
PROPOSED AMENDMENTS TO THE *MARINE TRANSPORTATION SECURITY REGULATIONS*

CONSULTATION DOCUMENT

Transport Canada's Marine Security Program is pleased to provide you with this consultation document containing the proposed amendments to the *Marine Transportation Security Regulations* for your review and comment. Please provide us with any feedback you may have by December 12, 2011.

In addition, Transport Canada's Marine Security Program will be presenting the proposed amendments to the *Marine Transportation Security Regulations* at a special consultation session that will take place at the upcoming Canadian Marine Advisory Council meeting at the Government Conference Centre, 2 Rideau Street in Ottawa, November 7-10, 2011. The special consultation session will take place in the Centennial Room on November 9 from 13:00 to 16:00 hours and will continue the next day, November 10, in the same room from 08:30 to 12:00 hours. For your convenience, French and English copies of the proposed amendments will also be made available to you at those sessions.

Please note that this will be the final consultation session on the proposed amendments to the *Marine Transportation Security Regulations*. No further consultation sessions are scheduled. For more information about the Canadian Marine Advisory Council, please visit:
<http://www.marineservices.gc.ca/eng/cmac.htm>.

Further, as you may know, Transport Canada's Marine Security Program proposed amendments to the *Marine Transportation Security Regulations* in 2008 and consulted widely with marine stakeholders in 2009 and 2010. Many comments were received as part of the 2009-10 consultative process, which was followed by further recommendations brought forward by stakeholders to Transport Canada on an *ad hoc* basis for consideration. Since then, Transport Canada's Marine Security Program has reviewed and analyzed all comments and recommendations received to date to determine how best to amend the *Marine Transportation Security Regulations*.

You will find that many of the amendments discussed during the 2009-10 consultative process are still included in the attached document. The ones that demand further in-depth policy and program development work were removed, and may be considered for future regulatory work.

The following are some examples of the proposed amendments to the *Marine Transportation Security Regulations* as included in this consultation document:

- Allowing Canadian-flagged vessels to interface with unregulated facilities during a domestic voyage or the domestic portion of an international voyage;
- Facilitating seafarer access to vessel and shore and allowing access to representatives of seafarers' welfare and labour organizations;
- Amending the definition of Certain Dangerous Cargoes (CDC) to harmonize with American regulations;

- Adding a reference to Alternative Security Arrangements where we agree with another country to tailor certain regulatory requirements for specific situations;
- Expanding mandatory vessel personnel training certification requirements as set by the International Maritime Organization (IMO);
- Amending and/or adding definitions to clarify their interpretation;
- Adding a requirement for operators to mark SOLAS ships with the applicable IMO number;
- Adding new Pre-Arrival Information Report (PAIR) elements;
- Adding new suspension and cancellation provisions for marine security documents and statements of compliance; and,
- Requiring port and marine facility operators to clearly identify restricted areas.

As we move closer to finalizing the proposed amendments to the *Marine Transportation Security Regulations*, Transport Canada's Marine Security Program is looking forward to receiving your comments. Again, please forward your comments to us at the coordinates below by end of day, December 12, 2011.

In addition, the attached consultation document has been sent to all stakeholders identified in the Transport Canada Marine Security National Stakeholder List. If you have received this document from us you are included on our list. If you have received this document from another source, you may request to be included on the list by contacting us directly at the coordinates below. You may also contact us if you wish to be removed from the list.

Please forward your comments or queries to:

In Writing:

**Transport Canada
Marine Security Regulatory Affairs (ABMA)
Tower B, Place de Ville
14th Floor, 112 Kent Street
Ottawa, Ontario K1A 0N5**

By E-mail:

MarsecConsultation-ConsultationSurMar@tc.gc.ca

By Fax:

(613) 990-4856

Proposed Amendments to the *Marine Transportation Security Regulations*

MTSR in force	Action	Proposed Amendments
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PART 0 – INTERPRETATION

<p>800.(1) “approved training course” means a course that has been approved in accordance with section 803 and is given by a recognized institution. (<i>cours de formation approuvé</i>)</p>	<p>Relocated</p>	<p>1.(1) “approved training course” means a course that has been approved in accordance with section 803 and is given by a recognized institution. (<i>cours de formation approuvé</i>)</p>
<p>1. “breach of security” means an incident that has not resulted in a security incident, in which security regulations, measures, rules or procedures have been circumvented or violated. (<i>infraction à la sûreté</i>)</p>	<p>Amended</p>	<p>1.(1) “security breach” means an incident that has not resulted in a security incident, in which security regulations, measures, rules or procedures have been circumvented or violated. (<i>infraction à la sûreté</i>)</p>
<p>1. “CDC facility” means a marine facility that interfaces with vessels to which Part 2 applies and that carry certain dangerous cargoes. (<i>installation CCD</i>)</p>	<p>Amended</p>	<p>1.(1) “CDC facility” means a marine facility that manufactures or stores certain dangerous cargoes or transfers certain dangerous cargoes to or from interfacing vessels. (<i>installation CCD</i>)</p>
<p>1. “certain dangerous cargoes” means dangerous goods, other than products, substances or organisms identified in Class 3, 4, 8 or 9 of the schedule to the <i>Transportation of Dangerous Goods Act, 1992</i>, that are carried in bulk or in such a quantity as to require an emergency response assistance plan under section 7.1 of the <i>Transportation of Dangerous Goods Regulations</i>. (<i>certaines cargaisons dangereuses</i>)</p>	<p>Amended</p>	<p>1.(1) “certain dangerous cargoes” means the dangerous goods defined in Schedule 1 of the <i>Transportation of Dangerous Goods Regulations</i> that are set out in Schedule 4 to these Regulations; (<i>certaines cargaisons dangereuses</i>)</p>

MTSR in force	Action	Proposed Amendments
<p>1. “ferry” means a vessel that is limited in its use to the carriage of deck passengers or vehicles, or both, and operates on a short run on a frequent schedule between two or more points over the most direct water route. (<i>traversier</i>)</p>	<p>Amended</p>	<p>1.(1) “ferry” means a vessel that is limited in its use to the carriage of passengers, vehicles, or passengers in vehicles and operates on a fixed schedule between two or more points. (<i>traversier</i>)</p>
<p>1. “interface” means the interaction that occurs when a vessel is directly and immediately affected by actions involving the movement of persons or goods to or from the vessel or the provision of services by a marine facility to or from the vessel. (<i>interface</i>)</p>	<p>Amended</p>	<p>1.(1) “interface” means the interaction that occurs between a vessel and a marine facility or between a vessel and another vessel and remains in effect throughout the time the vessel is alongside a marine facility or throughout the vessel-to-vessel activity, and includes the actions affected by the movement of persons and their goods, the movement of cargo or the provision of services to and from the vessel. (<i>interface</i>)</p>
	<p>New</p>	<p>1.(1) “international voyage” means a voyage undertaken by</p> <p>(a) a vessel entitled to fly the Canadian flag between a marine facility in Canada and a marine facility outside Canada or between marine facilities outside Canada; or</p> <p>(b) a vessel entitled to fly the flag of a foreign state operating in Canadian waters. (<i>voyage internationale</i>)</p>
	<p>New</p>	<p>1.(1) “marine security document” means any certificate, document or letter issued by the Minister under the authority of these Regulations. (<i>document de sûreté maritime</i>)</p>
	<p>New</p>	<p>1.(1) “MARSEC level” means the level of security requirements that is set by the Minister to reflect the threat environment for vessels, marine facilities and ports. (<i>niveau MARSEC</i>)</p>

MTSR in force	Action	Proposed Amendments
<p>1. “MARSEC level 1” means the level for which minimum security procedures are maintained at all times. (<i>niveau MARSEC 1</i>)</p>	<p>Amended</p>	<p>1.(1) “MARSEC level 1” means the level for which minimum security procedures are maintained at all times requirements shall be implemented in accordance with the approved security plan or procedures for that level. (<i>niveau MARSEC 1</i>)</p>
<p>1. “MARSEC level 2” means the level for which security procedures additional to those of MARSEC level 1 are maintained for a limited period as a result of heightened risk of a security threat or security incident. (<i>niveau MARSEC 2</i>)</p>	<p>Amended</p>	<p>1.(1) “MARSEC level 2” means the level for which additional security requirements shall be implemented as a result of heightened risk in accordance with the approved security plan or procedures for that level. (<i>niveau MARSEC 2</i>)</p>
<p>1. “MARSEC level 3” means the level for which security procedures additional to those of MARSEC level 1 and MARSEC level 2 are maintained for a limited period when a security threat or security incident is probable or imminent regardless of whether the specific target is identified. (<i>niveau MARSEC 3</i>)</p>	<p>Amended</p>	<p>1.(1) “MARSEC level 3” means the level for which additional security requirements shall be implemented as a result of a security threat that is probable or imminent regardless whether the specific target is identified, in accordance with the approved security plan or procedures for that level. (<i>niveau MARSEC 3</i>)</p>
<p>200.(1) “non-SOLAS ship” means a vessel that is not a SOLAS ship, is engaged on a voyage from a port in one country to a port in another country and</p> <ul style="list-style-type: none"> (a) is more than 100 tons gross tonnage, other than a towing vessel; (b) carries more than 12 passengers; or (c) is a towing vessel engaged in towing a barge astern or alongside or pushing ahead, if the barge is carrying certain dangerous cargoes. (<i>navire non ressortissant à SOLAS</i>) 	<p>Relocated and Amended</p>	<p>1.(1) “non-SOLAS ship” means a vessel that is not a SOLAS ship, is engaged on an international voyage from a port in one country to a port in another country and</p> <ul style="list-style-type: none"> (a) is more than 100 tons gross tonnage, other than a towing vessel, (b) carries more than 12 passengers; or (c) is a towing vessel engaged in towing a barge astern or alongside or pushing ahead, if the barge is carrying certain dangerous cargoes. (<i>navire non ressortissant à SOLAS</i>)

MTSR in force	Action	Proposed Amendments
<p>1. “occasional-use marine facility” means a marine facility that, in a calendar year, has 10 or fewer interfaces with vessels to which Part 2 applies where no more than 5 of those interfaces involve a vessel on a fixed schedule with the facility. (<i>installation maritime à usage occasionnel</i>)</p>	<p>Amended</p>	<p>1.(1) “occasional-use marine facility” means a marine facility that, in a calendar year, has 10 or fewer interfaces with vessels to which Part 2 applies where no more than 5 of those interfaces involve a vessel on a fixed schedule with the facility. (<i>installation maritime à usage occasionnel</i>)</p>
<p>200.(1) “operator” means, in respect of a vessel,</p> <p>(a) the actual owner, if it is not registered, or the registered owner, if it is registered;</p> <p>(b) a person having a beneficial interest in the vessel, including an interest arising under contract and any other equitable interest, other than an interest by way of a mortgage;</p> <p>(c) a lessee or charterer of the vessel who is responsible for its navigation; or</p> <p>(d) if the vessel is a barge referred to in paragraph (c) of the definition “non-SOLAS ship”, the master or other person who has command or charge of the vessel that is towing or pushing the barge. (<i>exploitant</i>)</p>	<p>Relocated</p>	<p>1.(1) “operator” means, in respect of a vessel,</p> <p>(a) the actual owner, if it is not registered, or the registered owner, if it is registered;</p> <p>(b) a person having a beneficial interest in the vessel, including an interest arising under contract and any other equitable interest, other than an interest by way of a mortgage;</p> <p>(c) a lessee or charterer of the vessel who is responsible for its navigation; or</p> <p>(d) if the vessel is a barge referred to in paragraph (b) of the definition “non-SOLAS ship”, the master or other person who has command or charge of the vessel that is towing or pushing the barge. (<i>exploitant</i>)</p>
<p>361. “port” means</p> <p>(a) a port as defined under section 5 of <i>Canada Marine Act</i>;</p> <p>(b) a harbour for which a harbour commission is established under subsection 5(1) of the <i>Harbour Commissions Act</i>;</p> <p>(c) a public port designated under section 65 of the <i>Canada Marine Act</i> in which a marine facility that interfaces with a vessel to which Part 2 applies is situated; or</p>	<p>Relocated and Amended</p>	<p>1.(1) “port” means</p> <p>(a) a port as defined under section 5 of <i>Canada Marine Act</i>;</p> <p>(b) a harbour for which a harbour commission is established under subsection 5(1) of the <i>Harbour Commissions Act</i>;</p> <p>(c) a public port designated under regulations made under section 65 of the <i>Canada Marine Act</i> in which a marine facility that interfaces with a vessel to which Part 2 applies is situated; or</p>

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<p>361. (d) a group of marine facilities, in close proximity to each other, the operators of which agree with each other to subject themselves to sections 362 to 375.</p>	<p>Relocated and Amended</p>	<p>1.(1) (d) a group of marine facilities, in close proximity to each other, the operators of which agree with each other to subject themselves to sections 362 to 375. <i>(port)</i></p>
<p>800.(1) “recognized institution” means a training institution, designated by the Minister, that administers, in accordance with the established practices and requirements of the international marine industry, approved training courses for the purpose of providing the training necessary to obtain a certificate of proficiency as a ship security officer. (<i>établissement reconnu</i>)</p>	<p>Relocated and Amended</p>	<p>1.(1) “recognized institution” means a training institution that has been designated by the Minister under section 803.1. that administers, in accordance with the established practices and requirements of the international and domestic marine industry, approved training courses for the purpose of providing the training necessary to obtain a certificate of proficiency issued under Part 8 as a ship security officer. (<i>établissement reconnu</i>)</p>
<p>1. “security clearance” means a security clearance granted by the Minister under section 509. (<i>habilitation de sécurité</i>)</p>	<p>Amended</p>	<p>1.(1) “transportation security clearance” means a security clearance granted by the Minister under section 509. (<i>habilitation de sécurité en matière de transport</i>)</p>
<p>1. “security incident” means an incident that has affected the security of a vessel or marine facility or an interface between vessels or a vessel and a marine facility. (<i>incident de sûreté</i>)</p>	<p>Amended</p>	<p>1.(1) “security incident” means an event in which the security of a vessel, marine facility or port has been compromised. (<i>incident de sûreté</i>)</p>
<p>1. “security threat” means any suspicious act or circumstance that could threaten the security of a vessel or marine facility or an interface between vessels or a vessel and a marine facility. (<i>menace contre la sûreté</i>)</p>	<p>Amended</p>	<p>1.(1) “security threat” means any suspicious act or circumstance that could threaten compromise the security of a vessel, marine facility, or port or an interface between vessels or a vessel and a marine facility. (<i>menace contre la sûreté</i>)</p>

MTSR in force	Action	Proposed Amendments
<p>200.(1) “SOLAS ship” means a vessel that:</p> <p>(a) is 500 tons gross tonnage or more or is carrying more than 12 passengers; and</p> <p>(b) is engaged on a voyage from a port in one country to a port in another country other than a voyage solely on the Great Lakes and the St. Lawrence River as far seaward as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island, and from Anticosti Island to the north shore of the St. Lawrence River along the meridian of longitude sixty-three degrees west. (<i>navire ressortissant à SOLAS</i>)</p>	<p>Relocated and Amended</p>	<p>1.(1) “SOLAS ship” means a vessel that:</p> <p>(a) is 500 tons gross tonnage or more or is carrying more than 12 passengers; and</p> <p>(b) is engaged on an international voyage from a port in one country to a port in another country other than a voyage solely on the Great Lakes and the St. Lawrence River as far seaward as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island, and from Anticosti Island to the north shore of the St. Lawrence River along the meridian of longitude sixty-three degrees west. (<i>navire ressortissant à SOLAS</i>)</p>
<p>800.(1) “STCW Code” means the <i>Seafarers’ Training, Certification and Watchkeeping Code</i>, as amended from time to time. (<i>Code STCW</i>)</p>	<p>Relocated</p>	<p>1.(1) “STCW Code” means the <i>Seafarers’ Training, Certification and Watchkeeping Code</i>, as amended from time to time. (<i>Code STCW</i>)</p>
<p>1. “towing vessel” means a vessel that tows a vessel astern or alongside or pushes a vessel ahead. (<i>bâtiment remorqueur</i>)</p>	<p>New</p>	<p>1.(1) “STCW Convention” means the <i>International Convention on Standards of Training, Certification and Watchkeeping for Seafarers</i>, as amended from time to time. (<i>Convention STCW</i>)</p>
<p>1. “towing vessel” means a vessel that tows a vessel astern or alongside or pushes a vessel ahead. (<i>bâtiment remorqueur</i>)</p>	<p>Amended</p>	<p>1.(1) “towing vessel” means a vessel that tows another vessel astern or alongside or that pushes another vessel ahead. (<i>bâtiment remorqueur</i>)</p>
<p>1. “towing vessel” means a vessel that tows a vessel astern or alongside or pushes a vessel ahead. (<i>bâtiment remorqueur</i>)</p>	<p>New</p>	<p>1.(1) “vessel personnel with security responsibilities” means a member of the crew, other than a vessel security officer or a company security officer, who has security responsibilities under the vessel’s security plan. (<i>personnel du bâtiment ayant des responsabilités en matière de sûreté</i>)</p>

MTSR in force	Action	Proposed Amendments
	New	<p>1.(1) “vessel personnel without security responsibilities” means a member of the crew, other than a vessel security officer or a company security officer, who is not assigned security responsibilities under the vessel’s security plan. (<i>personnel du bâtiment n’ayant pas des responsabilités en matière de sûreté</i>)</p>
<p>200.(2) For the purpose of interpreting the ISPS Code, “company” shall be read to mean “operator”.</p>	Relocated	<p>1.(2) For the purpose of interpreting the ISPS Code, “company” shall be read to mean “operator”.</p>
	New	<p>1.(3) For the purposes of the definition “international voyage” in subsection (1), the following interfaces of a vessel that is entitled to fly the Canadian flag are included:</p> <ul style="list-style-type: none"> (a) the last interface of the vessel with a marine facility in Canada before engaging on an international voyage; and (b) the first interface of the vessel with a marine facility in Canada upon returning from an international voyage.
	New	<p>1.(4) For the purposes of the definition “certain dangerous cargoes” in subsection (1), a reference to a UN number in Schedule 4 to these Regulations is a reference to the goods that are named or described in Column 2 of Schedule 1 to the <i>Transportation of Dangerous Goods Regulations</i> for the UN number set out in Column 1 of that Schedule.</p>

MTSR in force	Action	Proposed Amendments
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PART 1 - GENERAL

11. An operator of a vessel to which Part 2 applies, or a marine facility operator or port administration to which Part 3 applies, shall maintain MARSEC level 1 at all times unless a higher MARSEC level is required by a security measure formulated by the Minister under section 7 of the Act.

Amended

11. An operator of a vessel to which Part 2 applies, or a marine facility operator or port administration to which Part 3 applies, shall maintain MARSEC level 1 at all times unless a higher MARSEC level is required ~~by a security measure formulated~~ by the Minister ~~under section 7 of the Act.~~

12. The operator of a vessel to which Part 2 applies and the operator of a marine facility to which Part 3 applies, other than the operator of a marine facility that is referred to in paragraph (a), (b) or (c) of the definition “port administration”, shall ensure that, where there is a significant demand from at least 5 per cent of the travelling public for services in either official language within the meaning of the *Official Languages (Communications with and Services to the Public) Regulations*,

Amended

12. The operator of a vessel entitled to fly the Canadian flag to which Part 2 applies and the operator of a marine facility to which Part 3 applies, other than the operator of a marine facility that is referred to in paragraph (a), (b) or (c) of the definition “port administration”, shall ensure that, where there is a significant demand from at least 5 per cent of the travelling public for services in either official language within the meaning of the *Official Languages (Communications with and Services to the Public) Regulations*,

MTSR in force	Action	Proposed Amendments
	New	<p data-bbox="966 331 1425 394" style="text-align: center;">SUSPENSION AND CANCELLATION OF SECURITY DOCUMENTATION</p> <p data-bbox="906 457 1477 655">14.(1) The Minister shall suspend or cancel a marine security document issued to the operator of a vessel or marine facility or to a port administration, if the Minister has reasonable grounds to believe that the operator or port administration</p> <ul style="list-style-type: none"><li data-bbox="954 672 1453 772">(a) obtained the document by any fraudulent or improper means or a misrepresentation of any material fact;<li data-bbox="954 785 1404 848">(b) has mutilated, altered, rendered illegible or lost the document;<li data-bbox="954 861 1477 995">(c) is not in compliance with its approved security plan or, in the case of an occasional-use marine facility, its security procedures;<li data-bbox="954 1008 1461 1108">(d) no longer satisfies the conditions under which the document was issued; or<li data-bbox="954 1121 1477 1255">(e) conducts his activities in such a way that it constitutes, or is likely to constitute, a threat to the marine transportation system.
	New	<p data-bbox="906 1318 1477 1444">14.(2) The Minister shall notify the operator or port administration of the suspension or cancellation in the manner set out in section 701. The notice shall indicate</p> <ul style="list-style-type: none"><li data-bbox="954 1461 1469 1591">(a) the grounds for the suspension or cancellation and the date on which the suspension or cancellation takes effect; and<li data-bbox="954 1604 1469 1797">(b) the address at which, and the date, being 30 days after the notice is served, on or before which the operator or port administration may file a request to the Minister for a reconsideration of his decision.

MTSR in force	Action	Proposed Amendments
	New	<p>14.(3) The suspension or cancellation takes effect</p> <ul style="list-style-type: none">(a) where the Minister invokes paragraph (1)(e) as a ground for the suspension or cancellation, on the date the notice is served on the operator;(b) upon service of the Minister's decision made under subsection 16(2) confirming the suspension or cancellation;(c) no later than 45 days from the date the notice is served.
	New	<p>14.(4) Where a marine security document has been suspended or cancelled, the operator or port administration shall return it immediately to the Minister.</p>
	New	<p style="text-align: center;"><i>Request for Reconsideration</i></p> <p>15. The operator or port administration may request the Minister in writing to reconsider his decision made under subsection 14(1) on or before the date and at the address set out in the notice. The request shall include any relevant information and any documentation to substantiate the operator's case.</p>
	New	<p style="text-align: center;"><i>Reconsideration by Minister</i></p> <p>16.(1) If the Minister is satisfied, upon consideration of the request of the operator or port administration, that his decision should be overturned, the Minister shall notify the operator or port administration that the notice of suspension or cancellation is rescinded.</p>

MTSR in force	Action	Proposed Amendments
	New	<p>16.(2) If the Minister is not satisfied upon consideration of the request made by the operator or port administration, the Minister shall notify the operator of the following:</p> <ul style="list-style-type: none"> (a) the grounds confirming the decision; (b) the conditions, if any, under which the document is to be reinstated; and (c) the address at which and the date, being 30 days after the notice is served, on or before which the operator or port administration may file a request for a review by the Tribunal of the Minister’s decision.
	New	<p>16.(3) Where the Minister has set out, under paragraph (2)(b), conditions for the reinstatement of a document, the Minister shall notify the operator or port administration that the marine security document is reinstated, if the Minister is satisfied, upon written request of the operator or port administration, that the conditions have been fulfilled.</p>
	New	<p style="text-align: center;"><i>Reviews and Appeals</i></p>
	New	<p>17. The Tribunal has jurisdiction in respect of reviews and appeals under sections 18 to 21.</p>
	New	<p>18.(1) An operator or port administration may file with the Tribunal a written request for a review of the Minister’s decision made under subsection 16(2), on or before the date specified in the notice or within any further time that the Tribunal on application allows.</p>
	New	<p>18.(2) A request for a review does not operate as a stay of the suspension or cancellation.</p>

MTSR in force	Action	Proposed Amendments
	New	19.(1) On receipt of a request filed under section 18, the Tribunal shall appoint a time and place for the review and shall notify the Minister and the operator or port administration of the time and place in writing.
	New	19.(2) The assigned member of the Tribunal shall confirm the suspension or cancellation or refer the matter back to the Minister for reconsideration.
	New	20.(1) Within 30 days after the day on which a determination is made under subsection 19(2), the affected person may appeal it to the Tribunal.
	New	20.(2) A party who does not appear at a review hearing is not entitled to appeal a determination unless they establish that there was sufficient reason to justify their absence.
	New	20.(3) The appeal panel of the Tribunal assigned to hear the appeal shall dismiss it or refer the matter back to the Minister for reconsideration.
	New	21. If a matter is referred back to the Minister for reconsideration under subsection 19(2) or 20(3), a suspension or cancellation remains in effect until the reconsideration is concluded. However, the member who made the determination or the appeal panel, after considering any representations made by the parties, may grant a stay of the suspension or cancellation until the reconsideration is concluded if the member or panel determines that granting a stay would not constitute a threat to marine transportation security.

MTSR in force	Action	Proposed Amendments
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PART 2 – VESSELS

INTERPRETATION

Section 200 of the Regulations has been relocated to Part 0 – Interpretation.

APPLICATION

<p>201.(2) This Part does not apply to pleasure craft, fishing vessels, government vessels or vessels without a crew that are in dry dock, dismantled or laid-up.</p>	<p>Amended</p>	<p>201.(2) This Part does not apply to</p> <p>(a) a pleasure craft, fishing vessel, government vessels-vessel owned or operated by a government and used only on government, non-commercial service or vessel without a crew that are in dry dock, dismantled or laid-up; or</p>
	<p>New</p>	<p>(b) a vessel entitled to fly the Canadian flag operating on a voyage between marine facilities in Canada, except when the vessel has an interface with a SOLAS ship or non-SOLAS ship entitled to fly the flag of a foreign state.</p>
	<p>New</p>	<p>(c) a vessel that is subject to a security arrangement concluded between the Government of Canada and a contracting government in application of Regulation 11 of Chapter XI-2 of SOLAS.</p>
<p>211.(7) For the purposes of subsection (6), “Administration” means</p> <p>(a) in respect of a SOLAS ship that is entitled to fly the Canadian flag, the Minister; and</p> <p>(b) in respect of a SOLAS ship that is entitled to fly the flag of a foreign state, the contracting government of that state.</p>	<p>Relocated and Amended</p>	<p>201.(3) For the purposes of subsections 211(6) and 213(3), “Administration” means</p> <p>(a) in respect of a SOLAS ship that is entitled to fly the Canadian flag, the Minister; and</p> <p>(b) in respect of a SOLAS ship that is entitled to fly the flag of a foreign state, the contracting government of that state.</p>

MTSR in force	Action	Proposed Amendments
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SHIP SECURITY CERTIFICATES

202. (4) A certificate issued under subsection (1) or (2) is valid while the vessel security plan is valid. An interim certificate is valid until the inspection is carried out.	Amended	202. (4) A certificate issued under subsection (1) or (2) is valid while the vessel security plan is valid. An interim certificate is valid until the inspection is carried out.
	New	202. (5) An interim certificate issued under subsection (3) is valid for six months from the date of issuance or until a certificate is issued under subsection (1) or (2), whichever comes first.

COMPLIANCE

203. (1) The operator of a SOLAS ship that is entitled to fly the Canadian flag shall ensure that the requirements of sections 204 to 265 are met.	Amended	203. (1) The operator of a SOLAS ship that is entitled to fly the Canadian flag shall ensure that the requirements of sections 204 to 268 are met.
203. (2) The operator of a non-SOLAS ship that is entitled to fly the Canadian flag shall ensure that the requirements of sections 204 to 221 and 228 to 265 are met.	Amended	203. (2) The operator of a non-SOLAS ship that is entitled to fly the Canadian flag shall ensure that the requirements of sections 204 to 221 and 228 to 268 are met.
203. (3) (a) section 204, paragraph 205(e), section 206, subsection 211(1), paragraph 211(3)(b) and sections 219, 221, 228 and 260 to 265; and	Amended	203. (3) (a) Section 204, paragraph 205(1)(e), (f)(ii) and (h)(i)(j)(k), section 206 (1)(2)(3)(4) and 5(b), subsection 211(1), paragraphs 211(3)(b), 212(h)(h.1), (h.2) and 213(1)(b). subsections 213(3) and (4), paragraph 214(1)(b), subsection 214(3), and sections 219, 221, 228 and 260 to 268;
203. (4) (a) section 204, paragraph 205(e), section 206, subsections 211(1) and (2) and sections 219, 221, 228 and 260 to 265; and	Amended	203. (4) (a) section 204, paragraph 205(1)(e), section 206, subsections 211(1) and (2), subsections 213(5) and 214(4) and sections 219, 221, 228 and 260 to 268; and

MTSR in force	Action	Proposed Amendments
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DOCUMENTS TO BE CARRIED ON BOARD

204.(1) (a) a certificate described in subsection (2);	Amended	204.(1) (a) a the original of the certificate described in subsection (2);
	New	204.(1) (f) if the vessel is a SOLAS ship, the originals of every certificate of proficiency required in this Part for all vessel security officers and vessel personnel with and without security responsibilities.

OPERATOR OF A VESSEL

205. The operator of a vessel shall (a) establish an administrative and organizational structure for the security of the vessel; (b) provide every person who has responsibilities under this Part with the support needed to fulfil their responsibilities; (c) designate in writing a company security officer and a vessel security officer, by name or by position, other than the position for which the designation is being made; (d) operate the vessel in compliance with the vessel security plan and any corrective action referred to in paragraph 209(h), a marine facility security plan or a port security plan;	Renumbered and Amended	205.(1) The operator of a vessel shall (a) establish an administrative and organizational structure for the security of the vessel; (b) provide every person who has responsibilities under this Part with the support needed to fulfil their responsibilities; (c) designate in writing a company security officer and a vessel security officer, by name or by position, other than the position for which the designation is being made; (d) operate the vessel in compliance with implement the vessel security plan and including any corrective action referred to in paragraph 209(h), and with a marine facility security plan or a port security plan;
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MTSR in force	Action	Proposed Amendments
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	New	<p>205.(1)</p> <p>(i) clearly identify each restricted area on the vessel;</p> <p>(j) facilitate shore leave for vessel personnel or crew changes; and</p> <p>(k) allow access to representatives of seafarers' welfare and labour organizations.</p>
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	New	<p>205.(2) The operator of a SOLAS ship shall permanently mark their vessel with the International Maritime Organization Ship Identification Number in accordance with Chapter XI-1, Regulation 3 of SOLAS.</p>
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MASTER

	New	<p>206.(5) The master shall ensure that the vessel security officer and all vessel personnel with or without security responsibilities carry on board</p> <p>(a) in the case of a SOLAS ship entitled to fly the Canadian flag, their certificates of proficiency issued under Part 8; and</p> <p>(b) in the case of a SOLAS ship entitled to fly the flag of a foreign state, their certificates of proficiency issued by the contracting government of that state.</p>
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VESSEL SECURITY OFFICER

Qualifications

<p>211.(3) Subject to subsections (4) to (6), a SOLAS ship's vessel security officer shall hold</p>	Amended	<p>211.(3) Subject to subsections (4) to (6), a SOLAS ship's vessel security officer shall hold</p>
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MTSR in force	Action	Proposed Amendments
<p>211.(4) Until July 1, 2009, a vessel security officer on a SOLAS ship that is entitled to fly the Canadian flag is not required to hold a certificate of proficiency as a ship security officer if they have proof that before January 1, 2008 they successfully completed vessel security officer training at one of the training institutions listed in Schedule 0.1.</p>	<p>Repealed</p>	<p>211.(4) Until July 1, 2009, a vessel security officer on a SOLAS ship that is entitled to fly the Canadian flag is not required to hold a certificate of proficiency as a ship security officer if they have proof that before January 1, 2008 they successfully completed vessel security officer training at one of the training institutions listed in Schedule 0.1.</p>
<p>211.(5) Until July 1, 2009, a vessel security officer on a SOLAS ship that is entitled to fly the flag of a foreign state is not required to hold a certificate of proficiency as a ship security officer if the officer holds or can otherwise document qualifications to fulfil the responsibilities of a vessel security officer.</p>	<p>Repealed</p>	<p>211.(5) Until July 1, 2009, a vessel security officer on a SOLAS ship that is entitled to fly the flag of a foreign state is not required to hold a certificate of proficiency as a ship security officer if the officer holds or can otherwise document qualifications to fulfil the responsibilities of a vessel security officer.</p>

Responsibilities

New

212.

(h.1) ensure that all persons employed or engaged on board a vessel, including contractors, receive the appropriate security orientation that is relevant to their functions and time spent on board the vessel in order to be able to

MTSR in force	Action	Proposed Amendments
	New	<p>212. (h.1)</p> <ul style="list-style-type: none"> (i) report a security incident, (ii) know the procedures to follow when they recognize a security threat, and (iii) take part in security-related emergency and contingency procedures;
	New	<p>(h.2) ensure that all vessel personnel with security responsibilities before carrying out any security responsibilities, have received security orientation that is specific to their duties</p>

VESSEL PERSONNEL WITH SECURITY RESPONSIBILITIES

New	<p>213.(1) Vessel personnel with security responsibilities on board a SOLAS ship shall hold</p> <ul style="list-style-type: none"> (a) in the case of a ship that is entitled to fly the Canadian flag, a certificate of proficiency as ship personnel with security responsibilities issued under Part 8; (b) in the case of a ship that is entitled to fly the flag of a foreign state, a certificate of proficiency as ship personnel with security responsibilities issued by the contracting government of that state.
New	<p>213. (2) Until January 1, 2014, vessel personnel with security responsibilities on a SOLAS ship that is entitled to fly the Canadian flag who commenced sea service prior to January 1, 2012, are not required to hold a certificate of proficiency as ship personnel with security responsibilities if they can demonstrate, by training or job experience, knowledge and competence in the areas set out in subsection (5)</p>

MTSR in force	Action	Proposed Amendments
	New	<p>213. (3) Until January 1, 2014, vessel personnel with security responsibilities on a SOLAS ship that is entitled to fly the flag of a foreign state are not required to hold a certificate of proficiency as ship personnel with security responsibilities if they provide documentation recognized by the contracting government of that state that demonstrates compliance with section 13.3 of Part B of the ISPS Code.</p>
	New	<p>213.(4) In circumstances of exceptional necessity, when a person who holds a certificate of proficiency as a ship personnel with security responsibilities is temporarily unavailable to fulfill their security responsibilities on a SOLAS ship, the Administration may permit a member of the vessel's personnel who does not have security responsibilities but who has an understanding of the vessel security plan to fulfill those responsibilities until the ship arrives at the next port of call or for a period not exceeding 30 days.</p>
<p>213. Vessel personnel who have responsibilities respecting the security of a vessel, other than the company security officer or vessel security officer, shall have, by training or job experience, knowledge and competence that is relevant to the industry in which the vessel operates in any of the following areas that relate to their responsibilities:</p> <ul style="list-style-type: none"> (a) current security threats and patterns; (b) the recognition and detection of weapons, explosives and incendiaries and other dangerous substances and devices; (c) the recognition of the characteristics and behavioural patterns of persons who are likely to threaten security; 	Renumbered and Amended	<p>213.(5) Vessel personnel with security responsibilities on a non-SOLAS ship shall have, by training or job experience, knowledge and competence that is relevant to the industry in which the vessel operates in any of the following areas that relate to their responsibilities:</p> <ul style="list-style-type: none"> (a) current security threats and patterns; (b) the recognition and detection of weapons, explosives and incendiaries and other dangerous substances and devices; (c) the recognition of the characteristics and behavioural patterns of persons who are likely to threaten security;

MTSR in force	Action	Proposed Amendments
<p>213.</p> <p>(d) techniques that might be used to violate security procedures or to circumvent security procedures, equipment or systems;</p> <p>(e) crowd management and control techniques;</p> <p>(f) security-related communications;</p> <p>(g) emergency preparedness and response and contingency planning;</p> <p>(h) the operation, testing, calibration and maintenance of security equipment and systems;</p> <p>(i) inspection and monitoring techniques;</p> <p>(j) methods of performing physical searches of persons and goods, including personal effects, baggage, ships' stores and cargo;</p> <p>(k) the relevant provisions of the vessel security plan; and</p> <p>(l) the meanings and the requirements of the different MARSEC levels.</p>	<p>Renumbered</p>	<p>213.(5)</p> <p>(d) techniques that might be used to violate security procedures or to circumvent security procedures, equipment or systems;</p> <p>(e) crowd management and control techniques;</p> <p>(f) security-related communications;</p> <p>(g) emergency preparedness and response and contingency planning;</p> <p>(h) the operation, testing, calibration and maintenance of security equipment and systems;</p> <p>(i) inspection and monitoring techniques;</p> <p>(j) methods of performing physical searches of persons and goods, including personal effects, baggage, ships' stores and cargo;</p> <p>(k) the relevant provisions of the vessel security plan; and</p> <p>(l) the meanings and the requirements of the different MARSEC levels.</p>

VESSEL PERSONNEL WITHOUT SECURITY RESPONSIBILITIES

<p>New</p>	<p>214.(1) Vessel personnel without security responsibilities on a SOLAS ship shall hold</p> <p>(a) in the case of a ship that is entitled to fly the Canadian flag, a certificate of proficiency as ship personnel without security responsibilities issued under Part 8; and</p> <p>(b) in the case of a ship that is entitled to fly the flag of a foreign state, a certificate of proficiency as ship personnel without security responsibilities issued by the contracting government of that state.</p>
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MTSR in force	Action	Proposed Amendments
	New	<p>214.(2) Until January 1, 2014, vessel personnel without security responsibilities on a SOLAS ship that is entitled to fly the Canadian flag who commenced sea service prior to January 1, 2012, are not required to hold a certificate of proficiency as ship personnel with security responsibilities if they can demonstrate, by training or job experience, knowledge and competence in the areas set out in subsection (4).</p>
	New	<p>214.(3) Until January 1, 2014, vessel personnel without security responsibilities on a SOLAS ship that is entitled to fly the flag of a foreign state are not required to hold a certificate of proficiency as ship personnel with security responsibilities if they can provide documentation recognized by the contracting government of that state that demonstrates compliance with section 13.4 of Part B of the ISPS Code.</p>
<p>214. All vessel personnel, including contractors, whether temporary or permanent, shall receive security orientation appropriate to their functions and time spent on board the vessel, with respect to the following:</p> <ul style="list-style-type: none"> (a) the meanings of the different MARSEC levels, the procedures at each level and the emergency procedures and contingency plans; (b) the recognition and detection of weapons, explosives and incendiaries and other dangerous substances and devices; (c) the recognition of the characteristics and behavioural patterns of persons who are likely to threaten security; and 	Renumbered and Amended	<p>214.(4) Vessel personnel without security responsibilities All vessel personnel on a non-SOLAS ship, including and contractors engaged on the vessel, whether temporary or permanent, shall receive security orientation appropriate to their functions and time spent on board the vessel. The security orientation shall address address the following:</p> <ul style="list-style-type: none"> (a) the meanings of the different MARSEC levels, the procedures at each level and the emergency procedures and contingency plans; (b) the recognition and detection of weapons, explosives and incendiaries and other dangerous substances and devices; (c) the recognition of the characteristics and behavioural patterns of persons who are likely to threaten security; and

MTSR in force	Action	Proposed Amendments
<p>214. (d) techniques that might be used to violate security procedures or to circumvent security procedures, equipment or systems</p>	Renumbered	<p>214.(4) (d) techniques that might be used to violate security procedures or to circumvent security procedures, equipment or systems.</p>

SECURITY DRILLS AND EXERCISES

Security Drills

<p>216.(1) A security drill shall be conducted at least once every three months, except when the vessel is out of service, in which case a drill shall be conducted within one week after the vessel is back in service. Security drills may be conducted with other drills, if appropriate.</p>	Amended	<p>216.(1) A security drill shall be conducted at least once every three months, except when the vessel is out of service, in which case a drill shall be conducted within one week after the vessel is back in service. Security drills may be conducted with other drills, if appropriate and shall be conducted once every three months except, in the case of a vessel entitled to fly the Canadian flag, when the vessel is not engaged on an international voyage or is not in service and a security drill has not been conducted in the previous three months, in which case the drill shall be conducted within one week of the beginning of an international voyage or the return to service.</p>
<p>216.(3) If the vessel is moored at a marine facility on the date on which the facility has planned to conduct a security drill, the vessel may participate in the drill at the request of the facility.</p>	Repealed	<p>216.(3) If the vessel is moored at a marine facility on the date on which the facility has planned to conduct a security drill, the vessel may participate in the drill at the request of the facility.</p>
<p>216.(5) If a vessel is involved in the implementation of security procedures at MARSEC level 2 or MARSEC level 3 following a security incident, the implementation of the procedures is equivalent to a security drill.</p>	Amended	<p>216.(5) If a vessel is involved in the implementation of security procedures at MARSEC level 2 or MARSEC level 3 following a security incident, the implementation of the procedures is equivalent to a security drill.A documented response to a security incident that was recorded pursuant to paragraph 218(1)(c) is considered equivalent to a security drill.</p>

MTSR in force	Action	Proposed Amendments
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Security Exercises

<p>217.(1) (a) shall fully test the vessel security plan and include the substantial and active participation of personnel on board who have security responsibilities;</p>	<p>Amended</p>	<p>217.(1) (a) shall fully-test the requirements of the vessel security plan that are relevant to the objective of the exercise and include-involve the active participation of personnel on board the vessel, as appropriate to the exercise;</p>
<p>217.(1) (d) shall test elements of coordination, resource availability, response and the communication and notification procedures but not transmit a vessel-to-shore security alert to a maritime rescue coordination centre during the testing of the ship security alert system.</p>	<p>Amended</p>	<p>217.(1) (d) shall test, at a minimum, elements of coordination, resource availability, response and the communication and notification procedures but not transmit a vessel-to-shore security alert to a maritime rescue coordination centre during the testing of the ship security alert system.</p>
	<p>New</p>	<p>217.(4) The implementation of security procedures at MARSEC level 2 or MARSEC level 3 shall be considered equivalent to a security exercise.</p>

RECORD KEEPING

<p>New</p>	<p>218.(1) (d.1) the date and time of the initiation and disengagement of the security plan;</p>
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MTSR in force	Action	Proposed Amendments
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MARSEC LEVEL COORDINATION AND IMPLEMENTATION OF PROCEDURES

<p>219.(2)</p> <p>(a) if the MARSEC level for a marine facility with which the vessel is about to interface is raised to a higher level, ensure that the vessel complies, without undue delay, before interfacing with the facility and no later than 12 hours after being notified of the higher level, with all the procedures established in the vessel security plan for compliance with that higher MARSEC level;</p>	<p>Amended</p>	<p>219.(2)</p> <p>(a) if the MARSEC level for a marine facility with which the vessel is about to interface is raised to a higher level, ensure that the vessel complies, without undue delay, with all the procedures established in the vessel security plan for compliance with that higher MARSEC level before interfacing with the facility no later than 12 hours after being notified of the higher level, with all the procedures established in the vessel security plan for compliance with that higher MARSEC level;</p>
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PRE-ARRIVAL INFORMATION

<p>221.(2)</p> <p>(g) its International Ship Security Certificate, Canadian Vessel Security Certificate or ship security compliance document number;</p> <p>(h) its International Maritime Organization number, if it is a SOLAS ship;</p>	<p>Amended</p>	<p>221.(2)</p> <p>(g) the number of its original, including interim, International Ship Security Certificate, Canadian Vessel Security Certificate or ship security compliance document;</p> <p>(h) its International Maritime Organization ship identification number, if it is a SOLAS ship;</p>
	<p>New</p>	<p>(h.1) the International Maritime Organization Unique Company Identification Number of its company as defined in Chapter IX of SOLAS and the International Maritime Organization Unique Registered Owner Identification Number of its owner, as applicable;</p>
<p>(i) the date of issuance, date of expiry and name of the issuing body of its International Ship Security Certificate, Canadian Vessel Security Certificate or ship security document;</p>	<p>Amended</p>	<p>(i) the date of issuance, date of expiry and name of the issuing body of its original, including interim, International Ship Security Certificate, Canadian Vessel Security Certificate or ship security compliance document;</p>

MTSR in force	Action	Proposed Amendments
<p>221.(2)</p> <p>(m) details of any security threats to the vessel during the last ten calls at marine facilities;</p> <p>(n) a statement as to whether the vessel consents to tracking by the government of Canada;</p> <p>(r) its position and the time at which it reached that position;</p> <p>(s) its course and speed;</p> <p>(t) its destination and estimated time of arrival at its destination;</p>	<p>Amended</p>	<p>221.(2)</p> <p>(m) details of any security breach, security incident or security threats to the vessel during the last ten calls at marine facilities and the time spent at sea between those calls;</p> <p>(r) the date, latitude and longitude of the vessel at the time of its submission its position and the time at which it reached that position;</p> <p>(s) its the vessel's course and speed;</p> <p>(t) its the vessel's destination and estimated time of arrival at its destination;</p>
	<p>New</p>	<p>(y) the vessel contact information:</p> <ul style="list-style-type: none"> (i) the name of the Master, (ii) an email address, if applicable, and (iii) a satellite or mobile telephone number, if applicable; and <p>(z) the next port of call in Canada, if applicable.</p>

MTSR in force	Action	Proposed Amendments
<p>221.(3) If the master reported pre-arrival information more than 24 hours before entering Canadian waters, the master of a vessel shall ensure that the vessel does not enter Canadian waters unless the master reports any change in that information 24 hours before entering Canadian waters to the Minister in accordance with the instructions set out in the most recent edition of the Canadian Coast Guard <i>Radio Aids to Marine Navigation</i>.</p>	<p>Amended</p>	<p>221.(3) If the pre-arrival information submitted under subsection (1) has changed, the master of a vessel shall ensure that any changes in that information are sent to the Minister in accordance with the instructions set out in the most recent edition of the Canadian Coast Guard <i>Radio Aids to Marine Navigation</i> and</p> <p>(a) that the vessel does not enter Canadian waters unless the master reports any change before entering Canadian waters to the Minister; and</p> <p>(b) that any changes are reported to the Minister before interfacing with the first marine facility in Canada, in the case of a change that has occurred after the vessel has entered Canadian waters.</p>

VESSEL SECURITY PLAN

General

<p>New</p>	<p>234.(2)</p> <p>(v) the procedures for initiating and disengaging the plan during an international voyage at all MARSEC levels.</p>
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Security Procedures for Security Threats, Breaches of Security and Security Incidents

<p>256.</p> <p>(c) report to the Minister any security threats or security incidents involving the vessel;</p>	<p>Amended</p>	<p>256.</p> <p>(c) report to the Minister without undue delay any security threats or security incidents involving the vessel;</p>
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Submission and Approval

<p>New</p>	<p>257.(3)</p> <p>(f) the findings in the vessel security assessment.</p>
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MTSR in force	Action	Proposed Amendments
	New	<p style="text-align: center;"><i>Prohibition</i></p> <p>266. No operator shall allow a person to board a SOLAS ship or a non-SOLAS ship [without authorization].</p>
	New	<p>267. No operator shall allow a person to enter or remain in a restricted area on a vessel unless the person is</p> <ul style="list-style-type: none">(a) authorized in accordance with the security procedures established in the vessel security plan;(b) being escorted by an authorized individual in accordance with the security procedures established in the vessel security plan, in the case of a person who does not ordinarily work on board the vessel;(c) an inspector designated under subsection 22(1) of the Act who is on duty;(d) a member of one of the following groups who is on duty on board a vessel or at a marine facility during an interface with a vessel:<ul style="list-style-type: none">(i) any police force in Canada,(ii) the Canadian Security Intelligence Service, or(iii) the Canadian Forces within the meaning of those words in Part II of the <i>National Defence Act</i>.(e) a provider of emergency services who requires access to the area for the protection and preservation of life or property; or(f) a member of the complement of the vessel in the performance of their duties and in compliance with the vessel security plan and, where applicable, the marine facility security plan.

MTSR in force	Action	Proposed Amendments
	New	268. (1) An operator shall ensure that a person who is being escorted in a restricted area shall remain with the escort while in the restricted area.
	New	268.(2) An operator shall ensure that an escort remains at all times with the person being escorted or ensure that another holder of a restricted area pass acts as the escort while the person is in the restricted area

PART 3 - MARINE FACILITIES

OPERATOR OF A MARINE FACILITY

302.(2) The operator of an occasional-use marine facility shall ensure that the requirements of sections 315 and 355 to 358 are met.

Amended

302.(2) The operator of an occasional-use marine facility shall ensure that the requirements of sections 315 and 355 to 360.1 are met.

New

303.

- (k) clearly mark restricted areas at the marine facility with signs;
- (l) shall facilitate shore leave for vessel personnel or crew changes; and
- (m) shall allow access to representatives of seafarers' welfare and labour organizations.

MTSR in force	Action	Proposed Amendments
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Security Drills and Exercises

Security Drills

310.(3) If a marine facility is involved in the implementation of MARSEC level 2 or MARSEC level 3 following a security incident, the implementation of the MARSEC level shall be equivalent to a drill.

Amended

310.(3) ~~If a marine facility is involved in the implementation of MARSEC level 2 or MARSEC level 3 following~~ A documented response to a security incident that was recorded pursuant to paragraph 312(1)(c); ~~the implementation of the MARSEC level shall be~~ is considered equivalent to a security drill.

Security Exercises

311 (1) Security exercises

Amended

311.(1) Security exercises

(a) shall fully test the marine facility security plan and include the substantial and active participation of personnel who have security responsibilities;

(a) shall ~~fully~~ test the requirements of the marine facility security plan that are relevant to the objective of the exercise and ~~include the substantial and~~ involve the active participation of personnel at the marine facility, as appropriate to the exercise ~~of personnel who have security responsibilities~~;

(b) may include governmental authorities or personnel from vessels, other marine facilities or port administrations who have security responsibilities depending on the scope and the nature of the exercises;

(b) may include the participation of governmental authorities or personnel from vessels, other marine facilities or port administrations who have security responsibilities, depending on the scope and the nature of the exercises;

(c) may be performed with respect to the marine facility only or as part of a cooperative program to test another marine facility security plan or a vessel or port security plan; and

(c) may be performed with respect to the marine facility only or as part of a cooperative program to test the marine facility security plan of another marine facility or a vessel or port security plan; and

(d) shall test communication and notification procedures, elements of coordination, resource availability and response.

(d) shall test at a minimum the elements of coordination, resource availability, response and the communication and notification procedures.

MTSR in force	Action	Proposed Amendments
<p>311.(2) The security exercises shall be conducted at least once every calendar year with no more than 18 months between them.</p>	<p>Amended</p>	<p>311.(2) Security exercises shall be conducted at least once every calendar year with no more than 18 months between them.</p>
	<p>New</p>	<p>311.(4) If a marine facility is involved in the implementation of MARSEC level 2 or MARSEC level 3 following a security incident, the implementation of the MARSEC level shall be equivalent to a security exercise.</p>

Marine Facility Security Plan

MARSEC Level Coordination and Implementation of Security Procedures

<p>324.(3) For MARSEC level 3, the marine facility security plan shall contain procedures for ensuring that the operator of the marine facility evaluates the need for additional security procedures, including</p> <ul style="list-style-type: none"> (a) the use of waterborne security patrols; (b) the use of local law enforcement agencies to control access to the marine facility and to deter, to the extent practicable, a security incident; and (c) the examination of piers, wharves and similar structures at the marine facility for the presence of underwater weapons, explosives and incendiaries and other dangerous substances or devices or other threats. 	<p>Amended</p>	<p>324.(3) For MARSEC levels 2 and 3, the marine facility security plan shall contain procedures for ensuring that the operator of the marine facility evaluates the need for additional security procedures., including</p> <ul style="list-style-type: none"> (a) the use of waterborne security patrols; (b) the use of local law enforcement agencies to control access to the marine facility and to deter, to the extent practicable, a security incident; and (c) the examination of piers, wharves and similar structures at the marine facility for the presence of underwater weapons, explosives and incendiaries and other dangerous substances or devices or other threats.
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MTSR in force	Action	Proposed Amendments
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SECURITY PROCEDURES FOR MONITORING

Security Threats, Breaches of Security and Security Incidents

346.	Amended	346.
(c) report security threats, breaches of security and security incidents to the Minister;		(c) report security threats, breaches of security and security incidents without undue delay to the Minister;

~~Additional Requirements for Barge Fleeting Facilities~~

350.	repealed	350.
(1) For MARSEC Level 1, the marine facility security plan in respect of a barge fleeting facility shall contain security procedures additional to those required in sections 324 to 345 for		(1) For MARSEC Level 1, the marine facility security plan in respect of a barge fleeting facility shall contain security procedures additional to those required in sections 324 to 345 for
(a) designating a restricted area in the barge fleeting facility to segregate the barges transporting certain dangerous cargoes from all other barges in the facility;	Repealed	(a) designating a restricted area in the barge fleeting facility to segregate the barges transporting certain dangerous cargoes from all other barges in the facility;
(b) maintaining a current list of vessels and cargoes that are in the designated restricted area; and		(b) maintaining a current list of vessels and cargoes that are in the designated restricted area; and
(c) ensuring that at least one towing vessel is available to service every 100 barges in the barge fleeting facility.		(c) ensuring that at least one towing vessel is available to service every 100 barges in the barge fleeting facility.

MTSR in force	Action	Proposed Amendments
<p>350.(2) For MARSEC level 2, the marine facility security plan of a barge fleeting facility shall contain additional security procedures to ensure that security personnel are assigned to monitor and patrol the designated restricted areas.</p>	<p>Repealed</p>	<p>350.(2) For MARSEC level 2, the marine facility security plan of a barge fleeting facility shall contain additional security procedures to ensure that security personnel are assigned to monitor and patrol the designated restricted areas.</p>
<p>350.(3) For MARSEC level 3, the marine facility security plan of a barge fleeting facility shall contain additional security procedures to ensure that both shoreside and waterside perimeters of the designated restricted areas are continuously monitored and patrolled.</p>	<p>Repealed</p>	<p>350.(3) For MARSEC level 3, the marine facility security plan of a barge fleeting facility shall contain additional security procedures to ensure that both shoreside and waterside perimeters of the designated restricted areas are continuously monitored and patrolled.</p>

Submission and Approval

<p>352.(1) The Minister shall approve a marine facility security plan and issue a document that certifies that the plan meets the requirements of this Part unless approving the plan is not in the public interest and is likely to adversely affect marine transportation security.</p>	<p>Amended</p>	<p>352.(1) The Minister shall approve a marine facility security plan in respect of a marine facility if the Minister is satisfied that the security plan meets the requirements of this Part and shall issue a letter of approval in respect of the marine facility certifying that the plan meets the requirements of this Part unless approving the plan is not in the public interest and is likely to adversely affect marine transportation security.</p>
	<p>New</p>	<p>352.(2) (e) the findings in the marine facility security assessment.</p>
	<p>New</p>	<p>352.(3) The Minister shall issue an interim statement of compliance, in English or French, in respect of a marine facility if the marine facility security plan is approved but an inspection under section 23 of the Act has not yet been carried out to ensure compliance with the requirements of this Part.</p>

MTSR in force	Action	Proposed Amendments
	New	352.(4) An interim statement of compliance issued under subsection (3) is valid for six months from the date of issuance or until a statement of compliance is issued under subsection (5), whichever comes first.
	New	352.(5) If the Minister is satisfied, on the basis of an inspection conducted under section 23 of the Act, that the requirements of this Part have been met, the Minister shall issue, in English or French, a statement of compliance in respect of the marine facility.
	New	352.(6) A statement of compliance issued under subsection (5) is valid while the approved security plan in respect of the marine facility is valid.
	New	<p data-bbox="1019 1041 1365 1075" style="text-align: center;"><i>Required Documentation</i></p> <p data-bbox="906 1087 1446 1222">353. No person shall operate a marine facility, except an occasional-use marine facility, without a statement of compliance issued under subsections 352(3) or (5).</p>

OCCASIONAL-USE MARINE FACILITIES

Operator

New	<p data-bbox="906 1444 959 1478">355.</p> <p data-bbox="954 1491 1446 1562">(g) clearly mark restricted areas at the marine facility with signs;</p> <p data-bbox="954 1575 1463 1646">(h) shall facilitate shore leave for vessel personnel or crew changes; and</p> <p data-bbox="954 1659 1463 1755">(i) shall allow access to representatives of seafarers' welfare and labour organizations</p>
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MTSR in force	Action	Proposed Amendments
	New	<i>Security Procedures</i>
		359.(1) Security procedures shall be established for an occasional-use marine facility in order to
		(a) describe the organization of the occasional-use marine facility in terms of security, including the tasks of personnel who have security responsibilities;
		(b) provide the name of the operator and the name and position of the occasional-use marine facility security officer, including information on how they may be contacted at any time;
		(c) describe the procedures for the following:
		(i) responding to changes in the MARSEC level,
		(ii) interfacing with vessels to which Part 2 applies, at each MARSEC level,
		(iii) coordinating with the master of a vessel and, if applicable, the port security officer shore leave for vessel personnel or crew changes, as well as access through the marine facility of visitors to vessels, including representatives of seafarers' welfare and labour organizations;
		(iv) reporting security incidents to the appropriate law enforcement agencies, the Minister and, if applicable, the port administration,
		(v) declarations of security,
		(vi) implementing any temporary security procedures that are required during an interface,
		(vii) keeping the records referred to in paragraph 358(f),

MTSR in force	Action	Proposed Amendments
	New	<p>359.(1)</p> <p>(d) as appropriate to the marine facility's operations, brief marine facility personnel on potential threats to security and the need for vigilance and their assistance in reporting suspicious persons, objects or activities, at each MARSEC level; and</p> <p>(e) as appropriate to the marine facility's operations, perform the security sweeps required by paragraph 358(e).</p>
	New	<p>359. (2) Security procedures for an occasional-use marine facility shall be established, as appropriate to the marine facility's operations, to control access at each MARSEC level and to</p> <p>(a) deter the unauthorized entry of weapons, explosives and incendiaries, including any device that could be used to damage or destroy marine facilities or vessels or harm individuals;</p> <p>(b) secure any weapons, explosives, incendiaries or other dangerous substances and devices that are authorized by the operator to be at the marine facility;</p> <p>(c) identify the locations at which restrictions or prohibitions preventing unauthorized access are to be applied for each MARSEC level and setting out that each location allowing access to the marine facility is addressed;</p> <p>(d) identify the types of restrictions or prohibitions to be applied and means of enforcing them;</p> <p>(e) establish the means of identification required to allow persons and vehicles to have access to or to remain in the marine facility without challenge; and</p>

MTSR in force	Action	Proposed Amendments
	New	359. (2) (f) identify the locations at which the authorized screening of persons and goods, including vehicles, is to be conducted, and to ensure that these locations are covered to enable continuous screenings regardless of weather conditions.
	New	<i>Approval of Security Procedures</i> 360.(1) The Minister shall approve the security procedures for an occasional-use marine facility if the Minister is satisfied that the security procedures meet the requirements of section 359 and shall issue a letter of compliance certifying that the security procedures meet the requirements of this Part unless approving the security procedures is not in the public interest and is likely to adversely affect marine transportation security.
	New	360.(2) Security procedures are valid for the period fixed by the Minister, not exceeding five years after the day on which they are approved by the Minister. In fixing the period, the Minister shall consider the following: (a) the marine facility's operations and the industry in which it operates; (b) the operator's security record; (c) the marine facility's security record; and (d) the complexity security procedures of the marine facility and the details of its procedures.

MTSR in force	Action	Proposed Amendments
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Required Documentation

New	360.1 No person shall operate an occasional-use marine facility without a letter of compliance in respect of the marine facility issued under subsection 360(1).
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Section 361 of the Regulations has been relocated to Part 0 – Interpretation.

Responsibilities of the Port Administration

New	362. (i) clearly mark restricted areas at the marine facility with signs; (j) facilitate shore leave for vessel personnel or crew changes; and (k) allow access to representatives of seafarers' welfare and labour organizations.
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Responsibilities of the Port Security Committee

364. The port security committee shall coordinate marine transportation security, which may include (a) the identification of critical infrastructure and operations; (b) the identification of risks, threats, vulnerabilities and consequences; (c) the determination of mitigation strategies and implementation methods; and (d) the establishment of a process to continually evaluate marine transportation security.	Renumbered 364.(1). The port security committee shall coordinate marine transportation security, which may include (a) the identification of critical infrastructure and operations; (b) the identification of risks, threats, vulnerabilities and consequences; (c) the determination of mitigation strategies and implementation methods; and (d) the establishment of a process to continually evaluate marine transportation security.
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MTSR in force	Action	Proposed Amendments
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New

364.(2) The port security committee shall hold a meeting at least once in each year for the purpose of reviewing its responsibilities that result from the application of subsection (1) with a view to determine whether or not any modification to the port security plan is required.

PORT SECURITY PLAN

General

372.(1) A port security plan

- (a) shall be based on the findings of the port security assessment;
- (b) shall be in English or French;
- (c) shall be protected from unauthorized access or disclosure;
- (d) shall, if stored in electronic format, have procedures to prevent its unauthorized deletion, destruction or amendment; and
- (e) shall be submitted to the Minister for approval.

Renumbered

372. A port security plan

- (a) shall be based on the findings of the port security assessment;
- (b) shall be in English or French;
- (c) shall be protected from unauthorized access or disclosure;
- (d) shall, if stored in electronic format, have procedures to prevent its unauthorized deletion, destruction or amendment; and
- (e) shall be submitted to the Minister for approval.

New

Submission and Approval

372.1(1) The Minister shall approve a security plan in respect of a port if the Minister is satisfied that the security plan meets the requirements of this Part and shall issue letter of approval that certifies that the plan meets the requirements of this Part unless approving the plan is not in the public interest and is likely to adversely affect marine transportation security

MTSR in force	Action	Proposed Amendments
<p>372.(2) A plan is valid for the period fixed by the Minister, not exceeding five years after the day on which it is approved by the Minister. In fixing the period, the Minister shall consider the following:</p> <ul style="list-style-type: none"> (a) the port's operations and the industry in which it operates; (b) the port administration's security record; and (c) the complexity of the port security plan and the details of its procedures 	<p>Renumbered</p>	<p>372.1 (2) A plan is valid for the period fixed by the Minister, not exceeding five years after the day on which it is approved by the Minister. In fixing the period, the Minister shall consider the following:</p> <ul style="list-style-type: none"> (a) the port's operations and the industry in which it operates; (b) the port administration's security record; and (c) the complexity of the port security plan and the details of its procedures.
	<p>New</p>	<p>372.1(3) The Minister shall issue an interim statement of compliance, in English or French, in respect of a port if the port security plan is approved but an inspection under section 23 of the Act has not yet been carried out to ensure compliance with the requirements of this Part.</p>
	<p>New</p>	<p>372.1(4) An interim statement of compliance issued under subsection (3) is valid for six months from the date of issuance or until a certificate is issued under subsection (1) or (2), whichever comes first.</p>
	<p>New</p>	<p>372.1(5) If the Minister is satisfied, on the basis of an inspection conducted under section 23 of the Act, that the requirements of this Part have been met, the Minister shall issue, in English or French, a statement of compliance in respect of the port.</p>
	<p>New</p>	<p>372.1(6) A statement of compliance issued under subsection (5) is valid while the approved security plan in respect of the port is valid.</p>

MTSR in force	Action	Proposed Amendments
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New

Required Documentation

372.2 No person shall operate a port without a statement of compliance in respect of the port issued under subsections 372.1(3) or (5).

RESTRICTED AREAS

Access

380.(1) No person shall enter or remain in a restricted area unless they are

Amended

380. (1) No operator shall allow a person ~~shall~~ to enter or remain in a restricted area unless they are

381.(1) A person who is being escorted in a restricted area shall remain with the escort while in the restricted area.

Amended

381.(1) An operator shall ensure that a person who is being escorted in a restricted area shall remain with the escort while in the restricted area.

381.(2) An escort shall remain with the person being escorted or ensure that another holder of a restricted area pass acts as the escort while the person is in the restricted area.

Amended

381.(2) An operator shall ensure that an escort remains at all times with the person being escorted or ensure that another holder of a restricted area pass acts as the escort while the person is in the restricted area.

382. No person shall provide access to or assist another person to enter a restricted area unless the person accessing the restricted area is authorized under section 380.

Repealed

~~**382.** No person shall provide access to or assist another person to enter a restricted area unless the person accessing the restricted area is authorized under section 380.~~

PART 5 – TRANSPORTATION SECURITY CLEARANCE

TRANSPORTATION SECURITY CLEARANCE

503.

(b) are a licensed ship's pilot;

Amended

503.

(b) are a licensed ship's pilot referred to in subsection 501(2);

MTSR in force	Action	Proposed Amendments
503. (d) have security responsibilities, including authorized screening and security guard functions;	Amended	503. (d) have security responsibilities, including authorized screening and security guard functions at marine facilities and ports defined referred to in subsection 501(1);

PART 7 - NOTICE AND SERVICE OF DOCUMENTS

SERVICE OF DOCUMENTS

New	701.(1) (d) a notice of refusal to issue referred to in subsection 802(2); and (e) a notice of suspension or cancellation referred to in subsections 14(2) and 805(1).
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PART 8 - CERTIFICATION OF SECURITY OFFICERS

INTERPRETATION

Subsection 800(1) of the Regulations has been relocated to Part 0 – Interpretation.

References in STCW Code

800.(2) For the purpose of interpreting table A-VI/5 of the STCW Code,

Amended

References in STCW Code

800.(2) For the purpose of interpreting tables A-VI/5, A-VI/6-1 and A-VI/6-2 of the STCW Code,

References in French version of STCW Code

800.(3) For the purpose of interpreting table A-VI/5 of the French version of the STCW Code,

Amended

References in French version of STCW Code

800.(3) For the purpose of interpreting tables A-VI/5, A-VI/6-1 and A-VI/6-2 of the French version of the STCW Code,

MTSR in force	Action	Proposed Amendments
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ISSUANCE OF A CERTIFICATE OF PROFICIENCY AS SHIP SECURITY PERSONNEL

Requirements

801.(1) The Minister shall issue a certificate of proficiency as a ship security officer to a person if

801.(1)

(b) the person has at least 12 months of sea service when calculated in accordance with sections 115, 116 and 118 of the *Marine Personnel Regulations*;

(d) the person is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

Alternative before July 1, 2009

801.(3) The Minister shall issue a certificate of proficiency as a ship security officer to a person if the person

Amended

Requirements

801.(1) The Minister shall issue a certificate of proficiency as ~~ship security personnel~~ to a person if

Amended

801.(1)

(b) in the case of a certificate of proficiency as a ship security officer, the person has at least 12 months of sea service when calculated in accordance with sections 115, 116 and 118 of the *Marine Personnel Regulations*;

Amended

(d) the person provides proof that he is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*;

New

(e) the person meets the standards of medical fitness specified in Division 8 of Part 2 of the *Marine Personnel Regulations* and is issued a medical certificate or provisional medical certificate under that Division; and

New

(f) the person meets the standards of competence prescribed by these regulations to perform the functions associated with the capacities identified in the certificate of proficiency.

Amended

Alternative for vessel personnel with security responsibilities before January 1, 2014

801.(3) The Minister shall issue a certificate of proficiency as vessel personnel with security responsibilities to a person who commenced sea service prior to January 1, 2012, if the person

MTSR in force	Action	Proposed Amendments
<p>801.(3)</p> <p>(a) provides the Minister before July 1, 2009 with proof that they successfully completed vessel security officer training at one of the training institutions listed in Schedule 0.1 before January 1, 2008; and</p>	<p>Amended</p>	<p>801.(3)</p> <p>(a) provides to the Minister a testimonial indicating that the person undertook the tasks, duties and responsibilities listed in column 1 of table A-VI/6-2 of the STCW Code;</p>
<p>(b) is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the <i>Immigration and Refugee Protection Act</i>.</p>	<p>New</p>	<p>(b) has seagoing service for a period of at least six months in total, calculated in accordance with sections 115, 116 and 118 of the <i>Marine Personnel Regulations</i>, during the preceding three years;</p> <p>(c) successfully demonstrates competence, by means of a test, of the tasks, duties and responsibilities listed in column 1 of table A-VI/6-2 of the STCW Code;</p> <p>(d) is at least 18 years of age;</p> <p>(e) meets the standards of medical fitness specified in Division 8 of Part 2 of the <i>Marine Personnel Regulations</i> and is issued a medical certificate or provisional medical certificate under that Division; and</p>
	<p>Amended</p>	<p>(f) the person provides proof that he is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the <i>Immigration and Refugee Protection Act</i>;</p>

MTSR in force	Action	Proposed Amendments
	New	<p>Alternative for vessel personnel without security responsibilities before January 1, 2014</p> <p>801.(4) The Minister shall issue a certificate of proficiency as vessel personnel without security responsibilities to a person who commenced sea service prior to January 1, 2012, if the person</p> <ul style="list-style-type: none"> (a) provides to the Minister a testimonial indicating that the person undertook the tasks, duties and responsibilities listed in column 1 of table A-VI/6-1 of the STCW Code; (b) has seagoing service for a period of at least six months in total, calculated in accordance with sections 115, 116 and 118 of the Marine Personnel Regulations, during the preceding three years; (c) successfully demonstrates competence, by means of a test, of the tasks, duties and responsibilities listed in column 1 of table A-VI/6-1 of the STCW Code; (d) is at least 18 years of age; (e) meets the standards of medical fitness specified in Division 8 of Part 2 of the <i>Marine Personnel Regulations</i> and is issued a medical certificate or provisional medical certificate under that Division; and (f) the person provides proof that he is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the <i>Immigration and Refugee Protection Act</i>;
<p>Refusal to issue</p> <p>802.(1) Despite section 801, the Minister shall refuse to issue a certificate of proficiency as a ship security officer to a person if</p>	Amended	<p>Refusal to issue</p> <p>802.(1) Despite section 801, the Minister shall refuse to issue a certificate of proficiency as a ship security officer personnel to a person if</p>

MTSR in force	Action	Proposed Amendments
<p>Notice of Refusal to Issue</p> <p>802.(2) If the Minister refuses to issue a certificate of proficiency as a ship security officer to a person, the Minister shall notify the person of the refusal. The notice shall include</p>	<p>Amended</p>	<p>Notice of Refusal to Issue</p> <p>802.(2) If the Minister refuses to issue a certificate of proficiency as a ship security officer personnel to a person, the Minister shall notify the person of the refusal. The notice shall include</p>
<p>APPROVED TRAINING COURSE</p>		
<p>803.(1)</p> <p>Approved by Minister</p> <p>(a) provides training to participants to undertake the tasks, duties and responsibilities listed in column 1 of table A-VI/5 of the STCW Code and the knowledge listed in column 2 of that table; and</p> <p>(b) uses the criteria listed in column 4 of table A-VI/5 of the STCW Code to evaluate the participants' competence to undertake the tasks, duties and responsibilities referred to in paragraph (a).</p>	<p>Amended</p>	<p>803.(1)</p> <p>Approved by Minister</p> <p>(a) provides training to participants to undertake the tasks, duties and responsibilities listed in column 1 of tables A-VI/5, A-VI/6-1 and A-VI/6-2 of the STCW Code and the knowledge listed in column 2 of that table; and</p> <p>(b) uses the criteria listed in columns 3 and 4 of tables A-VI/5, A-VI/6-1 and A-VI/6-2 of the STCW Code to evaluate the participants' competence to undertake the tasks, duties and responsibilities referred to in paragraph (a); and</p>
	<p>New</p>	<p>(c) meets the requirements of the Ship Security Training Course, published by the Minister.</p>
	<p>New</p>	<p style="text-align: center;">RECOGNIZED INSTITUTION</p> <p>Designation by Minister</p> <p>803.1 (1) The Minister designates as a recognized institution a training institution if he is satisfied that it administers, in accordance with the established practices and requirements of the international and domestic marine industry, approved training courses for the purpose of providing the training necessary to obtain a certificate of proficiency issued under this Part.</p>

MTSR in force	Action	Proposed Amendments
	New	<p>Monitoring</p> <p>803.1 (2) The approved training course is to be continuously monitored through a quality management system that conforms to Regulation I/8 of the STCW Convention.</p>
	New	<p>Revocation</p> <p>803.1 (3) The Minister shall revoke the designation of an institution if he is satisfied that, after bringing to the attention of the recognized institution the results of an evaluation conducted by the Minister indicating that the requirements of subsections (1) or (2) are not met, timely action is not taken to correct any deficiencies.</p>

SUSPENSION AND CANCELLATION

Suspension and Cancellation

804.(1) The Minister shall suspend or cancel a person's certificate of proficiency as a ship security officer if the Minister has reasonable grounds to believe that

804.(1)

(c) the exercise by the person of the functions of a vessel security officer constitutes, or is likely to constitute, an immediate threat to marine transportation security.

Cancellation

804.(2) The Minister shall cancel a person's certificate of proficiency as a ship security officer if the Minister determines that the person is no longer a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

Amended

Suspension and Cancellation

804.(1) The Minister shall suspend or cancel a person's certificate of proficiency ~~as a ship security officer~~ if the Minister has reasonable grounds to believe that

Amended

804.(1)

(c) the exercise by the person of the functions associated with the capacities ~~of a vessel security officer~~ set out in the certificate of proficiency constitutes, or is likely to constitute, an immediate threat to marine transportation security.

Amended

Cancellation

804.(2) The Minister shall cancel a person's certificate of proficiency ~~as a ship security officer~~ if the Minister determines that the person is no longer a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

MTSR in force	Action	Proposed Amendments
<p>Notice of Suspension or Cancellation</p> <p>805.(1) If the Minister suspends or cancels a person’s certificate of proficiency as a ship security officer, the Minister shall notify the person of the suspension or cancellation. The notice shall include</p>	<p>Amended</p>	<p>Notice of Suspension or Cancellation</p> <p>805.(1) If the Minister suspends or cancels a person’s certificate of proficiency as ship security personnel, the Minister shall notify the person of the suspension or cancellation. The notice shall include</p>

REVIEWS AND APPEALS

<p>Exception</p> <p>807.(3) On application in writing by a person whose certificate of proficiency as a ship security officer was suspended or cancelled on the grounds referred to in paragraph 804(1)(c) or subsection 804(2), a member of the Tribunal assigned for the purpose may, after giving notice to the Minister and after considering any representations made by the parties, grant a stay of the suspension or cancellation until the review is completed if he or she determines that granting a stay would not constitute a threat to marine transportation security.</p>	<p>Amended</p>	<p>Exception</p> <p>807.(3) On application in writing by a person whose certificate of proficiency as ship security personnel was suspended or cancelled on the grounds referred to in paragraph 804(1)(c) or subsection 804(2), a member of the Tribunal assigned for the purpose may, after giving notice to the Minister and after considering any representations made by the parties, grant a stay of the suspension or cancellation until the review is completed if he or she determines that granting a stay would not constitute a threat to marine transportation security.</p>
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GENERAL

<p>Possession of Certificate</p> <p>811. No person other than the person to whom it was issued, or their representative, shall possess a certificate of proficiency as a ship security officer.</p>	<p>Amended</p>	<p>Possession of Certificate</p> <p>811. No person other than the person to whom it was issued, or their representative, shall possess a certificate of proficiency as ship security personnel.</p>
<p>Production of Certificate</p> <p>812. Every holder of a certificate of proficiency as a ship security officer shall produce it to the Minister on demand.</p>	<p>Amended</p>	<p>Production of Certificate</p> <p>812. Every holder of a certificate of proficiency as ship security personnel shall produce it to the Minister on demand.</p>

MTSR in force	Action	Proposed Amendments
<p>Return of Certificate</p> <p>813. If a certificate of proficiency as a ship security officer is suspended or cancelled, the person who held it shall return it on demand to the Minister.</p>	<p>Amended</p>	<p>Return of Certificate</p> <p>813. If a certificate of proficiency as ship security personnel is suspended or cancelled, the person who held it shall return it on demand to the Minister.</p>
<p align="center">SCHEDULE 0.1 <i>(Subsection 211(4) and paragraph 801(3)a))</i></p>		<p align="center">SCHEDULE 0.1 <i>(Subsection 211(4) and paragraph 801(3)a))</i></p>
<p align="center">TRAINING INSTITUTIONS</p>		<p align="center">TRAINING INSTITUTIONS</p>
<ol style="list-style-type: none"> 1. ABS Consulting Inc. – Risk Consulting Division 2. BC Institute of Technology Marine Campus 3. Camosun College 4. Evolutionary Security Management Inc. 5. Ferriby Marine Canada 6. Georgian College Great Lakes International Marine Training Centre 7. Institut maritime du Québec 8. Lloyd’s Register North America, Inc. 9. MacDonnell Group 10. Maritime & Underwater Security Consultants 11. NSCC Nautical Institute 12. School of Maritime Studies, Marine Institute, Memorial University of Newfoundland 13. Seagull America Inc. 14. Seagull Marine Information Technology Inc. 15. Secunda Marine Services Limited 16. V-Ships Canada Inc. & SeaTec Safety Systems Ltd. 17. Canadian Coast Guard 	<p>Repealed</p>	<ol style="list-style-type: none"> 1. ABS Consulting Inc. – Risk Consulting Division 2. BC Institute of Technology Marine Campus 3. Camosun College 4. Evolutionary Security Management Inc. 5. Ferriby Marine Canada 6. Georgian College Great Lakes International Marine Training Centre 7. Institut maritime du Québec 8. Lloyd’s Register North America, Inc. 9. MacDonnell Group 10. Maritime & Underwater Security Consultants 11. NSCC Nautical Institute 12. School of Maritime Studies, Marine Institute, Memorial University of Newfoundland 13. Seagull America Inc. 14. Seagull Marine Information Technology Inc. 15. Secunda Marine Services Limited 16. V-Ships Canada Inc. & SeaTec Safety Systems Ltd. 17. Canadian Coast Guard

MTSR in force	Action	Proposed Amendments
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SCHEDULE 1

PART 2

PHASE 1 PORTS

	Amended	
1. Halifax		1. Halifax
2. Montréal		2. Montréal
3. Vancouver		3. Vancouver Fraser Port Authority
4. Fraser River		4. Fraser River
5. North Fraser		5. North Fraser

SCHEDULE 2

(Section 601)

PROVISIONS OF THE MARINE TRANSPORTATION SECURITY ACT WHOSE CONTRAVENTION IS DESIGNATED A VIOLATION

	Column 3	Amended	Column 3
Item	Corporation (\$)		Item Corporation (\$)
5.	3000 to 12000		5. 3000 to 5000

SCHEDULE 3

PROVISIONS OF THE MARINE TRANSPORTATION SECURITY REGULATIONS WHOSE CONTRAVENTION IS DESIGNATED A VIOLATION

Items 99, 120, 209, 293, 374 to 380, 452, 518, 519 and 522 are repealed.

Item	Column 1 Provision of the <i>Marine Transportation Security Regulations</i>	Column 2 Individual (\$)	Column 3 Corporation (\$)	Column 4 Continuing violation
99.	Subsection 203(2) and paragraph 204(1)c)	600 to 2 400	3 000 to 12 000	
120.	Subsection 203(2) and paragraph 209e)	250 to 5 000	1 000 to 25 000	
209	Subsection 203(4) and paragraph 204(1)c)	600 to 2 400	3 000 to 12 000	

MTSR in force		Action	Proposed Amendments	
Item	Column 1 Provision of the <i>Marine Transportation Security Regulations</i>	Column 2 Individual (\$)	Column 3 Corporation (\$)	Column 4 Continuing violation
293.	Subsections 220(1)	600 to 2 400	3 000 to 12 000	
374.	Subsection 302(1) and paragraph 357	600 to 2 400	1 000 to 25 000	
375.	Subsection 302(1) and paragraph 358a)	250 to 5 000	1 000 to 25 000	
376.	Subsection 302(1) and paragraph 358b)	250 to 5 000	1 000 to 25 000	
377.	Subsection 302(1) and paragraph 358c)	250 to 5 000	1 000 to 25 000	
378.	Subsection 302(1) and paragraph 358d)	250 to 5 000	1 000 to 25 000	
379.	Subsection 302(1) and paragraph 358e)	250 to 5 000	1 000 to 25 000	
380.	Subsection 302(1) and paragraph 358f)	250 to 5 000		
452.	Subsection 313(1)	600 to 2 400	3 000 to 12 000	
518.	Subsection 375(4)	600 to 5 000		
519.	Subsection 375(5)	600 to 5 000		
522.	Subsection 380(2)	600 to 2 400	3 000 to 12 000	
	Column 1	Amended	Column 1	
Item	Provision of the <i>Marine Transportation Security Regulations</i>		Item	Provision of the <i>Marine Transportation Security Regulations</i>
521.	Paragraph 380(f)		521.	Subsection 380(1)

MTSR in force	Action	Proposed Amendments
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The Regulations are amended by replacing “security clearance” by “transportation security clearance” in the following provisions:

- | | |
|---------|---|
| Amended | <ul style="list-style-type: none">(a) paragraph 312(1)(o);(b) paragraph 323(h);(c) paragraph 373(g);(d) paragraph 375(1)(m);(e) paragraph 380(3)(b);(f) paragraph 384(3)(a) and subsection 384(4);(g) subsection 392(1);(h) subsection 393(1);(i) the heading preceding section 394 and section 394;(j) the heading of Part 5;(k) the heading preceding section 503;(l) paragraph 503(e);(m) section 504;(n) section 505;(o) the portion of subsection 506(2) before paragraph (a), paragraph 506(2)(m) and subsections 506(4) and (5);(p) subsection 507(1);(q) section 508;(r) the portion of section 509 before paragraph (a), and paragraphs 509(a) and 509(e);(s) subsections 511(1) and (3);(t) subsections 512(1) and (3);(u) section 513;(v) section 514;(w) subsection 515(1), (2), (4), (5) and (6);(x) section 516;(y) subsection 517(1); and(z) section 519. |
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MTSR in force	Action	Proposed Amendments
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The English version of the Regulations are amended by replacing “breaches of security” by “security breaches” in the following provisions:

- Amended**
- (a) subsection 216(2);
 - (b) paragraph 218(1)(c);
 - (c) paragraphs 234(2)(g) and (j);
 - (d) paragraph 235(o);
 - (e) the heading before section 256;
 - (f) paragraphs 256(a) and (b);
 - (g) paragraph 306(k);
 - (h) subsection 310(2);
 - (i) paragraph 312(1)(c);
 - (j) subparagraphs 323(e)(ix) and 323(f)(iv);
 - (k) the heading before section 346;
 - (l) paragraph 346(a);
 - (m) subparagraphs 373(e)(viii) and 373(f)(iv); and
 - (n) paragraph 375(1)(c).

MTSR in force	Action	Proposed Amendments
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SCHEDULE 4

(Subsection 1(1))

Certain Dangerous Cargoes

- | MTSR in force | Action | Proposed Amendments |
|---------------|--------|--|
| | New | <ol style="list-style-type: none">1. All explosives of Class 1.1, 1.2 and 1.52. The following gases of Class 2.1, when carried in large means of containment, as defined in Section 1.4 of the <i>Transportation of Dangerous Goods Regulations</i>, or in such a quantity as to require an emergency response assistance plan (ERAP) under Section 7.1 of the TDGR and not carried as CDC residue.
UN1010, UN1011, UN1012, UN1032, UN1035, UN1036, UN1037, UN1060, UN1063, UN1077, UN1086, UN1962, UN1971, UN1978;3. All gases of Class 2.3, when carried in large means of containment or in such a quantity as to require an ERAP under Section 7.1 of the <i>Transportation of Dangerous Goods Regulations</i>, except: UN1017 is not considered a CDC when carried as a CDC residue;4. The following flammable liquids of Class 3, when carried in large means of containment or in such a quantity as to require an ERAP under Section 7.1 of the <i>Transportation of Dangerous Goods Regulations</i> and not when carried as CDC residue:
UN1089, UN1280;5. The following oxidizing substances in Class 5.1, when carried in bulk or in such a quantity as to require an ERAP under Section 7.1 of the <i>Transportation of Dangerous Goods Regulations</i>:<ol style="list-style-type: none">i. UN1479, UN3139;ii. UN1942, UN2067, UN2426, UN3375, except when carried as CDC residue. |

MTSR in force	Action	Proposed Amendments
		<p>6. The following liquids of Class 6.1 (either primary or subsidiary class) that are toxic by inhalation, when carried in large means of containment or in such a quantity as to require an ERAP under Section 7.1 of the <i>Transportation of Dangerous Goods Regulations</i>:</p> <p>i. UN1051, UN1052, UN1092, UN1163, UN1182, UN1185, UN1238, UN1239, UN1244, UN1251, UN1259, UN1380, UN1510, UN1560, UN1569, UN1580, UN1583, UN1595, UN1613, UN1614, UN1647, UN1670, UN1672, UN1695, UN1722, UN1744, UN1745, UN1746, UN1752, UN1809, UN1892, UN1994, UN2032, UN2232, UN2285, UN2334, UN2337, UN2382, UN2407, UN2438, UN2474, UN2477, UN2478, UN2480, UN2481, UN2482, UN2483, UN2484, UN2485, UN2486, UN2487, UN2488, UN2521, UN2605, UN2606, UN2644, UN2646, UN2668, UN2740, UN2742, UN2743, UN2809, UN3023, UN3246, UN3275, UN3276, UN3278, UN3279, UN3280, UN3281, UN3294, UN3381, UN3382, UN3383, UN3384, UN3385, UN3386, UN3387, UN3388, UN3389, UN3390, UN3488, UN3489, UN3490, UN3491, UN3494, UN3495</p> <p>ii. UN1098, UN1135, UN1143, UN1541, UN1605, UN1831, UN2983, UN3079, except when carried as CDC residue</p> <p>7. Radioactive substances of Class 7, if they meet the following criteria:</p> <p>i. 3,000 times the A1 value of the radionuclides as defined in Section 1 of the <i>Packaging and Transport of Nuclear Substances Regulations</i>;</p> <p>ii. 3,000 times the A2 value of the radionuclides as defined in Section 1 of the <i>Packaging and Transport of Nuclear Substances Regulations</i>; or</p> <p>iii. 1,000 TBq (27,000 Ci), whichever is least.</p>

MTSR in force	Action	Proposed Amendments
		8. The following corrosive substance of Class 8, when carried in bulk or in such a quantity as to require an ERAP under Section 7.1 of the <i>Transportation of Dangerous Goods Regulations</i> and not carried as CDC residue: UN1754.