



# **Piracy** **the curse of maritime transport**

## **Seminar on piracy and armed robbery at sea**

**organised by the European Commission (DG MOVE)  
in cooperation with the Danish Presidency of the Council of the EU**

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**Brussels, Centre de Conférence Albert Borschette**



# Responsibility and litigation

*Do PMSC and PCASP have to come under maritime regulations or under common regulations when using firearms?*

*Flag states and use of arms*

*Cocontractors and use of arms*

*Captain and use of arms*



# Flag states' responsibility

*Likely in case PMSC operates a ship*

*Unlikely in case PCASPs embark a ship*

*Unclos article 97 and use of arms to define the penal jurisdiction*



# Contractors' responsibility

*Which maritime regulations to come under?*

*Liability limitation, fault seriousness, liability sharing, liability canalization*

*Status of PCASPs: seafarer, special, passenger*



# Captain's responsibility

*Authority and ship security versus self defence*

*Lack of control in opening/ceasing fire*

*Penal accountability hence own liability, instead of fitter-out's one*



## **As a conclusion**

*Auto regulation likely to be insufficient because of Unclos article 94*

*Giving priority to define precisely captain's authority in the use of arms in order to secure the ship*

*Maritime regulations to get a PMSC's business model*