



# MARINE SECURITY OPERATIONS BULLETIN

No: 2024-002

## APPLICATION AND USE OF A DECLARATION OF SECURITY PURSUANT TO THE *MARINE TRANSPORTATION SECURITY REGULATIONS*

### **Purpose:**

The purpose of this Marine Security Bulletin is to remind vessels, vessel operators and marine facility operators of the requirements and the purpose of a Declaration of Security (DoS) pursuant to the *Marine Transportation Security Regulations* (MTSR).

*\*This bulletin replaces MSOB 2012-001*

### **Background:**

Transport Canada, Marine Security Operations, has observed misuse of the DoS process, where DoS forms are being routinely completed for any interface without a clear need. Additionally, some vessels and marine facilities in Canada have presented DoS forms during inspections that lack a specific start and end date in the validity section. Instead of listing calendar dates, vague phrases such as “valid from date of arrival until date of departure” were used.

### **Guidance:**

A DoS specifies the security procedures that each party will implement during the interface. A vessel or port or marine facility may use any existing DoS form, provided it contains the information set out in the International Ship and Port Facility Security (ISPS) Code, Part B; Appendix 1, which is reflected in MTSR sections 228(3) and 315(3). A DoS should only be completed for circumstances outlined in the MTSR.



A DoS is to be used only in exceptional circumstances, typically involving a heightened security risk. It facilitates an agreement between a vessel and a marine facility, port, or another vessel, outlining the security procedures to be implemented, and by whom, during the interface. The MTSR outlines the conditions and circumstances where a DoS is required. Unless there are specific security reasons as outlined in the MTSR relating to the interface between a vessel and a marine facility or port, or another vessel, a DoS should not be completed.

To determine if a DoS is required, prior to an interface, the vessels, marine facility or port should discuss existing security procedures in order to determine whether any of the conditions or circumstances as outlined in the MTSR are present.

Below are examples of who can request that a DoS be completed:

- If a port or marine facility requests a vessel to agree to a DoS, the vessel must comply. The PFSO/MFSO will indicate the circumstances, specified in sections 228 and 315 of the MTSR.
- A vessel can request that a DoS be agreed by a port or marine facility or another vessel. Again, the circumstances when such a request are specified in sections 228 and 315 of the MTSR and incorporated in the vessel security plan.
- If a vessel requests that a port or marine facility agree to a DoS, the port or marine facility must acknowledge that the request was made. The port or marine facility does not have to agree to a DoS with the requesting vessel unless the circumstances relating to the request conform to those in their security plan.

Vessels to which the MTSR Part 2 applies and marine facilities to which the MTSR Part 3 applies are only required to complete a DoS under the following circumstances identified in the MTSR sections 228 and 315:

- 1.) The interface involves a vessel(s) or a marine facility that are operating at different MARSEC Levels; or
- 2.) The interface involves a vessel(s) or a marine facility and one or more of them do not have an approved security plan; or
- 3.) The interface involves a cruise ship; or
- 4.) The interface involves a vessel carrying certain dangerous cargoes (CDC) as defined in the Interpretation section of the MTSR; or
- 5.) The interface involves a vessel(s) or a marine facility and the loading or transfer of CDC; or



- 6.) The Vessel Security Officer or the Marine Facility Security Officer identifies security concerns about the interface; or
- 7.) The interface involves a marine facility that is an occasional-use marine facility (OUMF) as defined in the Interpretation section of the MTSR (MTSR 358(d)). (OUMF are required to submit a copy of all DoS (MTSR section 358(f)) as soon as practicable to their local regional marine security office); or
- 8.) A new declaration of security is also required if there is a change in the MARSEC Level.
- 9.) If a declaration of security is required under subsection (1) between a vessel and the operator of a lock in the St. Lawrence Seaway, it shall be completed on its entry into the first lock and remain in effect until the vessel exits the St. Lawrence Seaway at the St. Lambert Lock or the Welland Canal at Port Colborne.

Upon mutual agreement, a continuing DoS may be used for multiple interfaces between a vessel and a marine facility, or another vessel provided, the effective period of the continuing DoS does not exceed 90 days at MARSEC Level 1 or 30 days at MARSEC Level 2, and there are no changes in the circumstances which resulted in the implementation of the initial DoS.

Should circumstances delay the original end date of the interface and there are no changes to the details of the interface, the end date can be amended and initialed by the parties involved. Should the delayed departure be due to changes in the original arrangement of the interface, then a new DoS should be completed.

In addition, MTSR 218 – Record Keeping states “218 (1) A vessel security officer shall keep the following records: (f) the last 10 declarations of security and of each continuing declaration of security for at least 90 days after the end of its effective period;”.

To verify compliance with MTSR 218, the DoS must clearly list a start and end date, as specified in the ISPS Code, Part B; Appendix 1. While the form may not explicitly contain a date field the MTSR requirements mandate that the validity period should not exceed 90 days at MARSEC Level 1, or 30 days at MARSEC Level 2. Therefore, it is essential that start and end dates are clearly stated.



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An example of a Declaration of Security can be found here [Sample - Declaration of Security](#) should you not have an existing form to use.



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