammunition and has the key to the arms and ammunition safes.
14. No more than two hours before arrival in the official Risk Area, the team leader gets the key to the arms and ammunition safes.
15. The security personnel may only use force against pirates after the shipmaster and the team leader have had a consultation about this unless there is no time or opportunity to do so.
16. The team leader - not the shipmaster - has the leadership and responsibilities of the use of force.
17. The shipmaster still has the leadership of and authority over the ship, including changes in course and speed or evading manoeuvres as well as protective measures, etc.
18. The team leader keeps the shipmaster informed about the use of force against pirates.

19. Immediately after the use of force, this is reported by the shipmaster to the Netherlands Public Prosecution Service.
20. After the voyage, the shipmaster and the team leader separately report to the Human Environment and Transport Inspectorate about the whole voyage, the so-called end-of-voyage report.

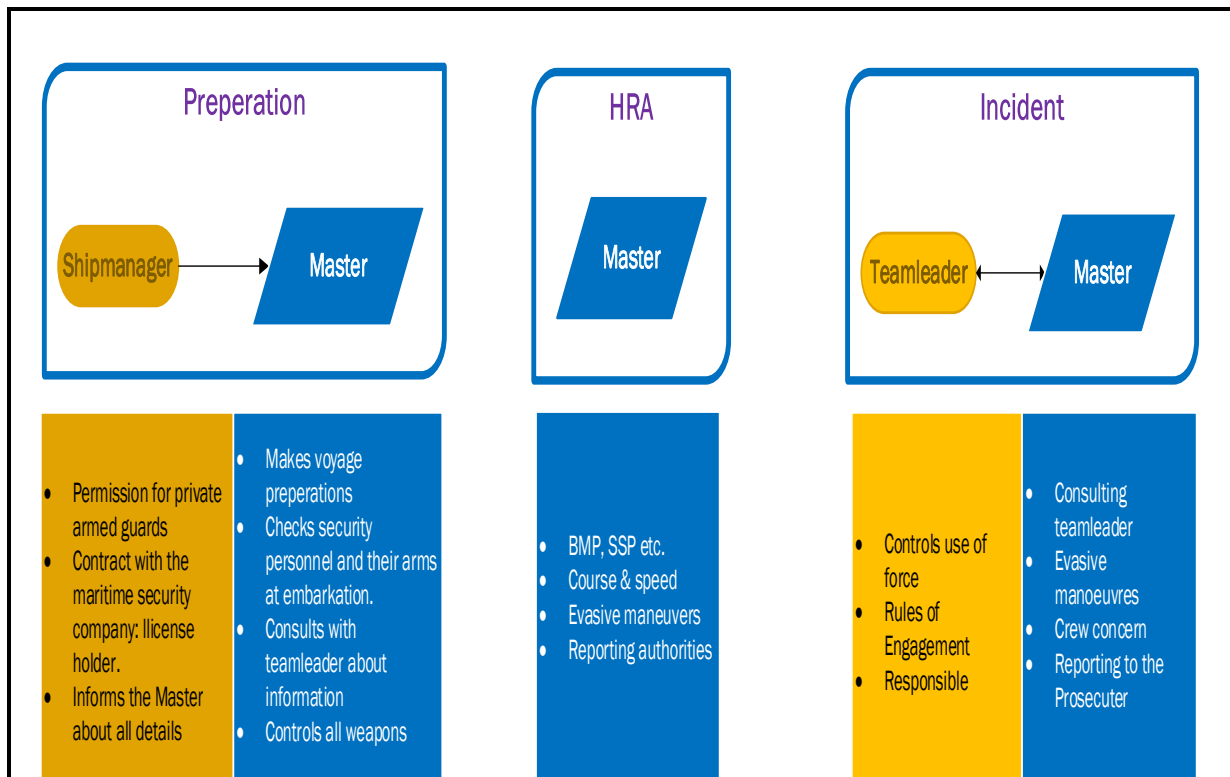


Figure 2. Overview of the private security personnel process

1.3. Shipmaster

- The shipmaster gets all the information required by law from the ship manager.
- The shipmaster also has an active request obligation.
- The shipmaster prepares the voyage properly, including all protective measures reasonably required.
- The shipmaster checks the team leader, security personnel and firearms against the data provided by the ship manager before embarkation.
- The shipmaster consults with the team leader before the start of the voyage. All information is compared.

- The shipmaster must postpone departure until everything is in order.
- The shipmaster is in control of the firearms and ammunition on board.
- No more than two hours before entering the official Risk Area, the shipmaster gives the keys to the arms and ammunition safes to the team leader.
- The shipmaster reports the ship’s movements in the official Risk Area to the appropriate authorities (see also page 64 of this Manual).
- The shipmaster consults with the team leader before the use of force.
- Immediately after the use of force, the shipmaster sends a notification to the Netherlands Public Prosecution Service, including video and sound recordings.
- On leaving the OFFICIAL RISK AREA, the shipmaster is in control of the firearms in the ammunition safes again.
- On debarkation, all private security personnel disembark with their firearms.
- On debarkation, the shipmaster is responsible for the correct, local documentation for the firearms, as the shipmaster may be importing firearms.
- The shipmaster sends a general report on the whole voyage to the Human Environment and Transport Inspectorate.

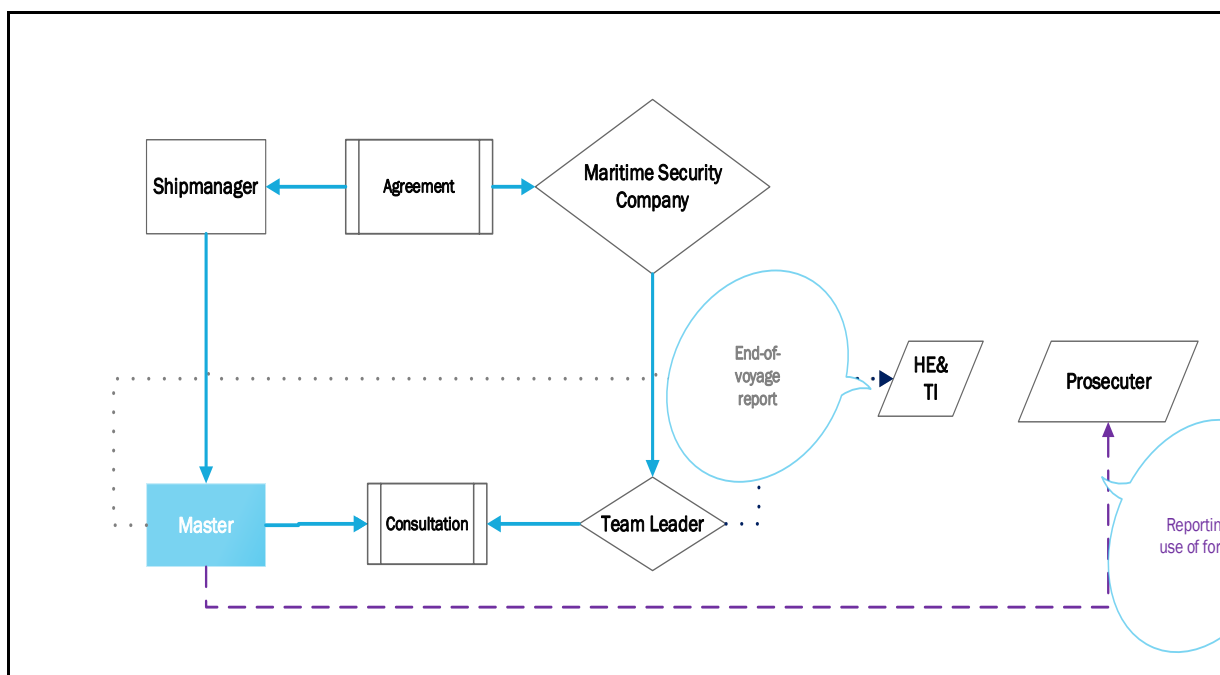


Figure 3. Overview of the Merchant Navy Protection Act

1.4. Structure

Chapter 1 is the introduction to this Manual.

Chapter 2 gives all the definitions and terminology.

Chapter 3 focuses on the statutory provisions important for the shipmaster. They are included verbatim, followed by a brief explanation. The term '**master**' is in bold in these statutory provisions.

Chapter 4 is the key chapter of this Manual. It includes several uniquely numbered checklists which can be downloaded or printed individually, which makes it easy to use them on board. These checklists can also be used as an annex to the mandatory reports.

Chapter 5 gives a brief explanation of a few complicated subjects.

2. Legislation and definitions

2.1. Introduction

This section briefly introduces the legislative system of the NL piracy legislation. It informs the shipmaster of the difference between the Act, the Decree and the Regulations. This is followed by a description of the definitions and terminology used in this legislation. Legislation may change, so make sure you always have the most recent version. You can find this on the website: wetten.overheid.nl.

This legislation only applies to ships sailing under the Dutch flag in the Gulf of Aden and along a section of the coast of East Africa. See Figure 1.

2.2. Legislation

As the legislation consists of several provisions, obligations and rules which together form a hierarchical structure, this chapter starts with a brief explanation of the Act, the Decree and the Regulations.

Merchant Shipping Protection Act (Wet ter Bescherming Koopvaardij, WtBK):

- Contains general mandatory provisions that apply to everyone.
- Describes the rules that apply to this subject in general terms.
- Has been adopted by the Senate and the House of Representatives after receiving advice from the Council of State.
- Changing the law takes years.

Merchant Shipping Protection Decree (Besluit bescherming koopvaardij, Bbk):

- This is also called an Order in Council (Algemene Maatregel van Bestuur, AMvB) or a Royal Decree (Koninklijk Besluit, KB).
- Gives a detailed elaboration of the Act.
- Has been adopted by the Government after receiving advice from the Council of State.

Merchant Shipping Protection Regulations (Regeling bescherming koopvaardij, Rbk):

- Has been derived from the Act and the Decree.
- Is the detailed, concrete interpretation of the Act and the Decree.
- Contains specific rules and details about specific subjects.
- Has been adopted by the Minister of Justice and Security.



Figure 4. Hierarchy of the Act, Decree and Regulations

2.3. Definitions and terminology

Below are some of the terms and definitions from the Act, the Decree and the Regulations.

The Act has its own terms and definitions. The Decree and the Regulations use the definitions from this Act and add a few more. Several terms have also been added.

In some definitions, the legal jargon has been converted into more understandable language.

Term	Definition
Use of force	The use of force and the threat of force, including the drawing of a firearm.
Protective measures	Planning and operational measures to be taken by the ship manager and shipmaster for protection against piracy.
Security team	The private maritime security personnel, including the team leader, deployed or to be deployed on board a ship.
Boarding	Pirates on board, the shipmaster still has control of the ship.

Medical certificate	Medical certificate of fitness to perform maritime security activities.
Force	Any more-than-minor compulsive force exercised on persons or property.
Rules for the use of force	<p>Rules for the Use of Force (RUF) are rules for private maritime security personnel in which the use of force is defined, including:</p> <ul style="list-style-type: none"> • To which extent; • Under which conditions; • Who gives authority; • Under which circumstances; • In which manner; • When applicable.
Weapons	The equipment and weapons designated under the Act for the use of force on board.
Hostage-taking	Pirates have control of the ship and restrain persons on board.
Maritime security company	An enterprise that, during the exercise of its profession or business, offers and performs security activities on board a ship and mainly uses the services of persons for this purpose.
Maritime security activities	Monitoring of the safety of persons and goods on board a ship by private maritime security personnel.
Notification about the use of force	Mandatory notification by the shipmaster to the Public Prosecution Service that force has been used during an incident with pirates. The shipmaster can demonstrate in this notification that they have done everything possible to prevent the use of force and that the use of force was within the terms of the legislation.
Excessive force in legitimate self-defence	Exceeding of the criteria and conditions of legitimate self-defence as a consequence of vehement emotions such as fear, anger or panic.

Storage place	Place ashore or on a ship used by the licence holder for the storage of firearms and ammunition. This is not the weapons safe on board.
Private maritime security personnel	Staff employed by a maritime security company or staff made available to the maritime security company based on a temporary employment agency contract.
Private security team	The private maritime security personnel, including the team leader, deployed or to be deployed on board a ship.
Private maritime security staff member	Member of the security team who will be or has been deployed by the licence holder on board a ship.
Piracy	Any illegal act of violence or detention or depredation committed for private ends by the crew, or the passengers of a private ship directed against another ship outside the territorial sea of a state, or an attempt thereto (Article 101 UN Convention on the Law of the Sea)
Attempt	Approach of the ship by a vessel with pirates.
Report	A report by the shipmaster after the voyage with private maritime security personnel (end-of-voyage report).
Risk Area	The official maritime area where pirates can be expected. The exact coordinates are given in the Decree. See also Figure 1 of this Manual.
Ship manager	The ship manager as defined in Section 1 (1) (1) of the Seafarers Act (shipowner).
Team leader	The private maritime security officer who is designated by the maritime security company as supervisor for the other private maritime security personnel and who is operationally in charge of the private maritime security personnel during the transport.
Permission	Permission to hire private security personnel.
Supervisory officials	Officials of the Human Environment and Transport Inspectorate, who are responsible for supervising compliance with the provisions from the Act, the Decree and the Regulations.
Transport	Movement of a ship between two or more seaports.

Licence holder	Maritime security company that is the holder of a licence as provided for in the law.
Licence	Legal permission to engage private security personnel to provide services.
Transport case	Storage place for the permitted weapons (firearms), to be sealed with a lock.
Weapons safe	Storage place on board, to be sealed with a lock, to be used for the transport cases with weapons (firearms).
Seafarer	A natural person working on board a ship in any capacity.
Self-defence / legitimate self-defence	<p>Legitimate self-defence is a legal concept. Self-defence as such is a more general term. Self-defence is defending yourself, other persons on board and the ship against pirates or the threat of pirates. Criteria and conditions for self-defence are:</p> <ul style="list-style-type: none"> • The use of force must be proportionate, so do not use more force than is necessary to fend off the attack. • Immediate threat of danger, such as an aggressive approach by a vessel with visible pointed arms and a ladder. • The ship has not been put at risk due to your own fault, which means preventative measures, as specified in the most recent version of the BMP, are also included.

3. Important rules for the shipmaster

3.1. Introduction

Legislation is the combination of the law and the corresponding decree and regulations.

Below the most important provisions for the shipmaster are quoted verbatim (*in italics*) and explained briefly point by point. The most important provisions from the Act are given first, followed by the corresponding provisions from the Decree and the Regulations. A decree is ranked lower than the law, while regulations are ranked lower than a decree.

The most important subjects from this legislation are described from the point of view of the shipmaster of a ship sailing under the Dutch flag and for the official area with a high-risk (RA) in the Gulf of Aden and along a section of the coast of East Africa. See also Figure 1 of this Manual.

All statutory provisions in which the shipmaster is mentioned will be described.

The term '**master**' is shown in bold in the legislation quoted verbatim.

The legislation uses the term 'master', while the Manual uses the term 'shipmaster'. Both mean the same person, also known as the captain of the vessel. This manual uses the terms 'section' and 'article' of the legislation interchangeably.

Only that part of the article in which the 'master' is mentioned will be quoted. The article is therefore not always quoted in full. This does not mean that the other provisions are not important for the shipmaster.

For reasons of clarity, only the most important articles and provisions are discussed in this Manual. For the full text, please refer to the current legislation. If you are interested, you can find the explanation (Explanatory Memorandum) of the subjects on the internet, usually on: overheid.nl.

Each article of the Act that is explained starts on a new page, followed by the details from the articles of the Decree and the Regulations. The articles are in the same order as in the Act. See the order by subject in the table below.

Subject	Act	Decree	Regulations
Duty to verify, permission for private security personnel	Section 6.2 Section 6.3	Art. 2.4	Art. 6.2
End-of-voyage report	Section 12.1 Section 12.2	Art. 5.13	Art. 6.3
Fines	Section 17.2.a Section 17.2.b Section 17.2.d Section 17.2.e		Art. 20
Handing over pirates	Section 10.3		
Management of firearms	Section 8	Art. 3.2 Art. 3.3	Art. 4
Notification about the use of force	Section 12.3		Art. 6.4
Protective measures	Section 6.1 Section 6.2	Art. 2.4.1.a	Art. 3
Responsibilities of the shipmaster	Section 6.4	Art. 2.4 Art. 3.3 Art. 5.9.1.b	
Shipowner’s information obligation towards the shipmaster	Section 6.3	Art. 2.4	Art. 6
Use of force	Section 9.7	Art. 3.4.5	Art. 17
Video/sound recordings, privacy	Section 11.4		Art. 23

Table 1. List of sections and articles from the legislation on piracy

This table only mentions those articles that refer to the shipmaster. The other articles provide more context and are obviously also important for the shipmaster.

Article 6 Merchant Shipping Protection Act

1. The **master** and the ship manager shall apply all the reasonably possible protective measures, designated by ministerial regulation (the Merchant Shipping Protection Regulations), prior to and during a transport on which private maritime security personnel are deployed.
2. Prior to the deployment of private maritime security personnel, the **master** and the team leader must ensure that the permission referred to in Section 3 (2) has been granted and that the rules laid down by or pursuant to this Act relating to the protective measures, the identity and nationality of the private maritime security personnel, the weapons, cameras and microphones have been complied with.
3. The ship manager and the licence holder shall provide the **master** or the team leader with correct and complete information in accordance with their duty to verify. Rules shall be laid down by or pursuant to an order in council regarding the information and the provision of the information.
4. Rules shall be laid down by or pursuant to an order in council (the Merchant Shipping Protection Decree) regarding the **master's** responsibility for the safety of the ship and the persons on board in connection with the maritime security activities and compliance with the rules referred to in subsection 2.

Explanation

- Section 6 (1) states that the shipmaster must take all reasonably possible protective measures on board. This is at the discretion of the shipmaster, who is the person responsible for these measures.
- If the ship manager submits the application for private security personnel to the Coastguard, the ship manager will also state all reasonably possible protective measures. The shipmaster can get this checked.
- The ship manager must ensure that everything is on board for this purpose. The shipmaster can always ask the ship manager for more or specific protective measures if the shipmaster thinks this is necessary.
- Section 6 (2) states that the shipmaster must ensure that permission has been granted by the Minister to take armed private security personnel on board. The ship manager must provide this information to the shipmaster. If this has not been done, the shipmaster must request this information from the ship manager.
- The shipmaster must also comply with all the rules about protective measures, data on private security personnel, cameras, microphones, firearms, etc. Otherwise, the shipmaster may be given a fine.

- Section 6 (3) states that the ship manager must provide the correct and complete information to the shipmaster, which the shipmaster needs to have in order to check private security personnel and their firearms when boarding the ship.
- This concerns, for example, the names of the security staff members and the numbers of the firearms, including the relevant documents. See below under Article 2.4 Decree.
- The team leader will get this information from their own company.

The shipmaster and the team leader must compare the information they have with each other and check it (verify it). If this information is incorrect, this must be resolved before the ship sails out to sea.

- The shipmaster must check all the data before the security personnel board the ship with their firearms. The shipmaster can take photos of the firearms, their numbers or other external characteristics as evidence for this.

The shipmaster can refuse the security personnel and their weapons permission to board if the data is incorrect. As soon as the security personnel are on board, the shipmaster is responsible for these people and their firearms.

- Section 6 (4) states that the Decree gives the shipmaster even more responsibilities. See hereafter under Article 2.4 Decree and Article 3 Regulations.
- It is of crucial importance that the shipmaster inspects the data, including any local documents if the security personnel embark in a foreign port.

Inadequate inspection can result in the shipmaster receiving a high fine.

3.2 Protective measures

Hereafter the subject Protective Measures will be explained in full, using the relevant provisions of the Decree and Regulations.

Article 2.4.1 Decree (Information obligation in terms of protective measures)

*Prior to the embarkation of the security team, the **master** and team leader shall receive the correct and complete information from the ship manager or the licence holder regarding the protective measures;*

Explanation

- In the application for private security, the ship manager must demonstrate that all reasonably possible measures will be taken. This means that not all measures are always compulsory. It depends on the type of ship, the number of crew, etc. See also the most recent BMP and other guidelines.
- The ship manager must inform the shipmaster about the protective measures to be taken. These are also included in the official “permission” to sail with private security personnel on board. The shipmaster therefore must have that permission on board and check it.

Article 3 Regulations (Protective measures)

1. *The ship manager guarantees in any case the availability of the following protective measures, provided for in Section 6 (1) of the Act:*
 - a. *binoculars for the team on the bridge;*
 - b. *floodlights;*
 - c. *concertina razor wire;*
 - d. *materials that can be used to bolt doors and hatches that provide access to the bridge, the quarters of crew and passengers and the engine room, and*
 - e. *materials that can be used to reinforce windows and portholes.*
2. *Prior to the passage through the official Risk Area, the **master** will in any case take the following protective measures, provided for in Section 6 (1) of the Act:*
 - a. *the designation of a safe muster point or safe room for the seafarers and passengers on board the ship;*
 - b. *fitting the concertina razor wire in places designated for that purpose;*
 - c. *fitting water or foam jets at possible access points on board;*
 - d. *preparing the crew by means of drills focusing on protection against piracy;*
 - e. *bolting doors and hatches that provide access to the bridge, the quarters of seafarers and passengers as well as the engine room;*
 - f. *the reinforcement of large windows and portholes that need such reinforcement, and*
 - g. *the protection of equipment and devices of the ship against use by third parties.*
3. *During the passage through the official Risk Area, the **master** will in any case take the following protective measures, provided for in Section 6 (1) of the Act:*
 - a. *the use of one or more lookout posts with trained crew;*
 - b. *the use of binoculars by the team on the bridge, and*
 - c. *having floodlights available for immediate use.*

4. *If, due to special circumstances, it is not possible to take one or more of the measures specified in paragraphs 1 to 3, the ship manager must report this, explaining the reasons, on the form specified in Article 2, stating any alternative measures that are being taken where possible.*

Explanation

- This article from the Regulations gives very detailed provisions about protective measures. The shipmaster must comply with them on board the ship whenever such is reasonably possible.
- Article 3 (1) Regulations addresses the ship manager regarding specific protective measures, but the shipmaster must ensure they are in place on board before departure to an area with a high piracy risk.
- The ship manager can state and justify in the permission application why certain protective measures cannot be taken. The shipmaster must be able to check this, as it is the shipmaster who is responsible.
- Article 3 (2) Regulations directly addresses the shipmaster. The shipmaster must take all the measures mentioned before entering the OFFICIAL RISK AREA. The Ship Security Plan (SSP) could also play a part in this.
- Article 3 (3) Regulations is also directly aimed at the shipmaster and concerns the passage through the OFFICIAL RISK AREA. The shipmaster must take specific measures at that point. Floodlights and deck lights may be used, but they can also attract pirates in the dark. It is up to the shipmaster, in consultation with the team leader, to decide this.
- Many of these measures must be organised together with the ship manager as part of the preparations for the voyage. However, the shipmaster is the person responsible on board the ship.

The ship manager provides all that is required for the protective measures, while the shipmaster applies them and is responsible for them on board.

- Article 3 (4) states that the ship manager must also specify any protective measures that cannot be taken, for example due to the type of ship, when submitting the application for private protection. The shipmaster must ensure, however, that this has all been

properly arranged. The ship manager must inform the shipmaster about this. The shipmaster is responsible for all protective measures on board.

If some protective measures cannot be taken on board, the ship manager must be able to give a proper justification for this in the application for sailing with private security personnel. But it is the shipmaster who is responsible on board.

3.3 Duty to verify information from the ship manager

Hereafter the subject verification of information by the shipmaster will be explained in full, using the relevant provisions of the Decree and Regulations.

Sections 6.2 and 6.3 of the Act are about the shipmaster's "duty to verify" and state that the ship manager must provide the shipmaster with correct and complete information about private security personnel and their weapons.

The shipmaster uses this information to check private security personnel and the weapons that come on board the ship.

The shipmaster also discusses with the team leader whether both have the same appropriate and correct information (they verify each other).

Article 2.4 Decree (Information obligation; shipmaster's responsibility)

1. Prior to the embarkation of the security team, the **master** and team leader shall receive the correct and complete information from the ship manager or the licence holder regarding:
 - a. the protective measures;
 - b. the size of the security team, the identification data and the nationality of the private maritime security staff members;
 - c. the number of firearms and brand, type and registration number of each weapon and the quantity of associated ammunition;
 - d. the weapons safe or safes,
 - e. the number of sets of handcuffs and the number of cameras and microphones.
2. Furthermore, they shall receive:
 - a. a copy of the mandatory national and local documents from the relevant coastal states allowing the firearms concerned to be taken on board in a legal manner;
 - b. a copy of the end user's certificates evidencing the legal ownership of the relevant firearms;

- c. *a copy of the permission, the licence and the ISO certificates referred to in Article 5.1, and*
 - d. *a copy of the agreement between the ship manager and the licence holder concerning the performance of maritime security activities.*
3. *If the information and documents referred to in paragraphs 1 and 2 are incomplete and incorrect, the **master** shall refuse to take the security personnel, firearms and ammunition on board.*
 4. *The **master** shall postpone the departure of the ship or entry into the official Risk Area if the rules laid down by or pursuant to the Act have not been complied with.*
 5. *Further rules may be laid down by ministerial regulation regarding the information and documents referred to in paragraphs 1 and 2, and the time at which these must be provided at the latest, as well as the recording thereof by the **master** and the team leader within the period specified.*

Explanation

- Section 6 of the Act states that the Decree includes rules about providing the correct and complete information by the ship manager to the shipmaster. They have been laid down in the above article.
- The shipmaster must have this information at the time when the security personnel go on board at the latest. The Regulations state that this is four hours prior to departure. See below.
- However, information about the protective measures should, of course, be on board sooner, as the shipmaster will otherwise not have time to build this up.
- The shipmaster will check private security personnel and their firearms when they board the ship.
- The information the shipmaster must get from the ship manager includes:
 - All protective measures;
 - Size of the security team;
 - Identity and nationality of the private maritime security staff members;
 - Number of firearms and brand, type and registration number of each weapon;
 - Quantity of associated ammunition;
 - Weapons safe or safes;
 - Number of sets of handcuffs;
 - Number of cameras and microphones;

- Copy of the mandatory national and local documents from the relevant coastal states allowing the firearms concerned to be taken on board in a legal manner;
- Copy of the end user's certificates evidencing the legal ownership of the relevant firearms;
- Copy of the permission, the licence and the ISO certificates referred to in Article 5.1;
- Copy of the agreement between the ship manager and the licence holder about the performance of maritime security activities.
- The maritime security company provides this information to the team leader of the security personnel.
- The shipmaster and the team leader must compare this information before, during or after embarkation. Any discrepancies or doubts about the data on the security personnel or their weapons must be resolved. If necessary, this is done with the help of the shipowner and the maritime security company.
- If specific data on security staff members or firearms is incorrect, the shipmaster must refuse to allow these people or weapons on board.
- If the above information and documents are incomplete or incorrect, the shipmaster must postpone the ship's departure; in any case, the shipmaster may not enter the official risk area.

3.4 Additional responsibilities of the shipmaster

Hereafter the subject additional responsibility of the shipmaster will be explained in full, using the relevant provisions of the Decree and Regulations.

Section 6.4 of the Act states that the Decree gives the shipmaster additional responsibilities. This has already been partly described above and will be discussed in more detail below.

Article 3.3 Decree (Responsibility of the master)

1. *The **master** is responsible for the management and the safe storage of the firearms and the associated ammunition on board the ship and is in possession of the keys to the weapons safe or weapons safes.*

2. *Two hours prior to sailing into the official risk area at the latest, the management of the firearms and the associated ammunition shall be transferred to the team leader, including the keys to the weapons safe or weapons safes.*
3. *For safety reasons, firing exercises by private maritime security personnel may take place on board and around the ship only after the team leader has received consent from the **master**.*

Explanation

- The Decree contains additional responsibilities of the shipmaster for the security of the ship and the persons on board in connection with the maritime security activities, such as managing and guarding the firearms and ammunition on board.
- The security personnel bring their firearms on board in locked transport cases.
- These are stored in locked weapons or ammunition safes or in cabinets, storage places or cabins.
- Firearms and ammunition are stored in separate ammunition safes.
- The shipmaster keeps the keys to the weapons and ammunition safes and gives them to the team leader two hours before sailing into the official Risk Area, enabling the team leader to get everything ready before the official Risk Area is entered.
- The shipmaster must record in the ship's log that they have handed over these keys to the team leader.
- The shipmaster must give permission for firing exercises by private security personnel. Shipping movements around the ship and safety on board in particular are important in this respect. This is recorded in the ship's log.

Article 5.9.1.b Decree (Requirements for the security team)

1. *The maritime security company shall ensure that each member of the maritime security team:*
 - a.
 - b. *Participates in safety drills on board the ship, after receiving instructions from the **shipmaster** to do so;*
 - c.

Explanation

- Article 5.9 (1) (b) Decree states that private security personnel must take part in the security drills required by law. These may include a lifeboat drill, fire drills as well as anti-piracy drills. This is to be decided by the shipmaster.

Section 8 Merchant Shipping Protection Act

Private maritime security personnel shall not use any weapons other than those designated by the Minister by an order in council (the Merchant Shipping Protection Decree) for performing maritime security activities. Rules (the Merchant Shipping Protection Regulations) shall also be laid down by or pursuant to an order in council (the Merchant Shipping Protection Decree) regarding the method of storage of the designated weapons on board the ship.

Explanation

- This section from the Act concerns the use of specific weapons and how they are stored (firearms and ammunition). The section states that the details of this are set out in the Decree and the Regulations.
- The shipmaster must ensure that only approved weapons and ammunition come on board. The shipmaster will get the details from the ship manager for that purpose in advance. If this is not the case, the shipmaster will actively request them.
- As firearms and ammunition are mainly the shipmaster's responsibility, the Decree and the Regulations are described in detail below.

Article 3.2 Decree (Weapons or ammunition safe)

1. *The firearms and the associated ammunition shall be safely stored on the ship during a transport in a separate, properly locked weapons or ammunition safe.*
2. *By regulation of the Minister (the Merchant Shipping Protection Regulations), further rules shall be laid down regarding the weapons or ammunition safe.*

Explanation

- The Decree states that the firearms and ammunition must be securely stored in locked weapons and ammunition safes. The ship manager must provide these safes, while the shipmaster is responsible for them on board.

- Weapons/ ammunition safe: storage place on board to be sealed with a lock, in which the transport cases with firearms and ammunition are stored separately.
- Transport case: storage space for firearms or ammunition, to be sealed with a lock.
- Firearms must always be stored separately from the ammunition, i.e. in different safes.
- The Regulations give more details about management and storage. See below.

Article 3.3 Decree (Responsibility of the shipmaster)

See Article 3.3 Decree on page 27.

Article 4 Regulations (Weapons safe and transport cases with weapons)

1. *The weapons safe may only be accessed by the **master** or, with express permission from the **master**, by the team leader or another official designated by the **master**.*
2. *The **master** keeps a record of persons who have access to the weapons safe.*
3. *Opening a transport case and distributing weapons require express permission from the **shipmaster**.*
4. *On board the ship, a transport case will be opened only by the team leader or their replacement.*
5. *Firearms stored in a transport case are not loaded with ammunition. The ammunition is stored separately in a transport case.*
6. *The team leader daily registers the brand, type, serial number and quantity of weapons present in each transport case. The **master** ensures that the registration takes place and signs the registration for that purpose, together with the team leader.*
7. *Two hours prior to reaching the official Risk Area, the team leader, in consultation with the **master**, will take the transport cases to the bridge.*
8. *The weapons that are not used during the passage through the official Risk Area are stored in a transport case on the bridge. The transport cases are not locked during this passage and are supervised by the armed member of the security team on duty on the bridge.*
9. *No later than two hours after leaving the official Risk Area, the team leader puts the transport cases with weapons back into the weapons safe.*
10. *The team leader ensures that the firearms are regularly maintained and work adequately, in accordance with the instructions of the licence holder.*

Explanation

- Weapons or ammunition safe: storage place on board to be sealed with a lock, in which the transport cases with firearms and ammunition are stored separately from each other.

- Transport case: storage space for weapons, to be sealed with a lock;
- Weapons and ammunition arrive on board with the transport cases. They are then stored separately in the weapons safe and the ammunition safe respectively.
- The shipmaster manages the weapons and ammunition safes and has the key.
- Management also includes registering the persons who have access to the safes.
- The transport cases may only be opened by the team leader with permission from the shipmaster.
- The team leader records all details daily, while the manager checks and verifies whether the team leader is doing so.
- The keys of the weapons and ammunition safe are handed by the shipmaster to the team leader of private security personnel two hours before entering the official Risk Area.
- The team leader prepares everything, including the weapons, for any confrontation with pirates. These are guarded by a security guard at all times.
- Two hours after leaving the official Risk Area, the weapons and ammunition are put back into transport cases and respective safes. From then on, they are the shipmaster's responsibility again.

Section 9.7 Merchant Shipping Protection Act

*The team leader shall not issue an order for the use of force until after they have determined, in consultation with the **master**, that the protective measures referred to in Section 6 (1) have not resulted in averting the risk of piracy, unless this consultation or the result thereof cannot reasonably be expected.*

Explanation

- This section is about the deployment of private maritime security personnel and the use of force, including the rules for the use of force. These are described in the Decree. See below.
- Section 9 is very important for the shipmaster, as it determines that the team leader of private security personnel - and therefore not the shipmaster - is responsible for the use of force. This differs from the national legislation of many foreign flag states.

- The shipmaster and the team leader must consult with each other about the possible use of force against pirates in advance unless such consultation is not possible.
- It must be established in this consultation that the protective measures have failed and that the pirates intend to attack the ship. The decision to use force must then be taken. See page 51 of this Manual for the checklist for this consultation between the shipmaster and the team leader.
- The team leader will give the order to use force. Private security personnel will not use force if they have not been ordered to do so by the team leader, unless there is no time to wait for that order because danger posed by the pirates has increased unexpectedly and suddenly.
- Of course, the shipmaster does retain the command and authority of the ship, such as course and speed settings or avoidance manoeuvres and sailing away, but the shipmaster also remains in charge of preventative protective measures, the use of the safe room, watchkeeping, etc.
- Section 9 (8) of the Act states that the Merchant Shipping Protection Decree sets out the instructions for the use of force for private security personnel.
- These instructions for the use of force can be found in Article 3.4 Decree.

Article 3.4.5. Decree (Further instructions for the use of force)

*The team leader shall continuously keep the **master** informed of their orders to the team members and the course of events relating to the use of force unless this is not reasonably possible.*

Explanation

- This article contains the rules for the use of force on board when the pirates attack.
- This means Dutch law gives permission to use force on board under specific circumstances.
- There is a clear structure in the use of force: from warning shots to shooting non-vital body parts of the pirates.
- The team leader keeps the shipmaster informed about the incident's developments, unless this is not possible.

Article 17 Regulations (Team leader)

1. Without prejudice to what has been determined by or pursuant to Sections 6, 9, 11 and 12 of the Act, the team leader has the following tasks:
 - a. acting as an intermediary between the security team and the **master**;
 - b. acting as an intermediary between the licence holder and the **master**;
 - c. giving advice to the **master** about security measures to be taken on board the ship which do not involve the use of weapons;
 - d. leading the joint drills of the security team and the crew in the maritime security activities aimed at protecting against piracy if the **master** orders to do so.
2. The team leader takes at least the following actions before embarkation:
 - a. informing the other members of the security team about the procedure manual and the rules governing the use of force;
 - b. getting the other members of the security team to sign a declaration stating that they are familiar with the content of the procedure manual and the rules governing the use of force;
 - c. inspecting the weapons and equipment of the members of the security team;
 - d. carrying out a drill with the security team in the use of weapons in particular, and
 - e. appointing a member of the security team as team medic.

The shipmaster must check whether the team leader has carried out the above.

Explanation

- This article once again establishes that the team leader of private security personnel - and therefore not the shipmaster - is responsible for the operational management of any use of force against the pirates.
- The team leader is in charge of private security personnel, but as persons on board the ship they are ultimately the shipmaster's responsibility.
- The shipmaster is in charge of private security personnel where the safety and public order of the ship are concerned.
- The shipmaster must also check whether the team leader has performed all the prescribed actions, in particular those mentioned in Article 17 (2).

Section 10.3 Merchant Shipping Protection Act

*The arrested persons shall be immediately handed over to the **shipmaster** by the private maritime security personnel. The provisions of Title VIB of Book 4 of the Dutch Code of Criminal Procedure shall apply mutatis mutandis.*

Explanation

- Article 10 (3) of the Act determines that any captured pirates must be handed over to the shipmaster.
- The shipmaster is also responsible for the captured persons.
- The shipmaster will discuss this with the Public Prosecutor in the Netherlands.
- This is described in detail in the “Legal Handbook Shipmaster”, also published by NVKK.
- See also the provisions in the Code of Criminal Procedure.
- The Decree and the Regulations do not have any provisions about this.

Section 11.4 Merchant Shipping Protection Act

*The team leader shall provide the **master** with the files containing the video or audio recordings to facilitate the **master’s** reporting or notification obligation, as referred to in Section 12.*

Explanation

- Private security personnel wear cameras and microphones during a piracy incident.
- The video and sound recordings are saved.
- The team leader gives these recordings to the shipmaster, who adds them to the notifications and reports. See also under Section 12 of the Act below.

Article 23 Regulations (Retention period)

1. *The ship manager, the maritime security company, the **master** and the team leader are entitled to view the video recordings and listen to the audio recordings.*
2. *The files with video and audio recordings will be deleted by the ship manager, the **master** and the private maritime security personnel from their systems once they have been sent, together with the reports referred to in Section 12 (2) and (3) of the Act, to the Minister or the Public Prosecution Service respectively, but no later than within 28 days of leaving the official Risk Area.*

3. *In derogation from paragraph 2, the files with video and audio recordings may be stored for a longer period by the ship manager, the **master** and the private maritime security personnel where such is necessary for the establishment, exercise or defence of a legal claim.*

Explanation

- The Act states that the shipmaster may view and listen to all recordings, including those of private security personnel.
- The shipmaster can do so via the team leader.
- As soon as the files have been sent to the Public Prosecution Service or the Ministry in the Netherlands, they must be deleted from the systems on board.
- Otherwise, all files must be deleted 28 days after leaving the official Risk Area.
- All files may, however, be stored on board if this is necessary for possible evidence in a lawsuit.
- All this is to be decided by the shipmaster.

Section 12 Merchant Shipping Protection Act

1. *For each transport on which private maritime security personnel are deployed, a report shall be drawn up, in accordance with rules (the Merchant Shipping Protection Regulations) to be issued by the Minister, in the Dutch or English language, separately by the **master** and the team leader of the private maritime security personnel.*
2. *These reports shall in all cases state whether and how the powers referred to in Sections 9 and 10 have been exercised. If these powers have been exercised, the files with video or audio recordings as referred to in Section 11 (2) or (5) shall be attached to the reports. The reports shall be sent to the Minister.*
3. *Any use of force and any use of handcuffs by private maritime security personnel shall be reported in a notification immediately by the **master** to the Public Prosecution Service once the risk of piracy has ended in accordance with the rules to be issued by the Minister. The files with video or audio recordings, as referred to in Section 11 (2) or (5), shall be attached to this notification.*

- Send the end-of-voyage report to the Human Environment and Transport Inspectorate.
- Send notification about the use of force to the Public Prosecution Office in the Netherlands.

Explanation

- Section 12 of the Act is important to the shipmaster as it deals with the notification about the use of force and the end-of-voyage report. See also pages 31 and 35 of this Manual.
- Sections 12 (1) and (2) state that after each transport (i.e., voyage) where armed private security personnel were on board, a report must be prepared for the Human Environment and Transport Inspectorate. See the website for the correct address.
- Both the shipmaster and the team leader prepare an end-of-voyage report, so two different reports are prepared.
- This general end-of-voyage report also confirms whether force has been used and whether handcuffs have been used.
- The video and sound recordings of the private security personnel are added to this end-of-voyage report. See Article 11 of the Act for more details.
- For the content of this end-of-voyage report, see page 56 of this Manual. The checklists of this Manual can be used as an annex to the official report forms. This simplifies the shipmaster's task.
- Section 12 (3) states that the shipmaster must issue a notification about the use of force during a piracy incident separately. The video and sound recordings are also added to this.
- This notification about the use of force is sent to the Public Prosecution Service in the Netherlands immediately after the use of force.
- For the content of this notification about the use of force, see also page 51 of this Manual. This checklist may be used for the notification about the use of force, as an annex to the official form. That makes it easier for the shipmaster.

NB: even just picking up a firearm constitutes the use of force and requires sending a notification to the Public Prosecution Service. See also the definitions relevant to this legislation on page 15 of this Manual

Article 6 Regulations (Embarkation form, report forms and notification about the use of force)

1. *The ship manager provides the **master** with the information specified in Article 2.4 (1) and (2) of the Decree at least four hours before the embarkation of the security team, the weapons and the equipment.*
2. *In order to comply with the duty to verify, provided for in Section 6 (2) of the Act and Article 2.4 (1) and (2) of the Decree, the **master** and the team leader will use the standard forms included in Annex 2 and Annex 3 respectively. The **master** will send the forms completed by the **master** and the team leader to the Coastguard and the Inspectorate to inform them immediately upon embarkation.*
3. *For the reports, specified in Section 12 (1) of the Act, the **master** and the team leader of the private maritime security personnel will use the standard form, included in Annex 4 and Annex 5 respectively. The forms, specified in paragraph 1, form part of these reports. The **master** and the team leader send the reports, specified in Section 12 (1) of the Act, to the Inspectorate within 48 hours of the debarkation of the security team.*
4. *For the notification to be sent to the Public Prosecution Service, as provided for in Section 12 (3) of the Act, the **master** will use the report forms included in Annex 6.*

Explanation

- This article specifies what the shipmaster must report and when. The annexes referred to concern the Regulations.
- This has been further elaborated in Chapter 5 of this Manual and the checklists.
- Article 6 (1) determines that the shipmaster must receive all the information from the ship manager at least four hours before the embarkation of the security team with fire-arms.
- Article 6 (2) determines that the shipmaster and the team leader must verify whether they have the same information. This is done on the basis of the form from Annexes 2 and 3 of the Regulations.
- In practice, a copy of the crew list, with the required information about the members of the security team, can also be added. This means that the shipmaster does not always need to complete the whole form but can also add existing information to the official form. An example is the completed checklist from this Manual. This can help the shipmaster save time.
- Article 6 (3) determines that the shipmaster must produce an end-of-voyage report, on the basis of the official forms from Annex 4 of the Regulations. Again, the shipmaster can use the completed checklists from the Manual. They can be added as an annex to

the official form. This means the shipmaster does not need to complete all kinds of forms unnecessarily.

- Article 6 (4) states that the shipmaster must use the official form, Annex 6 to the Regulations, for a notification about the use of force. Again, the shipmaster can use the checklist from this Manual as an annex, which saves a lot of work.

Section 17 Merchant Shipping Protection Act

1. *The Minister may impose an administrative fine on the licence holder for an amount to be determined by ministerial regulation in respect of violation of the rules laid down by or pursuant to this Act and the conditions attached to the licence.*
2. *The Minister may:*
 - a. *impose an administrative fine on the ship manager and the **shipmaster** for an amount to be determined by ministerial regulation in respect of violation of the rules laid down by or pursuant to Section 6 (1);*
 - b. *impose an administrative fine on the team leader and the **master** for an amount to be determined by ministerial regulation in respect of violation of Section 6 (2);*
 - c. *impose an administrative fine on the ship manager for an amount to be determined by ministerial regulation in respect of violation of the rules laid down by or pursuant to Section 6 (3);*
 - d. *impose an administrative fine on the **master** for an amount to be determined by ministerial regulation in respect of violation of the rules laid down by or pursuant to Section 6 (4);*
 - e. *impose an administrative fine on the team leader and the **master** for an amount to be determined by ministerial regulation in respect of violation of the rules laid down by or pursuant to Sections 12 (1) and (2).*
3. *The administrative fine to be determined based on subsections 1 or 2 shall be, at most, the amount determined for the fourth category referred to in Section 23 (4) of the Dutch Criminal Code.*

Explanation

- This section is about the administrative fines that may be imposed on the shipmaster if the shipmaster breaches Article 6 of the Act (see above);
- An administrative fine may be imposed on the shipmaster if one of the following occurs:
 - A breach of the rules on protective equipment;
 - The permission to use private security personnel has not been properly checked (verified);

- Failure to check private security personnel properly on embarkation, including all data on the security personnel, firearms, ammunition, cameras, etc. In short, check (verify) with the team leader whether you both have all the correct data;
 - Noncompliance with the rules about the shipmaster's responsibility for the safety of the ship and those on board in connection with the maritime security activities;
 - Failure to send a notification about the use of force or the end-of-voyage report.
- The administrative fine for the above breaches is € 4,500 maximum.
 - The amounts of the other fines are set in the Regulations. (See below.)

Article 20 Regulations (Administrative fine imposed on the shipmaster)

*The highest administrative fine that may be imposed on the **master** for a violation of Section 6 (1) and (4) and Section 12 (1) and (2) of the Act and Article 6 (2) in conjunction with Article 2.4 of the Decree is the same as the second category fine provided for in Section 23 (4) of the Criminal Code.*

Explanation

An administrative fine may be imposed on the shipmaster for breaching Section 17 of the Act (see above), but also for breaching several other sections of the Act (see below).

The shipmaster may be fined when one of the following sections are breached:

- Merchant Shipping Protection Act
 - Section 6 (1): Failure to apply sufficient protective measures;
 - Section 6 (2) / Article 2.4 Decree: Sailing into the area with a high piracy risk (RA) without sufficient protection;
 - Section 6 (4): Failure to take the additional responsibilities, such as checking the permission for the use of private security personnel and of all the data on security personnel, firearms, ammunition, cameras, microphones, etc.;
 - Section 12 (1): failure to submit an end-of-voyage report to the Human Environment and Transport Inspectorate;
 - Section 12 (2): failure to submit a notification about the use of force to the Public Prosecution Service.

- These fines are imposed by the supervisory officials of the Human Environment and Transport Inspectorate.
- The maximum amount of this fine is € 4,500.
- The Human Environment and Transport Inspectorate applies a schedule of fines with the exact amount of the administrative fines for each violation.
- The shipmaster must ensure there are reasonably adequate protective measures in place before and during the voyage. The shipmaster can check the official permission for that purpose, which must be sent to them by the ship manager.
- The shipmaster may be fined if they depart to an official Risk Area and not all the rules have been met. In that case, the shipmaster must postpone departure. The same applies to entering an official Risk Area without sufficient protective measures.
- Some rules, such as those about the unlawful use of force, can also be enforced under criminal law in the Netherlands, i.e. via the police and the Public Prosecution Service.
- In short, if the shipmaster breaches any rules from the Merchant Shipping Protection Act, the Merchant Shipping Protection Decree or the Merchant Shipping Protection Regulations, the shipmaster may incur an administrative fine or be brought to trial under criminal law.

4. Checklists

4.1. Introduction

The core of this Manual consists of a number of checklists that can help ensure that the shipmaster does not forget anything when a voyage involves passing through an area with a high piracy risk.

The checklists make sure that the inspection of the tasks carried out on board is complete, comprehensive and systematic.

The purpose of a checklist or inspection list is to tick off a list of items that must be checked, so that nothing is forgotten. The checklists can be completed with yes/no answers or a brief comment.

The checklist also serves to give the shipmaster of a ship sailing under the Dutch flag a clear structure before, during and after any possible violent incident with pirates, while there are armed private security personnel on board.

There are several checklists, from voyage preparation to the final report to the Minister in the Netherlands.

All checklists start on a new page, so that each checklist can be downloaded and printed individually on board. That means everyone in any place can use the same checklist. Because of the unique numbering system, a checklist can easily be completed by more than one person.

Of course, the checklists are not always complete for each ship in each situation, but they can serve as an aid for the shipmaster. The shipmaster can always add items to the checklists, reflecting the specific situation.

More general and detailed checklists can be found on the internet. See also Annex 1 of this Manual for references. Those checklists and books are not specifically intended for Dutch

ships and Dutch legislation, but they do provide the shipmaster with useful background information.

The Merchant Shipping Protection Act states that several reports and notifications must be issued by the shipmaster. The corresponding Merchant Shipping Protection Regulations state which reports, and notifications must be issued, including the corresponding standard forms.

These standard forms sometimes ask for information that is already kept up to date on board, such as crew lists and journals.

Existing data and completed checklists from this Manual may be sent as annexes with the standard forms prescribed by law. In other words, they do not need to be completed again. This can potentially save the shipmaster a lot of time.

If the supervisory body requires more details, it may ask the shipmaster to provide them.

The checklists in English can also be used for sending notifications to the Maritime Security Centre - Horn of Africa (MSCHOA), United Kingdom Marine Trade Operations (UKMTO), Netherlands Coastguard and the ship manager.

You will find the following checklists in this Manual:

- A. Checklist: Preparing the voyage
- B. Checklist: Outside the area with a high piracy risk (RA)
- C. Checklist: Inside the area with a high piracy risk (RA)
- D. Checklist: Consultation between shipmaster and team leader about the use of force
- E. Checklist: Notification about the use of force
- F. Checklist: Reporting after the voyage

A. Checklist: Preparing the voyage

This checklist concerns all the preparations before the voyage, from the moment it is known that the ship will sail through an area with a high piracy risk until armed private security personnel embark the ship. Certain protective measures obviously have to be taken at an early stage, in which the ship manager plays an important role.

This checklist can be used in respect of the shipmaster’s duty to verify and consult with the team leader. (Section 6 of the Act, Article 2.4 Decree and Article 6 Regulations).

See also the forms of Annexes 2 and 3 to the Regulations. Checklist A can be added to these legal forms as an annex, which will save the shipmaster time when filling in the official forms.

<h2 style="text-align: center;">A Checklist: Preparing the voyage</h2>		
A.1.	Date/place of embarkation and debarkation of security personnel and firearms. Embarkation: Debarkation:	
A.2.	Has the shipmaster thoroughly checked the security personnel and their firearms on embarkation?	YES/NO
A.3.	Are the number of security personnel and their names and nationality in accordance with the ship manager’s information / the official permission?	YES/NO
A.4.	Is the number, brand, type and registration number of the firearms in accordance with the ship manager’s information / the official permission?	YES/NO
A.5.	Is the number and calibre of the ammunition in accordance with the ship manager’s information / the official permission?	YES/NO

A.6.	Are the corresponding official documents of security personnel, fire-arms and ammunition, including those of the coastal state, in accordance with ship manager's information / the official permission?	YES/NO
A.7.	Are the weapons safes on board in accordance with the rules?	YES/NO
A.8.	Number of sets of handcuffs known and on board?	YES/NO
A.9.	Number of cameras and microphones known and on board?	YES/NO
A.10.	Copy of end user's certificates for the legal ownership of firearms on board?	YES/NO
A.11.	Copy of ship manager's permission and contract between ship manager and maritime security company (licence holder) on board?	YES/NO
A.12.	Copy of licence and all ISO certificates, such as 9001:2015, 2800:2007 and 28007:2015 on board?	YES/NO
A.13.	Was the departure postponed because not all conditions and rules were complied with?	YES/NO
A.14.	Are the weapons and ammunition stored in accordance with the rules?	YES/NO
A.15.	Has the knowledge among the private security personnel of Dutch legislation on piracy, such as the rules for the use of force, been checked?	YES/NO
A.16.	Has there been adequate consultation (verification) between the shipmaster and the team leader, including the exchange of information as prescribed in the legislation?	YES/NO
A.17.	Have all important phone numbers on board been checked and distributed?	YES/NO
A.18.	Is there a policy about having AIS on/off in the official Risk Area?	YES/NO
A.19.	Have all reasonably possible protective measures been taken in accordance with the official permission, BMP and SSP?	YES/NO
A.20.	Anything to add or any comments?	

B. Checklist: Outside the official risk area (RA)

This checklist is used from the time when the security team embarks the ship until the area with a high piracy risk (RA) is reached.

B Checklist: Outside the official risk area (RA)		
B.1.	Have any drills with crew and private security personnel taken place, e.g., about the rules for the use of force?	YES/NO
B.2.	Do those on board - in particular private security personnel - have knowledge about and comply with the rules for the use of force?	YES/NO
B.3.	Are the shipmaster's express wish and order to prevent the use of force and only use this out of legitimate self-defence, in accordance with the legal standards, known to all persons on board?	YES/NO
B.4.	Do those on board have knowledge about and comply with all the instructions of the Public Prosecution in the Netherlands and also, where relevant, of the coastal state?	YES/NO
B.5.	Does the shipmaster keep the key of the weapons safes, as prescribed in the legislation?	YES/NO
B.6.	Have the private security personnel been integrated into the safety protocols on board, such as opportunities for drills and protection, but also lifeboat drills and fire drills?	YES/NO
B.7.	Have the shift rosters and working and resting hours of the private security personnel been checked by the shipmaster?	YES/NO
B.8.	Are weapons and ammunition stored separately, as prescribed by law?	YES/NO
B.9.	Has the ammunition been checked in accordance with the rules, e.g. temperature and storage life?	YES/NO

B.10.	Have all the protective measures been taken as prescribed in the legislation and BMP?	YES/NO
B.11.	Has the shipmaster given permission for firing exercises?	YES/NO
B.12.	Have the weapons been used by certified persons only?	YES/NO
B.13.	Have the keys to the arms safes been transferred to the team leader two hours before entering the official Risk Area?	YES/NO
B.14.	Will an opportunity to sail in convoy in the official Risk Area be used?	YES/NO
B.15.	Are any opportunities for extra protection, e.g. by royal navy ships, being used?	YES/NO
B.16.	Have the time and location of entering the official Risk Area been established?	YES/NO
B.17.	Have the entry into the official Risk Area and the ship's movements been reported to the locally coordinating authorities, such as MSCHOA and UKMTO?	YES/NO
B.18.	Are all points of access to accommodation and control rooms blocked from access from outside?	YES/NO
B.19.	Have all openings that could give pirates access to accommodation (portholes, doors, etc.) been locked?	YES/NO
B.20.	Have the most likely scenarios been checked?	YES/NO
B.21.	Have the persons on board been informed about a safe position, such as the citadel?	YES/NO
B.22.	Additional information and comments	

C. Checklist: Inside the official risk area (RA)

The checklist below will help the shipmaster when sailing in an area with a high piracy risk (RA) and in the event of a possible confrontation with pirates. All protective measures must be taken before the official Risk Area is entered.

C Checklist: Inside the official risk area (RA)		
C.1.	Have all protective measures been taken?	YES/NO
C.2.	Have the lookouts been briefed and put into strategic places?	YES/NO
C.3.	Are dummies being used?	YES/NO
C.4.	Are warnings on banners being used?	YES/NO
C.5.	Is the policy for navigation lights and deck lights known and being implemented?	YES/NO
C.6.	Have tools, gas cylinders, etc. been locked away?	YES/NO
C.7.	Has the bridge been set up as the control centre?	YES/NO
C.8.	Are the radar and other relevant instruments under constant surveillance?	YES/NO
C.9.	Are there specific brief shifts for guards on deck and on the bridge?	YES/NO
C.10.	Are there any ships that are trying to get closer?	YES/NO
C.11.	Has any manoeuvring taken place to keep a distance from possible danger?	YES/NO
C.12.	Have any avoidance manoeuvres been carried out?	YES/NO
C.13.	Have the swell, waves, wind, etc. been used to prevent the approach and boarding by pirates?	YES/NO
C.14.	Are the daily positions, incidents, SITReps, etc. passed on to the authorities?	YES/NO
C.15.	Are shift rosters and work lists kept for private maritime security personnel?	YES/NO

C.16.	Does the team leader take responsibility for the storage, management and use of all weapons and ammunition after receiving the key?	YES/NO
C.17.	Have the Ship Security Plan (SSP), the Ship Security Alert System (SSAS) and the Automatic Identification System (AIS) been activated?	YES/NO
C.18.	Have the Best Management Practices (BMP) been implemented and maintained?	YES/NO
C.19.	Have the time and location of incidents been recorded?	YES/NO
C.20.	Is the emergency communication plan ready for immediate start?	YES/NO
C.21.	Are all statutory rules complied with?	YES/NO
C.22.	Additional information and comments.	

D. Checklist: Consultation between shipmaster/teamleader about use of force

- The Act states that the shipmaster and the team leader must consult with each other about the result of all protective measures first before the team leader may give an order to use force.
- This consultation takes place as soon as the ship is threatened by pirates, but it must allow the team leader sufficient time to secure the ship and the persons on board.
- If there is no time within reason to wait for this consultation, the team leader may use force against the pirates.
- The advice is to record the date/time of this consultation in the ship’s log.
- From that moment, the team leader is responsible for the use of force against the pirates.
- The checklist below can be used for this consultation between shipmaster and team leader. If all the boxes have been ticked, this is a strong indication that the team leader may give an order to use force and will be responsible for this. From that moment, the shipmaster is not responsible for the use of force.
- The shipmaster will always remain responsible for all other shipping matters, such as navigation, deciding on the course and speed, manoeuvres to avoid the pirates’ ships and regular ship management.

D Checklist: Consultation between shipmaster and teamleader about the use of force		
D.1.	The ship is in the official Risk Area?	YES/NO
D.2.	All relevant protective measures have been taken (SSP and BMP)?	YES/NO
D.3.	Requested help from the locally coordinating authorities (MSCHOA, UKMTO, etc.)?	YES/NO
D.4.	The preventative protective measures have not averted the threat?	YES/NO
D.5.	Do the pirates have weapons, a ladder or other climbing equipment?	YES/NO

D.6.	Have the pirates shown any weapons?	YES/NO
D.7.	Have the pirates used any weapons?	YES/NO
D.8.	Is there any immediate threat?	YES/NO
D.9.	Is the safety of the ship, persons on board and cargo at risk?	YES/NO
D.10.	Have all the options to prevent the use of force been applied in vain?	YES/NO
D.11.	Is there any assistance in the proximity?	YES/NO
D.12.	Is everyone familiar with the rules for the use of force?	YES/NO
D.13.	Is the use of force recorded wherever possible?	YES/NO
D.14.	Have the team leader and the shipmaster concluded that all possible preventative measures have failed and that only the use of force can defend the ship and the persons on board against assaulting pirates?	YES/NO
D.15.	Is the use of force the last resort to protect the ship, the persons on board and the cargo?	YES/NO
D.16.	Additional information and comments?	

E. Checklist: Notification about the use of force

- The shipmaster must issue many notifications and reports. Some notifications and reports are required by law, while others are strongly recommended. See page 59.
- All notifications and reports can also be sent to the ship manager, if the ship manager has not prescribed their own reporting system.
- Throughout the voyage through the area with a high piracy risk, the shipmaster must report to locally coordinating authorities such as MSCHOA and UKMTO.
- A notification about the use of force and the end-of-voyage report must be sent to the Dutch authorities.
- Below you will find the checklist for the notification about the use of force sent to the Public Prosecution Service in the Netherlands, which is required by law.
- This notification is drawn up by the shipmaster immediately after the use of force. The team leader does not report on the use of force.
- The notification about the use of force consists of different parts: before, during and after the use of force. These notifications can be added to the general end-of-voyage report sent to the Human Environment and Transport Inspectorate.
- The notification about the use of force is not the same as end-of-voyage report on the whole voyage. That is a separate report and is directed to the Human Environment and Transport Inspectorate. See page 63.

This Checklist E can be used as an annex to the official report form on the use of force in accordance with Annex 6 to the Regulations.

E	Checklist:
Notification about the use of force	
Basic data	
E.1.	Ship's name:

E.2.	Call sign:	
E.3.	IMO number:	
E.4.	Name and contact details of the shipmaster:	
E.5.	Name and contact details of the ship manager/DPA:	
E.6.	Details of permission for sailing with private security personnel:	
E.7.	Name and contact details of the security company:	
E.8.	Name and contact details of the team leader:	
E.9.	Details of the security company's licence:	
E.10.	Details of the contract between ship manager and security company:	
Incident including the use of force		
E.11.	Date and time (GMT) of start and end of the incident:	
E.12.	Ship's position:	
E.13.	Your ship's freeboard during the attack:	
E.14.	Light or dark?	
E.15.	Your ship's course and speed:	
E.16.	Avoidance manoeuvres carried out?	YES/NO
E.17.	Weather conditions and conditions of the sea:	
E.18.	Pirates' mother ship present?	YES/NO
E.19.	Type and number of pirates' assault boats:	

E.20.	Number of pirates:	
E.21.	Type and number of pirates' weapons and ammunition:	
E.22.	Weapons shown by pirates?	YES/NO
E.23.	Do the pirates have any ladders or other climbing equipment?	YES/NO
E.24.	Immediate threat posed by pirates?	YES/NO
E.25.	Safety of your own ship, cargo and those on board at risk?	YES/NO
E.26.	Possibility of external assistance?	YES/NO
E.27.	Citadel / safe room in use?	YES/NO
E.28.	Alarm raised?	YES/NO
E.29.	Have any requests for assistance been issued by the shipmaster?	YES/NO
E.30.	Measures/actions taken by the shipmaster:	
E.31.	Measures/actions taken by the team leader:	
E.32.	Measures/actions taken by those on board, e.g., use of safe room:	
E.33.	Are the protective measures no longer sufficient?	YES/NO
E.34.	Has any consultation taken place between shipmaster and team leader about the use of force?	YES/NO
E.35.	Distance between pirate vessel and your own ship while using force:	
E.36.	Use of force by pirates?	YES/NO
E.37.	Shots in the air or targeted shots by pirates?	YES/NO
E.38.	Attempt, boarding or kidnapping by the pirates?	YES/NO
E.39.	Time of transfer of responsibility for use of force to team leader:	

E.40.	Use of force ordered by team leader?	YES/NO
E.41.	Weapons taken up and shown by private security personnel?	YES/NO
E.42.	Use of force only according to rules for the use of force, out of legitimate self-defence?	YES/NO
E.43.	Use of force within the legislation and instructions?	YES/NO
E.44.	Compliance with the rules for the use of force?	YES/NO
E.45.	What kind of force has been used by the security personnel and for what purpose?	
E.46.	Use of force against pirates in their boat at sea?	YES/NO
E.47.	Use of force against pirates on board, including putting on handcuffs?	YES/NO
E.48.	Structure of use of force followed?	YES/NO
E.49.	Warning shots by security personnel?	YES/NO
E.50.	Shots targeting pirate vessel or persons?	YES/NO
E.51.	Casualties?	YES/NO
E.52.	Injury of and assistance to casualties?	YES/NO
E.53.	Use of force by others, e.g. a naval vessel to provide assistance?	YES/NO
E.54.	Pirates flee with own vessels?	YES/NO
E.55.	Pirates captured at sea by, for example, naval vessels?	YES/NO
E.56.	Pirates apprehended on board and handed over to the shipmaster?	YES/NO
E.57.	Recorded in ship's log, etc.?	YES/NO
E.58.	Add video and sound such as film, video and photos as an annex.	YES/NO
E.59.	Witness statements present?	YES/NO
E.60.	Status of casualties known?	YES/NO
E.61.	Treatment of apprehended pirates?	YES/NO
E.62.	Incident assessment by the team leader of the private security personnel?	YES/NO
E.63.	Incident assessment by the shipmaster, in which the shipmaster argues convincingly that they have done all they could to prevent the use of	YES/NO

	force and that all rules were observed by the shipmaster and those on board during the use of force?	
E.64.	Reported to the Dutch Coastguard and the locally coordinating authorities?	YES/NO
E.65.	Time when the ship resumes its voyage?	
E.66.	Damage assessment?	YES/NO
E.67.	Comments and additional information	
E.68.	Signed by the shipmaster	

F. Checklist: Reporting after the voyage

Below you will find the checklist for the general end-of-voyage report to be sent to the Human Environment and Transport Inspectorate. This mandatory report is written by the shipmaster after the voyage. The team leader also reports to the Inspectorate after the voyage, independently and separately. So, both reports go to the Inspectorate. The email addresses can be found on the Inspectorate’s website.

NB: The notification about the use of force is a separate notification and is sent to the Public Prosecution Service in the Netherlands. See Checklist E.

Any notifications about the use of force must be added to this general end-of-voyage report to the Inspectorate. See also page 56 of this Manual.

- Checklist F is the end-of-voyage report for the shipmaster, or it can be used for this purpose.
- The shipmaster can use all the completed checklists to compile the end-of-voyage report, i.e., Checklist F, for example by adding all the completed checklists as an annex to the legal form (Annex 4 to the Regulations) of the official end-of-voyage report; the video and audio recordings can also be added.

F End-of-voyage report	
F.01.	Ship’s name:
F.02.	Call sign:
F.03.	IMO number:
F.04.	Name and contact details of the shipmaster:
F.05.	Name and contact details of the ship manager/DPA:

F.06.	Details of permission for sailing with private security personnel:	
F.07.	Name and contact details of the security company:	
F.08.	Name and contact details of the team leader:	
F.09.	Details of the security company's licence:	
F.10.	Details of the contract between ship manager and security company:	
F.11.	Add completed Checklist A	YES/NO
F.12.	Add completed Checklist B	YES/NO
F.13.	Add completed Checklist C	YES/NO
F.14.	Add completed Checklist D	YES/NO
F.15.	Add completed Checklist E	YES/NO
F.16.	Add video and audio recordings	YES/NO
F.17.	Shipmaster's signature	
F.18.	Additional information and comments.	

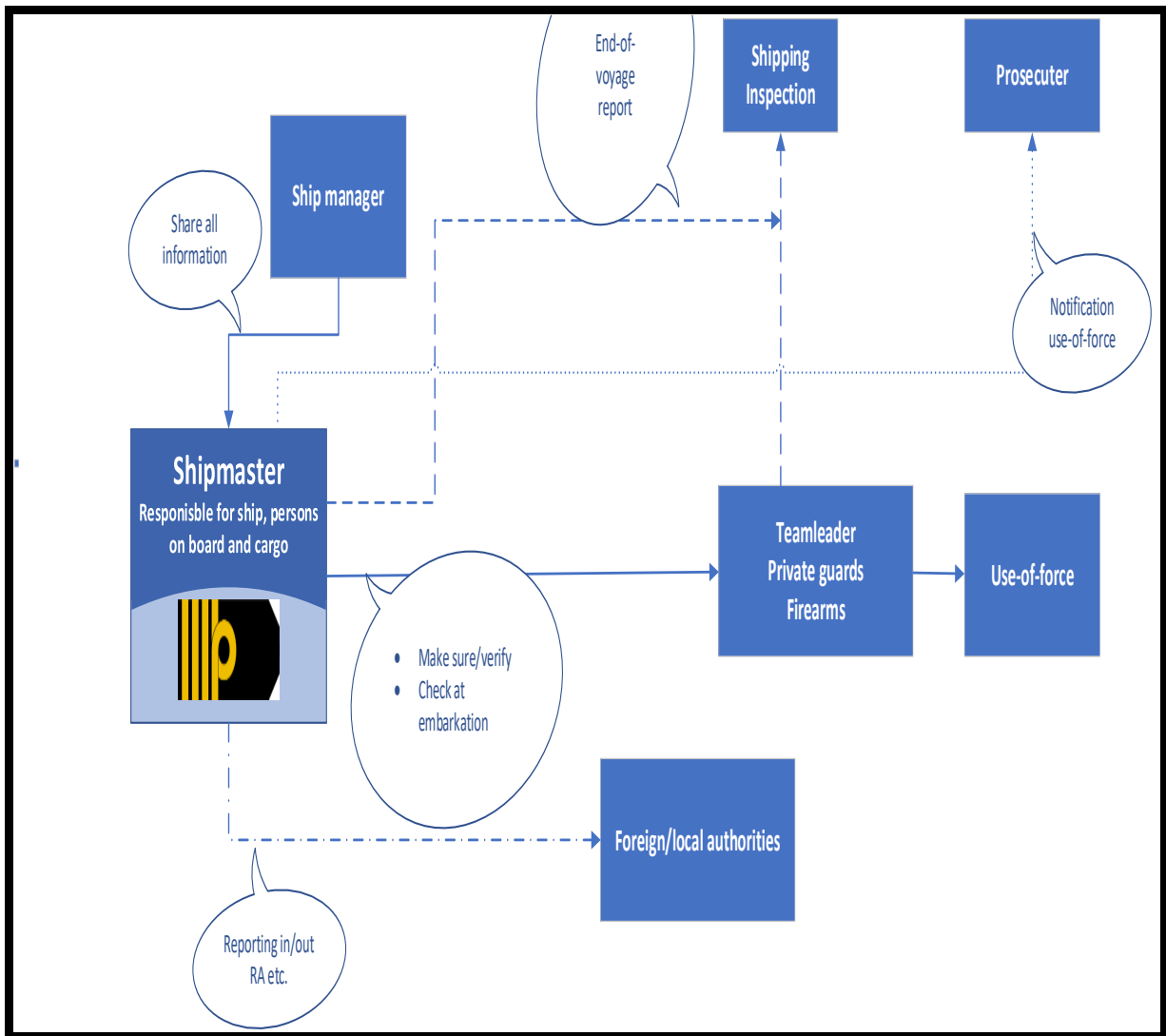


Figure 5. Overview of shipmaster’s network for combating piracy

5. Explanatory notes

5.1. Introduction

These explanatory notes will briefly deal with the following:

- Gathering information;
- Use of force;
- Mandatory notifications and reports;
- Fines imposed on the shipmaster.

The explanation is given from the shipmaster's point of view and as a clarification for the shipmaster. The shipmaster is and remains the key player when there is an incident with pirates. The shipmaster is responsible for ship, crew and cargo.

5.2. Gathering information

The shipmaster can use different sources to gather information.

Several international and national organisations are often active in areas with a high piracy risk around the Horn of Africa.

These organisations try to work together, but they do not always succeed in this. This is due to the presence of foreign naval vessels, which usually only assist the ships sailing under the flag of their own country and in some cases other merchant ships. They do not participate in the international coalition.

The shipmaster must actively gather all information needed to guide the ship through the area with a high piracy risk as safely as possible. This applies from preparing the voyage to leaving the dangerous area.

For up-to-date information, the websites of these organisations should be consulted.

The NATO Shipping Centre and Netherlands Coastguard can also play an important role in this, including the references to other ministries. Other interesting sources of information include IMO/Maritime Security and Piracy, the International Chamber of Commerce (ICC)

and its department Commercial Crime Services, as well as the International Maritime Bureau (IMB) and its Piracy Reporting Centre.

All these organisations provide information on their websites.

They also often have specific information for the shipmaster. See also Annex 1 of this Manual.

5.3. Use of force

Force is any more-than-minor compulsive force exercised on persons or property, using a weapon.

Weapons are the equipment and weapons designated under the Act for the use of force. Even just holding and displaying a firearm constitutes the use of force.

The use of force is prohibited and punishable, and this also applies on board. An exception is an instance where force is used based on the Dutch Merchant Shipping Protection Act or as legitimate self-defence.

The use of force on board is regulated in the Netherlands in the approved Rules for the Use of Force (RUF). These are generally not national laws or rules originating from the government, but regulations applied within a profession.

RUF applied on board must have been approved by the Dutch government and must be known to the shipmaster, crew and private security personnel. It is up to the shipmaster to check whether the latter is the case. The shipmaster will do so in consultation with the team leader. This can also be recorded, e.g., in the ship's log.

Normally, the use of force against pirates takes place outside the territorial sea of a coastal state, i.e., in international waters. If the use of force took place in the territorial waters of a coastal state, there is a chance that this coastal state also requires a notification or report. This may be the case because the legislation of that coastal state also applies in its territorial waters. The best thing you can do is to send the notification/report to the coastal state as well, in consultation and in cooperation with the ship manager.

5.4. Notifications and reports

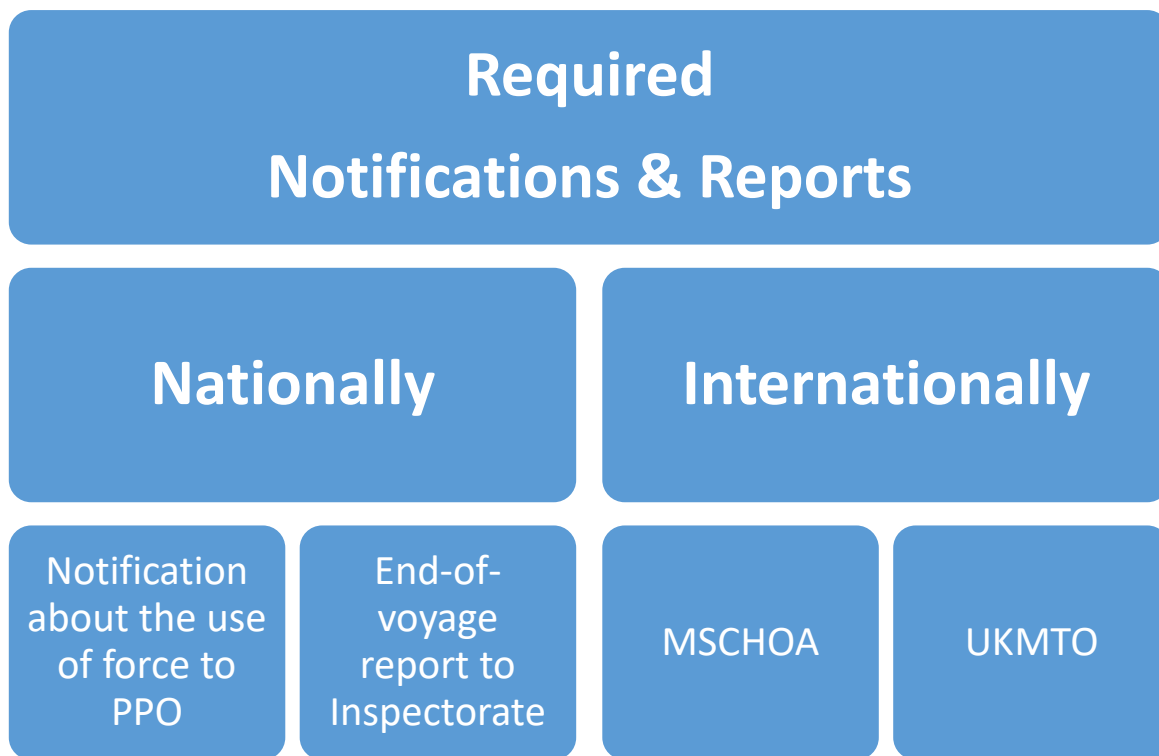


Figure 6. Overview of notifications and reports issued by the shipmaster

Nationally

For the shipmaster, there are two forms of reporting that are nationally required by law:

1. Notification about the use of force to the Public Prosecution Office in the Netherlands;
2. Report to the Human Environment and Transport Inspectorate at the end of the voyage with private security personnel.

Notification about the use of force

After using force against pirates, the shipmaster must send a notification about this to the Public Prosecution Service in the Netherlands immediately. See Checklist E of this Manual. Even just picking up a firearm and threatening to use it or the use of handcuffs constitutes the use of force. This notification is prepared by the shipmaster and should be brief, factual, clear and concise, with the checklist as guideline. See page 42 of this Manual.

This is a notification, not a report.

The checklist does not aim to be complete. Subjects can and may be added to it at any time, especially if those subjects are relevant to demonstrating that the shipmaster has done everything possible to act within the applicable legislation.

The shipmaster must send all the relevant video and sound recordings with the notification about the use of force. The team leader must make these recordings available to the shipmaster for that purpose.

Following the notification about the use of force, the Public Prosecution Service may ask for a more detailed report. The same checklist can then be used again, adding a more detailed description and answers to specific questions from the Public Prosecution Service.

Procedure for notification after use of force on board

1. The shipmaster sends a notification about the use of force to the Public Prosecution Service, possibly via the ship manager.
2. The ship manager may add their own views to this notification.
3. In principle, the team leader - not the shipmaster - is responsible for the use of force on board.
4. The Public Prosecution Service may ask the shipmaster for a further, more detailed report.
5. The Public Prosecution Service will decide whether the use of force was lawful or unlawful.
6. If the use of force was lawful, the Public Prosecution Service will report this to the team leader, the maritime security company and the shipmaster, possibly via the ship manager.
7. If the use of force was unlawful or if there is any doubt, the Dutch police will start an investigation on the instructions of the Public Prosecution Service.
8. On the basis of this police investigation, the Public Prosecution Service will decide whether to bring charges against the team leader or private security guard.
9. The shipmaster can be heard as a witness.

10. If this leads to criminal proceedings, the court will ultimately decide about the lawfulness of the use of force.
11. Following this, an appeal to a higher court or the Supreme Court is possible, if the team leader / security guard disagrees with the court decision about the use of force against the pirates.

End-of-voyage report

After the end of each voyage with private maritime security personnel, shipmaster and team leader must report to the Human Environment and Transport Inspectorate separately. See also Checklist F from this Manual.

The end-of-voyage report can be compiled from all completed checklists from this Manual.

The end-of-voyage report of the shipmaster also states whether any weapons were raised and used. If so, it states how this was done, if an order was given to do so and if the rules for the use of force were observed. But it also mentions whether any persons were apprehended, whether they tried to escape and whether they were handed over to the shipmaster.

Previous notifications about the use of force sent to the Public Prosecution Service in the Netherlands can also be used for this end-of-voyage report, for example as an annex to the report.

The end-of-voyage report is written by the shipmaster and the team leader separately. The shipmaster can outsource this to one of the persons on board, such as the Ship Security Officer (SSO), but the shipmaster signs the report as the person responsible.

This report is a brief chronological outline of the facts and circumstances and contains the parts mentioned in the previously completed checklists. This report is accompanied by all the video and sound recordings made. The team leader will make them available to the shipmaster.

Internationally

A ship entering the official Risk Area must report to several civil or military organisations.

This is provided for in the Merchant Shipping Protection Regulations and comes under the protective measures the shipmaster must take.

The shipmaster can also call or email these organisations to request assistance in the event of any incident involving pirates.

Keeping the communication with these organisations open, e.g., by reporting on the ship's movements through the official Risk Area and requesting assistance when there is a risk of an attack, is therefore a protective measure. These organisations have different communication channels, such as email, logging in on their websites, telephone, the onboard communication system and also social media, such as X or Facebook.

The two most important international organisations for the official Risk Area in the Gulf of Aden and along part of the coast of East Africa are discussed in brief below.

MSCHOA

The Maritime Security Centre - Horn of Africa (MSCHOA) is part of the EU: it belongs to EU NAVFOR as the maritime pillar of the EU counter-piracy mission Atalanta. This therefore only applies to East Africa.

MSCHOA monitors maritime merchant shipping movements around the Horn of Africa and forms the link between the military operation Atalanta and merchant shipping.

A ship manager or shipmaster can register with this organisation voluntarily. This is referred to as the EU NAVFOR Voluntary Registration Scheme, VRS.

The shipmaster notifies the organisation of the anticipated course and speed. This is done via the Vessel Movement Form, which is also sent to the Dutch Coastguard.

MSCHOA also has an interactive website, enabling the shipmaster to see on board where any incidents are taking place or what the latest protective measures are.

MSCHOA also shows maps of the risk area's on its website with the recommended routes, the so-called Maritime Security Transit Corridors or the Internationally Recommended Transit Corridors (IRTS). The shipmaster must report when the ship enters or leaves the corridor.

Always visit this organisation's website for the latest information: www.mschoa.org

UKMTO

United Kingdom Marine Trade Operations (UKMTO) forms part of the British Royal Navy. It also keeps track of all the data on shipping in the HRA.

UKMTO's role is to gather and distribute information and also to coordinate military assistance in the event of a pirate attack. It gets a lot of information from local governments and organisations. As the UK is no longer part of the EU, this may lead to a degree of confusion.

UKMTO would also like to be informed when a ship passes through the risk areas, uses corridors and leaves the risk areas. But it would also like to hear about any suspicious activity or actual pirate attack.

The risk areas from MSCHOA and UKTMO are not always necessarily the same as the Dutch official Risk Area (RA).

Always visit this organisation's website for the latest information: www.ukmto.org

5.5. Overview of fines imposed on the shipmaster

The Act, the Decree and the Regulations are enforced by officials of the Human Environment and Transport Inspectorate of the Ministry of Infrastructure and Water Management. Any fines imposed are administrative fines.

This legislation provides for administrative fines for different people or companies, such as the licence holder, the ship manager, the team leader and the shipmaster. An administrative fine is a sanction under administrative law that can be imposed by the Human Environment and Transport Inspectorate without intervention of the police, the Public Prosecution Service or a court.

An objection or an appeal can be lodged against an administrative fine. For more information, see Legal Handbook Shipmaster.

However, the Public Prosecutor can also enforce legislation when criminal law is concerned. This may be the case, for example, when innocent fishermen rather than pirates are shot at. In such case the court will pass its judgement, which can be appealed against at the Court of Appeal or even at the Supreme Court: See the Criminal Code and the Code of Criminal Procedure. These laws are also explained in Legal Handbook Shipmaster.

Protective measures

The ship manager must provide the shipmaster with sufficient and adequate protective measures. On board the ship, the shipmaster is responsible for them. Exceptions to the reasonably possible protective measures on board are in the official permission provided by the ship manager to the shipmaster.

If the shipmaster takes insufficient protective measures, this may incur a fine of € 4,500 maximum.

No permission for private security personnel

If there is no official permission for armed private security personnel but the shipmaster nevertheless takes them on board, the shipmaster can be given a considerable fine.

The ship manager will ask the Minister for permission to sail with armed protection. If that permission for armed private security has been granted, the ship manager must notify the shipmaster and present a copy of the document granting permission.

Before the armed security personnel board the ship, the shipmaster must check whether the ship manager has been officially granted permission for armed private security personnel by the Minister. If this permission is not in order, the shipmaster may receive a fine of € 4,500 maximum.

End-of-voyage report

If the shipmaster fails to submit an end-of-voyage report to the Human Environment and Transport Inspectorate, the shipmaster may be given a fine of € 4,500 maximum.

Notification about the use of force

If the shipmaster fails to submit a notification about the use of force to the Public Prosecution Service in the Netherlands, the shipmaster may be given a fine of € 4,500 maximum.

Schedule of fines

The maximum fines imposed on the shipmaster are often € 4,500.

The total sum of the fines imposed on the shipmaster may amount to thousands of euros. The Human Environment and Transport Inspectorate has compiled a schedule of fines, stating the concrete amounts of the fines for each infringement. These fines are called administrative fines.

Annex 1 Recommended literature and websites

The documents and websites mentioned below contain a lot of detailed information about piracy. These are general documents that do not focus on the shipmaster.

But reading these documents will give the shipmaster a good overview of the general international context of piracy.

This Manual only applies to the Gulf of Aden and along a section of the coast of East Africa, in the official Risk Area (RA).

1. Legal Handbook Shipmaster, available free of charge on the NVKK website:
https://www.nvkk.nl/files/1116/1996/2043/JHK_2021digitaal_.pdf
2. BMP5, Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea (2018):
(<http://www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Documents/BMP%20West%20Africa.pdf>).
3. IMO documents about piracy:
(<http://www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Pages/Default.aspx>).
4. IMO-Piracy and armed robbery against ships:
<https://www.imo.org/en/OurWork/Security/Pages/PiracyArmedRobberydefault.aspx>
5. IMO-Global Counter Piracy Guidance for Companies, Masters and Seafarers (2018):
(http://www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Documents/global-counter-piracy-guidance-bmp_low_17-07-18.pdf).
6. UN & Piracy under International Law:
<https://www.un.org/Depts/los/piracy/piracy.htm>
7. NATO Shipping Centre:
 - <https://shipping.nato.int/nsc>
 - <https://shipping.nato.int/nsc/operations/global-maritime-risk>
8. Counter-piracy under International Law:
<https://www.geneva-academy.ch/joomlatools-files/docman-files/Publications/Academy%20Briefings/Counterpiracy%20Briefing%201.pdf>

9. Maritime Security Centre - Horn of Africa (MSCHOA):
<https://on-shore.mschoa.org/home/>
10. Netherlands Coastguard:
www.kustwacht.nl
11. International Chamber of Shipping (ICS):
<https://www.ics-shipping.org/free-resources/maritime-security>
12. IMB Piracy Reporting Centre:
<https://www.icc-ccs.org/index.php/piracy-reporting-centre>
13. ICC Commercial Crime Services:
<https://www.icc-ccs.org/>
14. UKMTO, United Kingdom Marine Trade Operations:
 - <https://www.ukmto.org/indian-ocean/recent-incidents>
 - Contacts: <https://www.ukmto.org/indian-ocean/contacts>
 - Reporting Formats: <https://www.ukmto.org/indian-ocean/reporting-formats>



VOOR KAPITEINS DOOR KAPITEINS

NEDERLANDSE VERENIGING VAN KAPITEINS TER KOOPVAARDIJ

DE **NVKK** IS ER VOOR IEDERE KAPITEIN EN ZIJN WETTELIJKE VERVANGER.

De **NVKK** zet zich in voor het belang van de kapitein in nationale en internationale wetgeving.

LID VAN DE NVKK is tevens lid van Europese en internationale kapiteinsverenigingen.

De **NVKK** is deelnemer in vele maritieme overlegfora.

Samenwerking met Nautilus, KVNR en Nautical Institute NL.

Betrokken bij Zeemanshuizen, koopvaardijpredikanten en herdenkingen.

Zie de informatie op: www.nvkk.nl

