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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Position to be adopted, on the Union's behalf, within the Port State Control Committee of the Paris Memorandum of Understanding on port State control, during the period 2020-2024

POSITION TO BE ADOPTED, ON THE UNION'S BEHALF,
WITHIN THE PORT STATE CONTROL COMMITTEE
OF THE PARIS MEMORANDUM OF UNDERSTANDING
ON PORT STATE CONTROL, DURING THE PERIOD 2020-2024

I. Guiding principles and orientations on the position to be adopted on the Union's behalf within the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control

I.1. Guiding Principles

In the framework of the Port State Control Committee ('PSCC') of the Paris Memorandum of Understanding on Port State Control (the 'Paris MOU'), the Member States which are bound by the Paris MOU, acting jointly in the interests of the Union, shall:

(a) act in accordance with the objectives pursued by Directive 2009/16/EC of the European Parliament and of the Council[1], notably to improve international standards for maritime safety, pollution prevention and on-board living and working conditions through a drastic reduction of substandard ships by strictly applying relevant international conventions and codes;

[1] Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

(b) promote the implementation of a harmonised approach by members of the Paris MOU to the effective enforcement of those international standards in respect of ships sailing in the waters under their jurisdiction and using their ports;

(c) work together within the Paris MOU to achieve a comprehensive inspection scheme and the sharing of the inspection burden in an equitable manner, in particular by the adoption of the annual inspection commitment drawn up in accordance with the agreed methodology set out in Annex 11 to the Paris MOU;

(d) work within the Paris MOU to maintain appropriate competent authorities to which the requisite number of staff, in particular qualified inspectors, for the inspection of ships is assigned, for example, through recruitment;

(e) ensure that measures adopted within the Paris MOU are consistent with international law and, in particular, with relevant international conventions and codes relating to maritime safety, pollution prevention and on-board living and working conditions;

(f) promote the development of common approaches with other bodies carrying out port State Control;

(g) ensure consistency with other Union policies, in particular in the areas of external relations, security and the environment.

I.2. Orientations

The Member States which are bound by the Paris MOU, acting jointly in the interests of the Union, shall endeavour to support the following actions by the Paris MOU:

1. The adoption of the following elements of the ship risk profile used to target vessels for inspection:

(a) the white, grey and black flag list in accordance with the formula developed by the Paris MOU and set out in the Annex to Commission Regulation (EU) No 801/2010[1];

[1] Commission Regulation (EU) No 801/2010 of 13 September 2010 implementing Article 10(3) of Directive 2009/16/EC of the European Parliament and of the Council as regards the flag State criteria (OJ L 241, 14.9.2010, p. 1).

(b) the performance list for recognised organisations in accordance with the methodology adopted by the PSCC at PSCC 37 in May 2004 (agenda item point 4.5.2);

(c) the average deficiency and detention ratio for the company performance formula on the basis of the Annex to Commission Regulation (EU) No 802/2010[1].

2. The implementation, as soon as possible, of an alternative method of drawing up the white, grey and black list of flag States, as approved by the PSCC at PSCC 52 in May 2019, in order to ensure its fairness, regardless of the size of the fleet.

3. The adoption of changes or updates to the procedures and guidelines of the Paris MOU, having legal effects, that are consistent with the objectives pursued by Directive 2009/16/EC, in particular to improve maritime safety, pollution prevention and on-board living and working conditions.

[1] Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance (OJ L 241, 14.9.2010, p. 4).

II. Procedural rules governing the year-to-year specifications of the position to be adopted on the Union's behalf within the PSCC

Before each annual PSCC meeting, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of all relevant information communicated to the Commission as well as any document to be discussed at the meeting on topics falling within Union competence, in accordance with the guiding principles and orientations under point I.

Accordingly and based on such information and documents, the Commission shall submit to the Council, for consideration and approval, a preparatory document setting out the particulars of the proposed position to be adopted on the Union's behalf, in sufficient time in advance of the PSCC meeting.