



Council of the
European Union

Brussels, 10 September 2020
(OR. en)

10670/20

LIMITE

MAR 106

WORKING DOCUMENT

From: General Secretariat of the Council

To: Delegations

Subject: 53rd session of the Port State Control Committee of the Paris
Memorandum of Understanding
(PSCC 53, virtual meeting, September 27 - October 2, 2020)
– Non-paper from the Commission drafted to facilitate EU coordination

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (07.10.2020)

In view of the Shipping Working Party meeting on 16 September 2020, delegations will find attached a non-paper from the Commission drafted to facilitate EU coordination for the above-mentioned PSCC session.

**ON THE POSITION OF THE UNION FOR THE SEPTEMBER/OCTOBER 2020
MEETING OF THE PORT STATE CONTROL COMMITTEE OF THE PARIS
MEMORANDUM OF UNDERSTANDING
ON PORT STATE CONTROL**

This non-paper is submitted in accordance with Council Decision (EU) 2020/722¹ in view to establishing the position of the Union for an annual meeting of the Port State Control Committee (PSCC) of the Paris Memorandum of Understanding on port State control.

Due to the effects of the Covid-19 pandemic, PSCC53 scheduled to take place in Bucharest, Romania from 4-8 May 2020, was postponed and will take the form of a virtual meeting which will take place from 27 September to 2 October 2020.

This document lists all the documents received and published on the Paris MoU website and on which decisions were not already taken during the June 2020 Paris MoU written procedure.

The comments by the Commission are printed in *italics*. The proposed position of the Union is printed in ***bold italics***.

¹ OJ L L171, 2.6.2020, p.4.

General

Relevant EU positions established earlier remain valid – as far as still applicable – for this meeting.

Agenda item 1 – Time table

Docs: PSCC53/1.0

Agenda item 2 – Adoption of the agenda

Docs: PSCC53/2.0REV2

No Working Groups are currently scheduled.

Agenda item 3 – Reports from MoU Bodies

PSCC53/3.1 (MAB): not yet available.

PSCC53/3.2A (Secretariat): reports on the outcome of the work from the Task Forces agreed during the 33rd meeting of the Technical Evaluation Group (TEG) and invites the Committee to consider the summary report and to decide, as appropriate, on the items summarised in the report including the TEG decisions on the reports of the respective Task Forces (TF).

PSCC53/3.2B (Chairman of TEG): presents the report of the TEG Chairman on the outcome of the 33rd meeting of the Technical Evaluation Group and invites the Committee to comment and take any action deemed necessary.

PSCC53/3.3 (Secretariat): presents the annual report of the Paris Memorandum. It should be noted that the 2019 statistics, including the new White Grey Black (WGB) list and the recognised organisation (RO) Performance list, used for targeting purposes in the Paris MoU Region starting 1 July 2020 have already been adopted by the Paris MoU during a special written procedure which took place in June 2020.

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Agenda item 4 – More effective use of resources

4.1 Concentrated inspections campaigns (CIC)

PSCC53/4.1.1 (TEG/TF50): presents the outcome of the CIC on Emergency Systems in 2019 and invites the Committee (i) to comment, as appropriate;(ii) to approve the final report of the CIC on Emergency Systems; (iii) to decide, as appropriate, on any action required including tasking the redraft of the standard report;(iv) to decide whether to submit an INF paper to IMO-III sub-committee, and (v) request the Secretariat with reference to PSCC53/8.2.3 to submit the CIC report and agree to publish the CIC report excluding Annex 2 on the public website.

PSCC53/4.1.2A (MAB): provides proposals for a possible CIC in the future and invites the Committee to consider the submission and comment, as appropriate, and to consider and agree on possible CICs, as well as appoint a Task Force leader to coordinate the work of the Task Force to prepare the CIC.

PSCC53/4.1.2B (Tokyo MoU Secretariat): provides an updated list of possible topics for future CICs by the Tokyo MoU and invites the Committee to consider the submission and comment as appropriate.

PSCC53/4.1.3A (TEG/TF38): invites the Committee to endorse the questionnaire and guidance agreed at TEG33 given in document PSCC53/4.1.3A; to consider whether the changes proposed by Tokyo MoU to the questionnaire and guidance approved by TEG33 (document PSCC53/4.1.3B) can be accepted bearing in mind the comments from TF38; to agree that a DLP will be developed to support the training for PSCOs; to agree that the TF should liaise and coordination the CIC with Tokyo MoU, and to agree that the TF should evaluate the inspection campaign in liaison with TF21.

PSCC53/4.1.3B (TF38): invites the Committee to note the proposals received after TEG33 and consider, in liaison with PSCC53/4.1.3A, whether the changes proposed by Tokyo MoU to the questionnaire and guidance approved by TEG33 can be accepted bearing in mind the comments from TF38.

PSCC53/4.1.4 (TEG/TF16): invites the Committee to comment and agree to the draft questionnaire for the CIC in 2021 to agree that the TF continues to work with the Tokyo MoU to complete the questionnaire and guideline; to agree that the TF will provide a further draft questionnaire and guideline to TEG34, and to agree that the TF will provide a final draft questionnaire and guideline to PSCC54 for adoption.

PSCC53/4.1.5 (TEG/TF42): invites the Committee to note the progress of TF42, to comment Annex 1 “Questionnaire for CIC Fire Safety 2022” and to recommend that TF42 continue working on guidelines for CIC, and presents guideline to TEG34 for consideration and PSCC54 for approval.

PSCC53/4.1.6 (TEG/TF47): invites the Committee to comment, as appropriate, discuss and decide on the applicability of the IC and whether applicability of the IC should be further addressed in the questionnaire; to decide on the number of questions for the questionnaire should include; to endorse the proposed Inspection Campaign on the Polar Code (questionnaire, guidelines, schedule, length and timeframe for the campaign); to require the task force to develop a proposal for training of PSCOs during a PSC seminar for submission to TEG34; to decide if DLP support training should be developed, and to require the task force to submit the final questionnaire and guidelines to PSCC54.

4.2 Inspection Regime

PSCC53/4.2.1 (EC): no paper available, only verbal report

PSCC53/4.2.1 (EMSA): invites the Committee to note and comment, as appropriate, the new structure of EMSA after the reorganisation that took place 1 January 2020.

PSCC53/4.2.2A (TEG/TF31): invites the Committee to note the report, discuss the proposed options for ToR 21.1 and decide which option should be used; to discuss the proposed options for ToR 21.2 and decide which option should be used; to discuss if the issue of a minimum time of ban for jump detention and not reaching the repair yard should be further analysed by the TF and if agree, discuss and agree to the proposed ToR.

- Background

PSCC52 has tasked TF31 to study, analyse and propose changes to the PSCC instruction 47/2014/06 on banning in relation with the impact of an unsatisfactory re-inspection to lift the ban when carried out inside or outside the Paris MoU Region. Furthermore, while taking account of point 6.1.6 of Annex 1 of document PSCC52/8.4.1A, to propose to PSCC53 to develop banning measure regardless of the flag.

ToR 21.1 *To study, analyse and propose changes to PSCC instruction 47/2014/06 on banning in relation to the impact of an unsatisfactory re-inspection to lift the ban, when such re-inspection is carried out inside or outside the Paris MoU Region taking into account the discussion in PSCC52.*

The Task Force had an intensive discussion and decided to propose 4 options to be discussed at TEG33.

These were the following:

- 1 Re-inspection in Paris MoU region only, therefore recorded in THETIS;*
- 2 Re-inspection is never entered in THETIS regardless of where performed;*
- 3 The (first) ban will be lifted after 3 months automatically and the ship will be subject to an expanded inspection the first time it calls in the Paris MoU region;*
- 4 keep as it is today, but when the inspection to lift the ban is outside the Paris MoU region during the first call in the Paris MoU region an expanded inspection has to be carried out.*

The Task Force has not agreed on a preference but to facilitate the discussion at TEG33, the Task Force has drafted a list of pros and cons for each option.

TEG discussed the four proposals made. Several TEG members indicated support for option 2, proposing that the re-inspection is never entered in THETIS regardless of where it is performed. According to these members, this option provides for equal treatment of ships, whether inspected inside or outside the Paris MoU region. Other TEG members supported option 1, proposing that the re-inspection is carried out in the Paris MoU region only and entered in THETIS. These members indicated as a favour of this option a more effective use of resources and no risks related to travelling and working outside the Paris MoU region. As there was no support for option 3, proposing an automatic lift of ban after three months and additional inspection upon entry into the Paris MoU region, nor option 4, proposing to keep the current system, TEG agreed to request PSCC53 to further discuss options 1 and 2.

***ToR 21.2** to propose changes to develop banning measure regardless of the status of the flag, while taking into account point 6.1.6 of Annex 1 of document PSCC52/8.4.1A*

During the discussion, the Task Force decided on three possible options to be discussed at TEG33.

These where the following:

- .1 keep as it is and take account that it is not possible anymore to avoid a ban by changing to a non-listed flag as with the new formula there will be no non-listed flags;*
- .2 just have one criterion which will be 3 detentions in 3 years will lead to a ban regardless of flag;*
- .3 keep as it is but include new criterion for high performance list like 4 detentions in 3 years.*

The Task Force has not agreed on a preference but to facilitate the discussion at TEG33, the Task Force has drafted a list of pros and cons for each option. These are detailed in Annex 2 of document PSCC53/4.2.2A.

TEG discussed the 3 proposals made. Several TEG members indicated support for option 2, proposing to have just one criterion, i.e., three detentions in three years, regardless of flag, and considered this as the most fair and harmonized option which is also most in line with the Third Ministerial Conference. Other TEG members, however, indicated support for option 3, proposing to keep the current approach, but include new criteria for ships flying a high performance flag or for option 1, i.e., to keep the current system, taking into account the new calculating formula. TEG considered that option 3 would also to be in line with the Ministerial Conference and stressed the importance to motivate and reward ship owners choosing a high performance flag. TEG noted the most support for option 2 but agreed to further discuss the three options at PSCC53.

During the work of the TF, a question was raised why currently there is not a minimum time for a ban for jumping detention and not reaching the agreed repair yard. The Task Force, as the issue is not cover by the current ToR, was of the opinion that further discussion would be required and agreed to request TEG33 to agree to bring this to attention to PSCC53 for further discussion.

TEG further discussed the above question raised within the Task Force and agreed that PSCC53 should be requested to include this issue in the new ToR for the Task Force's continued work, if agreed so.

- EU relevance

The issue of refusal of access (ban) and the subsequent lifting of a refusal of access order are provide for in Article 16 of Directive 2009/16/EC.

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4.3 Harmonization of inspection/detention regimes

PSCC53/4.3.1 (Secretariat): invites the Committee to consider and approve the updated PSCC Instructions and to revoke the relevant previous versions mentioned in Annex 1; to approve Circulars as mentioned in paragraph 7; to endorse the “P”-policy, “T”-technical and “I”-inspection markings; requests the Secretariat to post on the website those instructions that the Committee has decided that may be made public, and notes the overview of IMO Resolutions in Paris MoU Guidelines.

PSCC53/4.3.2 (Secretariat): invites the Committee to consider, decide and approve the PSCC Instruction on Definitions and Abbreviations and to revoke the previous version.

PSCC53/4.3.3 (TEG/TF5): requests the Committee to endorse the explanatory notice and guidance for internal use to PSCOs regarding the new concept and to request TF5 to produce a reworded explanatory notice for the general public; to agree that the implementation date of the new system cannot be estimated at this point of time as it is dependent on the implementation date of the new calculation method for determination for flag performance; to agree that the new PSCC instruction to replace the current instruction on RO responsibility can only be formulated once the implementation date is known, and to confirm that TF5 will reconvene to complete the drafting of the new PSCC instruction once the implementation date is known.

PSCC53/4.3.4 (TEG/TF16): requests the Committee to comment on the revised Guidelines for PSC Inspections of Certification of Seafarers and Manning Requirements according to the STCW Convention, MLC and SOLAS and adopt the guidelines.

PSCC53/4.3.5 (TEG/TF45): invites the Committee to comment, as appropriate, decide on the number of the documents to be examined during an initial inspection, endorse the proposed updated PSCC Instruction (Guidelines for Port State Control Officers Checking Compliance with MARPOL Annex VI), and endorse that the PSCC Instruction can be made public.

PSCC53/4.3.6 (TEG/TF49): invites the Committee to take note of the report of TF49 since the last meeting, agree to the new proposed ToR in appendix 4 and extend the TF49 report back to TEG34 and subsequently to PSCC54.

PSCC53/4.3.7 (TEG/TF51): invites the Committee to consider an amended circular 81 with text on what to expect and require on board as suggested in the report; to consider future work of the TF, noting ongoing project to feed THETIS with documents directly from flag States and work within the IMO; to request updated and more specific ToR from PSCC, and to decide on new TF-leader.

PSCC53/4.3.8 (TEG/United Kingdom): invites the Committee to grant an extension to complete the task of developing the guidelines as it has not been possible to undertake this work and to consider setting up a small correspondence group in order to assist with this task.

PSCC53/4.3.9 (TEG/Italy): invites the Committee to endorse the guidelines on accidental damage related deficiencies and to consider and decide, as appropriate, to introduce a definition of accidental damage related deficiencies to be incorporated in the PSCC Instruction 51/2018/06 on definitions and abbreviations.

PSCC53/4.3.10A (TEG/Italy): invites the Committee to endorse the amended guidelines on “Guidance on detention and action taken”.

PSCC53/4.3.10B (TEG/Belgium): invites the Committee to consider and approve the modification to the PSCC instruction Guidance on detention and action taken.

PSCC53/4.3.11 (TEG/Secretariat): requests the Committee to comment and endorse the amended PSCC Instruction for the Paris MoU Detention Review Panel; to comment and endorse the proposal to add a flowchart to the instruction and comment; to consider and decide on the proposal to include a time frame with regard to the response to the reconsideration request.

PSCC53/4.3.12 (TEG/Germany): requests the Committee to adopt the proposed corrections to the PSCC Instruction Guidelines for PSC on pollution prevention - MARPOL Annex V – Garbage.

PSCC53/4.3.13 (Secretariat): provides amendments to all guidelines that are affected by the removal of ILO 147 and the Protocol thereto as relevant instruments for the Paris MoU, due to the ratification by all members of MLC, 2006 and invites the Committee to revoke PSCC Instruction Guidance for inspection on working and living conditions and to consider and approve the amended guideline.

PSCC53/4.3.14 (MAB): proposes that the Committee take further steps in bringing fishing vessels under a regime of port State control and invites the Committee to note the information provided and to comment, as appropriate; consider the need for an adapted PSC regime for fishing vessels based on the considerations provided in the document (ref. paragraphs 7 to 35) or any other consideration; establish a Task Force, to be led by the Secretariat, to further explore the possible introduction of a port State control regime, taking into account the decisions, comments and proposals made in the Committee; to consider and distinguish alternative ways to introduce a port State control regime for fishing vessels and to liaise with the Tokyo MoU for further information on their work related to fishing vessels; to develop a roadmap for the implementation of a PSC-regime for fishing vessels and report to PSCC54; to encourage member Authorities of the Paris MoU to provide the Secretariat with information on the composition of the fleet of fishing vessels flying their flag (ref. paragraph 28) to be used by the Task Force, if established; to request EMSA to report on port calls by foreign fishing vessels in Paris MoU ports and to report to the Task Force, if established, and to include in the press release of the Committee that Paris MoU is exploring the possible introduction of a PSC-regime on fishing vessels.

Background

- Guideline on RO Responsibility (PSCC53/4.3.3)

TF5 is to work towards achieving automatic assignment of RO related detainable deficiencies in THETIS, thus removing the subjectivity currently associated with the professional judgement of PSCOs while assigning RO responsibility for detainable deficiencies. PSCC 52 agreed for a modification to THETIS wherein the PSCO will have to record the appropriate statutory certificate linked to a detainable deficiency. The TF worked by correspondence to produce an explanatory notice and guidance to PSCOs on the new system.

- Guideline on STCW (PSCC53/4.3.4)

TF16 revised Guidelines for PSC Inspections of Certification of Seafarers and Manning Requirements according to the STCW Convention, MLC and SOLAS, taking into account IMO PSC Guidelines contained in A.1138(31) Procedures for Port State Control, 2019.

- Guideline on MARPOL Annex VI (PSCC53/4.3.5)

TF45 has updated the existing guidelines for MARPOL Annex VI to ensure full alignment with the Convention, also taking into account the developments within MEPC 74, and a draft PSCC Instruction on Guidelines for MARPOL Annex VI.

- Guideline on non-Convention ships (PSCC53/4.3.6)

TF49 was tasked to produce guidance on inspection non-Convention ships.

- Update on Digitization issues (PSCC53/4.3.7)

TF51 was instructed to develop an instruction on how to inspect certificates and other related documents when in an electronic form and invites the committee to consider an amended circular 81.

- Guideline on the IGF Code (PSCC53/4.3.8)

PSCC is requested to grant an extension and to set up a correspondence group.

- Guideline on Accidental damage (PSCC53/4.3.9)

PSCC is requested to endorse the guidelines on accidental damage related deficiencies and consider and decide as appropriate to introduce a definition of accidental damage related deficiencies to be incorporated in the PSCC Instruction 51/2018/06 on definitions and abbreviations.

- Guideline on detention and action taken (PSCC53/4.3.10A)

PSCC is requested to endorse amendments to the guidance on detention and action taken.

- Guideline on detention and action taken (PSCC53/4.3.10B)

PSCC is requested to endorse amendments to the guidance on detention and action taken.

- Guideline on MARPOL Annex V (PSCC53/4.3.12)

PSCC is requested to adopt the proposed corrections to the PSCC Instruction Guidelines for PSC on pollution prevention - MARPOL Annex V – Garbage.

- Amendments to Paris MoU Guidelines related to ILO 147 (PSCC53/4.3.13)

PSCC is invited to revoke PSCC Instruction Guidance for inspection on working and living conditions and to consider and approve the amended guideline effective per 1 July 2020.

- PSC on fishing vessels (PSCC53/4.3.14)

PSCC proposes that the Committee takes further steps in bringing fishing vessels under a regime of port State control.

EU relevance

Article 15 of Directive 2009/16/EC provides that Member States shall ensure that their inspectors follow the procedures and guidelines specified in Annex VI of the Directive.

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4.4 Issues related to recognized organizations

PSCC53/4.4.1 (MAB): requests the Committee to note the main principles as endorsed by PSCC52; to consider the location and content of the warning message to PSCOs and to decide, as appropriate, and consider enabling PSCOs to request the creation of new RO codes which could be covered with a minor addition to the same guidance, instead of annual new RO code creation by the Committee.

PSCC53/4.4.2 (MAB): invites the Committee to note the information provided in this document, in particular the new information presented; to assess whether this additional information justifies the Secretary General participation in IQARB and to consider budgetary consequences.

4.5 Amendments to the MoU

PSCC53/4.5.1 (MAB): invites the Committee to consider, with a view to adopt, the proposed 43rd amendment in accordance with section 8.2.2 of the MoU; to accept the proposed 43rd amendment unanimously, in accordance with section 8.2.3 of the MoU, and to determine unanimously that the amendment will take effect on 1 July 2020 in accordance with section 8.2.4 of the MoU.

PSCC53/4.5.2 (MAB): invites the Committee to consider the proposed amendments, adopt the proposed amendment in principle in accordance with section 8.2.2 of the MoU, decide in what way to incorporate the proposal (as a MoU Annex or Annex to an instruction), accept the proposed amendment in accordance with section 8.2.3 of the MoU and determine that the amendment will take effect on a date to be decided in the future.

PSCC53/4.5.3 (MAB): invites the Committee to note the information provided, consider whether it could be of added value to add these conventions as relevant instruments to the MoU at this moment to be able to prepare harmonisation from the moment these conventions come into effect and consider whether a limited impact analysis could be of added value.

- EU relevance

The changes proposed in the 43rd amendment of the MoU text is bringing it in line with the Directive 2009/16/EC by deleting ILO 147 and its Protocol as a relevant instrument.

As regards the Hong Kong Convention, Regulation (EU) No 1257/2013² on ship recycling is aimed at facilitating early ratification of the Hong Kong Convention both within the Union and in third countries by applying proportionate controls to ships and ship recycling facilities on the basis of the Hong Kong Convention.

With regard to the Protocol of 2010 (HNS PROT 2010) to the International Convention on liability and compensation for damage in connection with the carriage of Hazardous and Noxious Substances by Sea, 1996, Council Decision (EU) 2017/769³ and Council Decision (EU) 2017/770⁴ of 25 April 2017 authorised Member States to ratify or accede to, as appropriate, encouraging the ratification and accession by Member States.

² Regulation (EU) No 1257/2013² of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330/1, 10.12.2013)

³ OJ L 115, 4.5.2017, p. 15–17

⁴ OJ L 115, 4.5.2017, p. 18–21

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Agenda item 5 – Review of performance of Paris MoU members

PSCC53/5.1.1 (TEG/TF21): invites the Committee to consider the report and comment, as appropriate, and to decide on the proposals to agree that the second half of 2019 would be a first time frame to analyse on the use of “Master Instructed to ...”; recommends that the PSCC53 reconfirm that the target group for the Annual Report is the general public; invites the Committee to agree to the information items to be removed from the Annual Report; to consider and comment on the proposal that the Secretariat prepares sets of information per member State; to agree that a further analysis of “outstanding deficiencies” is no longer in order; to agree on the proposal to advise PSCC53 to add the standard format for the CIC questionnaire to the Instruction on joint policy for CIC’s; to specifically approve that the amended policy on joint CICs.

PSCC53/5.2-INF (Secretariat): informs the Committee of the cases that were submitted to the detention review panel and invites the Committee to consider the report and comment, as appropriate. For 2019, a total of seven detention cases were reviewed by the panel. In two cases, the port State was asked to reconsider its decision to detain. In the five other cases the port State was not asked to reconsider the detention

PSCC53/5.3-INF (Secretariat): informs the Committee of planned visits to non-EU member States by a Paris MoU Peer Review team and invites the Committee to note the document and to encourage non-EU member States to volunteer to participate in a Peer Review.

PSCC53/5.4-INF (EC): summarises the horizontal analysis of the main findings from the 14 visits to EU Member States carried out between 2017 and 2019 by EMSA as part of its programme of inspection of the implementation of the EU Directive on port State control, as amended, on behalf of the European Commission and invites the Committee to note the information provided.

PSCC53/5.5 (Secretariat/EC/EMSA): presents the result of the on-going inquiries into data quality issues regarding the information recorded in THETIS which may affect a correct implementation of the New Inspection Regime deals with data quality and areas where the existing procedures are not being followed; invites the Committee to recommend that validation of inspection reports is done by suitably trained staff and is done with an aim to filter out any input error; to urge member Authorities to inform their national competent Authority for the port call reporting system of issues regarding data quality as mentioned in the annex to this document; to consider removing paragraphs 1.1, 1.3, 2.2, 2.3, 2.4 from the Enhanced monitoring report; to follow up on the recommendation of TEG33 to have TF21 analyse the “other codes”, based on correct use of code and possible creation of new , and to consider the recommendation to include a report on the use of AT codes 47 and 48 in the Enhanced Monitoring.

PSCC53/5.6-INF (Secretariat): presents information on the number of refusals of access issued in 2019 and invites the Committee to take note of the report.

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Agenda item 6 – Effective communication within the Paris MoU

PSCC53/6.1.1 (TF6): contains the report on the work of TF6 undertaken since PSCC52 and addresses the status of electronic certificates as where developments are concerned and invites the Committee to comment the report. Furthermore, it provided information on the work regarding eCertificates, the pilot project on trustfulness, indicating in the system for each flag State which relevant instruments have been ratified, relation of deficiencies to a certificate, phase in and out of the RoPax regime. The Committee is invited to comment, as appropriate, discuss and endorse the issue of reference lists of coding and the proposal to formalise these; support the merging of user accounts and emphasize the need to be conservative with the creation of multiple accounts per user; discuss the status of relevant instruments in THETIS and endorse the position of the TEG33; discuss the linkage of certificates and deficiencies and endorse the position of the Task Force (section 12);, discuss the issue of P-IMO numbers and endorse the amendment of PSCCircular 47 as proposed by TEG33, and review, discuss and note the RoPax related data out of the system.

PSCC53/6.1.2 (EMSA/THETIS): contains the report of the database manager on the system status and an overview of THETIS related activities undertaken since PSCC52 and invites the Committee to note the information provided and comment as deemed appropriate.

PSCC53/6.2.1 (Secretariat): provides an overview of activities of the Coding Steering Board since PSCC52 and invites the Committee to consider and endorse the proposals in relation to RO codes for implementation in THETIS; to consider and endorse the proposals in relation to the deficiency codes for implementation in THETIS; to endorse the actions to be taken forward and request the Secretariat to submit a progress report to PSCC54.

PSCC53/6.2.2 (MAB): presents the developments in relation to the register being withdrawn prior to a PSC inspection where old certificates are presented and invites the Committee to note the information provided and comment, as appropriate; to note the considerations by MAB and comment, as appropriate; to invite Member Authorities to raise the issue in the Legal Committee of the IMO; to request the information system manager to verify whether the possible use of flag code "Register withdrawn" could be made more visible in THETIS; to remove the action from the PSCC Action List until such time that an outcome relevant to the issue is available.

PSCC53/6.2.3 (TEG/United Kingdom): invites the Committee to approve introduction of a new deficiency code in THETIS for SOLAS, Chapter III, Reg 27, titled “Information on Passengers” and advise the Coding Steering Board to introduce a new deficiency code in THETIS considering the deficiency coding matrix.

PSCC53/6.3.1-INF (Secretariat): notes the main developments regarding the Paris MoU website www.parismou.org and invites the Committee to note and comment, as appropriate.

PSCC53/6.3.2-INF (Secretariat): notes the developments regarding the publication of substandard vessels since PSCC33 and invites the Committee to urge all member States to submit “Caught in the Net” reports pictures of interesting detentions to the Secretariat for publication on the website.

- EU relevance

Article 24 of Directive 2009/16/EC provides that the Commission shall develop, maintain and update the inspection database, building upon the expertise and experience of the Paris MoU.

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Agenda item 7 – Training of port State control officers

PSCC53/7.1.1-INF (Secretariat): provides the experiences gained with two webinars held and invites the Committee to take note of developments and to propose potential for webinars in 2020 in 2021.

PSCC53/7.1.2-INF (EC/EMSA): provides an overview of the development of the e-Learning programme since PSCC52 and invites the Committee to take note and advise as deemed appropriate.

PSCC53/7.1.3 (Secretariat/EMSA): the document informs the Committee about future developments in the professional development scheme for PSC Officers (the re-establishment of TF34 having already been agreed by the Committee during the June 2020 written procedure). If endorsed by the Committee, the Paris MoU Policy on the Training of New Entrant PSC Officers and the Professional Development Scheme for PSC Officers (PSC Instruction 52/2019/04P) should be amended accordingly. The Committee is invited to note the information provided and comment, as appropriate; to acknowledge the need to revise the professional development scheme for PSC Officers; to reconfirm the principles forming the basis of the Paris MoU Training Policy; to reconfirm the vital role of the Paris MoU Secretariat, EMSA, National Administrations, supported by subject matter experts, in the new professional development scheme for PSC Officers. It is invited to consider the possibility to amend the Paris MoU Training Policy should the need arise once the new professional development scheme for PSC Officers is delivered; to consider that TF34 should work together with EMSA and the Paris MoU Secretariat to define the learning objectives for the new professional development and training program for PSCOs; to submit proposals for amending the Paris MoU Training policy as and when required; once the new professional development and training program for PSCOs, to identify and provide new training needs to amend the curricula, syllabi and content of the professional development and training program for PSCOs, and to consider to authorize MAB to endorse the learning objectives proposed by TF 34.

PSCC53/7.2 (Secretariat/EC/EMSA): provides an overview of training held by the Secretariat and EMSA and invites the Committee to take note of the information provided on the trainings completed in 2019-2020, consider the proposed training program for 2020-2021 and comment, as appropriate.

PSCC53/7.3.1-INF (EC/EMSA): provides an overview of the development of RuleCheck since PSCC51 and invites the Committee to note the information provided and comment, as appropriate.

- EU relevance

The existence of an adequate training scheme is a matter falling under EU exclusive competence based on Article 22 of Directive 2009/16/EC. The PSCC Instruction on the Paris MoU Policy on the Training of New Entrant PSC Officers and the Professional Development Scheme for PSC Officers is the basis for the harmonised EU scheme for the training and assessment of competences of port State control inspectors provided in Article 22 of Directive 2009/16/EC.

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Agenda item 8 – External relations

8.1 Policy on new membership

PSCC53/8.1.1A (Montenegro): requests the Committee to consider the information provided; to leave the Cooperating Membership of Montenegro in abeyance for the time being, in anticipation of significant progress on the part of Montenegro and to allow Montenegro continued access to THETIS and to trainings, including access to MaKCs, provided in the context of the Paris MoU.

PSCC53/8.1.1B (MAB): request the Committee to consider the information provided, decide on keeping the Cooperating Membership of Montenegro in abeyance for the time being, in anticipation of significant further progress on the part of Montenegro, allow Montenegro continued access to THETIS and to trainings, including access to MaKCs, provided in the context of the Paris MoU, and decide on a new Fact Finding Mission and the possible two-step approach for such a FFM as suggested by MAB, and decide on an appropriate timeframe for that.

PSCC53/8.1.2 (MAB): requests the Committee to note that Albania is continuing to show a dis-improving trend and that it does not meet the required qualitative criteria for co-operating membership of the Paris MoU at this time; to encourage Albania to seek to move from the Black List of the Paris MoU with a view to seeking co-operating membership status at some time in the future; to encourage Albania to ratify the relevant instruments and to address the outstanding items in the SEQ and request a progress report from Albania for next PSCC.

- EU relevance

Membership of the Paris MoU for appropriately qualified EU candidate States should be supported. If individual Member States, rather than the EU, had competence to decide whether or not to accept the accession of a new third State to the Paris MoU, there would be a risk of undermining the uniform and consistent application of Directive 2009/16/EC (see, by analogy, Opinion 1/13, EU:C:2014:2303, paragraphs 88-89).

DELETED

8.2 Inter-regional co-operation and policy

PSCC53/8.2.1^M (International Labour Office): not yet available.

PSCC53/8.2.2 (IMO Secretariat): not yet available.

PSCC53/8.2.3 (MAB/Secretariat): lists the information documents on inspection results to be submitted to III-7; contains a request to share the manual with the IMO; suggests a possible submission to MEPC and informs about a meeting with the SG of IMO; invites the Committee to consider the documents and comment where appropriate; to approve the documents for submissions to III-7; to consider and decide on the request from IMO III CG leader for sharing the PSCO Manual; to note the information on the meeting with the SG of IMO; to decide on a possible submission to MEPC on IMO 2020 and to provide MAB with a mandate to submit a report to MEPC on IMO 2020.

PSCC53/8.2.4-INF (Viña del Mar Agreement Secretariat): not yet available.

PSCC53/8.2.5-INF (Tokyo MoU Secretariat): invites the Committee to take note of information provided and comment, as appropriate.

PSCC53/8.2.6-INF (Caribbean MoU Secretariat): invites the Committee to take note of information provided and comment, as appropriate.

PSCC53/8.2.7-INF (Mediterranean MoU Secretariat): not yet available.

PSCC53/8.2.8A-INF (Indian Ocean MoU Secretariat): invites the Committee to take note of information provided and comment, as appropriate.

PSCC53/8.2.8B (Indian Ocean MoU Secretariat): IOMOU seeks the approval of the Paris MoU Port State Control Committee to have hyperlink of Paris MoU database on the IOCIS and invites the Committee to take note of information provided and consider the proposal.

PSCC53/8.2.9-INF (Abuja MoU Secretariat): invites the Committee to take note of information provided and comment, as appropriate.

PSCC53/8.2.10-INF (Black Sea MoU Secretariat): not yet available.

PSCC53/8.2.11-INF (Riyadh MoU Secretariat): not yet available.

PSCC53/8.2.12-INF (U.S. Coast Guard): not yet available.

DELETED

8.3 Co-operation/exchange of information with other organizations

PSCC53/8.3.1-INF (Secretariat): presents the developments in the EQUASIS Editorial Board, including minutes of the latest meetings for information of PSCC and invites the Committee to note the report on the EQUASIS Editorial Board and to comment, as appropriate.

PSCC53/8.3.2 (MAB): provides a progress report on the review of the requests for data and a way forward for the future and request the Committee to consider the hybrid solution issues and comment, as appropriate; to endorse the PSCC Instructions 53/2020/P - Paris MoU Information Accessibility Policy for Information and Documents and to revoke PSCC Instructions 51/2018/05P Access to Paris MoU information and 46/2016/05P Policy on Data Downloads, effective 1 July 2020; to agree to add an amount of 10,000 euro to the 2020 budget for technical implementation and 1000 euro maintenance fee per year thereafter; to request the Secretariat to implement a Paris MoU dedicated web page, including separate user management and statistical monitoring functionality for publication of the “public” data file; to agree to publish the “public” data file on a weekly basis, containing 3-years of (rolling) PSC inspection data, on the Paris MoU website, effective as soon as technically feasible and agree to automatically renew the data exchange agreements with EQUASIS and IMO by the due date in 2020 / 2021 respectively.

PSCC53/8.3.3 (MAB/Secretariat): proposes further interaction with relevant organizations representing the shipping industry by organizing industry forums and workshops and invites the Committee to note the information provided and comment, as appropriate; to decide on the holding of industry forums and the options provided for that; to decide, if appropriate, on the maximum number of organizations/representatives to be invited for industry forums; to decide on the holding of industry workshops by the Secretariat; to decide, if appropriate, on selection criteria for industry organizations to be invited for industry forums and workshops and decide on the budgetary consequences.

PSCC53/8.3.4 (Secretariat): informs about a request for data from AMSA and invites the Committee to consider the request and comment, as appropriate; to decide on whether to supply Paris MoU data to AMSA, and, if it is decided to supply those data, request the Secretariat to organise such a supply and, if the request is denied, request the Secretariat to inform AMSA of the decision.

- EU relevance

The issue of publication of information is a matter falling under EU exclusive competence based on Article 26 of Directive 2009/16/EC. As provided in Article 26 of Directive 2009/16/EC, the Commission shall make available and maintain on a public website the information on inspections, detentions and refusals of access in accordance with Annex XIII.

DELETED

8.4 3rd Inter-regional Ministerial Conference on Port State Control

PSCC53/8.4.1 (Canada/MAB): presents the follow-up action items emanating from the Third Joint Ministerial Conference on port State control in May 2017, and on-going work since the last Committee meeting held in St. Petersburg, Russian Federation, May 2019 and invites the Committee to consider the progress and comment, to agree on possible proposals regarding actions mentioned including tasking, to confirm and agree on the prioritisation and give MAB a mandate to keep the list under review and present an update to PSCC54.

8.5 Transparency of Information

PSCC53/8.5.1 (MAB/Secretariat): presents the progress on the Enhanced effectiveness programmes; examination of the current regulatory complex and identifying a process aimed at enhancing future additions and amendments to that regulatory complex and invites the Committee to note the information presented, consider and approve the proposal and, if the proposal is approved, task the Secretariat to coordinate the process for submissions to PSCC54 and thereafter.

- EU relevance

Article 15 of Directive 2009/16/EC provides that Member States shall ensure that their inspectors follow the procedures and guidelines specified in Annex VI of the Directive. **DELETED**

Agenda item 9 – Paris MoU internal policy, financial and administrative matters

PSCC53/9.1 (MAB): informs on future requirements due to amendments to the relevant instruments and request the Committee to consider Tables A and B and comment on possible actions required; to take note of Table C and agree that no actions is required, and to agree with the proposed amended deficiency code(s).

PSCC53/9.2A (MAB): presents the Strategic Plan (2018 – 2023) and the Action Plan (2020 – 2021) including KPIs; invites the Committee to note the KPIs, to adopt the Action Plan, and to request MAB to submit an updated Action Plan 2021 – 2022, including KPIs to PSCC54.

PSCC53/9.2A-ADD (MAB): presents a proposal to develop a communication strategy, including a plan to support the activities of the Paris MoU in structured, clear and concise communication and invites the Committee to consider the proposal and comment, as appropriate, and, if agreed, to develop a communication strategy, including a plan, as well as to mandate MAB to further develop this to for submission to PSCC54.

PSCC53/9.2B (MAB): presents the recommendations for a review, in view of effective policy development and practical use, for development of the Paris MoU Strategic Plan 2024 – 2029 and invites the Committee to consider and agree that the current mission (statement) is meeting the definition and is appropriate, but the wording could be enhanced; to endorse the suggested mission (statement); to consider and endorse the trends, developments, challenges and risks identified for the Paris MoU; to consider and agree that the current vision (statement) is not meeting the definition, nor is it appropriate for the Paris MoU organisation; to consider and endorse the recommendations and request MAB to develop the vision, strategic directions and performance indicators, actively involving the member States, for submission to PSCC54.

PSCC53/9.3 (Secretariat): invites the Committee to note and comment, as appropriate, the report demonstrating compliance of the quality management system ISO 9001:2015 used by the Secretariat.

PSCC53/9.5 (Secretariat): presents the budgetary developments for 2020 within the Paris MoU and the long term budget not taking into account any financial implications which may stem from other items on the agenda and invites the Committee to adopt the 2021 Paris MoU budget, authorise the Secretary-General to make, as and when necessary, timely transfers between the separate budget lines to the extent that balances are available to cover or reduce deficits in other budget lines, approve the 2022 Paris MoU budget and approve, in principle, the tentative budget for the year 2023.

PSCC53/9.6 (Secretariat): invites the Committee to consider, with a view to endorse, the places and dates of future meetings in the framework of the Paris MoU on Port State Control.

PSCC53/9.7 (Secretariat): provides the status of the relevant instruments for the Paris MoU on PSC, as at 9 March 2020, and invites the Committee to take note of the information provided in this document and its Annex, and to comment, as appropriate; to urge member States that have not yet done so, to consider, as a matter of priority and in order to enhance the effectiveness of the Paris MoU as a whole, becoming parties to all the instruments that are relevant to the Paris MoU, request the Secretariat to amend the table as a consequence of removing or adding relevant instruments.

PSCC53/9.8-INF (Secretariat): presents the Paris MoU address and financial contact list and invites the Committee to notify the Secretariat of any changes or additions.

PSCC53/9.9 (Secretariat): provides information on the participation by member States and observes in different Paris MoU meeting and training programmes and invites the Committee to note the information provided and comment as appropriate and urge member States, observers and other MoUs to actively contribute to the work of the Paris MoU by their representation and participation in the meetings of the respective bodies of the Paris MoU as well as by participating in training programmes offered by the Paris MoU.

PSCC53/9.10 (MAB): proposes a PSCC Instruction on non-payment and invites the Committee to consider and approve the attached PSCC Instruction on non-payment.

EU relevance

The Paris MoU on port State control deals with matters which are within exclusive EU competence. In relation to Document PSCC53/9.1, the correct development and consistent use of deficiency codes are an essential part of the inspection database provided for by Article 24 of Directive 2009/16/EC. Paris MoU Guidelines and instructions are referred to in Article 15 and Annex VI of the Directive.

DELETED

Agenda item 10 – Election of the Chairman and MAB members

PSCC53/10.1 (Secretariat): invites Candidates wishing to apply for the chairman's or vice-chairman's position to express their interest to the Secretariat by submitting their motivation and curriculum vitae and invites the Committee to elect a new chairman, taking into account its Rules of Procedure, in particular the provisions in Section 5.1 - 5.3, as well as to elect a new vice-chairman, taking into account its Rules of Procedure, in particular the provisions in Section 5.4.

PSCC53/10.2 (Secretariat): invites the member States to consider their candidacy for membership of the MAB and, if appropriate, to submit the name and position of the candidate to the Chairman or Secretariat as soon as possible, preferably prior the opening of the 53rd meeting of the Port State Control Committee, but at the latest during the meeting.

Agenda item 11 – Any other business

PSCC53/11.1 (MAB): proposes member States to investigate the current and future consequences of the COVID-19 pandemic on the work of the Paris MoU. The Committee is invited to note the information provided and to comment as appropriate, to consider the need for an investigation of the effects of the COVID-19 crisis on the work of the Paris MoU to be undertaken, to consider and decide on the establishment of a Task Force to undertake such investigation and propose possible measures, if appropriate, to mitigate the effects, to consider, if decided to establish a Task Force, whether such Task Force would also include training issues or that these training issues will be included in the Terms of References of TF34, if re-established and to consider, if decided to establish a Task Force, how this Task Force would report if no TEG can take place before the next PSCC.

PSCC53/11.2 (Secretariat): reports on the outcome of the written procedure held from 15 – 26 June 2020 following the postponement of PSCC53 and the Committee is invited to note and take into account the written procedure.

- EU relevance

The issue of the correct carrying out of appropriate and adequate port State control inspections is a matter falling under EU exclusive competence based on Article 1 of Directive 2009/16/EC of the European Parliament and of the Council on port State control.

DELETED

Agenda item 12 – Adoption of a press release

Docs: no paper, the press release will only be available on Friday 2 October 2020.
