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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/16/EC on port State control – 4 column document

In view of the Shipping Working Party on 15 January 2024, delegations will find in the annex a non-paper by the Presidency reflecting the outcome of the technical meeting with the European Parliament representatives on 9 January 2024.

In the revised four-column document, cells with green highlight indicate that the EP agreed the Council approach – at these stage these are lines with identical or merely editorial changes (which were marked with A in document 16969/23).

1. INTRODUCTION

1. Technical exchanges between the Council and the European Parliament (EP) started on 9 January with a one-hour introductory discussion on this file. The two institutions also presented the main reasoning behind some of the main changes they each made to the initial Commission proposal. No compromise text proposals were presented or discussed at this stage.

2. MAIN OUTCOMES

2. The Parliament agreed to mark in green the cells with identical wording and many lines with only minor editorial changes done by the Council in the GA (category A in document 16968/23): 1, 2, 3, 4, 5, 6, 7, 8, 9, 30, 31, 32, 33, 36, 37, 37a, 38, 39, 46, 47, 48, 55, 58, 59, 72, 73, 74, 75, 78, 79, 82, 83, 85, 86, 93, 100, 101, 103, 104, 107, 108, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 127, 128, 132, 133, 134, 136, 137, 138, 140-145, 146, 148, 149, 150-163, 165, 165-169, 172-188, 34, 65, 80, 97.
3. The Parliament also agreed to the Council text in lines 10, 11, 12, 14, 18 and 19. On line 14 a, the Presidency suggests to agree with the EP amendment, which introduces a recital to explain the addition of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships 2009 in the list of conventions in Article 2(1); the Council has the same approach on this point – see line 37a.
4. The discussions then focused on four topics:
 - the Cape Town Agreement (lines 13a, 15, 16) – the Parliament is convinced of the importance of this agreement and considers it is appropriate that Member States are encouraged to ratify it as soon as possible. This is raising concerns for Member States, who consider that this is unnecessary and potentially raising sovereignty issues. For this reason the Presidency is proposing a compromise proposal in line 16, where a new sentence could be added at the end of the CONS GA text, based on the first sentence added by the EP in Amendment 8, with a factual reference to the important role of the convention to enhance fishing vessel safety. In addition, the EP proposed additions in lines 13a and 15 would not be included.

- the CII (lines 21, 21a, 139) – both the Presidency and the EP representatives presented the respective institutional positions. The European Parliament insists on a stronger wording in respect to the CII, empowering the Commission to adopt a delegated act to include it as an environmental parameter in the calculation of the SRP, once the revision of the CII at IMO level is concluded (line 139). It is the understanding of the Presidency that such an approach is not acceptable to the Council.

As this is one of the central points of the EP position, the Presidency would however like to hear delegations' views on the possible inclusion of an additional sentence in recital 12 (line 21), to indicate that, once the CII is revised at IMO level, the COM would be allowed to assess if it is relevant for the objectives of this Directive and potentially make a legislative proposal in this respect.

- force majeure (line 29a) – The European Parliament could be able to accept the CONS approach on this topic but raised questions on the necessity to include in the indicative list the issue of 'labour conflicts', considering that the term is too broad; the EP would also like to avoid any interpretation that could lead to any restriction on the right to strike.
- inspections (lines 19a, 29a, 45, 51d, 56, 57, 57a, 60, 60a, 60b, 60c, 60d, 60e, 60f, 60g, 64) – at the request of the EP, the Presidency explained in more detail the Council approach on the inspections; discussions will continue during the following meetings, but no major concerns were registered so far from the EP.
- the definition of fishing vessel length – the Presidency explained the reasoning behind the Council changes on this point.

3. CONCLUSION AND WAY FORWARD

5. To move forward in the negotiations, the Presidency believes that the pace of the discussions must be increased, and more issues need to be discussed at every technical meeting.
6. Following the initial discussions of the Shipping Working Party on 8 January and an examination of the written comments received following that meeting, the Presidency identified a few topics where some compromises could be explored. The Presidency would like to invite delegations to indicate whether they can provide flexibility as regards the following points:

- a) lines 21, 21a, 139a, annex II: could delegations agree with a new recital, calling on the Commission to analyse the reviewed CII when agreed upon within IMO and evaluate its suitability for inclusion in the SRP? Any future inclusion would then require a new legislative proposal by the Commission, but the CII would still be clearly mentioned in the text.

Additionally, could delegations agree to reinforce the environmental parameters in the SRP from the *general approach* as a potential compromise for the exclusion of the CII?

- b) lines 22, 109, 110, 111, 112, 171: could delegations agree with the inclusion of electronic certificates, provided that the text would give sufficient time for implementation by Member States and e-certificates would not be included as a parameter in the SRP? As this is a transversal issue for both the Port State Directive and the Flag State Directive, the FSD would be similarly adapted.

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending
Directive 2009/16/EC on port State control (Text with EEA relevance)
2023/0165(COD)**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0165 (COD)	2023/0165 (COD)	2023/0165 (COD)	<i>A - identical</i>
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/16/EC on port State control (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/16/EC on port State control (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/16/EC on port State control (Text with EEA relevance)	<i>A - identical</i>
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	<i>A - identical</i>
Citation 1				
4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	<i>A - identical A - identical</i>
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	<i>A - identical</i>
Citation 3				
6	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	<i>A - identical</i>
Citation 4				
7	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	<i>Declined to give an opinion – standard wording to be included.</i>
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	<i>A - identical</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
9	Whereas:	Whereas:	Whereas:	A - identical
Recital 1				
AM 1				
10	(1) Directive 2009/16/EC of the European Parliament and of the Council¹ sets out rules on the system for port State control inspections, whereby eligible ships calling in Union ports are inspected to verify if 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. ¹ OJ L 131, 28.5.2009, p. 57	(1) Directive 2009/16/EC of the European Parliament and of the Council¹ sets out rules on the system for port State control inspections, whereby eligible ships calling in Union ports are inspected to verify if the competency <u>and the working and living conditions</u> 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 <u>on board</u>, on the protection of marine environment. ¹ OJ L 131, 28.5.2009, p. 57	(1) Directive 2009/16/EC of the European Parliament and of the Council¹ sets out rules on the system for port State control inspections, whereby eligible ships calling in^{at} Union ports are inspected to verify if 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 and on living and working conditions on ships of all flags. ¹ OJ L 131, 28.5.2009, p. 57.	B Ok CONS text
Recital 2				
11	(2) Directive 2009/16/EC is based on the pre-existing voluntary intergovernmental structure of the Paris Memorandum of	(2) Directive 2009/16/EC is based on the pre-existing voluntary intergovernmental structure of the Paris Memorandum of	(2) Directive 2009/16/EC is based on the pre-existing voluntary intergovernmental structure^{agreement} of the Paris	A Ok CONS text

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Understanding on port State control (Paris MOU) and the notions of a shared inspection burden, risk-based targeting of ships for inspections, harmonised inspections and the sharing of inspection results.	Understanding on port State control (Paris MOU) and the notions of a shared inspection burden, risk-based targeting of ships for inspections, harmonised inspections and the sharing of inspection results.	Memorandum of Understanding on port State control (Paris MOU) and the notions of a shared inspection burden, risk-based targeting of ships for inspections, harmonised inspections and the sharing of inspection results.	
Recital 3				
12	(3) Since the Directive 2009/16/EC entered into force, there have been changes in the international regulatory environment (in particular in the Paris MOU and the International Maritime Organisation) and technological developments. Those changes as well as the experience gained from implementation of Directive 2009/16/EC should be taken into account.	(3) Since the Directive 2009/16/EC entered into force, there have been changes in the international regulatory environment (in particular in the Paris MOU and the International Maritime Organisation) and technological developments. Those changes as well as the experience gained from implementation of Directive 2009/16/EC should be taken into account.	(3) Since the Directive 2009/16/EC entered into force, there have been changes in the international regulatory environment (in particular in the Paris MOU and the International Maritime Organisation) and technological developments. Those changes as well as the experience gained from implementation of Directive 2009/16/EC should be taken into account.	A - identical
Recital 4				
13	(4) A number of international conventions have entered into force and been ratified by the Member States since 2011. These are the International Convention for the Control and Management of Ships' Ballast Water and Sediments	(4) A number of international conventions have entered into force and been ratified by the Member States since 2011. These are the International Convention for the Control and Management of Ships' Ballast Water and Sediments	(4) A number of international conventions have entered into force and been ratified by the Member States since 2011. These are the International Convention for the Control and Management of Ships' Ballast Water and Sediments	A Ok CONS text

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(BWM Convention) and the Nairobi International Convention on the Removal of Wrecks (Nairobi Convention). Therefore, they should be included in the list of the Conventions covered by Directive 2009/16/EC, to allow them to be enforced as a part the port State control system.	(BWM Convention) and the Nairobi International Convention on the Removal of Wrecks (Nairobi Convention). Therefore, they should be included in the list of the Conventions covered by Directive 2009/16/EC, to allow them to be enforced as a part the port State control system.	(BWM Convention) and the Nairobi International Convention on the Removal of Wrecks (Nairobi Convention). Therefore, they should be included in the list of the Conventions covered by Directive 2009/16/EC, to allow them to be enforced as a part of the port State control system.	
Recital 4a				
AM 2				
13a		<u><i>(4a) In view of the commitment of Member States to ratifying the 2012 Cape Town Agreement, Member States that have not yet ratified that agreement should initiate the ratification process as soon as possible. Furthermore, those Member States that have already ratified that agreement should implement it immediately.</i></u>		C
Recital 5				
14	(5) To allow for an up to date and harmonised system of port State control it is necessary to have a swifter way to update the list of	(5) To allow for an up to date and harmonised system of port State control it is necessary to have a swifter way to update the list of	(5) To allow for an up-to-date up-to-date and harmonised system of port State control, it is necessary to have a swifter way to update the	A Ok CONS text

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	international conventions enforced by port State control without a need for amending the whole Directive. Therefore once an international Convention has entered into force – meaning that it has reached an agreed level of ratification - and following its adoption by the Members of the Paris MoU as a relevant instrument the list of Conventions in the Directive should be updated by the Commission.	international conventions enforced by port State control without a need for amending the whole Directive. Therefore once an international Convention has entered into force – meaning that it has reached an agreed level of ratification - and following its adoption by the Members of the Paris MoU as a relevant instrument the list of Conventions in the Directive should be updated by the Commission.	list of international conventions enforced by port State control without a need for amending to amend the whole Directive. Therefore, once an international Convention has entered into force – meaning that it has reached an agreed level of ratification — and following its adoption by the Members of the Paris MoU as a relevant instrument, the list of Conventions in the Directive should be updated by the Commission.	
Recital 5a				
AM 3				
14a		<u><i>(5a) The Hong Kong International Convention for the safe and environmentally sound recycling of ships will enter into force as of 26 June 2025. The present directive should provide for its enforcement.</i></u>		B Presidency suggestion : Accept EP proposal – see line 37a
Recital 5b				
AM 4				
14b		<u><i>(5b) In order to create a level playing field throughout the</i></u>		C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>Union, it is preferable to first transpose the fisheries conventions in the community aquis with a view of creating a harmonised community control system. However, there are already Member States which have ratified international conventions such as the ILO C188 and the STCW-F, who have the responsibility of applying the Port State Control measures.</i></u>		
Recital 5c				
AM 5				
14c		<u><i>(5c) It is of high importance that Member States that have not ratified international conventions relating to fisheries, especially ILO C188 and IMO STCWF and IMO CTA, do so as soon as possible, in order to avoid the risk that Member States will apply the rules differently. The Commission should actively encourage and assist Member States to ratify relevant international conventions. In order to ensure harmonised approaches in the implementation of these international obligations these</i></u>		C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>should be transposed on Union level with a view to then establish a harmonised approach to control these obligations, including harmonised inspections systems on the control and enforcement of the provisions of the Convention C188.</u>		
Recital 5d				
AM 6				
14d		<u>(5d) The Commission should further assess and follow up on the ratification of the international agreements containing obligations relating to fishing activities and where appropriate present a legislative proposal for a harmonised transposition of these international obligations into Union law, particularly regarding the IMO STCW-F Convention on a harmonized inspection system on the control and application of the provisions of Convention C188 as well as implementing measures in relation to Directive (EU) 2017/159.</u>		C
Recital 6				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
AM 7				
15	(6) Due to their small size, most fishing vessels in the EU operate in territorial waters, and are not susceptible to being inspected in foreign ports. This means that in general, only larger fishing vessels above 24 meters in length (which are also the fishing vessels which are most subject to international conventions) are likely to engage in international waters and call at ports different than those in the country where they are registered and therefore be subject to PSC. As the majority of the international conventions applicable to larger fishing vessels are different to those which are currently enforced through port State control and to avoid undesirable spill over effects onto the current port state control system a parallel system of port state control for fishing vessels is being proposed.	(6) Due to their small size, most fishing vessels in the EU operate in territorial waters, and are not susceptible to being inspected in foreign ports. This means that in general, only larger fishing vessels above 24 meters in length (which are also the fishing vessels which are most subject to international conventions) are likely to engage in international waters and call at ports different than those in the country where they are registered and therefore be subject to PSC port State control. As the majority of the international conventions applicable to larger fishing vessels are different to those which are currently enforced through port State control and to avoid undesirable spill over effects onto the current port state control system a parallel system of port state control for fishing vessels is being proposed. <u>Nevertheless, the inspection criteria for fishing vessels should be aligned as far as possible with the Cape Town Agreement inspection criteria, since all Member States have committed themselves to ratifying</u>	(6) Due to their small size, most fishing vessels in the EU operate in territorial waters, and are not susceptible to being inspected in foreign ports. This means that in general, only larger fishing vessels above of 24 meters in length and above, considering length as defined in the Cape Town Agreement of 2012 (which are also the fishing vessels which are most subject to international conventions) are likely to engage in international waters and call at ports different other than those in the country where they are registered and therefore to be subject to PSC. As the majority of the international conventions applicable to larger fishing vessels are different to those which that are currently enforced through port State control and to avoid undesirable spill over spill-over effects onto the current port State control system, a parallel system of port State control for fishing vessels is being proposed.	C

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		<u>it in order to avoid the fragmentation of practices across the Union ports. This will facilitate the collecting of more complete data including on accidents and injuries aboard such vessels and the improving of the health and safety of the seafarers and fishermen working on them.</u>		
Recital 7				
AM 8				
16	(7) However, due to the patterns of fishing not all EU Member States are visited by these larger fishing vessels. Therefore, a voluntary system for those EU Member States that wish to carry out these inspections and which is separate from the current port state control regime is being proposed to allow for flexibility and the way that standards are developed in port State control. This system of port State control of fishing vessel of over 24 metres in length can therefore be developed organically by Member States, the Paris MoU and the Commission.	(7) However, due to the patterns of fishing not all EU Member States are visited by these larger fishing vessels. Therefore, a voluntary system for those EU Member States that wish to carry out these inspections and which is separate from the current port state control regime is being proposed to allow for flexibility and the way that standards are developed in port State control. This system of port State control of fishing vessel of over 24 metres in length can therefore be developed organically by Member States, the Paris MoU and the Commission. <u>This voluntary system should be</u>	(7) However, due to the patterns of fishing not all EU Member States are visited by these larger fishing vessels. Therefore, a voluntary system for those EU Member States that wish to carry out these inspections and which is parallel and separate from the current port State control regime is being proposed to allow for flexibility and the way that standards are developed in port State control. This system of port State control of fishing vessel of over 24 metres in length and above can therefore be developed organically by Member States, the Paris MoU and the Commission without	C Presidency suggestion : - reject the EP additions in lines 13a and 15 and - include a new sentence <i>at the end of the CONS GA text</i>, based on the first sentence added by the EP, with a factual reference to the important role of the convention to enhance fishing vessel safety, as follows: “This voluntary system should be promoted as it will could help Member States and larger fishing

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		<u><i>promoted as it will help Member States and larger fishing vessels prepare for the entry into force of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the ‘Cape Town Agreement’) to enhance fishing vessel safety. As early as possible after the entry into force of that agreement, the Commission should align existing Union legal acts accordingly, and in particular Council Directive 97/70/EC¹. The mandatory port State control enforcement regime to be introduced in the Union after the entry into force of the Cape Town Agreement should take account of existing voluntary systems for the port State control of fishing vessels referred to in this Directive.</i></u> <u><i>1. Council Directive 97/70/EC of 11 December 1997 setting up a harmonized safety regime for fishing vessels of 24 meters in length and over (OJ L 34, 9.2.1998, p. 1, ELI: http://data.europa.eu/eli/dir/1997/70/oj).</i></u>	incorporating them into the current Paris MoU agreement. A separate module for the existing inspection database should be developed to this end.	vessels prepare for the entry into force of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the ‘Cape Town Agreement’) and therefore have an important role to enhance fishing vessel safety.”
Recital 8				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
17	(8) The fair share mechanism provides a distribution of the inspection burden among the Member States of the Paris MOU. Each Member State is allocated a certain number of inspections – its inspection commitment or 'fair share' - to be carried out each year. Eligibility for inspection is primarily determined by the length of time which has passed since the last inspection. Priority II ships may be inspected while Priority I vessels shall be inspected.	(8) The fair share mechanism provides a distribution of the inspection burden among the Member States of the Paris MOU. Each Member State is allocated a certain number of inspections – its inspection commitment or 'fair share' - to be carried out each year. Eligibility for inspection is primarily determined by the length of time which has passed since the last inspection. Priority II ships may be inspected while Priority I vessels shall be inspected.	(8) The fair share mechanism provides a distribution of the inspection burden among the Member States of the Paris MOU. Each Member State is allocated a certain number of inspections – its inspection commitment or 'fair share' - to be carried out each year. Eligibility for inspection is primarily determined by the length of time ship risk profile (SRP) which has passed since the last inspection establishes the intervals between inspections and their scope . Priority II ships may be inspected while Priority I vessels shall must be inspected.	B
Recital 9				
18	(9) Member States are permitted to miss a certain number of “Priority” inspections and still comply with their inspection commitment. However, for some Member States the number of ship calls that actually occur during a given year can either exceed or be less than the allocated inspection commitment. An alternative method of compliance to the fair share obligation for these (over-	(9) Member States are permitted to miss a certain number of “Priority” inspections and still comply with their inspection commitment. However, for some Member States the number of ship calls that actually occur during a given year can either exceed or be less than the allocated inspection commitment. An alternative method of compliance to the fair share obligation for these (over-	(9) Member States are permitted not to carry out to miss a certain number of “Priority” inspections and still comply with their inspection commitment. However, for some Member States the number of ship calls that actually occur during a given year can either exceed or be less than the allocated inspection commitment. An alternative method of compliance to the fair share	A Ok CONS text

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	burdened or under-burdened) Member States was found to be inflexible, therefore it is necessary to align the provisions concerned with the revised Paris MOU provisions.	burdened or under-burdened) Member States was found to be inflexible, therefore it is necessary to align the provisions concerned with the revised Paris MOU provisions.	obligation for these (over-burdened or under-burdened) Member States was found to be inflexible, therefore it is necessary to align the provisions concerned with the revised Paris MOU provisions.	
Recital 10				
19	(10) Member States are also allowed to postpone inspections of ships under certain circumstances, provided that the vessel is inspected in the next port of call or within 15 days and this possibility is modified so that it can be availed of by all Member States. Certain categories of vessels which are perceived to present a higher risk and which are therefore eligible for an expanded inspection are required to notify their estimated time of arrival to a port 72 hours in advance of their arrival. However after a number of years, it was concluded that this obligation was too burdensome on operators and added no value as the national authorities already have the information required more easily available in the THETIS database. On this basis the Paris MOU abolished this pre-arrival	(10) Member States are also allowed to postpone inspections of ships under certain circumstances, provided that the vessel is inspected in the next port of call or within 15 days and this possibility is modified so that it can be availed of by all Member States. Certain categories of vessels which are perceived to present a higher risk and which are therefore eligible for an expanded inspection are required to notify their estimated time of arrival to a port 72 hours in advance of their arrival. However after a number of years, it was concluded that this obligation was too burdensome on operators and added no value as the national authorities already have the information required more easily available in the THETIS database. On this basis the Paris MOU abolished this pre-arrival	(10) Member States are also allowed to postpone inspections of ships under certain circumstances, provided that the vessel is inspected in the next port of call or within 15 days and this possibility is modified so that it can be availed of by all Member States. Certain categories of vessels which are perceived to present a higher risk and which are therefore eligible for an expanded inspection are required to notify their estimated time of arrival to a port 72 hours in advance of their arrival. However after a number of years, it was concluded that this obligation was too burdensome on operators and added no value as the national authorities already have the information required more easily available in the THETIS database. On this basis the Paris MOU abolished this pre-arrival	A Ok CONS text

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notification obligation therefore Directive 2009/16/EC should be aligned accordingly.	notification obligation therefore Directive 2009/16/EC should be aligned accordingly.	notification obligation and therefore Directive 2009/16/EC should be aligned accordingly.	
Recital 10a				
19a			(10a) In normal circumstances inspections of Priority II ships are not mandatory although Priority II ships may be inspected. However, for Member States which will not receive enough ship calls eligible for inspections to fulfil their annual commitment, these Priority II ships have to be inspected to reach their annual inspection commitment. Since these inspections become, de facto, mandatory for those states, more flexibility for inspections of priority II ships may be needed, specifically for these states. Therefore, postponement and justification is made available for previously mentioned states. Member States and the Commission should make their best efforts, in the framework of the Paris Memorandum of Understanding, to propose the necessary measures and amendments to clarify and fulfil	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			this objective, without prejudice to taking the technical measures to adjust the existing inspection database with regard to postponement.	
Recital 11				
AM 9				
20	(11) Over the last decade and despite increases in the number of vessels calling to EU ports including the short sea shipping transport of goods between main ports in the EU Member States and ports situated in geographical Europe or in non-European countries on the Mediterranean and the Black Sea, the safety profile of vessels calling to EU ports has improved considerably. Port State control inspections are being increasingly used to enforce environmental legislation such as in relation to sulphur emissions or the safe and environmental scrapping of ships. The “Fit for 55 package” aims to reduce the EU’s total green-house gas emissions by 55% by 2030, paving the way to climate neutrality by 2050 and maritime transport is expected to	(11) Over the last decade and despite increases in the number of vessels calling to EU ports including the short sea shipping transport of goods between main ports in the EU Member States and ports situated in geographical Europe or in non-European countries on the Mediterranean and the Black Sea, the safety profile of vessels calling to EU ports has improved considerably. Port State control inspections are being increasingly used to enforce environmental legislation such as in relation to sulphur emissions or the safe and environmental scrapping of ships. <u>In line with its commitments under the Paris Agreement¹, adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change, the Union</u>	(11) Over the last decade and despite increases in the number of vessels calling to EU ports including the short sea shipping transport of goods between main ports in the EU Member States and ports situated in geographical Europe or in non-European countries on the Mediterranean and the Black Sea, the safety profile of vessels calling to EU ports has improved considerably. Port State control inspections are being increasingly used to enforce environmental legislation such as in relation to sulphur emissions or the safe and environmental scrapping of ships. The “Fit for 55 package” aims to reduce the EU’s total green-house gas emissions by 55% by 2030, paving the way to climate neutrality by 2050 and maritime transport is expected to	C

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	contribute to this effort. However, the ship risk profile devised prior to 2009 had different priorities and is not fully adapted to focus the inspection effort on the least environmentally performing vessels.	<u><i>should continue to exert its leadership in a sector that is regulated both at European and international level and is still highly dependent on fossil fuels.</i></u> The “Fit for 55 package” aims to reduce the EU’s total green-house gas emissions by 55% by 2030, paving the way to climate neutrality by 2050 and maritime transport is expected to contribute to this effort. However, the ship risk profile devised prior to 2009 had different priorities and is not fully adapted to focus the inspection effort on the least environmentally performing vessels. <u><i>1. 1a OJ L 282, 19.10.2016, p. 4.</i></u>	contribute to this effort. However, the ship risk profile devised prior to 2009 had different priorities and is not fully adapted to focus the inspection effort on the least environmentally performing vessels.	
Recital 12				
AM 10				
21	(12) On this basis, the ship risk profile should be updated to reflect environmental issues by attaching more importance to the environmental performance, including the operational carbon intensity of the ships being inspected as well as to environmental related deficiencies	(12) On this basis, the ship risk profile should be updated to reflect environmental issues by attaching more importance to the environmental performance, including the operational carbon intensity of the ships being inspected as well as to environmental related deficiencies	(12) On this basis, the ship risk profile should be updated to reflect environmental issues by attaching more importance to the environmental performance, including the operational carbon intensity of the ships being inspected as well as to environmental related deficiencies	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and detentions.	and detentions. <u><i>Port State control can play an important role in ensuring that ‘Fit for 55’ measures that apply to the maritime sector are effective through the imposition of more numerous inspections on polluting ships. While safeguarding the competitiveness of the sector this will help promote the use of on-shore power supply or any other energy saving technology which reduces greenhouse gas emissions and air pollutants in ports. This, along with the support to port industries, small and medium enterprises and start-ups specialised in circular economy and investment in renewable, low and zero emission alternatives, will contribute to the achievement of the Union’s climate neutrality goals.</i></u>	and detentions.	
Recital 12a				
AM 11				
21a		<u><i>(12a) As soon as the IMO has concluded the revision of its carbon intensity indicator (CII), the Commission should adopt a delegated act in order to amend</i></u>		C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>this Directive by including the carbon intensity indicator adopted by the IMO among the environmental parameters used for the determination of a ship risk profile of a ship under this Directive.</i></u>		
Recital 12b				
21b			(12a) A new methodology was adopted by the Paris MOU in 2019, establishing high, standard and low performance lists, as an alternative to the white, grey and black list of flag States. Special care should be paid to the Implementing Regulation referred to in Article 10 on Ship risk profile which establishes the categorisation of Flag States. This methodology should be implemented in this directive in order to ensure its fairness, in particular with respect to the way it treats flag States with small fleets.	C
Recital 12c				
21c			(12b) Since Port state control officers need time to prepare and	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			carry out inspections, it is important to ensure that sufficient time is available. This is particularly relevant in the case of expanded inspections and also for inspections of ro-ro passenger ships in regular service where the operation of the vessel may be considered.	
Recital 13				
AM 12				
22	(13) Digitalisation is an essential aspect of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources. The number of ships currently carrying electronic certificates is on the rise and expected to increase. Therefore the effectiveness of port State control should be enhanced by making more use of electronic certificates to allow for more ship focussed better prepared inspections. The uptake and use of these electronic certificates should be incentivised by their inclusion in the ship risk profile.	(13) Digitalisation is an essential aspect of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources. The number of ships currently carrying electronic certificates is on the rise and expected to increase. Therefore the effectiveness of port State control should be enhanced by making more use of electronic certificates to allow for more ship focussed better prepared inspections. The uptake and use of these electronic certificates should be incentivised by their inclusion in the ship risk profile. <u>It is important for the</u>	(13) Digitalisation is an essential aspect of technological progress in the area of data collection and communication, with a view to helping to bring down costs and making efficient use of human resources. The number of ships currently carrying electronic certificates is on the rise and is expected to increase. Therefore, the effectiveness of port State control should be enhanced by making more greater use of electronic certificates, to allow for more ship focussed ship-focussed and better prepared inspections. The uptake and use of these electronic certificates should be incentivised by their inclusion in the ship risk	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Union to support the research and innovation, as well as the upskilling and reskilling of seafarers in order to optimise the benefits that digitalisation and automation can bring to the maritime sector, in particular in terms of reducing emissions.</u>	profile.	
Recital 14				
AM 13				
23	(14) Port State control has been increasing in complexity as new inspection requirements are added, either by EU law or via the International Maritime Organization. There is therefore a need to ensure the upskilling and reskilling of the port State control officers and continuously develop their training.	(14) Port State control has been increasing in complexity as new inspection requirements are added, either by EU law or via the International Maritime Organization <u>and the International Labour Organization</u> . There is therefore a need to ensure the upskilling and reskilling of the port State control officers and continuously develop their training. <u>More specifically, more emphasis should be placed on training concerning respect for seafarers' welfare, in particular regarding the verification of the work and rest hour records, since insufficient rest affects the safety of the ship and the work performance, and regarding the</u>	(14) Port State control has been increasing in complexity as new inspection requirements are added, either by EU law or via the International Maritime Organization. There is therefore a need to ensure the upskilling and reskilling of the port State control officers and continuously develop their training.	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>occupational health of seafarers. The competent authorities of the port State should also implement their responsibilities effectively under the ILO Work in Fishing Convention, 2007 (No. 188). It is important to take into account the on-board working and living conditions of the crew and the training and qualifications of its members, given that health, safety, security and social considerations are closely interlinked and that it is of utmost importance to prevent any damage caused by human factors. In particular, when considering detention of a ship based on serious or repeated breach of MLC 2006 requirements (including seafarers' rights) the competent authorities should take also take into account minimum wages, working hours and rest periods.</u>		
Recital 15				
AM 14				
24	(15) Union Flag State administrations in line with Directive 2009/21/EC of the	(15) Union Flag State administrations in line with Directive 2009/21/EC of the	(15) Union Flag State administrations in line with Directive 2009/21/EC of the	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council¹ are required to have a quality management system in order to help Member States to further improve their performance as flag States and to ensure a level playing field between administrations. A similar requirement for the port state control activities should allow Member States to certify that their organisation, its policies, processes, resources and documentation are appropriate to achieve its objectives as well as identify system problems such as resource or personnel allocation issues before these become problematic. 1. Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).	European Parliament and of the Council¹ are required to have a quality management system in order to help Member States to further improve their performance as flag States and to ensure a level playing field between administrations. A similar requirement for the port state control activities should allow Member States to certify that their organisation, its policies, processes, resources and documentation are appropriate to achieve its objectives as well as identify system problems such as resource or personnel allocation issues before these become problematic. <u><i>The competent authorities of the port States should verify compliance with applicable international conventions on maritime safety and security, on protection of the marine environment and on living and working conditions on-board, in respect of the ships calling at their ports. In conducting such monitoring activities, the port State should not interfere with the competences of a flag State, as set out by international conventions such as Article 94 of UNCLOS</i></u>	European Parliament and of the Council¹ are required to have a quality management system in order to help Member States to further improve their performance as flag States and to ensure a level playing field between administrations. A similar requirement for the port state control activities should allow Member States to certify that their organisation, its policies, processes, resources and documentation are appropriate to achieve its objectives as well as identify system problems such as resource or personnel allocation issues before these become problematic. (deleted) 1. Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and Union legal acts such as Directive 2013/54/EU of the European Parliament and of the Council^{1a}.</u> 1. Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132). <u>1a. Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006.</u>		
Recital 15a				
AM 15				
24a		<u>(15a) Member States must apply the same criteria to national fleets and other European flags calling their ports. No differences should occur in the treatment of Union fishing vessels and between the different national control systems implemented.</u>		C
Recital 16				
25	(16) In order to allow for an up-to date application of the provisions	(16) In order to allow for an up-to date application of the provisions	(16) In order to allow for an up-to date up-to-date application of the	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of this Directive to allow Member States to fulfil their obligations under international law in compliance with the Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating the Conventions within the scope of Directive 2009/16/EC and amending the list of procedures and guidelines relating to port State control adopted by the Paris MOU. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation	of this Directive to allow Member States to fulfil their obligations under international law in compliance with the Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating the Conventions within the scope of Directive 2009/16/EC and amending the list of procedures and guidelines relating to port State control adopted by the Paris MOU. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation	provisions of this Directive to allow Member States to fulfil their obligations under international law in compliance with the Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect ofwith regard to updating the Conventions within the scope of Directive 2009/16/EC and amending the list of procedures and guidelines relating to port State control adopted by the Paris MOUMoU. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	
Recital 17				
26	(17) In order to ensure uniform conditions for the implementation of the provisions of Directive 2009/16/EC concerning the list of Conventions under its scope, the voluntary port state control regime for fishing vessels above 24 meters length overall, the conditions for the application of Annex VII on expanded inspection, the uniform set of safety and security guidelines and procedures, as well as the requirements for electronic certificates, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of	(17) In order to ensure uniform conditions for the implementation of the provisions of Directive 2009/16/EC concerning the list of Conventions under its scope, the voluntary port state control regime for fishing vessels above 24 meters length overall, the conditions for the application of Annex VII on expanded inspection, the uniform set of safety and security guidelines and procedures, as well as the requirements for electronic certificates, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of	(17) In order to ensure uniform conditions for the implementation of the provisions of Directive 2009/16/EC concerning the list of Conventions underwithin its scope, the voluntary port state control regime for fishing vessels above 24 meters length overall, the conditions for the application of Annex VII on expanded inspection, the uniform set of safety and security guidelines and procedures, as well as and the requirements for electronic certificates, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing powers (OJ L 55, 28.2.2011, p. 13).	implementing powers (OJ L 55, 28.2.2011, p. 13).	implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 18				
27	(18) In order to improve the quality of port state control inspections in marine areas close to the EU all eligible Member States are encouraged to join the Mediterranean MoU on port State control (Med MOU).	(18) In order to improve the quality of port state control inspections in marine areas close to the EU all eligible Member States are encouraged to join the Mediterranean MoU on port State control (Med MOU).	(18) In order to improve the quality of port state control inspections in marine areas close to the EU all eligible Member States are encouraged to join the Mediterranean MoU on port State control (Med MOU). deleted	C
Recital 19				
AM 16				
28	(19) In view of the full monitoring cycle of visits to Member States by the European Maritime Safety Agency (EMSA) to monitor the implementation of Directive 2009/16/EC, the Commission should evaluate the implementation of Directive 2009/16/EC no later than [ten years after its date of application referred to in Article XX)] and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all information necessary for this evaluation.	(19) In view of the full monitoring cycle of visits to Member States by the European Maritime Safety Agency (EMSA) to monitor the implementation of Directive 2009/16/EC, the Commission should evaluate the implementation of Directive 2009/16/EC no later than [ten 5 years after its date of application referred to in Article XX)] and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all information necessary for this evaluation.	(19) In view of the full monitoring cycle of visits to Member States by the European Maritime Safety Agency (EMSA) to monitor the implementation of Directive 2009/16/EC, the Commission should evaluate the implementation of Directive 2009/16/EC no later than [ten years after its date of application referred to in Article XX)] and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all information necessary for this evaluation.	C

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Recital 20				
29	(20) Since the objectives of this Directive, cannot be sufficiently achieved by the Member States because of the international nature of maritime transport but can rather, by reason of the network effects of member States acting together, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(20) Since the objectives of this Directive, cannot be sufficiently achieved by the Member States because of the international nature of maritime transport but can rather, by reason of the network effects of member States acting together, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(20) Since the objectives of this Directive, cannot be sufficiently achieved by the Member States because of the international nature of maritime transport but can rather, by reason of the network effects of Member States acting together, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	A - identical
Recital 20a				
29a			(20a) If an inspection is not performed due to extraordinary and unforeseen circumstances, such as natural disasters, pandemics or public health emergencies, terrorist attacks, labour conflicts, it should not be counted as a missed inspection.	C Presidency suggestion : (20a) If an inspection is not performed due to extraordinary and unforeseen circumstances, such as natural disasters, pandemics or public health emergencies, terrorist attacks, labour conflicts , it should

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			These circumstances should be duly justified and reported to the Commission.	not be counted as a missed inspection. These circumstances should be duly justified and reported to the Commission.
Recital 20b				
29b			(20b) In order not to impose a disproportionate administrative burden on landlocked Member States, a <i>de minimis</i> rule should allow such Member States to derogate from the provisions of this Directive, which means that such Member States, as long as they meet certain criteria, are not obliged to transpose this Directive.	C
Recital 21				
30	(21) Directive 2009/16/EC should therefore be amended accordingly,	(21) Directive 2009/16/EC should therefore be amended accordingly,	(21) Directive 2009/16/EC should therefore be amended accordingly,	A - identical
Formula				
31	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	A - identical
Article 1				

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32	Article 1 Amendments to Directive 2009/16/EC	Article 1 Amendments to Directive 2009/16/EC	Article 1 Amendments to Directive 2009/16/EC	A - identical
Article 1, first paragraph				
33	Directive 2009/16/EC is amended as follows:	Directive 2009/16/EC is amended as follows:	Directive 2009/16/EC is amended as follows:	A - identical
Article 1, first paragraph, point (1)				
34	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	A - identical
Article 1, first paragraph, point (1)(a)				
AM 17				
35	(a) in point 1 the following points (i) and (m) are added:	(a) in point 1 the following points (i) and (m) <u>(l), (m) and (ma)</u> are added:	(a) in point 1, the following points (i) and (m) are added:	B
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (l)				
36	(l) International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention);	(l) International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention);	(l) the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention);	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (m)				
37	(m) Nairobi International Convention on the Removal of Wrecks (Nairobi Convention).	(m) Nairobi International Convention on the Removal of Wrecks (Nairobi Convention).	(m) the Nairobi International Convention on the Removal of Wrecks (Nairobi Convention);	A
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (mb)				
AM 18				
37a		<u>(ma) The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (“The Hong Kong Convention”).</u>	(n) the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships 2009 (Hong Kong Convention).;	B
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (Ma)				
37b			(aa) in point 1, point (c) is replaced by the following:	A
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (mc)				
37c			(c) the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (Marpol 73/78);’;	A
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (MCI)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
37d			(ab) in point 1, point (d) is replaced by the following:	A
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (MCII)				
37e			(d) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;’,	A
Article 1, first paragraph, point (1)(b)				
38	(b) point 3 is deleted.	(b) point 3 is deleted.	(b) point 3 is deleted-;	A - identical
Article 1, first paragraph, point (1)(ba)				
38a			(bb) point 8 is replaced by the following:	C
Article 1, first paragraph, point (1)(bb)				
38b			8. ‘Inspector’ means a public-sector employee or other person, duly authorised by the competent authority of a Member State to carry out port-State control inspections, and responsible to	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			that competent authority.;	
Article 1, first paragraph, point (1)(bc)				
38c			(bc) the following point is added:	B
Article 1, first paragraph, point (1)(bd)				
38d			8a. ‘inspection’ means an overall verification of the condition of the ship, its equipment and its crew based on the applicable Conventions and carried out by an inspector. The inspection is not a survey for the issuing, endorsement or renewal of statutory certificates and the inspection report provided to the captain is not a certificate.;	B
Article 1, first paragraph, point (1)(be)				
38e			(bd) point 11 is replaced by the following:	B
Article 1, first paragraph, point (1)(bf)				
38f			11. ‘initial inspection’ means an inspection on board a ship by an inspector, including at least the	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			checks required by Article 13(1).;	
Article 1, first paragraph, point (1)(bg)				
38g			(be) point 12 is replaced by the following:	B
Article 1, first paragraph, point (1)(bh)				
38h			12. ‘More detailed inspection’ means an inspection including the scope of an initial inspection where the ship, its equipment and crew as a whole or, as appropriate, parts thereof are subjected, in the circumstances specified in Article 13(3), to an in-depth examination covering the ship’s construction, equipment, manning, living and working conditions and compliance with on-board operational procedures.’	B
Article 1, first paragraph, point (1)(bi)				
38i			(bf) point 13 is replaced by the following:	B
Article 1, first paragraph, point (1)(bj)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
38j			13. ‘Expanded inspection’ means an inspection, including the scope of an initial inspection, which covers at least the items listed in Annex VII. An expanded inspection may include a more detailed inspection whenever there are clear grounds in accordance with Article 13(3).’;	B
Article 1, first paragraph, point (1)(bk)				
38k			(bg) point 19 is replaced by the following:	B
Article 1, first paragraph, point (1)(bl)				
38l			19. ‘Statutory certificate’ means a certificate issued by or on behalf of a flag State in accordance with the applicable Conventions.’;	B
Article 1, first paragraph, point (2)				
39	(2) Article 3 is amended as follows:	(2) Article 3 is amended as follows:	(2) Article 3 is amended as follows:	A - identical
Article 1, first paragraph, point (2a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
39a			(-a) paragraph 3 is replaced by the following:	C
Article 1, first paragraph, point (2b)				
39b			(2b) When inspecting a ship flying the flag of a State which is not a party to a Convention with a “no more favourable treatment clause”, Member States shall ensure that the treatment of that ship and its crew is not more favourable than that of a ship flying the flag of a State party to that Convention. Such a ship shall be subject to a more detailed inspection, in accordance with procedures established by the Paris MOU.;	C
Article 1, first paragraph, point (2)(a)				
40	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following:	A - identical
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (4)				
41	4. Fishing vessels below 24 meters overall, warships, naval auxiliaries,	4. Fishing vessels below 24 meters overall, warships, naval auxiliaries,	4. Fishing vessels below of less than 24 meters overall in length,	B

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	wooden ships of a primitive build, government ships used for non-commercial purposes and pleasure yachts not engaged in trade shall be excluded from the scope of this Directive.	wooden ships of a primitive build, government ships used for non-commercial purposes and pleasure yachts not engaged in trade shall be excluded from the scope of this Directive.	warships, naval auxiliaries, wooden ships of a primitive build, government ships used for non-commercial purposes and pleasure yachts not engaged in trade shall be excluded from the scope of this Directive. For the purposes of this directive, a fishing vessel's length shall be defined in accordance with the Cape Town Agreement of 2012';	
Article 1, first paragraph, point (2)(b)				
42	(b) the following paragraph 4a is added:	(b) the following paragraph 4a is added:	(b) the following paragraph 4a is added:	B
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (4a)				
AM 19				
43	4a. Member States may carry out port state control inspections of fishing vessels of above 24 metres length overall. The Commission shall adopt implementing acts establishing the modalities of such a specific port state control regime for fishing vessels above 24 meters length overall. Those implementing	4a. <u>Until such time as a mandatory port State control regime for fishing vessels applies throughout the Union, as a result of the entry into force of the Cape Town Agreement and the amendment of the relevant Union legal acts, individual</u> Member States may carry out port state	4a. Member States may carry out port State control inspections of fishing vessels of above 24 metres in length overall and above. The Commission, in cooperation with the Paris MoU, may adopt guidelines shall adopt implementing acts establishing the modalities of such a parallel and	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).	control inspections of fishing vessels of above 24 metres length overall. The Commission shall adopt implementing acts establishing the modalities of such a specific port state control regime for fishing vessels above 24 meters length overall. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).	separate specific port State control regime for these fishing vessels above 24 metres length overall. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).';	
Article 1, first paragraph, point (3)				
44	(3) in Article 5, the following paragraph 2a is inserted:	(3) in Article 5, the following paragraph 2a is inserted:	(3) in Article 5, the following paragraph 2a is inserted:	B
Article 1, first paragraph, point (3), amending provision, numbered paragraph (2a)				
45	2a. Inspections of Priority II ships carried out by Member States when its annual inspection commitment has been exceeded by more than 150% shall not be taken into account in the calculation of the annual inspection commitment of Member States parties to the Paris MOU.	2a. Inspections of Priority II ships carried out by Member States when its annual inspection commitment has been exceeded by more than 150% shall not be taken into account in the calculation of the annual inspection commitment of Member States parties to the Paris MOU.	2a. Inspections of Priority II ships carried out by Member States when its annual inspection commitment has been exceeded by more than 150% exceeding 20% of their annual inspection commitments shall not be taken into account in the calculation of the annual inspection commitment commitments of Member States parties to the Paris	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			MOU.';	
Article 1, first paragraph, point (4)				
46	(4) Article 6 is replaced by the following:	(4) Article 6 is replaced by the following:	(4) Article 6 is replaced by the following:	A - identical
Article 1, first paragraph, point (4), amending provision, first paragraph				
47	Article 6	Article 6	Article 6	A - identical
Article 1, first paragraph, point (4), amending provision, second paragraph				
48	Modalities of compliance with the inspection commitment	Modalities of compliance with the inspection commitment	Modalities of compliance with the inspection commitment	A - identical
Article 1, first paragraph, point (4), amending provision, third paragraph				
49	A Member State which fails to carry out the inspections required in Article 5(2)(a), complies with its commitment in accordance with that provision if such missed inspections do not exceed 10 % of the total number of Priority I ships calling at its ports and anchorages, irrespective of their risk profile.	A Member State which fails to carry out the inspections required in Article 5(2)(a), complies with its commitment in accordance with that provision if such missed inspections do not exceed 10 % of the total number of Priority I ships calling at its ports and anchorages, irrespective of their risk profile.	A Member State which fails to carry out the inspections required in Article 5(2)(a), nevertheless complies with its commitment in accordance with that provision if such missed inspections do not exceed 10 % of the total number of Priority I ships calling at its ports and anchorages, irrespective of their risk profile.	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (4), amending provision, fourth paragraph				
50	Notwithstanding the percentages of missed inspections referred to in the first subparagraph, Member States shall prioritise inspection of ships, which, according to the information provided by the inspection database, call at ports within the Union infrequently.	Notwithstanding the percentages of missed inspections referred to in the first subparagraph, Member States shall prioritise inspection of ships, which, according to the information provided by the inspection database, call at ports within the Union infrequently.	Notwithstanding the percentages of missed inspections referred to in the first subparagraph paragraph , Member States shall prioritise the inspection of ships, which, according to the information provided by the inspection database, call at ports within the Union infrequently.	A
Article 1, first paragraph, point (4), amending provision, fifth paragraph				
51	Notwithstanding the percentages of missed inspections referred to in the first subparagraph, for Priority I ships calling at anchorages, Member States shall prioritise inspection of ships with a high risk profile, which, according to the information provided by the inspection database, call at ports within the Union infrequently.	Notwithstanding the percentages of missed inspections referred to in the first subparagraph, for Priority I ships calling at anchorages, Member States shall prioritise inspection of ships with a high risk profile, which, according to the information provided by the inspection database, call at ports within the Union infrequently.	Notwithstanding the percentages of missed inspections referred to in the first subparagraph paragraph , for Priority I ships calling at anchorages, Member States shall prioritise the inspection of ships with a high risk profile, which, according to the information provided by the inspection database, call at ports within the Union infrequently.';	A
Article 1, first paragraph, point (4a)				
51a			Article 7 is amended as follows:	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (4b)				
51b			(-a) the title and paragraph 1 are replaced by the following:	C
Article 1, first paragraph, point (4c)				
51c			<i>‘Modalities allowing a balanced inspection share within the Union</i>	C
Article 1, first paragraph, point (4d)				
51d			1. A Member State in which the total number of calls of Priority I ships exceeds its inspection share referred to in Article 5(2)(b), shall be regarded as complying with such commitment, if a number of inspections carried out by that Member State corresponds at least to such an inspection share and if that Member State does not miss more than 40% of the total number of Priority I ships calling at its ports and anchorages.’;	C
Article 1, first paragraph, point (5)				
52				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(5) In Article 7, paragraph 2 is replaced by the following:	(5) In Article 7, paragraph 2 is replaced by the following:	(5) (a) In Article 7, paragraph 2 is replaced by the following:	A
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2)				
53	‘ 2. A Member State, in which the total number of calls of Priority I and Priority II ships is less than 150% of the inspection share referred to in Article 5(2) point (b), shall be regarded as complying with its annual inspection commitment, if that Member State carries out inspections of two thirds of Priority I and II ships of the total number of Priority I and II ships calling at its ports and anchorages. ’	‘ 2. A Member State, in which the total number of calls of Priority I and Priority II ships is less than 150% of the inspection share referred to in Article 5(2) point (b), shall be regarded as complying with its annual inspection commitment, if that Member State carries out inspections of two thirds of Priority I and II ships of the total number of Priority I and II ships calling at its ports and anchorages. ’	‘ 2. A Member State, in which the total number of calls of Priority I and Priority II ships is less than 150% of the inspection share referred to in Article 5(2) point (b), shall nevertheless be regarded as complying with its annual inspection commitment; if that Member State carries out inspections of two thirds of Priority I and II ships of the total number of Priority I and II ships calling at its ports and anchorages.; ’	A
Article 1, first paragraph, point (6)				
54	(6) in Article 8, paragraphs 1 and 2 are replaced by the following:	(6) in Article 8, paragraphs 1 and 2 are replaced by the following:	(6) in Article 8, paragraphs 1, 2 and 3 and 2 are replaced by the following, and two new paragraphs are added:	C
Article 1, first paragraph, point (6), amending provision, first subparagraph				
55	‘	‘	‘	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. A Member State may decide to postpone the inspection of a Priority I or Priority II ship in the following circumstances:	1. A Member State may decide to postpone the inspection of a Priority I or Priority II ship in the following circumstances:	1. A Member State may decide to postpone the inspection of a Priority I or Priority II ship in the following circumstances:	
Article 1, first paragraph, point (6), amending provision, first subparagraph, point (a)				
56	(a) if the inspection may be carried out at the next call of the ship in the same Member State, provided that the ship does not call at any other port in the Union or the Paris MOU region in between and the postponement is not more than 15 days; or	(a) if the inspection may be carried out at the next call of the ship in the same Member State, provided that the ship does not call at any other port in the Union or the Paris MOU region in between and the postponement is not more than 15 days; or	(a) if the inspection may be carried out at the next any subsequent call of the ship in the same Member State, provided that the ship does not call at any other port in the Union or the Paris MOU region in between, except any ports of the ship's flag State , and the postponement is not more than 15 days from the actual time of departure ; or	C
Article 1, first paragraph, point (6), amending provision, first subparagraph, point (b)				
57	(b) if the inspection may be carried out in another port of call within the Community or the Paris MOU region within 15 days, provided the State in which such port of call is located has agreed in advance to perform the inspection.	(b) if the inspection may be carried out in another port of call within the Community or the Paris MOU region within 15 days, provided the State in which such port of call is located has agreed in advance to perform the inspection.	(b) if the inspection may be carried out in another port of call within the Community Union or the Paris MOU region within 15 days from the actual time of departure , provided the State in which such a port of call is located has agreed in advance to perform the inspection-, or	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6), amending provision, first subparagraph, point (ba)				
57a			(c) if the inspection for a ship, including ro-ro passenger ships or high-speed passenger craft operating on a regular service, may be carried out in the same port of call within 15 days from the actual time of departure.	C
Article 1, first paragraph, point (6), amending provision, second subparagraph				
58	2. Where an inspection is not performed on a Priority I or Priority II ship for operational reasons, it shall not be counted as a missed inspection, provided that the reason for missing the inspection is recorded in the inspection database and the following exceptional circumstances occur:	2. Where an inspection is not performed on a Priority I or Priority II ship for operational reasons, it shall not be counted as a missed inspection, provided that the reason for missing the inspection is recorded in the inspection database and the following exceptional circumstances occur:	2. Where an inspection is not performed on a Priority I or Priority II ship for operational reasons, it shall not be counted as a missed inspection, provided that the reason for missing the inspection is recorded in the inspection database and the following exceptional circumstances occur:	A - identical
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (a)				
59	(a) in the judgement of the competent authority the conduct of the inspection would create a risk to the safety of inspectors, the ship, its crew or to the port, or to the marine environment; or	(a) in the judgement of the competent authority the conduct of the inspection would create a risk to the safety of inspectors, the ship, its crew or to the port, or to the marine environment; or	(a) in the judgement of the competent authority the conduct of the inspection would create a risk to the safety of inspectors, the ship, its crew or to the port, or to the marine environment; or	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (b)				
60	(b) the ship call takes place only during night time (as provided for in Article 2(10)). In this case Member States shall take the measures necessary to ensure that ships which call regularly during night time are inspected as appropriate.	(b) the ship call takes place only during night time (as provided for in Article 2(10)). In this case Member States shall take the measures necessary to ensure that ships which call regularly during night time are inspected as appropriate.	(b) the ship call takes place only during night time (as provided for in Article 2(10) 2(9)). In this case Member States shall take the measures necessary to ensure that ships which call regularly during night time are inspected as appropriate; or	A
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (ba)				
60a			(c) the duration of the ship call is too short for the inspection to be carried out satisfactorily;	B
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (bb)				
60b			3. If an inspection is not performed on a ship at anchorage, it shall not be counted as a missed inspection if:	B
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (bc)				
60c			(a) the ship is inspected in another port or anchorage within	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the Community or the Paris MOU region in accordance with Annex I within 15 days; or	
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (bd)				
60d			(b) the ship call takes place only during night time or its duration is too short for the inspection to be carried out satisfactorily, and the reason for missing the inspection is recorded in the inspection database; or	B
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (be)				
60e			(c) in the judgement of the competent authority, the conduct of the inspection would create a risk to the safety of inspectors, the ship, its crew or to the port, or to the marine environment, and the reason for missing the inspection is recorded in the inspection database; or	B
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (bf)				
60f			4. If an inspection is not performed due to extraordinary and unforeseen circumstances it	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall not be counted as a missed inspection and the reason for missing the inspection shall be recorded in the inspection database. These circumstances shall be duly justified and reported to the Commission.	
Article 1, first paragraph, point (6), amending provision, second subparagraph, point (bg)				
60g			5. Inspections postponed in accordance with paragraphs 1, 2, 3 or 4 and recorded in the inspection database shall not be counted for the assessment of the Member State's compliance with the inspection commitment referred to in Articles 6 and 7.'; ,	B
Article 1, first paragraph, point (7)				
61	(7) the following Article 8a is inserted:	(7) the following Article 8a is inserted:	(7) the following Article 8a is inserted: (deleted)	C
Article 1, first paragraph, point (7), amending provision, first paragraph				
62	‘ Article 8a	‘ Article 8a	‘ Article 8a (deleted)	C
Article 1, first paragraph, point (7), amending provision, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
63	Force majeure	Force majeure	Force majeure(deleted)	C
Article 1, first paragraph, point (7), amending provision, third paragraph				
AM 20				
64	Failure to carry out an inspection for force majeure reasons shall not be counted as a missed inspection provided that the missed inspection and the reasons for not carrying it out are documented and recorded in the inspection database.	Failure to carry out an inspection for force majeure reasons shall not be counted as a missed inspection provided that the missed inspection and the reasons for not carrying it out are documented and recorded in the inspection database <u>and reported to EMSA</u> .	Failure to carry out an inspection for force majeure reasons shall not be counted as a missed inspection provided that the missed inspection and the reasons for not carrying it out are documented and recorded in the inspection database. (deleted)	C
Article 1, first paragraph, point (8)				
65	(8) Article 9 is deleted;	(8) Article 9 is deleted;	(8) Article 9 is deleted;	A - identical
Article 1, first paragraph, point (9)				
66	(9) In Article 10(2) the following is added	(9) In Article 10(2) the following is added	(9) In Article 10(2) the following is added10, paragraph 2 is replaced by the following:	C
Article 1, first paragraph, point (9a)				
66a			2. The risk profile of a ship shall be determined by a combination	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			of generic, historical and environmental risk parameters as follows:	
Article 1, first paragraph, point (9b)				
66b			(a) Generic parameters	C
Article 1, first paragraph, point (9c)				
66c			Generic parameters shall be based on the type, age, flag, recognised organisations involved and company performance in accordance with Annex I, Part I.1 and Annex II.	C
Article 1, first paragraph, point (9d)				
66d			(b) Historical parameters	C
Article 1, first paragraph, point (9e), second subparagraph				
66f			Historical parameters shall be based on the number of deficiencies and detentions during a given period in accordance with Annex I, Part I.2 and Annex II.	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (c), first subparagraph				
67	(c) Environmental parameters	(c) Environmental parameters	(c) Environmental parameters	A - identical
Article 1, first paragraph, point (9), amending provision, numbered paragraph (c), second subparagraph				
AM 21				
68	Environmental parameters shall be based on the Carbon Intensity Indicator of the ship and the number of deficiencies relating to MARPOL, AFS, BWM Convention, CLC 92, Bunkers Convention and Nairobi Conventions in accordance with Annex I, Part I.3 and Annex II.	Environmental parameters shall be based on the Carbon Intensity Indicator of the ship and the number of deficiencies relating to MARPOL, AFS, BWM Convention, CLC 92, Bunkers Convention and Nairobi Conventions, <u>and the provision of valid documentation relating to Regulation (EU) No 1257/2013 or the Hong Kong Convention,</u> in accordance with Annex I, Part I.3 and Annex II.	Environmental parameters shall be based on the Carbon Intensity Indicator of the ship and the number of deficiencies relating to MARPOL, AFS, BWM Convention, CLC 92, Bunkers Convention, Nairobi Convention and Hong Kong Convention and Nairobi Conventions in accordance with Annex I, Part I.3 and Annex II, and whether these deficiencies are grounds for detention.;	B
Article 1, first paragraph, point (9e), second subparagraph, amending provision, numbered paragraph (2), second subparagraph				
68a			(9a) In Article 10, paragraph 3 is replaced by the following:	C
Article 1, first paragraph, point (9e), second subparagraph, amending provision, numbered paragraph (2), third subparagraph				
68b				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			3. Implementing powers shall be conferred on the Commission to implement a methodology for the consideration of generic risk parameters relating in particular to the flag State criteria and company performance criteria adopted by the Paris MOU in 2019 establishing high, standard and low performance lists. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(3).’;	
Article 1, first paragraph, point (9e), second subparagraph, amending provision, numbered paragraph (2), fourth subparagraph				
68c			(9b) In Article 13, letter (c) of paragraph 1 is replaced by the following:	C
Article 1, first paragraph, point (9e), second subparagraph, amending provision, numbered paragraph (2), fifth subparagraph				
68d			(c) is satisfied with the overall condition of the ship, including the hygiene of the ship, including its engine room and accommodation.’;	A
Article 1, first paragraph, point (9e), second subparagraph, amending provision, numbered paragraph (2), sixth subparagraph				
68e				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(9c) In Article 13, paragraph 2 is deleted;	
Article 1, first paragraph, point (10)				
69	(10) In Article 14, paragraph 4 is replaced by the following:	(10) In Article 14, paragraph 4 is replaced by the following:	(10) In Article 14, paragraph 4 is replaced by the following is amended as follows:	C
Article 1, first paragraph, point (10a)				
69a			(a) paragraph 1 is replaced by the following:	C
Article 1, first paragraph, point (10b)				
69b			1. The following categories of ships are eligible for an expanded inspection in accordance with Annex I, Part II 3A and 3B:	C
Article 1, first paragraph, point (10c)				
69c			- ships with a high risk profile,	C
Article 1, first paragraph, point (10d)				
69d				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			- passenger ships, oil tankers, gas or chemical tankers or bulk carriers, older than 12 years of age,	
Article 1, first paragraph, point (10e)				
69e			- ships with a high risk profile or passenger ships, oil tankers, gas or chemical tankers or bulk carriers, older than 12 years of age, in cases of overriding or unexpected factors,	C
Article 1, first paragraph, point (10f)				
69f			- ships subject to the inspection following a refusal of access order issued in accordance with Article 16 and 21.4.	B
Article 1, first paragraph, point (10g)				
69g			(ab) paragraph 3 is deleted	B
Article 1, first paragraph, point (10h)				
69h			(b) paragraph 4 is replaced by the following:	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (10), amending provision, numbered paragraph (4)				
70	‘ 4. An expanded inspection shall be carried out by no less than two port State control officers. The scope of an expanded inspection, including the risk areas to be covered, is set out in Annex VII. The Commission shall adopt by means of implementing acts detailed measures to ensure uniform conditions for the application of Annex VII. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).; ’	‘ 4. An expanded inspection shall be carried out by no less than two port State control officers. The scope of an expanded inspection, including the risk areas to be covered, is set out in Annex VII. The Commission shall adopt by means of implementing acts detailed measures to ensure uniform conditions for the application of Annex VII. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).; ’	‘ 4. An expanded inspection shall be carried out, as far as possible, by no lessfewer than two port State control officers. The scope of an expanded inspection, including the risk areas to be covered, is set out in Annex VII. The Commission shall adopt, by means of implementing acts, detailed measures to ensure uniform conditions for the application of Annex VII. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).; ’	C
Article 1, first paragraph, point (11)				
71	(11) In Article 14a, paragraph 4 is replaced by the following:	(11) In Article 14a, paragraph 4 is replaced by the following:	(11) In Article 14a, paragraph 4 is replaced by the following is amended as follows:	C
Article 1, first paragraph, point (11a)				
71a			(a) paragraph 4 is replaced by the following:	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (11), amending provision, numbered paragraph (4)				
72	4. Article 11 point (a) and Article 14 shall not apply to ro-ro passenger ships and high-speed passenger craft on a regular service inspected under this Article.	4. Article 11 point (a) and Article 14 shall not apply to ro-ro passenger ships and high-speed passenger craft on a regular service inspected under this Article.	4. Article 11 point (a) and Article 14 shall not apply to ro-ro passenger ships and high-speed passenger craft on a regular service inspected under this Article.'	A - identical
Article 1, first paragraph, point (11a), amending provision, numbered paragraph (4a)				
72a			(b) a new paragraph is added:	C
Article 1, first paragraph, point (11a), amending provision, numbered paragraph (4b)				
72b			4a. The operator or master of the ship shall ensure that sufficient time is available in the operating schedule to allow the inspections provided for in 1.1 and 2.a of Annex XVII to be carried out.';	C
Article 1, first paragraph, point (12)				
73	(12) Article 16 is amended as follows:	(12) Article 16 is amended as follows:	(12) Article 16 is amended as follows:	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (12)(a)				
74	(a) Paragraph 1 is replaced by the following:	(a) Paragraph 1 is replaced by the following:	(a) Paragraph 1 is replaced by the following:	A - identical
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1), first subparagraph				
75	1. A Member State shall refuse access to its ports and anchorages to any ship which:	1. A Member State shall refuse access to its ports and anchorages to any ship which:	1. A Member State shall refuse access to its ports and anchorages to any ship which:	A - identical
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1), first subparagraph, first indent				
76	- flies the flag of a State which falls into the low performance list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and published annually by the Commission, and has been detained more than twice in the course of the preceding 36 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU, or	- flies the flag of a State which falls into the low performance list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and published annually by the Commission, and has been detained more than twice in the course of the preceding 36 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU, or	- flies the flag of a State which falls into the low performance list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and published annually by the Commission, and has been detained more than twice in the course of the preceding 36 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU, or	A
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1), first subparagraph, second indent				
77	- flies the flag of a State which falls into the high or medium	- flies the flag of a State which falls into the high or medium	- flies the flag of a State which falls into the high or	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	performance list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and published annually by the Commission, and has been detained more than twice in the course of the preceding 24 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU.	performance list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and published annually by the Commission, and has been detained more than twice in the course of the preceding 24 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU.	medium standard performance list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and published annually by the Commission, and has been detained more than twice in the course of the preceding 24 months in a port or anchorage of a Member State or of a State signatory of the Paris MOU.	
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1), second subparagraph				
78	The first subparagraph of this Article shall not apply to the situations referred to in Article 21(6).	The first subparagraph of this Article shall not apply to the situations referred to in Article 21(6).	The first subparagraph of this Article shall not apply to the situations referred to in Article 21(6).	A - identical
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1), third subparagraph				
79	The refusal of access shall be applicable as soon as the ship leaves the port or anchorage where it has been the subject of a third detention and where a refusal of access order has been issued.;	The refusal of access shall be applicable as soon as the ship leaves the port or anchorage where it has been the subject of a third detention and where a refusal of access order has been issued.;	The refusal of access shall be applicable as soon as the ship leaves the port or anchorage where it has been the subject of a third detention and where a refusal of access order has been issued.;	A - identical
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1), third subparagraph a				
79a				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(aa) Paragraph 2 is replaced by the following:	
Article 1, first paragraph, point (12)(a), amending provision, numbered paragraph (1), fifth subparagraph				
79b			2. The refusal of access order shall be lifted only after a period of three months has passed from the date of issue of the order and when the conditions in paragraphs 3 to 6 of Annex VIII are met.'	B
Article 1, first paragraph, point (12)(b)				
80	(b) Paragraph 3 is replaced by the following:	(b) Paragraph 3 is replaced by the following:	(b) Paragraph 3 is replaced by the following:	A - identical
Article 1, first paragraph, point (12)(b), amending provision, numbered paragraph (3), first subparagraph				
81	‘ 3. Any subsequent detention in a port or anchorage within the Union shall result in the ship being refused access to any port and anchorage within the Union. This third refusal of access order may be lifted after a period of 24 months has passed from the issue of the order and only if:	‘ 3. Any subsequent detention in a port or anchorage within the Union shall result in the ship being refused access to any port and anchorage within the Union. This third refusal of access order may be lifted after a period of 24 months has passed from the issue of the order and only if:	‘ 3. Any subsequent detention in a port or anchorage within the Union of a Member State or of a State signatory of the Paris MoU shall result in the ship being refused access to any port and anchorage within the Union. This third refusal of access order may be lifted after a period of 24 months	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			has passed from the issue of the order and only if:	
Article 1, first paragraph, point (12)(b), amending provision, numbered paragraph (3), first subparagraph, first indent				
81a			- (-a) the ship flies the flag of a State whose detention rate appears neither on the low performance list nor on the standard performance list referred to in paragraph 1,	A
Article 1, first paragraph, point (12)(b), amending provision, numbered paragraph (3), first subparagraph, first indent				
82	- (a) the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 of the European Parliament and of the Council¹ 1. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p.11.)’;	- (a) the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 of the European Parliament and of the Council¹ 1. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p.11.)’;	- (a) the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 of the European Parliament and of the Council¹, 1. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p.11.)’;	A - identical
Article 1, first paragraph, point (12)(b), amending provision, numbered paragraph (3), first subparagraph, second indent				
83	- (b) the ship is managed by a	- (b) the ship is managed by a	- (b) the ship is managed by a	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	company with a high performance according to Annex I, Part I.1, and	company with a high performance according to Annex I, Part I.1, and	company with a high performance according to Annex I, Part I.1, and	
Article 1, first paragraph, point (12)(b), amending provision, numbered paragraph (3), first subparagraph, third indent				
84	- the conditions listed in paragraphs 3 to 9 of Annex VIII are met.	- the conditions listed in paragraphs 3 to 9 of Annex VIII are met.	- (c) the conditions listed in paragraphs 3 to 96 of Annex VIII are met.	B
Article 1, first paragraph, point (12)(b), amending provision, numbered paragraph (3), second subparagraph				
85	Any ship not meeting the criteria specified in this paragraph, after a period of 24 months has passed from the issue of the order, shall be permanently refused access to any port and anchorage within the Union.	Any ship not meeting the criteria specified in this paragraph, after a period of 24 months has passed from the issue of the order, shall be permanently refused access to any port and anchorage within the Union.	Any ship not meeting the criteria specified in this paragraph, after a period of 24 months has passed from the issue of the order, shall be permanently refused access to any port and anchorage within the Union.'	A - identical
Article 1, first paragraph, point (12)(c)				
86	(c) paragraph 4 is replaced by the following:	(c) paragraph 4 is replaced by the following:	(c) paragraph 4 is replaced by the following:	A - identical
Article 1, first paragraph, point (12)(c), amending provision, numbered paragraph (4)				
87	4. Any subsequent detention of a vessel flying the flag of a State	4. Any subsequent detention of a vessel flying the flag of a State	4. Any subsequent detention of a vessel flying the flag of a State	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	listed in the medium or low performance list, as published in the annual report of the Paris MOU, in a port or anchorage within the Union after the third refusal of access shall result in the ship being permanently refused access to any port and anchorage within the Union.	listed in the medium or low performance list, as published in the annual report of the Paris MOU, in a port or anchorage within the Union after the third refusal of access shall result in the ship being permanently refused access to any port and anchorage within the Union.	listed in the medium or low performance list, as published in the annual report of the Paris MOU, in a port or anchorage within the Union after the third refusal of access shall result in the ship being permanently refused access to any port and anchorage within the Union. that appears on the standard or low performance list, as published in the annual report of the Paris MOU, in a port or anchorage within the Union after the third refusal of access shall result in the ship being permanently refused access to any port and anchorage within the Union.	
Article 1, first paragraph, point (12)(d)				
88	(d) The following paragraph 4a is inserted:	(d) The following paragraph 4a is inserted:	(d) The following paragraph 4a paragraphs are inserted:	C
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), first subparagraph				
89	‘ 4a. If a ship flying the flag of a State listed in the high performance list is detained in a port or anchorage after the third or any subsequent refusal of access and, at the time of the first subsequent ship/port interface in an EU port, the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 and evidence is	‘ 4a. If a ship flying the flag of a State listed in the high performance list is detained in a port or anchorage after the third or any subsequent refusal of access and, at the time of the first subsequent ship/port interface in an EU port, the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 and evidence is	‘ 4a. If A ship flying the flag of a State listed in that appears on the high performance list and which is detained in a port or anchorage after the third or any subsequent refusal of access and, of a Union at the time of the its first subsequent ship/port interface in an EU port, the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC)	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provide that an on-board visit by the classification society has taken place prior to the issuance of such certificates, the ship shall be refused access to any port or anchorage for a period of 24 months.	provide that an on-board visit by the classification society has taken place prior to the issuance of such certificates, the ship shall be refused access to any port or anchorage for a period of 24 months.	No 391/2009 and evidence is provide that an on-board visit by the classification society has taken place prior to the issuance of such certificates, the ship inspection in the Union after the third or any subsequent refusal of access, shall be refused access to any port or anchorage for a period of 24 months.:	
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), first subparagraph a				
89a			a) be refused to access any Union port or anchorage for a period of 24 months, if the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC) No 391/2009;	A
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), third subparagraph				
89b			b) be permanently refused access to any Union port or anchorage if the statutory or classification certificates of the ship are not issued by an organisation or organisations recognised under Regulation (EC) No 391/2009.	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), fourth subparagraph				
89c			4b. Refusal of access periods for multiple detentions will be extended by 12 months when a refusal of access measure in accordance with Article 21.4 applies.;	A
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), second subparagraph				
90	If at the time of the first ship/port interface the statutory or classification certificates are not issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 the ship shall be permanently refused access to any port and anchorage.	If at the time of the first ship/port interface the statutory or classification certificates are not issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 the ship shall be permanently refused access to any port and anchorage.	If at the time of the first ship/port interface the statutory or classification certificates are not issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 the ship shall be permanently refused access to any port and anchorage.	A
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), second subparagraph a				
90a			(12a) In Article 17, the first subparagraph is amended as follows:	B
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4aa)				
90b				B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			‘On completion of an inspection, the inspector shall draw up a report in accordance with Annex IX. The ship’s master shall be provided with a copy of the inspection report.’;	
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4ab)				
AM 22				
90c		<u>(12a) In Article 18, paragraph 5 is replaced by the following:</u>		C
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4ac)				
90d		<u>‘Member States shall inform the flag State administration, with a copy to the International Labour Organisation (ILO) and the European Maritime Safety Agency (EMSA), of complaints not manifestly unfounded and of follow-up actions taken. The Agency shall be invited by Member States, in line with the EMSA regulation, to provide operational and technical support concerning safety investigations.</u>		C
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), tenth subparagraph				
90e				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(12b) In Article 20, paragraph 1 is replaced by the following:	
Article 1, first paragraph, point (12)(d), amending provision, numbered paragraph (4a), eleventh subparagraph				
90f			1. The owner or operator of a ship or their representative in the Member State shall have a right of appeal against any detention or refusal of access by the competent authority. An appeal shall not cause the detention or refusal of access to be suspended.’;	C
Article 1, first paragraph, point (13)				
91	(13) In Article 21, paragraph 4 is replaced by the following:	(13) In Article 21, paragraph 4 is replaced by the following:	(13) In Article 21, paragraph 4 is replaced by the following is amended as follows:	C
Article 1, first paragraph, point (13a)				
91a			(a) paragraph 4 is replaced by the following	C
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4), first subparagraph				
92		‘	‘	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. Member States shall take measures to ensure that access to any port or anchorage within the Union is refused to ships referred to in paragraph 1 which proceed to sea:	4. Member States shall take measures to ensure that access to any port or anchorage within the Union is refused to ships referred to in paragraph 1 which proceed to sea:	4. Member States shall take measures to ensure that access to any port or anchorage within the Union is refused to ships referred to in paragraph 1 which proceed to sea and to the detained ships referred in Article 19.2 which proceed to sea:	
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4), first subparagraph, point (a)				
93	(a) without complying with the conditions determined by the competent authority of any Member State in the port of inspection; or	(a) without complying with the conditions determined by the competent authority of any Member State in the port of inspection; or	(a) without complying with the conditions determined by the competent authority of any Member State in the port of inspection; or	A - identical
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4), first subparagraph, point (b)				
94	(b) which do not comply with the applicable requirements of the Conventions by not calling into the indicated repair yard.	(b) which do not comply with the applicable requirements of the Conventions by not calling into the indicated repair yard.	(b) which do not comply with the applicable requirements of the Conventions by not calling into the indicated repair yard.	A
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4), second subparagraph				
AM 23				
95	The refusal of access order shall be lifted after a period of 12 months has passed. The refusal of access order shall become applicable from	The refusal of access order shall be lifted after a period of 12 months has passed. The refusal of access order shall become applicable from	The refusal of access order shall be lifted after a period of 12 months has passed and the conditions in paragraphs 3 to 6 of Annex VIII	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the date of its issuing.	the date of its issuing.	are met. The refusal of access order shall become applicable from the date of its issuing.;	
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4), third subparagraph				
AM 24				
96	Such refusal shall be maintained until the owner or operator provides evidence to the satisfaction of the competent authority of the Member State where the ship was found defective, demonstrating that the ship fully complies with all applicable requirements of the Conventions.	Such The refusal <u>of access order</u> shall be maintained until <u>lifted after a period of 12 months has elapsed on condition that</u> the owner or operator provides evidence to the satisfaction of the competent authority of the Member State where the ship was found defective, demonstrating that the ship fully complies with all applicable requirements of the Conventions.		C
Article 1, first paragraph, point (13a), amending provision, numbered paragraph (1), third subparagraph a				
96a			(b) the second subparagraph of paragraph 5 is replaced by the following:	C
Article 1, first paragraph, point (13a), amending provision, numbered paragraph (1), fifth subparagraph				
96b			In the circumstances referred to in paragraph 4(b), the competent	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			authority of the Member State in which the repair yard lies shall inform the authority of the Member State that detained the ship whether or not the ship has arrived. When the competent authority of the Member State where the ship was found defective becomes aware that ship has not called at a repair yard, it shall immediately alert the competent authorities of all the other Member States.	
Article 1, first paragraph, point (13a), amending provision, numbered paragraph (1), sixth subparagraph				
96c			In the circumstances referred to in paragraph 4(b) and if the repair yard is not in a Member State, when the competent authority of the Member State where the ship was found defective becomes aware that ship has not called at a repair yard, it shall immediately alert the competent authorities of all the other Member States.;	C
Article 1, first paragraph, point (13a), amending provision, numbered paragraph (1), seventh subparagraph				
96d			(c) paragraph 6 is replaced by the following:	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (13a), amending provision, numbered paragraph (1), eighth subparagraph				
96e			By way of derogation from the provisions of paragraph 4, access to a specific port or anchorage may be permitted by the relevant authority of that port State in the event of force majeure or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified according to Article 21(1), provided that adequate measures to the satisfaction of the competent authority of such Member State have been implemented by the owner, the operator or the master of the ship to ensure safe entry’;	B
Article 1, first paragraph, point (14)				
97	(14) In Article 22, paragraph 7 is replaced by the following:	(14) In Article 22, paragraph 7 is replaced by the following:	(14) In Article 22, paragraph 7 is replaced by the following:	A - identical
Article 1, first paragraph, point (14), amending provision, numbered paragraph (7), first subparagraph				
AM 25				
98				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	7. In cooperation with Member States and taking into account the expertise and the experience gained in the Union and under the Paris MOU, the Commission shall develop a professional development and training programme for port State control inspectors. This training programme shall take account of the widened scope of port State control as well as improvements in the scope and forms of training.	7. In cooperation with Member States and taking into account the expertise and the experience gained in the Union and under the Paris MOU, the Commission shall <u>ensure adequate support for the harmonisation of port State control practices across the Union, reporting to the European Parliament and the Council every 4 years on the level of harmonisation and standards of the inspections. It shall also</u> develop a professional development and training programme for port State control inspectors. This training programme shall take account of the widened scope of port State control as well as improvements in the scope and forms of training. <u>The Commission shall build on the expertise of EMSA and support its activity, as the trainings it proposes contribute to the harmonisation of port State control officers' practices.</u>	7. In cooperation with Member States and taking into account the based on the expertise and the experience gained at Member State level in the Union and under the Paris MOU, the Commission shall may develop a professional development and training programme for port State control inspectors. This training programme shall take account of the widened scope of port State control as well as improvements in the scope and forms of training guidance and recommendations to improve the Paris MoU Training Policy.	C
Article 1, first paragraph, point (14), amending provision, numbered paragraph (7), second subparagraph				
AM 26				
99				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	In cooperation with the Member States, the Commission shall on a continuous basis identify and provide new training needs to amend the curricula, syllabi and content of the professional development and training programme for inspectors, especially as regards new technologies and in relation to the additional obligations arising from the relevant instruments.	In cooperation with the Member States, the Commission shall on a continuous basis identify and provide new training needs to amend the curricula, syllabi and content of the professional development and training programme for inspectors, especially as regards new technologies and in relation to the additional obligations arising from the relevant instruments <u>in order to facilitate compliance with environmental, social, public health and labour law standards and safety on-board ships calling at Union ports for both seafarers and dock workers, with a special focus on female workers.</u>	In cooperation with the Member States and the Paris MoU , the Commission shall on a continuous basis identify and provide new training needs as input to amend the Paris MoU curricula, syllabi and content of the professional development and training programme for inspectors, especially as regards new technologies and in relation to the additional obligations arising from the relevant instruments.';	C
Article 1, first paragraph, point (14), amending provision, numbered paragraph (7), second subparagraph a				
AM 27				
99a		<u>The Commission, with the involvement of EMSA, shall produce a guidance document offering advice on how to implement international Conventions, in particular the MLC 2006, with regard to port State control. EMSA shall also</u>		C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>provide detailed information about the most frequent problems detected during port State inspections of ships under each flag.</u>		
Article 1, first paragraph, point (14a)				
AM 28				
99b		<u>(14a) In Article 23, paragraphs 1 and 2 are replaced by the following:</u>		C
Article 1, first paragraph, point (14b)				
99c		<u>1. Member States shall take appropriate measures to ensure that their pilots engaged on the berthing or unberthing of ships or engaged on ships bound for a port or in transit within a Member State immediately inform the competent authority of the port State or the coastal State, as appropriate, whenever they learn in the course of their normal duties that there are apparent anomalies which may prejudice the safe navigation of the ship, or safety of seafarers on board or which may pose a threat of harm</u>		C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>to the marine environment.</u>		
Article 1, first paragraph, point (14c)				
AM 29				
99d		<u>2. If port authorities or bodies, in the course of their normal duties, learn that a ship within their port has apparent anomalies which may prejudice the safety of the ship or seafarers on board or poses an unreasonable threat of harm to the marine environment, such authority or body shall immediately inform the competent authority of the port State concerned.</u>		C
Article 1, first paragraph, point (15)				
100	(15) Article 24 is amended as follows:	(15) Article 24 is amended as follows:	(15) Article 24 is amended as follows:	A - identical
Article 1, first paragraph, point (15)(a)				
101	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	A - identical
Article 1, first paragraph, point (15)(a), amending provision, numbered paragraph (2)				
102				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Member States shall take the appropriate measures to ensure that the information on the actual time of arrival and the actual time of departure of any ship calling at their ports and anchorages, together with an identifier of the port concerned, is transferred within three hours of the departure to the inspection database through the Union maritime information exchange system 'SafeSeaNet' referred to in Article 3 point (s) of Directive 2002/59/EC. Once they have transferred such information to the inspection database through SafeSeaNet, Member States are exempted from the provision of data in accordance with points 1.2 and 2(a) and (b) of Annex XIV to this Directive.	2. Member States shall take the appropriate measures to ensure that the information on the actual time of arrival and the actual time of departure of any ship calling at their ports and anchorages, together with an identifier of the port concerned, is transferred within three hours of the departure to the inspection database through the Union maritime information exchange system 'SafeSeaNet' referred to in Article 3 point (s) of Directive 2002/59/EC. Once they have transferred such information to the inspection database through SafeSeaNet, Member States are exempted from the provision of data in accordance with points 1.2 and 2(a) and (b) of Annex XIV to this Directive.	2. Member States shall take the appropriate measures to ensure that the information on the actual time of arrival and the actual time of departure of any ship calling at their ports and anchorages, together with an identifier of the port concerned, is transferred within three hours of the from the arrival and departure time respectively to the inspection database through the Union maritime information exchange system 'SafeSeaNet' referred to in Article 3 point (s) of Directive 2002/59/EC. Once they have transferred such information to the inspection database through SafeSeaNet, Member States are exempted from the provision of data in accordance with points 1.2 and 2(a) and (b) of Annex XIV to this Directive.	B
Article 1, first paragraph, point (15)(b)				
103	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	A - identical
Article 1, first paragraph, point (15)(b), amending provision, numbered paragraph (3), first subparagraph				
104				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Member States shall ensure that the information related to inspections performed in accordance with this Directive is transferred to the inspection database as soon as the inspection report is completed or the detention lifted.	3. Member States shall ensure that the information related to inspections performed in accordance with this Directive is transferred to the inspection database as soon as the inspection report is completed or the detention lifted.	3. Member States shall ensure that the information related to inspections performed in accordance with this Directive is transferred to the inspection database as soon as the inspection report is completed or the detention lifted.	A - identical
Article 1, first paragraph, point (15)(b), amending provision, numbered paragraph (3), second subparagraph				
105	Within 72 hours, Member States shall ensure that the information transferred to the inspection database is validated for publication purposes. The inspection report shall be validated before its transfer to the database by a port State control inspector who was not part of the team that carried out the inspection.	Within 72 hours, Member States shall ensure that the information transferred to the inspection database is validated for publication purposes. The inspection report shall be validated before its transfer to the database by a port State control inspector who was not part of the team that carried out the inspection.	Within 72 hours, Member States shall ensure that the information transferred to the inspection database is validated for publication purposes. The inspection report shall be validated, as far as possible , before its transfer to the database, by a port State control inspector or other duly authorised employee of the competent authority who was not part of the team that carried out the inspection.;	C
Article 1, first paragraph, point (16)				
106	(16) the following article 24a is inserted:	(16) the following article 24a is inserted:	(16) the following Article 24a is inserted:	B

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (16), amending provision, first paragraph				
107	Article 24a	Article 24a	Article 24a	A - identical
Article 1, first paragraph, point (16), amending provision, second paragraph				
108	Electronic certificates	Electronic certificates	Electronic certificates	A - identical
Article 1, first paragraph, point (16), amending provision, numbered paragraph (1)				
109	1. The Commission shall, in close cooperation with the Member States, adopt implementing acts laying down the functional and technical specifications for a harmonised reporting interface, validation tool and central repository/database for electronic versions of the certificates listed in Annex IV and referred to in Article 13(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2). ¹	1. The Commission shall, in close cooperation with the Member States, adopt implementing acts laying down the functional and technical specifications for a harmonised reporting interface, validation tool and central repository/database for electronic versions of the certificates listed in Annex IV and referred to in Article 13(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2). ¹	1. The Commission shall, in close cooperation with the Member States, adopt implementing acts laying down the functional and technical specifications for a harmonised reporting interface, and validation tool and central repository/database for electronic versions of the statutory certificates listed in Annex IV and referred to in Article 13(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2). ²	C
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2)				
AM 30				
110				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. The Member States may use the harmonised reporting interface, validation tool and central repository/database for electronic versions of the certificates to facilitate the transition of their ship registers to electronic certificates.	2. The Member States may use the harmonised reporting interface, validation tool and central repository/database for electronic versions of the certificates to facilitate the transition of their ship registers to electronic certificates. <u>Electronic certificates shall be mandatory for all Members States as early as possible after the entry into force of this amending directive and in any case no later than three years thereafter.</u>	2. The Member States in their function as flag States may opt to use the harmonised reporting interface, validation tool and central repository/database and validation tool for electronic versions of the certificates statutory certificates may do so to facilitate the transition of their ship registers to electronic certificates.	C
Article 1, first paragraph, point (16), amending provision, numbered paragraph (3)				
AM 31				
111	3. Ships flying the flag of a State that issue such electronic certificates shall have this reflected in the ship risk profile (SRP) as set out in Annexes I and II.	3. Ships flying the flag of a State that issue such electronic certificates shall have this reflected in the ship risk profile (SRP) as set out in Annexes I and II <u>until the electronic certificate becomes compulsory.</u>	3. Ships flying the flag of a State that issue such electronic certificates shall have this reflected in the ship risk profile SRP as set out in Annexes I and II. (deleted)	C
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4)				
112	4. The Member State shall be responsible for ensuring the submission of data elements in compliance with the applicable	4. The Member State shall be responsible for ensuring the submission of data elements in compliance with the applicable	4. The Member State shall be responsible for ensuring the submission of data elements in compliance with the applicable	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	legal and technical requirements, The Member State shall remain responsible for the data and the validity of the information and the certificates, as well as for updating any information that has changed after the submission to the central database.	legal and technical requirements, The Member State shall remain responsible for the data and the validity of the information and the certificates, as well as for updating any information that has changed after the submission to the central database.	legal and technical requirements, The Member State shall remain responsible for the data and the validity of the information and the certificates, as well as for updating any information that has changed after the submission to the central database. (deleted)	
Article 1, first paragraph, point (17)				
113	(17) Article 25 is replaced by the following:	(17) Article 25 is replaced by the following:	(17) Article 25 is replaced by the following:	A - identical
Article 1, first paragraph, point (17), amending provision, first paragraph				
114	Article 25	Article 25	Article 25	A - identical
Article 1, first paragraph, point (17), amending provision, second paragraph				
115	Exchange of information and cooperation	Exchange of information and cooperation	Exchange of information and cooperation	A - identical
Article 1, first paragraph, point (17), amending provision, third paragraph				
116	Each Member State shall ensure that its port authorities or bodies and other relevant authorities or	Each Member State shall ensure that its port authorities or bodies and other relevant authorities or	Each Member State shall ensure that its port authorities or bodies and other relevant authorities or	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	bodies provide the competent port State control authority with the following types of information in their possession:	bodies provide the competent port State control authority with the following types of information in their possession:	bodies provide the competent port State control authority with the following types of information in their possession:	
Article 1, first paragraph, point (17), amending provision, third paragraph, point (a)				
117	(a) information concerning ships which have failed to notify any information according to the requirements of this Directive, Directive 2002/59/EC and to Directive (EU) 2019/883 of the European Parliament and of the Council¹, as well as, if appropriate, with Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, 1. Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships (OJ L 151, 7.6.2019, p. 116).’	(a) information concerning ships which have failed to notify any information according to the requirements of this Directive, Directive 2002/59/EC and to Directive (EU) 2019/883 of the European Parliament and of the Council¹, as well as, if appropriate, with Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, 1. Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships (OJ L 151, 7.6.2019, p. 116).’	(a) information concerning ships which have failed to notify any information according to the requirements of this Directive, Directive 2002/59/EC and to Directive (EU) 2019/883 of the European Parliament and of the Council¹, as well as, if appropriate, with Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, 1. Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships (OJ L 151, 7.6.2019, p. 116).’	<i>A - identical</i>
Article 1, first paragraph, point (17), amending provision, third paragraph, point (b)				
118	(b) information concerning ships which have proceeded to sea without having complied with Article 7 of Directive (EU)	(b) information concerning ships which have proceeded to sea without having complied with Article 7 of Directive (EU)	(b) information concerning ships which have proceeded to sea without having complied with Article 7 of Directive (EU)	<i>A - identical</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2019/883 on port reception facilities,	2019/883 on port reception facilities,	2019/883 on port reception facilities,	
Article 1, first paragraph, point (17), amending provision, third paragraph, point (c)				
119	(c) information concerning ships which have been denied entry or expelled from port on security grounds,	(c) information concerning ships which have been denied entry or expelled from port on security grounds,	(c) information concerning ships which have been denied entry or expelled from port on security grounds,	A - identical
Article 1, first paragraph, point (17), amending provision, fourth paragraph				
120	information on apparent anomalies in accordance with Article 23.	information on apparent anomalies in accordance with Article 23.	(d) information on apparent anomalies in accordance with Article 23.;	A - identical
Article 1, first paragraph, point (17), amending provision, fourth paragraph a				
AM 32				
120a		<u>(17a) Article 26 is replaced by the following:</u>		C
Article 1, first paragraph, point (17), amending provision, sixth paragraph				
120b		<u>Article 26</u> <u>Publication of information</u>		C
Article 1, first paragraph, point (17), amending provision, seventh paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
120c		<u><i>Publication of information. 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, building upon the expertise and experience under the Paris MOU. Information identifying an individual ship shall only be made publicly available if all legal proceedings are finalised and there is no appeal.</i></u>		C
Article 1, first paragraph, point (18)				
121	(18) Article 30 is replaced by the following:	(18) Article 30 is replaced by the following:	(18) Article 30 is replaced by the following:	<i>A - identical</i>
Article 1, first paragraph, point (18a), amending provision, first paragraph				
122	Article 30	Article 30	Article 30	<i>A - identical</i>
Article 1, first paragraph, point (18a), amending provision, second paragraph				
123	Monitoring of compliance and performance of Member States	Monitoring of compliance and performance of Member States	Monitoring of compliance and performance of Member States	<i>A - identical</i>
Article 1, first paragraph, point (18a), amending provision, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
124	In order to ensure the effective implementation of this Directive and to monitor the overall functioning of the Union's port State control regime in accordance with Article 2(b) point (i) of Regulation (EC) No 1406/2002, the Commission shall collect the necessary information and carry out visits to Member States.	In order to ensure the effective implementation of this Directive and to monitor the overall functioning of the Union's port State control regime in accordance with Article 2(b) point (i) of Regulation (EC) No 1406/2002, the Commission shall collect the necessary information and carry out visits to Member States.	In order to ensure the effective implementation of this Directive and to monitor the overall functioning of the Union's port State control regime in accordance with Article 2(b) point (i) of Regulation (EC) No 1406/2002, the Commission shall collect the necessary information and carry out visits to Member States.	<i>A - identical</i>
Article 1, first paragraph, point (18a), amending provision, fourth paragraph				
125	Each Member State shall develop, implement, and maintain a quality management system for the operational parts of the port State-related activities of its administration. Such quality management system shall be certified in accordance with the applicable international quality standards.	Each Member State shall develop, implement, and maintain a quality management system for the operational parts of the port State-related activities of its administration. Such quality management system shall be certified in accordance with the applicable international quality standards.	Each Member State shall may develop, implement, and maintain a quality management system for the operational parts of the port State-related activities of its administration. Such a quality management system shall be certified in accordance with the applicable international quality standards.';	C
Article 1, first paragraph, point (19)				
126	(19) in Article 30a is replaced by the following:	(19) in Article 30a is replaced by the following:	(19) in Article 30a is replaced by the following:	A

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (19), amending provision, first paragraph				
127	Article 30a	Article 30a	Article 30a	A - identical
Article 1, first paragraph, point (19), amending provision, second paragraph				
128	Delegated acts	Delegated acts	Delegated acts	A - identical
Article 1, first paragraph, point (19), amending provision, third paragraph				
129	The Commission shall be empowered to adopt delegated acts in accordance with Article 30b, to amend Article 2(1) to amend the list of Conventions set out in Article 2(1) once such Conventions have been adopted as a relevant instrument by the Paris MoU and to amend Annex VI in order to add and/or update the list of procedures and guidelines relating to port State control adopted by the Paris MOU set out in that Annex.	The Commission shall be empowered to adopt delegated acts in accordance with Article 30b, to amend Article 2(1) to amend the list of Conventions set out in Article 2(1) once such Conventions have been adopted as a relevant instrument by the Paris MoU and to amend Annex VI in order to add and/or update the list of procedures and guidelines relating to port State control adopted by the Paris MOU set out in that Annex.	The Commission shall be empowered to adopt delegated acts in accordance with Article 30b, to amend Article 2(1) to amend the list of Conventions set out in Article 2(1) once such Conventions have been adopted as a relevant instrument by the Paris MoU and to amend Annex VI in order to add and/or update the list of procedures, decisions and guidelines relating to port State control adopted by the Paris MOU set out in that Annex.'	B
Article 1, first paragraph, point (20)				
130	(20) in Article 31 the following is inserted:	(20) in Article 31 the following is inserted:	(20) in Article 31 the following is inserted: (deleted)	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (20), amending provision, numbered paragraph (4)				
131	‘ 4. Amendments to the relevant instruments listed in Article 2 point 1 may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002. ’,	‘ 4. Amendments to the relevant instruments listed in Article 2 point 1 may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002. ’,	‘ 4. Amendments to the relevant instruments listed in Article 2 point 1 may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002: (deleted) ’,	C
Article 1, first paragraph, point (21)				
132	(21) Article 33 is replaced by the following:	(21) Article 33 is replaced by the following:	(21) Article 33 is replaced by the following:	A - identical
Article 1, first paragraph, point (21), amending provision, first paragraph				
133	‘ Article 33	‘ Article 33	‘ Article 33	A - identical
Article 1, first paragraph, point (21), amending provision, second paragraph				
134	Implementing rules	Implementing rules	Implementing rules	A - identical
Article 1, first paragraph, point (21), amending provision, third paragraph				
135	When establishing the	When establishing the	When establishing the	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing rules referred to in Articles 2(2) 3(4a), 10(3), 10(4), 14(4), 15(3), 18a(7), 23(5) 24a(6) and Article 27 in accordance with the procedures referred to in Article 31(2), the Commission shall take specific care that those rules take into account the expertise and experience gained with the inspection system in the Union and build upon the expertise of the Paris MOU.	implementing rules referred to in Articles 2(2) 3(4a), 10(3), 10(4), 14(4), 15(3), 18a(7), 23(5) 24a(6) and Article 27 in accordance with the procedures referred to in Article 31(2), the Commission shall take specific care that those rules take into account the expertise and experience gained with the inspection system in the Union and build upon the expertise of the Paris MOU.	implementing rules referred to in Articles 2(2) 3(4a), 10(3), 10(4) 10(3) , 14(4), 15(3), 18a(7), 23(5) 24a(6) and Article 27, in accordance with the procedures referred to in Article 31(2), the Commission shall take specific care to ensure that those rules take into account the expertise and experience gained with the inspection system in the Union and build upon the expertise of the Paris MOU.’;	
Article 1, first paragraph, point (22)				
136	(22) Article 35 is replaced by the following:	(22) Article 35 is replaced by the following:	(22) Article 35 is replaced by the following:	A - identical
Article 1, first paragraph, point (22), amending provision, first paragraph				
137	Article 35	Article 35	Article 35	A - identical
Article 1, first paragraph, point (22), amending provision, second paragraph				
138	Implementation review	Implementation review	Implementation review	A - identical
Article 1, first paragraph, point (22), amending provision, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
AM 33				
139	The Commission shall by [OP: Please insert a date: ten years from the date of entry into force of this amending Directive] submit a report to the European Parliament and the Council on the implementation of, and compliance with, this Directive.	The Commission shall by [OP: Please insert a date: ten five years from the date of entry into force of this amending Directive] submit a report to the European Parliament and the Council on the implementation of, and compliance with, this Directive. <u>The Commission shall determine on the basis of the report whether it is necessary to submit a legislative proposal for the amendment of this Directive or for further legal acts in this area.</u>	The Commission shall by <i>JOP: Please insert a date: [ten years from the date of entry into force of this amending Directive]</i> [OP: Please insert a date: ten years from the date of entry into force of this amending Directive] submit a report to the European Parliament and the Council on the implementation of, and compliance with, this Directive.’;	C
Article 1, first paragraph, point (22), amending provision, third paragraph a				
AM 34				
139a		<u>In any event, as soon as the IMO has adopted a carbon intensity indicator (CII), the Commission shall adopt a delegated act, in accordance with Article 30b, in order to amend Annex I and Annex II of this Directive by including the carbon intensity indicator adopted by the IMO among the environmental parameters used for the</u>		C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>determination of a ship risk profile of a ship under this Directive.</u>		
Article 1, first paragraph, point (22), amending provision, fifth paragraph				
AM 35				
139b		<u>By ... [date five years from the date of entry into force of this amending Directive], the Commission shall by submit a report to the European Parliament and the Council on the progress by Member States on the ratification of international agreements containing obligations related to fisheries as well as assessing how these obligations should be transposed into Union law and, where appropriate, present a legislative proposal to this effect.</u>		C
Article 1, first paragraph, point (23)				
140	(23) Annex I is amended in accordance with Annex I to this Directive.	(23) Annex I is amended in accordance with Annex I to this Directive.	(23) Annex I is amended in accordance with Annex I to this Directive.	A - identical
Article 1, first paragraph, point (24)				
141				A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(24) Annex II is replaced by the text in Annex II to this Directive.	(24) Annex II is replaced by the text in Annex II to this Directive.	(24) Annex II is replaced by the text in Annex II to this Directive.	
Article 1, first paragraph, point (25)				
142	(25) Annex III is deleted.	(25) Annex III is deleted.	(25) Annex III is deleted.	A - identical
Article 1, first paragraph, point (26)				
143	(26) Annex IV is replaced by the text in Annex III to this Directive.	(26) Annex IV is replaced by the text in Annex III to this Directive.	(26) Annex IV is replaced by the text in Annex III to this Directive.	A - identical
Article 1, first paragraph, point (27)				
144	(27) Annex V is replaced by the text in Annex IV to this Directive.	(27) Annex V is replaced by the text in Annex IV to this Directive.	(27) Annex V is replaced by the text in Annex IV to this Directive.	A - identical
Article 1, first paragraph, point (28)				
145	(28) Annex VIII is replaced by the text in Annex V to this Directive.	(28) Annex VIII is replaced by the text in Annex V to this Directive.	(28) Annex VIII is replaced by the text in Annex V to this Directive.	A - identical
Article 1, first paragraph, point (28a)				
145a			(28a) Annex XII is replaced by the text in Annex VI to this Directive.	C
Article 2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
146	Article 2 Transposition	Article 2 Transposition	Article 2 Transposition	A - identical
Article 2(1), first subparagraph				
147	1. Member States shall adopt and publish, by [OP: Please insert a date: one year from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [OP: Please insert a date: one year from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [OP: Please insert a date: one year four years from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	C
Article 2(1), second subparagraph				
148	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	A - identical
Article 2(2)				
149				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	A - identical
Article 2(2a)				
149a			3. Member States which do not have seaports and which can verify that of the total number of individual vessels calling annually over a period of the three previous years at their river ports, less than 5 % are ships covered by this Directive, may derogate from the transposition of this directive.	C
Article 3				
150	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	A - identical
Article 3, first paragraph				
151	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4				
152	Article 4 Addressees	Article 4 Addressees	Article 4 Addressees	A - identical
Article 4, first paragraph				
153	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	A - identical
Formula				
154	Done at Brussels,	Done at Brussels,	Done at Brussels,	A - identical
Formula				
155	For the European Parliament	For the European Parliament	For the European Parliament	A - identical
Formula				
156	The President	The President	The President	A - identical
Formula				
157	For the Council	For the Council	For the Council	A - identical
Formula				
158				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The President	The President	The President	<i>A - identical</i>
Annex I				
159	Annex I	Annex I	Annex I	<i>A - identical</i>
Annex I, amending provision, first subparagraph				
160	‘I. Ship Risk profile	‘I. Ship Risk profile	‘I. Ship Risk profile	<i>A - identical</i>
Annex I, amending provision, first subparagraph, first paragraph				
161	The risk profile of a ship shall be determined by a combination of the following generic, historical, and environmental parameters.	The risk profile of a ship shall be determined by a combination of the following generic, historical, and environmental parameters.	The risk profile of a ship shall be determined by a combination of the following generic, historical, and environmental parameters.	<i>A - identical</i>
Annex I, amending provision, first subparagraph, first paragraph, point (1)				
162	1. Generic parameters	1. Generic parameters	1. Generic parameters	<i>A - identical</i>
Annex I, amending provision, first subparagraph, first paragraph, point (1)(a), first subparagraph				
163	(a) Type of ship	(a) Type of ship	(a) Type of ship	<i>A - identical</i>
Annex I, amending provision, first subparagraph, first paragraph, point (1)(a), second subparagraph				
164				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Passenger ships, oil and chemical tankers, gas carriers and bulk carriers shall be considered as posing a higher risk.	Passenger ships, oil and chemical tankers, gas carriers and bulk carriers shall be considered as posing a higher risk.	Passenger ships, oil and chemical tankers, gas carriers, NLS-tankers and bulk carriers shall be considered as posing a higher risk.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1)(b), first subparagraph				
165	(b) Age of ship	(b) Age of ship	(b) Age of ship	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(b), second subparagraph				
166	Ships of more than 12 years old shall be considered as posing a higher risk.	Ships of more than 12 years old shall be considered as posing a higher risk.	Ships of more than 12 years old shall be considered as posing a higher risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(c)				
167	(c) Flag State performance	(c) Flag State performance	(c) Flag State performance	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(c)(i)				
168	(i) Ships flying the flag of a State with a high detention rate within the Community and the Paris MOU region shall be considered as posing a higher risk.	(i) Ships flying the flag of a State with a high detention rate within the Community and the Paris MOU region shall be considered as posing a higher risk.	(i) Ships flying the flag of a State with a high detention rate within the Community and the Paris MOU region shall be considered as posing a higher risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(c)(ii)				
169				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(ii) Ships flying the flag of a State with a low detention rate within the Community and the Paris MOU region shall be considered as posing a lower risk.	(ii) Ships flying the flag of a State with a low detention rate within the Community and the Paris MOU region shall be considered as posing a lower risk.	(ii) Ships flying the flag of a State with a low detention rate within the Community and the Paris MOU region shall be considered as posing a lower risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(c)(iii)				
170	(iii) Ships flying the flag of a State which has ratified all of the mandatory IMO instruments listed in Article 2(1) shall be considered as posing a lower risk. As soon as the measures referred to in Article 10(3) are adopted, the flag State of such a ship shall demonstrate compliance with the Code for the implementation of mandatory IMO instruments.	(iii) Ships flying the flag of a State which has ratified all of the mandatory IMO instruments listed in Article 2(1) shall be considered as posing a lower risk. As soon as the measures referred to in Article 10(3) are adopted, the flag State of such a ship shall demonstrate compliance with the Code for the implementation of mandatory IMO instruments.	(iii) Ships flying the flag of a State which has ratified all of the mandatory IMO and ILO instruments listed in Article 2(1) shall be considered as posing a lower risk. As soon as the measures referred to in Article 10(3) are adopted, the flag State of such a ship shall demonstrate compliance with the Code for the implementation of mandatory IMO instruments.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1)(c)(iv)				
171	(iv) Ships flying the flag of a State which has furnished electronic versions of the statutory certificates set out in points 1-XX of Annex IV.	(iv) Ships flying the flag of a State which has furnished electronic versions of the statutory certificates set out in points 1-XX of Annex IV.	(iv) Ships flying the flag of a State which has furnished electronic versions of the statutory certificates set out in points 1-XX of Annex IV. (deleted)	C
Annex I, amending provision, first subparagraph, first paragraph, point (1)(d)				
172				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) Recognised organisations	(d) Recognised organisations	(d) Recognised organisations	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(d)(i)				
173	(i) Ships which have been delivered certificates from recognised organisations having a low or very low performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.	(i) Ships which have been delivered certificates from recognised organisations having a low or very low performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.	(i) Ships which have been delivered certificates from recognised organisations having a low or very low performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(d)(ii)				
174	(ii) Ships which have been delivered certificates from recognised organisations having a high performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.	(ii) Ships which have been delivered certificates from recognised organisations having a high performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.	(ii) Ships which have been delivered certificates from recognised organisations having a high performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(d)(iii)				
175	(iii) Ships with certificates issued by organisations recognised under the terms of Regulation (EC) No 391/2009.	(iii) Ships with certificates issued by organisations recognised under the terms of Regulation (EC) No 391/2009.	(iii) Ships with certificates issued by organisations recognised under the terms of Regulation (EC) No 391/2009.	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, amending provision, first subparagraph, first paragraph, point (1)(e)				
176	(e) Company performance	(e) Company performance	(e) Company performance	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(e)(i)				
177	(i) Ships of a company with a low or very low performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.	(i) Ships of a company with a low or very low performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.	(i) Ships of a company with a low or very low performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(e)(ii)				
178	(ii) Ships of a company with a high performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.	(ii) Ships of a company with a high performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.	(ii) Ships of a company with a high performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), first subparagraph				
179	(f) Historical parameters	(f) Historical parameters	(2)2. Historical parameters	A
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), first subparagraph, point (i)				
180	(i) Ships which have been detained	(i) Ships which have been detained	(i) Ships which have been detained	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	more than once shall be considered as posing a higher risk.	more than once shall be considered as posing a higher risk.	more than once shall be considered as posing a higher risk.	
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), first subparagraph, point (ii)				
181	(ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies referred to in Annex II, shall be considered as posing a lower risk.	(ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies referred to in Annex II, shall be considered as posing a lower risk.	(ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies referred to in Annex II, shall be considered as posing a lower risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), first subparagraph, point (iii)				
182	(iii) Ships which have not been detained during the period referred to in Annex II, shall be considered as posing a lower risk.	(iii) Ships which have not been detained during the period referred to in Annex II, shall be considered as posing a lower risk.	(iii) Ships which have not been detained during the period referred to in Annex II, shall be considered as posing a lower risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), second subparagraph				
183	The risk parameters shall be combined by using a weighting which reflects the relative influence of each parameter on the overall risk of the ship in order to determine the following ship risk profiles:	The risk parameters shall be combined by using a weighting which reflects the relative influence of each parameter on the overall risk of the ship in order to determine the following ship risk profiles:	The risk parameters shall be combined by using a weighting which reflects the relative influence of each parameter on the overall risk of the ship in order to determine the following ship risk profiles:	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), second subparagraph, first indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184	- high risk,	- high risk,	- high risk,	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), second subparagraph, second indent				
185	- standard risk,	- standard risk,	- standard risk,	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), second subparagraph, third indent				
186	- low risk.	- low risk.	- low risk.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(f), second subparagraph, first paragraph				
187	In determining these risk profiles greater emphasis shall be given to the parameters for type of ship, flag State performance, recognised organisations and company performance.	In determining these risk profiles greater emphasis shall be given to the parameters for type of ship, flag State performance, recognised organisations and company performance.	In determining these risk profiles greater emphasis shall be given to the parameters for type of ship, flag State performance, recognised organisations and company performance.	A - identical
Annex I, amending provision, first subparagraph, first paragraph, point (1)(g)				
188	(g) Environmental parameters	(g) Environmental parameters	(g) 3. Environmental parameters	A
Annex I, amending provision, first subparagraph, first paragraph, point (1)(g)(i)				
AM 36				
189	(i) The Carbon Intensity Indicator of the ship, ships which are	(i) The Carbon Intensity Indicator of the ship, ships which are	(i) The Carbon Intensity Indicator of the ship, ships which are	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	category D-E shall be considered as posing a higher risk.	category D-E shall be considered as posing a higher risk. <u>deleted</u>	category D-E shall be considered as posing a higher risk. (deleted)	
Annex I, amending provision, first subparagraph, first paragraph, point (1)(g)(ii)				
190	(ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies relating to MARPOL, AFS, BWMC, CLC 92, Bunkers Convention and Nairobi Conventions referred to in Annex II, shall be considered as posing a lower risk.	(ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies relating to MARPOL, AFS, BWMC, CLC 92, Bunkers Convention and Nairobi Conventions referred to in Annex II, shall be considered as posing a lower risk.	(ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less more than the number of deficiencies relating to MARPOL, AFS, BWM CBWM Convention , CLC 92, Bunkers Convention, Nairobi and Hong Kong and Nairobi Conventions referred to in Annex II, and at least one of these deficiencies is a ground for detention , shall be considered as posing a lower higher risk.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1)(g)(iib)				
AM 37				
190a		<u>(iib) Ships which do not have a valid inventory of hazardous substances as detailed in Regulation (EU) No 1257/2013 or in the Hong Kong Convention shall be considered a higher risk</u>		C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iib)				
190b				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			II. Inspection of ships	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iic)				
190c			1. Periodic inspections	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iid)				
190d			Periodic inspections shall be carried out at predetermined intervals. Their frequency shall be determined by the ship risk profile. The interval between periodic inspections of high risk ships shall not exceed six months. The interval between periodic inspections of ships of other risk profiles shall increase as the risk decreases.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iie)				
190e			Member States shall carry out a periodic inspection on:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iif)				
190f			- Any ship with a high risk profile which has not been inspected in a port or anchorage	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			within the Community or of the Paris MOU region during the last six months. High risk ships become eligible for inspection as from the fifth month.	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iig)				
190g			- Any ship with a standard risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last 12 months. Standard risk ships become eligible for inspection as from the 10th month.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iih)				
190h			- Any ship with a low risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last 36 months. Low risk ships become eligible for inspection as from the 24th month.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iii)				
190i				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2. Additional inspections	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (iv)				
190j			Ships, to which the following overriding or unexpected factors apply, are subject to an inspection regardless of the period since their last periodic inspection. However, the need to undertake an additional inspection on the basis of unexpected factors is left to the professional judgement of the inspector.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (v)				
190k			2A. Overriding factors	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (vi)				
190l			Ships to which the following overriding factors apply shall be inspected regardless of the period since their last periodic inspection:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (vii)				
190m				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			- Ships which have been suspended or withdrawn from their class for safety reasons since the last inspection in the Community or in the Paris MOU region.	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (viii)				
190n			- Ships which have been the subject of a report or notification by another Member State.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (ix)				
190o			- Ships which cannot be identified in the inspection database.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (x)				
190p			- Ships which:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xi)				
190q			- have been involved in a collision, grounding or stranding on their way to the port,	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
190r			- have been accused of an alleged violation of the provisions on discharge of harmful substances or effluents, or	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xiii)				
190s			- have manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed, or	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xiv)				
190t			- previously banned ships (next inspection after lifting of the refusal of access order), or	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xv)				
190u			- have been involved in a severe incident, especially a major fire on board, engine breakdown and fatal accidents.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xvi)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
190v			2.B. Unexpected factors	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xvii)				
190w			Ships to which the following unexpected factors apply may be subject to inspection regardless of the period since their last periodic inspection. The decision to undertake such an additional inspection is left to the professional judgement of the competent authority:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xviii)				
190x			- Ships carrying certificates issued by a formerly recognised organisation whose recognition has been withdrawn since the last inspection in the Community or in the Paris MOU region.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xix)				
190y			- Ships which have been reported by pilots or port authorities or bodies as having apparent anomalies which may prejudice their safe navigation or	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			pose a threat of harm to the environment in accordance with Article 23 of this Directive and which may include information from Vessel Traffic Services about ships' navigation.	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xx)				
190z			- Ships which have failed to comply with the relevant notification requirements referred to in Directive (EU) 2019/883/EC.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxi)				
190aa			- Ships which have been the subject of a report or complaint, including an onshore complaint, by the master, a crew member, or any person or organisation with a legitimate interest in the safe operation of the ship, on-board living and working conditions or the prevention of pollution, unless the Member State concerned deems the report or complaint to be manifestly unfounded.	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxii)			
190ab			- Ships reported with an outstanding ISM deficiency (3 months after issuing of the deficiency.	C
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxiii)			
190ac			- Ships which have been previously detained more than three months ago.	C
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxiv)			
190ad			- Ships which have been reported with problems concerning their cargo, in particular noxious and dangerous cargoes.	C
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxv)			
190ae			- Ships which have been operated in a manner posing a danger to persons, property or the environment.	C
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxvi)			
190af				C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			- Ships where information from a reliable source became known, to the effect that their risk parameters differ from those recorded and the risk level is thereby increased.	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxvii)				
190ag			- Ships for which a plan of action to rectify deficiencies as referred to in Article 19(2a) has been agreed but in respect of which the implementation of that plan has not been checked by an inspector.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxviii)				
190ah			3. Selection scheme	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxix)				
190ai			3A. Priority I ships shall be inspected as follows:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxx)				
190aj			(a) An expanded inspection shall be carried out on:	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxi)			
190ak			– any ship with a high risk profile not inspected in the last six months,	C
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxii)			
190al			– any passenger ship, oil tanker, gas, NLS or chemical tanker or bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 12 months.	C
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxiii)			
190am			(b) An initial or a more detailed inspection, as appropriate, shall be carried out on:	C
	Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxiv)			
190an			– any ship other than a passenger ship, an oil tanker, a gas, NLS or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			12 months.	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxv)				
190ao			(c) In case of an overriding factor.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxvi)				
190ap			– A more detailed or an expanded inspection, according to the professional judgement of the inspector, shall be carried out on any ship with a high risk profile and on any passenger ship, oil tanker, gas, NLS or chemical tanker or bulk carrier, older than 12 years of age.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxvii)				
190aq			– A more detailed inspection shall be carried out on any ship other than a passenger ship, an oil tanker, a gas, NLS or chemical tanker or a bulk carrier, older than 12 years of age.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxviii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
190ar			– An expanded inspection shall be carried out on any ship in the first inspection following lifting of a refusal of access order	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xxxix)				
190as			3B. Where the competent authority decides to inspect a Priority II ship, the following shall apply:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xl)				
190at			(a) An expanded inspection shall be carried out on:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xli)				
190au			– any ship with a high risk profile not inspected in the last five months,	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xlii)				
190av			– any passenger ship, oil tanker, gas, NLS or chemical tanker or bulk carrier, older	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			than 12 years of age, with a standard risk profile not inspected in the last 10 months, or	
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xliii)				
190aw			– any passenger ship, oil tanker, gas, NLS or chemical tanker or bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xliv)				
190ax			(b) An initial or a more detailed inspection, as appropriate, shall be carried out on:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xlv)				
190ay			– any ship other than a passenger ship, an oil tanker, a gas, NLS or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 10 months, or	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xlvi)				
190az			– any ship other than a passenger ship, an oil tanker, a gas, NLS or chemical tanker or a bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months.	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xlvi)				
190ba			(c) In case of an unexpected factor:	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xlviii)				
190bb			– a more detailed or an expanded inspection according to the professional judgement of the inspector, shall be carried out on any ship with a high risk profile or any passenger ship, oil tanker, gas, NLS or chemical tanker or bulk carrier, older than 12 years of age,	C
Annex I, amending provision, first subparagraph, first paragraph, point (1), 3., point (xlix)				
190bc			– a more detailed inspection shall be carried out on any ship other than a passenger	C

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			ship, an oil tanker, a gas, NLS or chemical tanker or a bulk carrier, older than 12 years of age.	

COMMISSION PROPOSAL**ANNEX II****DESIGN OF SHIP RISK PROFILE**

(referred to in Article 10(2))

					Profile			
					High Risk Ship (HRS)		Standard Risk Ship (SRS)	Low Risk Ship (LRS)
Generic parameters					Criteria	Weighting points	Criteria	Criteria
1	Type of ship				Chemical tankship Gas carrier Oil tankship Bulk carrier Passenger ship	1	neither a high risk nor a low risk ship	All types
2	Age of ship				all types > 12 y	1		All ages
3a	Flag	Low performance				2		High performance
3b		All IMO instruments listed in Article 2 ratified				-		-
3c			E-Certificate		Statutory certificates are transmitted digitally to the information system			
4a	Recognised organisation	Performance	H		-	-		High
			M		-	-		-
			L		Low	1		-
			VL		Very Low			-
4b		EU recognised			-	-		Yes
5	Company	Performance	H		-	-		High
			M		-	-		-
			L		Low	2		-
			VL		Very low			-
Historical parameters								

6	Number of deficiencies recorded in each inspection within previous 36 months	Deficiencies	>6 in one of the inspections	-	≤ 5 in every individual inspection (and at least one inspection carried out in previous 36 months)
7	Number of detentions within previous 36 months	Detentions	≥ 2 detentions	1	No detention
Environmental parameters					
8	Carbon Intensity Indicator (CII)	Rating	D-E	1	
9	Number of deficiencies related to MARPOL, AFS, BWM, CLC 92, Bunkers and Nairobi Conventions recorded in each inspection within previous 36 months	Deficiencies	>3 in one of the inspections	1	

1. HRS are ships which meet criteria to a total value of 5 or more weighting points. LRS are ships which meet all the criteria of the Low Risk Parameters.
2. SRS are ships which are neither HRS nor LRS

‘Annex IV**LIST OF CERTIFICATES AND DOCUMENTS****(referred to in Article 13(1))**

Part A List of certificates and documents which to the extent applicable should be checked as a minimum during the inspection referred to in paragraph 2.2.3 (as appropriate):

1. 1. International Tonnage Certificate;
2. 2. Reports of previous port State control inspections;
3. 3. Passenger Ship Safety Certificate (SOLAS 1974, regulation I/12);
4. 4. Cargo Ship Safety Construction Certificate (SOLAS 1974, regulation I/12);
5. 5. Cargo Ship Safety Equipment Certificate (SOLAS 1974, regulation I/12);
6. 6. Cargo Ship Safety Radio Certificate (SOLAS 1974, regulation I/12);
7. 7. Cargo Ship Safety Certificate (SOLAS 1974, regulation I/12);
8. 8. Exemption Certificate (SOLAS 1974, regulation I/12);
9. 9. Minimum Safe Manning Document (SOLAS 1974, regulation V/14.2);
10. 10. International Load Line Certificate (1966) (LLC 66/88, article 16.1);
11. 11. International Load Line Exemption Certificate (LLC 66/88, article 16.2);
12. 12. International Oil Pollution Prevention Certificate (MARPOL Annex I, regulation 7.1);
13. 13. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS) (MARPOL, Annex II, regulation 9.1);
14. 14. International Sewage Pollution Prevention Certificate (ISPPC) (MARPOL, Annex IV, regulation 5.1, MEPC.1/Circ.408);
15. 15. International Air Pollution Prevention Certificate (IAPPC) (MARPOL, Annex VI, regulation 6.1);
16. 16. International Energy Efficiency Certificate (MARPOL, Annex VI regulation 6);
17. 17. International Ballast Water Management Certificate (IBWMC) (BWMC Art 9.1(a) and regulation E-2);
18. 18. International Anti-Fouling System Certificate (IAFS Certificate) (AFS 2001 Annex 4 regulation 2);
19. 19. Declaration on AFS (AFS 2001 Annex 4 regulation 5);
20. 20. International Ship Security Certificate (ISSC) or Interim International Ship Security Certificate (ISPS Code part A/19 and appendices);
21. 21. Certificates for masters, officers or ratings issued in accordance with STCW Convention (STCW art. VI, regulation I/2 and STCW Code section A-I/2);
22. 22. Copy of Document of Compliance or a copy of the Interim Document of Compliance issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (DoC) ISM Code (SOLAS regulation IX/4.2, ISM Code, paragraph 13 and 14);
23. 23. Safety Management Certificate or an Interim Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SMC) (SOLAS 1974, regulation IX/4.3, ISM Code, paragraph 13 and 14);

24. 24. International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate (IGC Code regulation 1.5.4 or GC Code regulation 1.6);
25. 25. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate (IBC Code regulation 1.45.4 and BCH Code regulation 1.6.3); 26 INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (SOLAS regulation VII/16 and INF Code reg .1.3);
26. 26. INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (SOLAS regulation VII/16 and INF Code reg .1.3);
27. 27. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (CLC 69/92 art. VII.2);
28. 28. Certificate of insurance or any other financial security in respect of civil liability for Bunker oil pollution damage (BUNKERS 2001 art. 7.2);
29. 29. Certificate of Insurance or other Financial Security in respect of Liability for the Removal of Wrecks (Removal of Wreck Article 12);
30. 30. High-Speed Craft Safety Certificate and Permit to Operate High-Speed Craft (SOLAS 1974, regulation X/3.2 and HSC Code 94/00 regulations 1.8.1 and 1.9);
31. 31. Document of compliance with the special requirements for ships carrying dangerous goods (SOLAS 1974, regulation II-2/19.4);
32. 32. Document of authorization for the carriage of grain and grain loading manual (SOLAS 1974, regulation VI/9; International Code for the Safe Carriage of Grain in Bulk, section 3);
33. 33. Condition Assessment Scheme (CAS) Statement of Compliance, CAS Final Report and Review Record (MARPOL Annex I, regulations 20 and 21; resolution MEPC.94(46), as amended by resolutions MEPC.99(48), MEPC.112(50), MEPC.131(53), resolution MEPC.155(55), and MEPC.236(65);
34. 34. Continuous Synopsis Record (SOLAS 1974, regulation XI-1/5);
35. 35. Oil Record Book, parts I and II (MARPOL, Annex I, regulations 17 and 36);
36. 36. Cargo Record Book (MARPOL, Annex II, regulation 15);
37. 37. Garbage Record Book, parts I and II (MARPOL, Annex V, regulation 10.3); (MARPOL, Annex V, regulation 10);
38. 38. Garbage Management Plan (MARPOL, Annex V, regulation 10; resolution MEPC.220(63));
39. 39. Logbook and the recordings of the tier and on/off status of marine diesel engines (MARPOL, Annex VI, regulation 13.5.3);
40. 40. Logbook for fuel oil changeover (MARPOL Annex VI, regulation 14.6);
41. 41. Ozone-depleting Substances Record Book (MARPOL, Annex VI, regulation 12.6);
42. 42. Ballast Water Record Book (BWRB) (BWMC Art 9.1 (b) and regulation B-2);
43. 43. Fixed gas fire-extinguishing systems – cargo spaces Exemption Certificate and any list of cargoes (SOLAS 1974, regulation II-2/10.7.1.4);
44. 44. Dangerous goods manifest or stowage plan (SOLAS 1974, regulations VII/4 and VII/7-2; MARPOL, Annex III, regulation 54);
45. 45. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage (MARPOL, Annex I, regulation 31.2);
46. 46. Search and Rescue cooperation plan for passenger ships trading on fixed routes (SOLAS 1974, regulation V/7.3);

47. 47. For passenger ships, List of operational limitations (SOLAS 1974, regulation V/30.2);
48. 48. Nautical charts and nautical publications (SOLAS 1974, regulations V/19.2.1.4 and V/27);
49. 49. Records of hours of rest and table of shipboard working arrangements (STCW Code section A-VIII/1.5 and 1.7, ILO Convention No.180 art. 5.7, art. 8.1 and MLC, 2006 Standard A.2.3.10 and A.2.3.12);
50. 50. Unattended machinery spaces (UMS) evidence (SOLAS 1974, regulation II-I/46.3);
51. 51. Certificates required under Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims;
52. 52. Certificate required under Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents;
53. 53. A certificate on the inventory of hazardous materials or a statement of compliance as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council; and
54. 54. Document of Compliance issued under Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC.

Part B List of other certificates and documents which to the extent applicable are required to be on board (as appropriate):

55. 1. Construction drawings (SOLAS reg. II-1/3-7);
56. 2. Ship Construction File (SOLAS reg. II-1/3-10);
57. 3. Manoeuvring Booklet and information (SOLAS reg. II-1/28);
58. 4. Stability information (SOLAS regs. II-1/5 and II-1/5-1 and LLC 66/88 reg. 10);
59. 5. Subdivision and stability information (MARPOL Annex I reg. 28);
60. 6. Damage control plans and booklets (SOLAS reg. II-1/19; MSC.1/Circ.1245)
61. 7. Ship Structure Access Manual (SOLAS reg. II-1/3-6);
62. 8. Enhanced Survey Report Files (in case of bulk carriers or oil tankers) (SOLAS reg. XI-1/2 and 2011 ESP Code paragraphs 6.2 and 6.3 of annex A, part A and part B, and annex B, part A and part B);
63. 9. Cargo Securing Manual (SOLAS reg. VI/5.6 and VII/5; MSC.1/Circ.1353/Rev.1);
64. 10. Bulk Carrier Booklet (SOLAS reg. VI/7.2 and XII/8, BLU Code);
65. 11. Loading/Unloading Plan for bulk cargoes (SOLAS reg. VI/7.3);
66. 12. Cargo Information (SOLAS reg. VI/2 and XII/10, MSC/Circ.663);
67. 13. Fire control plan/booklet (SOLAS reg. II-2/15.2.4 and II-2/15.3.2);
68. 14. Fire safety operational booklet (SOLAS reg. II-2/16.2);
69. 15. Fire safety training manual (SOLAS reg. II-2/1 5.2.3);
70. 16. Training manual (SOLAS reg. III/35);
71. 17. Onboard training, drills and maintenance records (SOLAS reg. II-2/15.2.2.5 and reg. III/19.3 and III/19.5 and III/20.6 and III/20.7);
72. 18. Ship-specific Plans and Procedures for Recovery of Persons from the Water (SOLAS reg. III/17-1; MSC.346(91); MSC.1/Circ.1447);
73. 19. Decision support system for masters (Passenger ships) (SOLAS reg. III/29);
74. 20. International Code of Signals and a copy of Volume III of IAMSAR Manual (SOLAS reg. V/21);
75. 21. Records of navigational activities (SOLAS reg. V/26 and V/28.1);

76. 22. Ship Security Plan and associated records (SOLAS reg. XI-2/9 and ISPS Code part A/9 and 10);
77. 23. Engine International Air Pollution Prevention Certificate (EIAPPC) (NOX Technical Code 2008 reg. 2.1.1.1);
78. 24. EEDI Technical File (MARPOL Annex VI, reg. 20);
79. 25. Technical files (NOX Technical Code 2008 reg. 2.3.4);
80. 26. Record book of engine parameters (NOX Technical Code reg. 2.3.7);
81. 27. Type approval certificate of incinerator (MARPOL Annex VI reg. 16.6);
82. 28. Manufacturer's Operating Manual for Incinerators (MARPOL Annex VI reg. 16.7);
83. 29. Fuel oil Changeover Procedure for fuel oil changeover (MARPOL Annex VI reg. 14.6);
84. 30. 30 Bunker delivery notes and Representative Sample (MARPOL Annex VI reg. 18.6 and 18.8.1);
85. 31. Shipboard Oil Pollution Emergency Plan (MARPOL Annex I reg. 37.1; resolution MEPC.54(32), as amended by resolution MEPC.86(44));
86. 32. Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances (MARPOL Annex II reg. 17);
87. 33. Ship Energy Efficiency Management Plan (MARPOL Annex VI reg. 22, MEPC.1/Circ795);
88. 34. STS Operation Plan and Records of STS Operations (MARPOL Annex I reg. 41);
89. 35. Procedures and Arrangements Manual (chemical tankers) (MARPOL Annex II reg. 14.1; resolution MEPC.18(22), as amended by resolution MEPC.62(35));
90. 36. VOC Management Plan (MARPOL Annex VI reg. 15.6);
91. 37. Ballast Water Management Plan (BWMP) (BWMC reg. B-1, resolution MEPC.127(53))
92. 38. LRIT Conformance Test Report (SOLAS reg. V/19-1.6; MSC.1/Circ.1307);
93. 39. Copy of the Certificate of compliance issued by the testing facility, stating the date of compliance and the applicable performance standards of VDR (voyage data recorder) (SOLAS reg. V/18.8);
94. 40. AIS test report (SOLAS reg. V/18.9, MSC.1/Circ.1252);
95. 41. Noise Survey Report (SOLAS reg. II-1/3-12);
96. 42. Oil Discharge Monitoring and Control (ODMC) Operational Manual (MARPOL Annex I reg. 31; resolution A.496(XII); resolution A.586(14), as amended by resolution MEPC.24(22); resolution MEPC.108(49), as amended by resolution MEPC.240(65));
97. 43. Crude Oil Washing Operation and Equipment Manual (MARPOL Annex I reg. 35, resolution MEPC.81(43));
98. 44. Material Safety Data Sheets (MSDS) (SOLAS reg. VI/5-1, MSC.286(86));
99. 45. Record of AFS (AFS 2001 Annex 4 reg. 2);
100. 46. Coating Technical File (SOLAS reg. II-1/3-2); and
101. 47. Maintenance plans (SOLAS reg. II-2/14.2.2, II-2/14.3 and II-2/14.4).

For reference:

102. 1. Certificate of Registry or other document of nationality (UNCLOS art. 9.1.2);
103. 2. Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society);
104. 3. Cargo Gear Record Book (ILO Convention No.32 art. 9.2(4) and ILO Convention No.152 art. 25);
105. 4. Certificates loading and unloading equipment (ILO Convention No.134 art. 4.3(e) and ILO Convention No.32 art. 9(4));

106. 5. Medical certificates (ILO Convention No.73 or MLC, 2006 Standard A1.2);
107. 6. Records of hours of work or rest of seafarers (ILO Convention No.180 part II art. 8.1 or MLC, 2006, Standard A.2.3.12);
108. 7. Maritime Labour Certificate (MLC, 2006, Regulation 5.1.3);
109. 8. Declaration of Maritime Labour Certificate (MLC, 2006, Regulation 5.1.3);
110. 9. Declaration of Maritime Labour compliance (DMLC) on board (parts I and II) (MLC, 2006, Regulation 5.1.3);
111. 10. Seafarer's employment agreements (MLC, 2006, Standard A 2.1);
112. 11. Certificate of Insurance or Financial Security for Repatriation of Seafarers (MLC, 2006, Regulation 2.5); and
113. 12. Certificate of Insurance or Financial Security for Shipowners liability (MLC, 2006, Regulation 4.2).'

‘ANNEX VI
PROCEDURES FOR THE CONTROL OF SHIPS
(referred to in Article 15(1))

Annex I, ‘Port State Control Procedures’, to the Paris MOU and the following instructions from the Paris MOU, in their up-to-date version:

PSCC Technical instructions

- PSCC41-2008-07 Code of Good Practice

PSCC53-2020-08 Definitions and Abbreviations

General Paris MoU

- PSCC54-2021-03 Type of inspection
- PSCC55-2022-10 Detention and Action Taken
- PSCC55-2022-08 Model forms
- PSCC52-2019-05 Operational control
- PSS43-2010-11 Flag State Exemptions
- PSCC48-2015-09 RO responsibility
- PSCC51 Stopping an operation
- PSCC49-2016-11 Black-out test
- PSCC53-2020-06 Refusal of Access (Banning)
- PSCC50-2017-12 Structure bulk carriers/oil tankers
- PSCC43-2010-06 Dry Docking
- PSCC53-2020-11 Allowing for a single voyage to a repair yard for "accidental damage" deficiencies

SOLAS Convention

- PSCC55-2022-09 ISM Code
- PSCC54-2021-02 ISPS Code
- PSCC51-2018-12 ECDIS
- PSCC43-2010-32 VDR (Voyage Data Recorders)
- PSCC43-2010-09 Material Safety Data Sheets
- PSCC43-2010-21 GMDSS
- PSCC44-2011-16 Lifeboat on-load release hooks
- PSCC45-2012-10 Damage stability on tankers
- PSCC55-2022-05 LRIT
- PSCC43-2010-28 Thickness measurements ESP/CAS
- PSCC43-2010-29 Thickness measurement
- PSCC51-2018-11 Polar Code
- PSCC55-2022-02 IGF Code

MARPOL Convention

- PSCC46-2013-18 MARPOL Annex I OWS
- PSCC43-2010-39 MARPOL Annex II Stripping
- PSCC47-2014-08 MARPOL Annex III IMDG
- PSCC55-2022-07 MARPOL Annex IV Sewage
- PSCC52-2019-07 MARPOL Annex V Garbage
- PSCC55-2022-11 MARPOL Annex VI Air Pollution
- PSCC43-2010-38 Crude oil washing
- PSCC44-2011-20 MARPOL Investigation
- International Load Line Convention
- PSCC54-2021-06 International Load Line Convention

AFS Convention

- PSCC47-2014-13 Anti Fouling Systems

Bunkers Convention

- PSCC43-2010-08 Bunker Convention
- Certification of Seafarers and Manning
- PSCC54-2021-04 Certification of Seafarers and Manning (STCW, MLC and SOLAS)
- Ballast Water Management Convention
- PSCC51-2018-09 Ballast Water Management Convention

ILO Conventions

- PSCC52-2019-10 Maritime Labour Convention 2006 (MLC)
- PSCC53-2020-14 Hours of Work or Rest and fitness for duty'

‘ANNEX VIII**PROVISIONS CONCERNING REFUSAL OF ACCESS TO PORTS AND ANCHORAGES
WITHIN THE COMMUNITY****(referred to in Article 16)**

- (1) If the conditions described in Article 16(1) are met, the competent authority of the port in which the ship is detained for the third time shall inform the master of the ship in writing that a refusal of access order will be issued which will become applicable immediately after the ship has left the port. The refusal of access order shall become applicable immediately after the ship has left the port after the deficiencies leading to the detention have been remedied.
- (2) The competent authority shall send a copy of the refusal of access order to the flag State administration, the recognised organisation concerned, the other Member States, and the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The competent authority shall also update the inspection database with information on the refusal of access without delay.
- (3) In order to have the refusal of access order lifted, the owner or the operator must address a formal request to the competent authority of the Member State that imposed the refusal of access order. This request must be accompanied by a document from the flag State administration issued following an on-board visit by a surveyor duly authorised by the flag State administration, showing that the ship fully conforms to the applicable provisions of the Conventions. The flag State administration shall provide evidence to the competent authority that a visit on board has taken place.
- (4) The request for the lifting of the refusal of access order must also be accompanied, where appropriate, by a document from the classification society which has the ship in class following an on-board visit by a surveyor from the classification society, showing that the ship conforms to the class standards stipulated by that society. The classification society shall provide evidence to the competent authority that a visit on board has taken place.
- (5) The refusal of access order may be lifted only after the period referred to Article 16 of this Directive has elapsed and the company must address a formal request to the port State authority of the Member State that imposed the ban and provide the documents requested in paragraphs 3 and 4
- (6) Such a request including the required documents must be submitted to the banning State at least one month before the end of the ban period. If this deadline is not met, then a delay may occur of up to one month after the banning State received the request
- (7) The information system will add an overriding factor to the ship and the ship will be indicated liable for the inspection type “Expanded inspection” at next call at port/anchorage in the region.
- (8) The competent authority shall also notify its decision in writing to the flag State administration, the classification society concerned, the other Member States, the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The competent authority must also update the inspection database with information on the removal of the access without delay.

- (9) Information relating to ships that have been refused access to ports within the Community must be made available in the inspection database and published in conformity with the provisions of Article 26 and of Annex XIII.'
-

PUBLIC

Amendment 38

Proposal for a directive
Annex II – table – point 8
 Directive 2009/16/EC
 Annex II

<i>– Text proposed by the Commission</i>						
8	Carbon Intensity Indicator (CII)	Rating	D-E	1		
<i>– Amendment</i>						
8	<i>Deleted</i>					

Amendment 39

Proposal for a directive
Annex II – table – point 9 a (new)
 Directive 2009/16/EC
 Annex II

<i>– Text proposed by the Commission</i>						
<i>– Amendment</i>						
9a	<i>Ships which do not have a valid inventory of hazardous substances as detailed in Regulation (EU) No 1257/2013 or in the Hong Kong Convention shall be considered a higher risk</i>		<i>No valid documentaion</i>	<i>1</i>		

Amendment 40

Proposal for a directive
Annex III – Part A – point 54 a (new)
 Directive 2009/16/EC
 Annex III

– *Text proposed by the Commission*

– *Amendment*

–

– **54a.** ***Valid
inventory of hazardous substances as
detailed in Regulation (EU) No 1257/2013
or in the Hong Kong Convention***

DESIGN OF SHIP RISK PROFILE

(referred to in Article 10(2))

				Profile			
				High Risk Ship (HRS)		Standard Risk Ship (SRS)	Low Risk Ship (LRS)
Generic parameters				Criteria	Weighting points	Criteria	Criteria
1	Type of ship			Chemical tankship Gas carrier Oil tankship Bulk carrier Passenger ship NLS	1	neither a high risk nor a low risk ship	All types
2	Age of ship			all types > 12 y	1		All ages
3a	Flag	Low performance			2		High performance
3b		All IMO/ILO instruments listed in Article 2 ratified		-	-		Yes
3c		(deleted)		(deleted)			
4a	Recognised organisation	Performance	H	-	-		High
			M	-	-		-
			L	Low	1		-
			VL	Very Low			-
4b		EU recognised		-	-		Yes
5	Company	Performance	H	-	-		High
			M	-	-		-
			L	Low	2		-
			VL	Very low			-
Historical parameters							
6	Number of deficiencies recorded in each inspection within previous 36 months	Deficiencies	>6 in one of the inspections	-		≤ 5 in every individual inspection (and at least one inspection carried out in previous 36 months)	

7	Number of detentions within previous 36 months	Detentions	≥ 2 detentions	1	No detention
Environmental parameters					
8	(deleted)	(deleted)	(deleted)	(deleted)	
9	Number of deficiencies related to MARPOL, AFS, BWM, CLC 92, Bunkers, Nairobi and Hong Kong Conventions recorded in each inspection within previous 36 months	Deficiencies	>3 in one of the inspections, being one of them is ground for detention	1	

HRS are ships which meet criteria to a total value of 5 or more weighting points. LRS are ships which meet all the criteria of the Low Risk Parameters.

SRS are ships which are neither HRS nor LRS

‘Annex IV**LIST OF CERTIFICATES AND DOCUMENTS****(referred to in Article 13(1))**

Part A List of certificates and documents which to the extent applicable should be checked as a minimum during the inspection referred to in paragraph 2.2.3 (as appropriate):

1. International Tonnage Certificate;
2. Reports of previous port State control inspections;
3. Passenger Ship Safety Certificate (SOLAS 1974, regulation I/12);
4. Cargo Ship Safety Construction Certificate (SOLAS 1974, regulation I/12);
5. Cargo Ship Safety Equipment Certificate (SOLAS 1974, regulation I/12);
6. Cargo Ship Safety Radio Certificate (SOLAS 1974, regulation I/12);
7. Cargo Ship Safety Certificate (SOLAS 1974, regulation I/12);
8. Exemption Certificate (SOLAS 1974, regulation I/12);
9. Minimum Safe Manning Document (SOLAS 1974, regulation V/14.2);
10. International Load Line Certificate (1966) (LLC 66/88, article 16.1);
11. International Load Line Exemption Certificate (LLC 66/88, article 16.2);
12. International Oil Pollution Prevention Certificate (MARPOL Annex I, regulation 7.1);
13. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS) (MARPOL, Annex II, regulation 9.1);
14. International Sewage Pollution Prevention Certificate (ISPPC) (MARPOL, Annex IV, regulation 5.1, MEPC.1/Circ.408);
15. International Air Pollution Prevention Certificate (IAPPC) (MARPOL, Annex VI, regulation 6.1);
16. International Energy Efficiency Certificate (MARPOL, Annex VI regulation 6);
17. International Ballast Water Management Certificate (IBWMC) (BWMC Art 9.1(a) and regulation E-2);
18. International Anti-Fouling System Certificate (IAFS Certificate) (AFS 2001 Annex 4 regulation 2);
19. Declaration on AFS (AFS 2001 Annex 4 regulation 5);
20. International Ship Security Certificate (ISSC) or Interim International Ship Security Certificate (ISPS Code part A/19 and appendices);
21. Certificates for masters, officers or ratings issued in accordance with STCW Convention (STCW art. VI, regulation I/2 and STCW Code section A-I/2);
22. Copy of Document of Compliance or a copy of the Interim Document of Compliance issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (DoC) ISM Code (SOLAS regulation IX/4.2, ISM Code, paragraph 13 and 14);

23. Safety Management Certificate or an Interim Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SMC) (SOLAS 1974, regulation IX/4.3, ISM Code, paragraph 13 and 14);
24. International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate (IGC Code regulation 1.5.4 or GC Code regulation 1.6);
25. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate (IBC Code regulation 1.45.4 and BCH Code regulation 1.6.3); 26 INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (SOLAS regulation VII/16 and INF Code reg .1.3);
26. INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (SOLAS regulation VII/16 and INF Code reg .1.3);
27. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (CLC 69/92 art. VII.2);
28. Certificate of insurance or any other financial security in respect of civil liability for Bunker oil pollution damage (BUNKERS 2001 art. 7.2);
29. Certificate of Insurance or other Financial Security in respect of Liability for the Removal of Wrecks (Removal of Wreck Article 12);
30. High-Speed Craft Safety Certificate and Permit to Operate High-Speed Craft (SOLAS 1974, regulation X/3.2 and HSC Code 94/00 regulations 1.8.1 and 1.9);
31. Document of compliance with the special requirements for ships carrying dangerous goods (SOLAS 1974, regulation II-2/19.4);
32. Document of authorization for the carriage of grain and grain loading manual (SOLAS 1974, regulation VI/9; International Code for the Safe Carriage of Grain in Bulk, section 3);
33. Condition Assessment Scheme (CAS) Statement of Compliance, CAS Final Report and Review Record (MARPOL Annex I, regulations 20 and 21; resolution MEPC.94(46), as amended by resolutions MEPC.99(48), MEPC.112(50), MEPC.131(53), resolution MEPC.155(55), and MEPC.236(65));
34. Continuous Synopsis Record (SOLAS 1974, regulation XI-1/5);
35. Oil Record Book, parts I and II (MARPOL, Annex I, regulations 17 and 36);
36. Cargo Record Book (MARPOL, Annex II, regulation 15);
37. Garbage Record Book, parts I and II (MARPOL, Annex V, regulation 10.3); (MARPOL, Annex V, regulation 10);
38. Garbage Management Plan (MARPOL, Annex V, regulation 10; resolution MEPC.220(63));
39. Logbook and the recordings of the tier and on/off status of marine diesel engines (MARPOL, Annex VI, regulation 13.5.3);
40. Logbook for fuel oil changeover (MARPOL Annex VI, regulation 14.6);
41. Ozone-depleting Substances Record Book (MARPOL, Annex VI, regulation 12.6);
42. Ballast Water Record Book (BWRB) (BWMC Art 9.1 (b) and regulation B-2);
43. Fixed gas fire-extinguishing systems – cargo spaces Exemption Certificate and any list of cargoes (SOLAS 1974, regulation II-2/10.7.1.4);

44. Dangerous goods manifest or stowage plan (SOLAS 1974, regulations VII/4 and VII/7-2; MARPOL, Annex III, regulation 54);
45. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage (MARPOL, Annex I, regulation 31.2);
46. Search and Rescue cooperation plan for passenger ships trading on fixed routes (SOLAS 1974, regulation V/7.3);
47. For passenger ships, List of operational limitations (SOLAS 1974, regulation V/30.2);
48. Nautical charts and nautical publications (SOLAS 1974, regulations V/19.2.1.4 and V/27);
49. Records of hours of rest and table of shipboard working arrangements (STCW Code section A-VIII/1.5 and 1.7, ILO Convention No.180 art. 5.7, art. 8.1 and MLC, 2006 Standard A.2.3.10 and A.2.3.12);
50. Unattended machinery spaces (UMS) evidence (SOLAS 1974, regulation II-I/46.3);
51. Certificates required under Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims;
52. Certificate required under Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents;
53. A certificate on the inventory of hazardous materials or a statement of compliance as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council; and
54. Document of Compliance issued under Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC.

‘ANNEX VI

PROCEDURES FOR THE CONTROL OF SHIPS

(referred to in Article 15(1))

Annex I, ‘Port State Control Procedures’, to the Paris MOU and all technical instructions and circulars issued by Paris MoU that are in force, in their up-to-date version:

PSCC Technical instructions

– PSCC41-2008-07 Code of Good Practice

PSCC53-2020-08 Definitions and Abbreviations

General Paris MoU

- PSCC54-2021-03 Type of inspection
- PSCC56/2023/06 Detention and Action Taken
- PSCC56/2023/04 Model forms
- PSCC52-2019-05 Operational control
- PSS43-2010-11 Flag State Exemptions
- PSCC51/2018/13 Stopping an operation
- PSCC49-2016-11 Black-out test
- PSCC53-2020-06 Refusal of Access (Banning)
- PSCC50-2017-12 Structure bulk carriers/oil tankers
- PSCC43-2010-06 Dry Docking
- PSCC53-2020-11 Allowing for a single voyage to a repair yard for "accidental damage" deficiencies

SOLAS Convention

- PSCC56/2023/05 ISM Code
- PSCC54-2021-02 ISPS Code
- PSCC51-2018-12 ECDIS
- PSCC43-2010-32 VDR (Voyage Date Recorders)
- PSCC43-2010-09 Material Safety Data Sheets
- PSCC43-2010-21 GMDSS
- PSCC44-2011-16 Lifeboat on-load release hooks
- PSCC45-2012-10 Damage stability on tankers
- PSCC55-2022-05 LRIT
- PSCC43-2010-28 Thickness measurements ESP/CAS
- PSCC43-2010-29 Thickness measurement
- PSCC51-2018-11 Polar Code
- PSCC55-2022-02 IGF Code

MARPOL Convention

- PSCC46-2013-18 MARPOL Annex I OWS
- PSCC43-2010-39 MARPOL Annex II Stripping
- PSCC47-2014-08 MARPOL Annex III IMDG
- PSCC55-2022-07 MARPOL Annex IV Sewage
- PSCC52-2019-07 MARPOL Annex V Garbage
- PSCC56/2023/07 MARPOL Annex VI Air Pollution
- PSCC43-2010-38 Crude oil washing
- PSCC44-2011-20 MARPOL Investigation

International Load Line Convention

- PSCC54-2021-06 International Load Line Convention

AFS Convention

- PSCC47-2014-13 Anti Fouling Systems

Bunkers Convention

- PSCC56/2023/02 Conventions related to Financial Liability

Certification of Seafarers and Manning

- PSCC56/2023/08 Certification of Seafarers and Manning (STCW, MLC and SOLAS)

Ballast Water Management Convention

- PSCC51-2018-09 Ballast Water Management Convention

ILO Conventions

- PSCC52-2019-10 Maritime Labour Convention 2006 (MLC)
- PSCC53-2020-14 Hours of Work or Rest and fitness for duty'

‘ANNEX VIII**PROVISIONS CONCERNING REFUSAL OF ACCESS TO PORTS AND ANCHORAGES
WITHIN THE COMMUNITY**

(referred to in Article 16 and Article 21.4)

- (1) If the conditions described in Article 16(1) are met, the competent authority of the port in which the ship is detained for the third time shall inform the master of the ship in writing that a refusal of access order will be issued which will become applicable immediately after the ship has left the port. The refusal of access order shall become applicable immediately after the ship has left the port after the deficiencies leading to the detention have been remedied.
- (2) The competent authority shall send a copy of the refusal of access order to the flag State administration, the recognised organisation concerned, the other Member States, and the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The competent authority shall also update the inspection database with information on the refusal of access without delay.
- (3) In order to have the refusal of access order lifted, the owner or the operator must address a formal request to the competent authority of the Member State that imposed the refusal of access order. This request must be accompanied by a document from the flag State administration issued following an on-board visit by a surveyor duly authorised by the flag State administration, showing that the ship fully conforms to the applicable provisions of the Conventions. The flag State administration shall provide evidence to the competent authority that a visit on board has taken place. The document may take the form of an official statement, which must be issued by the flag Administration and not by a recognised organisation.
- (4) The request for the lifting of the refusal of access order must also be accompanied, where appropriate, by a document from the classification society which has the ship in class following an on-board visit by a surveyor from the classification society, showing that the

ship conforms to the class standards stipulated by that society. The classification society shall provide evidence to the competent authority that a visit on board has taken place.

- (5) The refusal of access order may be lifted only after the period referred to Article 16 of this Directive has elapsed and the company must address a formal request to the port State authority of the Member State that imposed the ban and provide the documents requested in paragraphs 3 and 4
- (6) Such a request including the required documents must be submitted to the banning State at least one month before the end of the ban period. If this deadline is not met, then a delay may occur of up to one month after the banning State received the request
- (7) The information system will add an overriding factor to the ship and the ship will be indicated liable for the inspection type “Expanded inspection” at its next call at port/anchorage in the region.
- (8) The competent authority shall also notify its decision in writing to the flag State administration, the classification society concerned, the other Member States, the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The competent authority must also update the inspection database with information on the removal of the access without delay.
- (9) Information relating to ships that have been refused access to ports within the Community must be made available in the inspection database and published in conformity with the provisions of Article 26 and of Annex XIII.’

‘ANNEX XII**FUNCTIONALITIES OF THE INSPECTION DATABASE**

(referred to in Article 24.1)

- (1) The inspection database shall include at least the following functionalities:
- incorporate inspection data of Member States and all signatories to the Paris MOU,
 - provide data on the ship risk profile and on ships due for inspections,
 - calculate the inspection commitments for each Member State,
 - produce the high performance as well as the standard and low performance list of flag States, referred to in Article 16(1),
 - produce data on the performance of companies,
 - identify the items in risk areas to be checked at each inspection.
- (2) The inspection database shall have the capability to adapt to future developments and to interface with other Community maritime safety databases, including SafeSeaNet, which shall provide data on ships’ actual calls to ports of Member States and, where appropriate, to relevant national information systems.
- (3) A deep hyperlink shall be provided from the inspection database to the Equasis information system. Member States shall encourage that the public and private databases relating to ship inspection accessible through Equasis are consulted by the inspectors.’