



Council of the
European Union

Brussels, 5 June 2023
(OR. en)

**Interinstitutional File:
2023/0165(COD)**

**10126/23
ADD 3**

**TRANS 221
MAR 80
OMI 47
CODEC 1016
IA 132
ILO 6**

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	1 June 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2023) 149 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT Accompanying the document Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/16/EC on port State Control

Delegations will find attached document SWD(2023) 149 final.

Encl.: SWD(2023) 149 final



Brussels, 1.6.2023
SWD(2023) 149 final

COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

Proposal for a Directive of the European Parliament and of the Council
amending Directive 2009/16/EC on port State Control

{COM(2023) 271 final} - {SEC(2023) 202 final} - {SWD(2023) 148 final}

Executive Summary Sheet
Impact assessment on a Proposal for a Revision of Directive 2009/16/EC on port State control
A. Need for action
What is the problem and why is it a problem at EU level?
<p>Directive 2009/16/EC sets out the EU regime for port State control (PSC), a system of inspection of foreign flagged ships by inspectors in their ports, for the purpose of verifying that the competency of the crew on board and the condition of the ship and its equipment comply with the requirements of international conventions on the safety of life at sea and on the protection of marine environment. The Directive is based on the pre-existing voluntary intergovernmental structure of the Paris Memorandum of Understanding (Paris MoU).</p> <p>The Directive was the subject of an ex-post evaluation and Maritime Fitness Check (alongside other pieces of EU legislation) in 2018. A certain number of issues have been identified as being problematic: (1) current EU requirements are not aligned with new international mandatory rules/procedures (International Maritime Organisation – IMO, and Paris MoU); (2) current EU requirements do not apply to fishing vessels (3) an unbalanced distribution of inspections the EU; (4) the mechanism used to select ships for inspection is not up to date; (5) over reliance on paper-based certificates and (6) inadequate and inflexible procedures and resources.</p> <p>Absent EU action, Member States will work in an uncoordinated and non-harmonised way.</p>
What should be achieved?
This initiative seeks to ensure and improve on the high level of maritime safety and pollution protection across the Union.
What is the value added of action at the EU level (subsidiarity)?
Shipping as an international business operates regulated at the global as well as regional and national instances, it has by nature a strong cross-border dimension.
B. Solutions
What are the various options to achieve objectives? Is there a preferred option or not? If not, why?
Three policy options (PO) have been developed. The preferred option is policy option B (PO B). This option provides for the development of a voluntary PSC regime for larger fishing vessels in conjunction with the Paris MoU. It also encourages the uptake and use of electronic statutory certificates. PO B proposes legislative solutions problems relating to inspection and validation.
What are different stakeholders' views? Who supports which option?
PO B is supported by national PSC administrations as it will allow for the development of a PSC regime for fishing vessels analogous to that which happened with the Paris MoU. The fishing industry is broadly in favour of the enforcement of safety standards but would prefer if EU Member States ratified the relevant international conventions.
C. Impacts of the preferred option
What are the benefits of the preferred option (if any, otherwise of main ones)?
<p>Societal impacts are mainly assessed in terms of impacts of the policy options on maritime safety over the period 2025-2050 in terms of lives saved and injuries avoided and environmental protection. The preferred option is projected to result in 6 lives saved and 61 injuries avoided, to save around EUR 35 million and prevent 75 tonnes of bunker fuel lost at sea. It should be noted however that because the impacts of PSC are indirect, through the inspections and their follow-up, there is high uncertainty regarding the estimates.</p> <p>For PSC authorities, the preferred policy option is expected to result in enforcement costs savings of EUR 8.4 million, expressed as present value over 2025-2050, due to measures that encourage the uptake and use of electronic statutory certificates.</p> <p>For ship operators, the preferred policy option is estimated to result in administrative cost savings of EUR 5.5 million. Administrative costs savings stem from the abolition of the 72-hour advance reporting obligation for the operator, agent or master of a ship eligible for an expanded inspection.</p>

What are the costs of the preferred option (if any, otherwise of main ones)?

Additional costs will fall mainly on **PSC authorities**, these are estimated at EUR 17.9 million as present value over 2025-2050. When considering however the enforcement costs savings, the net costs are estimated at EUR 9.5 million. There will also be adjustment costs for **flag State authorities** for the introduction of electronic certificates. These amount EUR 0.22 million per year for all flag State authorities combined. In addition, one-off investment costs of EUR 1 million are expected in 2025. Total costs for flag State authorities are estimated at EUR 4.8 million.

As regards **EMSA** the adjustment costs for in the preferred policy option are estimated at EUR 6.5 million. The preferred policy option results in an increase in the enforcement costs of EUR 0.7 million for **ship operators** which are overcompensated by administrative costs savings of EUR 4.8 million.

What are the impacts on SMEs and competitiveness?

The proposed extension of the Directive to larger fishing vessels in the preferred policy option is 'relevant' for SMEs. The additional enforcement costs for fishing vessels operators are estimated at (EUR 0.03 million in 2030 and EUR 0.05 million in 2050) but will have positive impacts in terms of safety for operators of fishing vessels.

Will there be significant impacts on national budgets and administrations?

In addition to the net costs for PSC authorities, estimated at EUR 9.5 million in the preferred policy option relative to the baseline, there will be adjustment costs of 4.8 million for flag States for electronic certificates.

Will there be other significant impacts?

As the same high safety level will be preserved across the Union, there will be a positive impact on the internal market and competitiveness

Proportionality

The preferred policy option does not go beyond what is necessary to reach the overall policy objectives.

D. Follow up**When will the policy be reviewed?**

The policy will be reviewed allowing for an adequate period of time after the proposal's adoption for measures to be effective and to have generated impacts. The Commission/EMSA will verify that inspections are being carried out as required and that the reports are uploaded to the database. EMSA will continue to carry out visits to Member States leading to horizontal analyses.