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## WORKING DOCUMENT

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From: General Secretariat of the Council

To: Delegations

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Subject: 54th session of the Port State Control Committee of the Paris  
Memorandum of Understanding (PSCC 54) (virtual meeting, 17-21 May  
2021)

– Non-paper from the Commission drafted to facilitate EU coordination

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Delegations will find attached a non-paper from the Commission drafted to facilitate EU coordination for the above-mentioned PSCC session, **revised in the light of the discussions at the informal videoconference of the members of the Shipping Working Party on 7 May 2021 and subsequent lifting of scrutiny reservations.**

**NON PAPER**  
**ON THE POSITION OF THE UNION FOR THE MAY 2021**  
**MEETING OF THE PORT STATE CONTROL COMMITTEE OF THE PARIS**  
**MEMORANDUM OF UNDERSTANDING**  
**ON PORT STATE CONTROL**

This non-paper is submitted in accordance with Council Decision (EU) 2020/722<sup>1</sup> in view to establishing the position of the Union for an annual meeting of the Port State Control Committee (PSCC) of the Paris Memorandum of Understanding on port State control.

Due to the effects of the COVID-19 pandemic, PSCC54, scheduled to take place in Bucharest, Romania from 17-21 May 2021, will take the form of a virtual meeting.

This document lists all the documents received and published on the Paris MoU website.<sup>2</sup>

The comments by the Commission are printed in *italics*. The proposed position of the Union is printed in ***bold italics***.<sup>3 4</sup>

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<sup>1</sup> OJ L171, 2.6.2020, p. 4.

<sup>2</sup> Documents marked with an asterisk (\*) are priority 2 documents to be discussed by PSCC54 if time allows. To be noted that the corresponding EU positions may have to be updated in view of future PSCC meetings.

<sup>3</sup> Member States urge the Commission to use agreed and long-established wording for EU coordination documents for Paris MoU.

<sup>4</sup> Reservation: the Commission (on all deletions/amendments to the coordination document).

## **General**

*Relevant positions agreed in earlier EU Paris MoU coordination papers remain valid – as far as still applicable – for this EU PSCC54 coordination.*

### **Agenda item 1 – Time table**

PSCC54/1.0

### **Agenda item 2 – Adoption of the agenda**

PSCC54/2.0AREV1 (Secretariat): provides the provisional agenda for PSCC54.

No Working Groups are currently scheduled.

PSCC54/2.0B-WP1 (Chairman): set the schedule of the agenda items.

No Working Groups are currently scheduled.

### **Agenda item 3 – Reports from MoU Bodies**

PSCC54/3.1 (MAB): provides an outline of the activity of the Paris MoU Advisory Board (MAB) since PSCC53 and invites the Committee to note and comment as appropriate.

PSCC54/3.2A (Secretariat): reports on the 34<sup>th</sup> meeting of the Technical Evaluation Group (TEG) and invites the Committee to note the information provided and to comment as appropriate.

PSCC54/3.2B (Chairman of TEG): presents the report of the TEG Chairman on the outcome of the 34<sup>th</sup> meeting of the Technical Evaluation Group and invites the Committee to comment and take any action deemed necessary.

PSCC54/3.3 (Secretariat): presents the annual report of the Paris Memorandum and invites the Committee to consider and, subsequently, adopt the 2020 statistics, including the new White Grey Black (WGB) list and the recognised organisation (RO) Performance list, which will be used for targeting purposes in the Paris MoU Region starting 1 July 2021.

- Annual report of the Paris MoU

*The annual report of the Paris Memorandum includes the flag State and RO performance list which will be used for the Ship Risk Profile calculation from the 1 July 2021. The Committee is therefore invited to consider and, subsequently, adopt the 2020 statistics, including the new WGB list and the RO Performance list, which will be used for targeting purposes starting 1 July 2021.*

- EU relevance

*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 lays down the calculation method for the flag State performance, the so called WGB list, and the RO performance list. The Regulation refers to the figures adopted in accordance with the Paris MoU.*

*The Union has competence on the matter.*

**The position of the Union is as follows: Member States and the Commission shall:**

- 1. endorse the actions proposed in document PSCC54/3.3 paragraph 8.1. that is to consider and, subsequently, adopt the text and 2020 statistics, including the new WGB list and the RO Performance list, which will be used for targeting purposes starting 1 July 2021.<sup>5</sup>**
- ~~2. take note of the content of documents PSCC54/3.1, PSCC54/3.2A and PSCC54/3.2B.~~**

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<sup>5</sup> ES has a **reservation** against the statistics for 2020, since they, as in previous years, give equal status to dependent territories, which are ports of registry and not flag States, and flag States.

## **Agenda item 4 – More effective use of resources**

### **4.1 Concentrated inspections campaigns (CIC)**

PSCC54/4.1.1A (MAB): provided proposals for possible CICs in the future and invites the Committee to consider the information provided and comment as appropriate, consider and comment the decisions taken by Paris MoU and Tokyo MoU with regard to the CIC topic in 2025 and decide as appropriate, appoint a Task Force leader to coordinate the work of the Task Force established to further prepare the CIC in 2025, consider and comment on the proposals tabled at the Tokyo MoU (TMoU) Committee meeting for a CIC in 2026, invite Member States to submit proposals for future CICs and communicate with the TMoU and other MoUs on any decisions made if applicable, provide a mandate to MAB to postpone, in consultation with the Tokyo MoU, the scheduled CICs by one year, should such need arise in view of the pandemic.

PSCC54/4.1.1B (Tokyo MoU Secretariat): provides an updated list of possible topics for future CICs by the TMoU and invites the Committee to consider the submission and comment as appropriate.

PSCC54/4.1.2 (TEG/TF38): invites the Committee to review and adopt the questionnaire and guidance for the CIC on Stability (in general) and approve that two train the trainer seminars are held virtually in June 2021 due to the travel restrictions prevalent because of the pandemic.

PSCC54/4.1.3 (TEG/TF16): invites the Committee to agree to request that the steering board on codes amend code 10136 to include a convention reference related to STCW, agree that the questionnaire may be considered as the final version, subject to any minor editorial changes proposed by the TMoU, grant further time for the development of the guidelines in conjunction with TMoU, agree that a final draft of the guidelines is presented at TEG35 and that TEG35 recommends them for adoption by PSCC55, following any amendments agreed at TEG35, agree that TF16 commences training and DLP development after TEG35 for delivery at a seminar in June 2022 in conjunction with the PMoU Secretariat and EMSA and agree that in the event that the CIC is further delayed the TF will endeavour to complete its work by PSCC55.

PSCC54/4.1.4 (TEG/TF42): invites the Committee to note the progress and comment to the questionnaire for the CIC on Fire Safety in 2023, and recommend that the TF continues to work on this CIC and presents guidelines to TEG35 for consideration and PSCC55 for approval.

PSCC54/4.1.5 (TEG/TF47): invites the Committee to comment as appropriate, endorse the proposed Inspection Campaign (IC) on the Polar Code (questionnaire and guidelines), agree on to use the November PSC Seminar in 2021 for training of PSCOs, and decide if the questionnaire and guidelines and the DLP can be made available to other MoUs.

*~~The position of the Union is as follows:~~*

*~~1. take note of the content of documents PSCC54/4.1.1A, PSCC54/4.1.1B, PSCC54/4.1.2, PSCC54/4.1.3, PSCC54/4.1.4 and PSCC54/4.1.5.~~*

## **4.2 Inspection Regime**

PSCC54/4.2.1 (EC): verbal report only

PSCC54/4.2.2A (TEG/TF31): invites the Committee to note and discuss the report, adopt in principle option 3 to lift a ban automatically after the time period has elapsed without a re-inspection, if option 3 is adopted in principle to decide on the attribution of an overriding factor, adopt in principle the proposed option regarding a time period for banning due to jump detention and not reaching the agreed repair yard and adopt the proposed new ToR.

PSCC54/4.2.2B (TF31): invites the Committee to endorse, the regional commitment and the fair share for 2022 depending on the outcome on PSCC54/4.2.3A and ask the system manager to implement the new figures from 1 January 2022 depending on the outcome on PSCC54/4.2.3A and further task TF31 to calculate the regional commitment and the fair share for 2023 in accordance with Annex 11 of the Paris MoU.

PSCC54/4.2.2C (MAB/TF31): invites the Committee to adopt the average detention and deficiency ratio with a date of effect 1 July 2022, ask the system manager to implement the new figures from 1 July 2021 and task TF31 to calculate the average detention and deficiency ratio for adoption at PSCC55.

PSCC54/4.2.3A (TEG): invites the Committee to note and comment in general on the information provided, to consider and decide as appropriate on the proposal to extend PSCircular 99, including the proposed text amendments, consider and decide as appropriate on the holding of EMSA Paris MoU seminars face-to-face or online, and possible logistical arrangements, consider and agree that, under the interim training measures, the online CIC train-the-trainer seminar, and the online EMSA Paris MoU seminars held in 2020 and 2021 (either partly or entirely held online, as decided), are a full replacement as per Training Policy, including awarding 5 and 10 points respectively for the PDS, consider and agree to (under the interim training measures) provide MAB with a mandate to decide on a case-by-case basis whether planned training sessions could be held face-to-face or virtually and whether points should be awarded, note, consider and decide as appropriate on the statistical data provided, consider and agree on the conclusions regarding inspection efforts undertaken by member Authorities, consider and agree on the conclusions regarding statistics provided, consider and decide as appropriate regarding the information provided on Fair Share and regional commitments, note and comment on the issues raised regarding MLC deficiencies, in particular deficiency code 01220 – Seafarer’s Employment Agreement (paragraph 20), note, consider and decide as appropriate the proposed way ahead and consider and agree that the TF will continue to work after PSCC54.

PSCC54/4.2.3B (TF52): paper not available

PSCC54/4.2.3C-INF (MAB): invites the Committee to note that MAB has agreed that EMSA Paris Training MoU seminars for New Entrant, CAC and existing PSCOs will be provided online for the remainder of 2021, agree that fulfilment of the 1st and 2nd phase seminars online can be considered as full replacement of the regular face-to-face seminars and award 10 points as per Training Policy for registered participants, similarly agree to award 5 points for the CIC train-the-trainer, being scheduled online in June 2021 for registered participants, agree that, if needed, the Paris MoU trainings could be held online in 2021, and points awarded as per Training Policy for registered participants and comment on the decisions taken.

- Background

*PSCC53 has tasked TF31 to study, analyse and propose changes to the PSCC instruction 47/2014/06 on banning in relation with the impact of an unsatisfactory re-inspection to lift the ban when carried out inside or outside the Paris MoU Region taking into account the discussion in PSCC53 and to elaborate on all 4 presented options in the TEG33 paper, describing pro's and con's. Furthermore, to propose changes to the Memorandum to PSCC54 to include a minimum time of ban for jumping detention and not reaching the agreed repair yard.*

**ToR 21.1** *While taking account of the views of PSCC52 and PSCC53 to study, analyse and propose changes to the PSCC instruction 47/2014/06 on banning in relation with the impact of an unsatisfactory re-inspection to lift the ban when carried out inside or outside the Paris MoU Region taking into account the discussion in PSCC53 and elaborate on all 4 presented options in the TEG33 paper, describing the pro's and con's*

*TF31 had proposed to PSCC53 4 with the following options:*

- .1 Re-inspection in PMOU only, therefore in THETIS;*
- .2 Re-inspection is never entered in THETIS regardless where performed;*
- .3 The (first) ban will be lifted after the end of the time period automatically if:*

*Documents to be provided to the banning State are Flag State and RO / Class statements of full compliance.*

*The ship will be inspected at the first time it calls in the PMoU region by the regular Port State;*

*The inspection will be an expanded inspection;*

*This inspection will be inspection which:*

*Will regularly count;*

*Any measures or actions will follow normal procedures;*

*A second ban may follow immediately after a new detention where applicable;*

*The ship may arrive with cargo, but still an expanded inspection will have to be prepared including allowing sufficient time during the Port State Control normal working hours;*

*No postponement allowed.*

- .4 keep as it is today, but when the inspection to lift the ban was outside the PMoU during the first call in the PMoU an expanded inspection has to be carried out.*

*The TF was requested by PSCC53 to elaborate further on all 4 options. To facilitate the discussion a document was prepared on option 3. The document reiterated further on the benefits of the third option being:*

- .1 if inspected outside the PMoU in case of grounds for detention no detention order can be issued, and such inspection could not be recorded in THETIS;*
- .2 this could result to the fact that the company could request as many inspections without any consequences;*
- .3 high impact on human resources;*
- .4 PSCOs might face high pressure from the flag State, company if outside PMoU;*
- .5 to lift the ban the PSCO is required to check if the ship is in full compliance with the applicable relevant instruments, which would require a full survey which is outside the scope of a PSC inspection.*

*After the discussion the TF agreed to propose option 3 to TEG34 as the preferred one, which was widely supported by the TF members.*

*Draft amendments to the PSCC Instruction Refusal of access (banning) Procedure and notification checklist have been proposed to TEG34 in a track change version and as a clean version but TEG was of the opinion that further work is necessary.*

*TEG34 agreed to forward the proposal with option 3 as the preferred option to PSCC54 for adoption in principle. Furthermore, TEG34 supported the proposal that an overriding factor is added to a ship after a ban has been lifted, to ensure that a mandatory expanded inspection is carried out but could not agree on the proposal that no postponement be allowed. If PSCC54 agrees to the proposal that on overriding factor would be added, an amendment of the Memorandum would be necessary.*

**ToR 21.2** *While taking account of the views of PSCC52 and PSCC53 to propose changes to the Memorandum to PSCC54 to include a minimum time of ban for jumping detention and not reaching the agreed repair yard*

*The TF leader prepared a proposal in line with the time periods for banning related to multiple detention. The TF members did not support the proposal and members drafted new proposals for discussion.*

*These were the following:*

- .1 a time period of 3, 12, 24 or 36 months;*
- .2 1st time 9 months, 2nd time 18 months, etc;*
- .3 double the time period used for multiple detention;*
- .4 use the same time period as for multiple detention, but the time will only start after the banning State has received and checked a confirmation from the flag State and RO that the ship fully complies with the relevant instruments.*

*The Task Force discussed all options tabled and agreed to propose to TEG34 the following as the preferred option:*

*The time period for a refusal of access due to proceeding to sea without complying with the conditions determined by the Authority in the port of inspection or not calling into the indicated repair yard will be 12 months.*

*If at the same time a refusal of access due to multiple detention would have to be issued the time period of the refusal of access due to multiple detention will be extended by 12 months.*

*TEG34 supported the TF31 proposal and agreed to forward the proposal to PSCC54 for adoption in principle.*

*Draft amendments to the Section 4 of the PMoU memorandum had been proposed to TEG34 in a track change version and as a clean version but TEG was of the opinion that further work is necessary.*

*Draft amendments to the PSCC Instruction Refusal of access (banning) Procedure and notification checklist had been proposed to TEG34 in a track change version and as a clean version but TEG was of the opinion that further work is necessary.*

*Taking into account paragraph 8, 9, 14 and 15 TEG34 is proposing to PSCC54 that TF31 will draft the necessary amendments and report back to TF35 and PSCC55. Furthermore, it will be necessary to amend the standard letters in the annexes. Therefore, TEG34 is proposing the below new ToR to be adopted by PSCC54 to finalise the work:*

*TF31 to amend the Memorandum and the PSCC Instruction Refusal of access (banning) Procedure and notification checklist taking into account decisions made at PSCC54*

*- EU relevance*

*The EU port State control system is established by Directive 2009/16/EC of the European Parliament and of the Council on port State control.*

*Article 5 of Directive 2009/16/EC requires the fair share calculation to be based on the number of inspections carried out in the Paris MoU region based on information stored in the inspection database as provided for by Annex XII, this calculation is validated by TF31 and adopted by the Committee.*

*Commission Regulation (EU) N° 802/2010, as amended by Commission Implementing Regulation (EU) No 1205/2012, lays down rules to establish an average detention and deficiency ratio. The Regulation refers to the figures adopted in accordance with the Paris MoU.*

*The Union has competence on the matter.*

***The position of the Union is as follows: Member States and the Commission shall:***

- 1. endorse – **in principle** – the actions proposed in document PSCC54/4.2.2A, in particular adopt the actions in paragraph 17.2, 17.3, 17.4 and 17.5;*
- 2. endorse the actions proposed in document PSCC54/4.2.2B, in particular to endorse the regional commitment and the fair share calculation according to Annex 11 of the Paris MoU depending on the outcome on PSCC54/4.2.3A;*
- 3. endorse the actions proposed in document PSCC54/4.2.2C in particular to adopt the average detention and deficiency ratios;*
- 4. endorse the actions proposed in document PSCC54/4.2.3A in particular to agree that the TF will continue working after PSCC54 to adopt that, under the interim training measures, the online CIC train-the-trainer seminar, and the online EMSA Paris MoU seminars held in 2020 and 2021 (either partly or entirely held online, as decided), are a full replacement as per Training Policy, including awarding 5 and 10 points respectively for the PDS;*
- ~~5. take note of the content of documents PSCC54/4.2.3B-INF and PSCC54/4.2.3C-INF.~~*

#### **4.3 Harmonization of inspection/detention regimes**

PSCC54/4.3.1 (Secretariat): invites the Committee, to consider and approve the updated PSCC Instructions and revoke the relevant previous versions mentioned in Annex 1, also approve Circulars as mentioned in paragraph 7, endorse the “P”-policy, “T”-technical and “I”-inspection markings and request the Secretariat to post on the website those instructions that the Committee has decided may be made public, note the overview of IMO Resolutions in Paris MoU Guidelines and provide MAB with a mandate to update and approve PSCC53/2020/01 – Specific ToRs for TFs – based on the decisions of PSCC54 and on the update of TF-participants provided by member Authorities.

PSCC54/4.3.2 (Secretariat): invites the Committee to note that no proposals for inclusions of a definition or abbreviation in the PSC Instruction on Definitions and Abbreviations were made.

PSCC54/4.3.3 (TEG/TF5): invites the Committee to review and adopt the draft explanatory notice for the general public, agree that the TF review the table of deficiency codes and present an updated table to PSCC55 and direct that the TF reconvene to complete the drafting of the new PSCC instruction once the implementation date is known.

PSCC54/4.3.4 (TEG/TF45): invites the Committee to comment as appropriated, endorse the proposed revised Guidelines for Port State Control Inspections for Compliance with Annex VI of MARPOL Regulations for the Prevention of Air Pollution from Ships, decide if Annex 10 of the Memorandum consequently should be amended as suggested; and endorse that the PSCC Instruction can be made public.

PSCC54/4.3.5 (TEG/TF49): invites the Committee to note of the progress of TF49 since the last meeting and decide if the status quo should be kept or decide on the way forward base on a proposal made within the TF.

PSCC54/4.3.6 (TEG/United Kingdom): invites the Committee to agree to the setting up of a Task Force for further work on the guidelines on the IGF Code and to review and agree on the proposed ToR.

PSCC54/4.3.7 (Canada): invites the Committee to note the report and agree that Canada presents a redrafted instruction which will include the updates and any changes as per the style guide to TEG35, for discussion, with the view that a revised version be submitted to PSCC55 for approval.

PSCC54/4.3.8 (TEG/Secretariat): invites the Committee to note the report and agree to close the matter and keep the Instruction on MARPOL Annex V unchanged.

PSCC54/4.3.9 (TEG/Secretariat): invites the Committee to note the report of the applicability of the MLC, 2006 grandfather clause for ILO 147 related deficiencies and comment as appropriate.

PSCC54/4.3.10 (MAB): invites the Committee to note the information provided and to comment as appropriate, consider the need for an adapted PSC regime for fishing vessels based on the considerations provided in the document or any other consideration, establish a Task Force, to be led by the Secretariat, to explore the possible introduction of a port State control regime, taking into account the considerations included in the document and the appraisal thereof by the Committee, to consider and distinguish alternative scenarios to introduce a port State control regime for fishing vessels and identify the pros and cons, to liaise with the Tokyo MoU for further information on their work related to fishing vessels, to develop a roadmap for the implementation of a PSC-regime for fishing vessels for the different scenarios discussed; and to report to PSCC55, encourage member Authorities of the Paris MoU to provide the Secretariat with information on the composition of the fleet of fishing vessels flying their flag to be used by the Task Force, if established, request EMSA to report on port calls by foreign fishing vessels in Paris MoU ports and to report to the Task Force, if established; and include in the press release of the Committee that Paris MoU is exploring the possible introduction of a PSC-regime on fishing vessels.

\*PSCC54/4.3.11 (MAB): invites the Committee to consider and decide on the proposed ToR, to re-establish TF51 and agree on a new Task Force leader.

PSCC54/4.3.12 (MAB): invites the Committee to note and comment as appropriate the information provided by the report of a study on work and rest hours carried out by the WMU and consider whether further action is needed and agree that TF16 should have address the issue in line with the new ToR and report back to PSCC55.

- Guideline on RO Responsibility (PSCC54/4.3.3)

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

- Guideline on MARPOL Annex VI (PSCC54/4.3.4)

*TF45 revised the Guidelines for PSC Inspections on MARPOL Annex VI.*

- Guideline on below-Convention ships (PSCC54/4.3.5)

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

- Guideline on the IGF Code (PSCC54/4.3.6)

*A document detailing guideline on the IGF Code was presented to TEG 34. Members however felt that the document needed further development and that a Task Force be set up for this.*

- Guideline on MARPOL Annex IV (PSCC54/4.3.7)

*Canada proposes to present amendments to the PSCC Instruction PSCC52/2019/06 on MARPOL Annex IV to TEG35 for discussion and approval by PSCC5*

- Guideline on MARPOL Annex V (PSCC54/4.3.8)

*The proposal for amendment of the PSCC Instruction on MARPOL Annex V was discussed at TEG and PSCC but could not be agreed upon, the Instruction will therefore remain unchanged.*

- Grandfather clause MLC, 2006 and ILO 147 Convention (PSCC54/4.3.9)

*The Secretariat reports on the applicability of the MLC, 2006 grandfather clause for ILO 147 related deficiencies.*

- Port State Control on fishing vessels (PSCC54/4.3.10)

*MAB proposes that the Committee takes further steps in bringing fishing vessels under a regime of port State control by establishing a Task Force.*

- Update on Digitization issues (PSCC54/4.3.11)

*PSCC is requested to agree on new ToR, to re-establish TF51 and ask for a Task Force leader.*

- Repot of the WMU on work and rest hours (PSCC54/4.3.12)

*PSCC is invited to note a study on work and rest hours carried out by the WMU and consider a new ToR for TF16.*

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

The Union has competence on the matter.

**The position of the Union is as follows: Member States and the Commission shall:**

1. *endorse – in principle – the actions proposed in document PSCC54/4.3.3, in particular the proposed explanatory notice for the public;*
2. *endorse – in principle – the actions proposed in document PSCC54/4.3.4, in particular the revised Guidelines for Port State Control Inspections for Compliance with Annex VI of MARPOL Regulations for the Prevention of Air Pollution from Ships;*
3. *endorse – in principle – the actions proposed in document PSCC54/4.3.5, ~~in particular endorse to retain the status quo and ending the TF;~~*
4. *endorse – in principle – the actions proposed in document PSCC54/4.3.6, in particular to setting up a Task Force for further work on the guidelines on the IGF Code;*
5. *endorse – in principle – the actions proposed in document PSCC54/4.3.7, in particular that Canada presents a redrafted instruction to TEG35;*
6. *endorse – in principle – the actions proposed in document PSCC54/4.3.8, in particular to close the matter and keep the Instruction unchanged;*
7. *endorse – in principle – the actions proposed in document PSCC54/4.3.9, in particular to note the report;*
8. *endorse – in principle – the actions proposed in document PSCC54/4.3.10 in particular to setting up a Task Force to explore the possible introduction of a port State control regime on fishing vessels, noting that that the fishing industry should be included in any consultation of stakeholders;*
9. *endorse – in principle – the actions proposed in document PSCC54/4.3.11, in particular to re-establish TF51; \**
10. *endorse – in principle – the actions proposed in document PSCC54/4.3.12, in particular to consider whether further action is needed ~~a new ToR for TF16;~~*

**11. endorse – in principle – the content of document PSCC54/4.3.1 and PSC54/4.3.2.**

#### **4.4 Issues related to recognized organizations**

\*PSCC54/4.4.1 (MAB): invites the Committee to note the information provided, in particular the new information presented, and comment as appropriate, assess to whether this additional information justifies the Secretary-General’s participation in IQARB as a full member or, initially, as an observer and consider the budgetary implications and decide whether these costs should be reimbursed or whether they are borne by the Paris MoU itself.

*Regulation (EC) 391/2009 provides for a system of recognition of recognised organisations – all of which are members of the International Association of Classification Societies (IACS). The Regulation also provides that the Commission adopt and publish, “criteria to measure the effectiveness of the rules and procedures as well as the performance of the recognised organisations as regards the safety of, and the prevention of pollution from, their classed ships, having particular regard to the data produced by the Paris Memorandum of Understanding on Port State Control”. The IMO and IACS are trialling IQARB to independently assess the IACS Quality System Certification Scheme.*

*The Union has competence on the matter.*

***The position of the Union is as follows:***

***1. — take note of the content of document PSCC54/4.4.1.\****

#### **4.5 Amendments to the MoU**

PSCC54/4.5.1 (MAB): invites the Committee to consider, with a view to adopt, the proposed 44<sup>th</sup> amendment in accordance with section 8.2.2 of the MoU, accept the proposed 44<sup>th</sup> amendment unanimously in accordance with section 8.2.3 of the MoU and determine unanimously that the amendment will take effect on 1 July 2021 in accordance with section 8.2.4 of the MoU.

PSCC54/4.5.2 (MAB): invites the Committee to note the information provided and to comment as appropriate and endorse the proposal to expand further on both Conventions when their entry into force conditions are met.

*The position of the Union is as follows: Member States and the Commission shall:*

- 1. endorse the actions proposed in document PSCC54/4.5.1 paragraphs ~~5.1~~ 6.1 and ~~5.2~~ 6.2, that is to adopt and, subsequently, accept the 44<sup>th</sup> amendment of the Paris MoU.*
- ~~2. take note of the content of document PSCC54/4.5.2.~~*

#### **Agenda item 5 – Review of performance of Paris MoU members**

PSCC54/5.1.1 (TEG/TF21): invites the Committee to consider the report on the result of an analysis of the use of the action taken codes “Master instructed to ...”, class and flag condition, on the deficiency codes “Other” and a proposal for a new standard report for CICs and comment as appropriate, decide on the proposals/recommendations and, if agreed on the renewed standard reporting for CIC, request the Secretariat to replace the current with the renewed in the instruction joint policy on CICs, effective 1 July 2021.

PSCC54/5.2-INF (Secretariat): inform the Committee of those cases that were submitted to the detention review panel. In 2020 seven cases were submitted to the Secretariat. In one case, the request was withdrawn during the gathering of all relevant information. In the other six cases, the port State was not requested to reconsider the detention and invites the Committee to consider the report and comment as appropriate.

PSCC54/5.3-INF (Secretariat): informs the Committee of any planned visits to non-EU member States by a Paris MoU Peer Review team and invites the Committee to note the document and encourage non-EU member States volunteering to participate in a Peer Review.

PSCC54/5.4-INF (EC): summarises the main findings from the 19 visits to EU Member States carried out between 2017 and 2020 by EMSA as part of its programme of inspection of the implementation of the Directive 2009/16/EC on port State control as amended, on behalf of the European Commission and invites the Committee to note the information provided.

PSCC54/5.5-INF (Secretariat): presents information on the number of refusal of access orders issued in 2020 and invites the Committee to note the report.

PSCC54/5.6 (MAB): reports on insufficient quality during inspections which may have negative consequences for the mission of the Paris MoU which is the elimination of sub-standard shipping. This may lead to distortion of competition between ports and invites the Committee to consider the information provided and comment as appropriate, to urge the member Authorities of the Paris MoU to use the active role of validator to enhance the quality and consistency of inspections, remind the member Authorities of the Paris MoU of the obligation in the III Code to implement the principles of quality management, also for the port State-related activities of their maritime Administrations and consider possible benefits of such processes for quality improvement and to request the Secretariat to develop and organize an annual workshop.

*Article 1(b) of Directive 2009/16/EC provides that the purpose of the Directive is to help to drastically reduce substandard shipping in the waters under the jurisdiction of Member States by establishing common criteria for control of ships by the port State and harmonising procedures on inspection and detention, building upon the expertise and experience under the Paris MOU.*

*The Union has competence on the matter.*

**The position of the Union is as follows: Member States and the Commission shall:**

- 1. Endorse – in principle – the actions proposed in document PSCC54/5.6 in particular to organise an annual workshop.***
- 2. ~~Take note of the content of documents PSCC54/5.1.1, PSCC54/5.2-INF, PSCC54/5.3-INF, PSCC54/5.4-INF and PSCC54/5.5-INF.~~***

#### **Agenda item 6 – Effective communication within the Paris MoU**

PSCC54/6.1.1 (TF6): contains the report on the work of TF6 undertaken since PSCC53 under its specific terms of reference as amended and endorsed by PSCC53. TF6 undertook its tasks of providing guidance and verifying the changes in the functionalities and background tables of the information system. The Committee is invited to comment as deemed appropriate, advise the database manager of accounts to be merged, note the RoPax related data outside the system, guide the TF on next steps regarding the THETIS-GISIS connection, endorse the position of the TF as regards of closing ToR and endorse the proposal of new ToRs.

PSCC54/6.1.2 (EMSA/THETIS): contains the report of the database manager on the system status and an overview of THETIS related activities undertaken since PSCC53 and invites the Committee to note the information provided and comment as deemed appropriate.

PSCC54/6.2.1 (Secretariat): provides an overview of activities of the Coding Steering Board since PSCC53 and invites the Committee to consider and endorse the proposals in relation to RO codes for implementation in THETIS, consider and endorse the proposals in relation to the deficiency codes for implementation in THETIS, endorse the actions to be taken forward and request the Secretariat to submit a progress report to PSCC55.

PSCC54/6.2.2 (TEG): invites the Committee to discuss the SOLAS / Chapter II-1 / Reg. 3-1 presented and if appropriate refer the matter to the Coding Steering Board and create a new deficiency code(s) for Structural Conditions – Construction.

PSCC54/6.3.1-INF (Secretariat): notes the main developments regarding the Paris MoU website [www.parismou.org](http://www.parismou.org) and invites the Committee to note the information provided and comments as appropriate.

PSCC54/6.3.2-INF (Secretariat): notes the developments regarding the publication of substandard vessels since PSCC33 and invites the Committee to urge all member States to submit “Caught in the Net” reports pictures of interesting detentions to the Secretariat for publication on the website, since they provide important information of great interest for the general public.

*Article 24 of Directive 2009/16/EC provides that the Commission shall develop, maintain and update the inspection database, building upon the expertise and experience under the Paris MOU. The inspection database shall contain all the information required for the implementation of the inspection system set out in the Directive.*

*The Union has competence on the matter.*

***The position of the Union is as follows:***

***1. — take note of the content of documents PSCC54/6.1.1, PSCC54/6.1.2, PSCC54/6.2.1, PSCC54/6.2.2 PSCC54/6.3.1-INF and PSCC54/6.3.2-INF.***

## **Agenda item 7 – Training of port State control officers**

PSCC54/7.1.1A (TEG/TF34): provides the report on the deliberations of Task Force 34 on the Scheme to harmonize the level of professional competency in the Paris MoU and the appraisal of the 34th Technical Evaluation Group thereof and invites the Committee to note the progress made and comment as appropriate, consider the new ToR and request the TF to submit a progress report to PSCC55.

PSCC54/7.1.1B (TF34): informs the Committee on the progress of TF after TEG 34 and invites the Committee to take note the progress made and comment as appropriate.

PSCC54/7.1.2-INF (EC/EMSA): provides an overview of the development of the e-Learning programme since PSCC53 and invites the Committee to take note and comment as appropriate.

PSCC54/7.2 (Secretariat/EC/EMSA): provides overview of the limited training activities in the past period and partly looks ahead to the trainings planned until the end of 2021 and invites the Committee to note the information provided on the trainings and comment as appropriate and consider and agree on the proposed training programmes for 2021.

PSCC54/7.3.1-INF (EC/EMSA): provides an overview of the development of RuleCheck since PSCC53 and invites the Committee to note the information provided and comment as appropriate.

### - Background

*The PSCC Instruction on the Paris MoU Policy on the Training of New Entrant PSC Officers and the Professional Development Scheme for PSC Officers is the basis for the harmonised EU scheme for the training and assessment of competences of port State control inspectors provided in Article 22 of Directive 2009/16/EC.*

### - EU relevance

*The requirement of an adequate training scheme is laid down in Article 22 of Directive 2009/16/EC.*

*The Union has competence on the matter.*

***The position of the Union is as follows: Member States and the Commission shall:***

- 1. endorse – in principle – the actions proposed in document PSCC54/7.1.1A, in particular to consider the new ToR.*
- 2. ~~take note of the content of documents PSCC54/7.1.1B, PSCC54/7.1.2-INF, PSCC54/7.2 and PSCC54/7.3.1-INF.~~*

## **Agenda item 8 – External relations**

### **8.1 Policy on new membership**

PSCC54/8.1.1A (Montenegro): informs on the activities undertaken by Montenegro in relation to the application for full membership of the Paris MoU and requests the Committee to consider the information provided and to comment as appropriate.

PSCC54/8.1.1B (MAB): invites the Committee to consider the information provided, decide on keeping the Cooperating Membership of Montenegro in abeyance for the time being, in anticipation of significant further progress on the part of Montenegro, allow Montenegro continued access to THETIS and to trainings, including access to MaKCs, provided in the context of the Paris MoU and to TEG35, and decide on a new Fact Finding Mission and the appropriate timeframe for that, given that further training of PSCOs through exchange may be desirable and necessary before such FFM.

PSCC54/8.1.2 (MAB): invites the Committee to note that Albania continues to show a dis-improving trend and that it does not meet the required qualitative criteria for co-operating membership of the Paris MoU at this time, note the absence of any progress report submitted as requested and cancel the process to attain cooperating membership and inform Albania.

PSCC54/8.1.3 (MAB): invites the Committee to consider the application for membership and the self-evaluation questionnaire by the Faroese Maritime Authority, agree that the criteria of Section 2, part 1 and part 2, par. 1 are met, consider whether, based on the information provided in the questionnaire, FMA has the potential to fully meet, within the next three years, the qualitative criteria for membership contained in the Memorandum, decide, if appropriate, unanimously on the co-operative status of the Faroe Islands, consider to already allow FMA access to THETIS, Rulecheck and to trainings, including access to MaKCs, provided in the context of the Paris MoU, and to TEG, agree that a monitoring team shall be established composed of two Paris MoU members, EC/EMSA and the Secretariat, if appropriate and invite the Secretariat to inform the Faroese Maritime Authority of the decisions taken by the Committee.

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

***The position of the Union is as follows:***

- 1. — ~~endorse the actions proposed in document PSCC54/8.1.1A and PSCC54/8.1.1B, in particular to decide on a new Fact Finding Mission to Montenegro and the appropriate timeframe for that;~~***
- 2. — ~~endorse the actions proposed in document PSCC54/8.1.2, noting that Albania does not meet the criteria for co-operating membership of the Paris MoU and in particular to cancel the process to attain cooperating membership and inform Albania;~~***
- 3. ~~endorse the actions proposed in document PSCC53/8.1.3, noting that Faroe Islands meets the criteria for co-operating membership of the Paris MoU and agree that a monitoring team shall be established.~~<sup>6</sup>***

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<sup>6</sup> Reservation: the Commission (on this deletion in particular).

## **8.2 Inter-regional co-operation and policy**

PSCC54/8.2.1-INF (International Labour Office): provides an update on ILO developments relevant to port State control and invites the Committee to take note of the information provided and consider further action as appropriate.

PSCC54/8.2.2-INF (IMO Secretariat): not yet available.

PSCC54/8.2.3-INF (Viña del Mar Agreement Secretariat): introduces the Viña del Mar Agreement Annual Report 2020 on Port State Control activities and invites the Committee to take note of information provided.

PSCC54/8.2.4-INF (Tokyo MoU Secretariat): inform the outcome of the Tokyo MoU PSCC31 virtual meeting and invites the Committee to take note of information provided and comment as appropriate.

PSCC54/8.2.5-INF (Caribbean MoU Secretariat): introduces the Caribbean Memorandum of Understanding on Port State Control (CMOU) Statistical Report for 2020 and invites the Committee to take note of information provided and comment as appropriate.

PSCC54/8.2.6-INF (Mediterranean MoU Secretariat): presents a summary of the Mediterranean MoU on PSC recent activities and a summary of statistical report of inspection data for year 2020, and how the work of PSC in the Med MoU has been affected by COVID-19 pandemic and invites the Committee to take note of information provided and comment as appropriate.

PSCC54/8.2.7-INF (Indian Ocean MoU Secretariat): provides summary of the activities carried out in the Indian Ocean Region and invites the Committee to take note of information provided.

PSCC54/8.2.8-INF (Abuja MoU Secretariat): presents a provides summary of the activities carried out in the Indian Ocean Region and invites the Committee to take note of information provided.

PSCC54/8.2.9-INF (Black Sea MoU Secretariat): inform the recent developments and PSC activities in the BS MoU region and invites the Committee to take note of information provided and comment as appropriate.

PSCC54/8.2.10-INF (Riyadh MoU Secretariat): not yet available.

PSCC54/8.2.11-INF (U.S. Coast Guard): introduces the United States Coast Guard (USCG) Statistical Report for 2020 and invites the Committee to take note of information provided.

*The position of the Union is as follows:*

*1. — take note of the content of documents ~~PSCC54/8.2.1-INF, PSCC54/8.2.3-INF, PSCC54/8.2.4-INF, PSCC54/8.2.5-INF, PSCC54/8.2.6-INF, PSCC54/8.2.7-INF, PSCC54/8.2.8-INF, PSCC54/8.2.9-INF and PSCC54/8.2.11-INF.~~*

### **8.3 Co-operation/exchange of information with other organizations**

PSCC54/8.3.1 (MAB/Secretariat): informs about the submissions to IMO/III-7 and that MAB proposes to submit a document to III 7 to comment on the proposal by China and the Tokyo MoU to develop guidance for PSCOs on suspension of inspection for inclusion in the IMO Procedures for PSC and provided feedback on an online meeting with the IMO, the other MoUs and representatives of the maritime industry and invites the Committee to note the information provided and to comment as appropriate, consider the documents for submission to IMO III 7, request the Secretariat to submit the documents to IMO III 7, agree to postpone a report to MEPC on the sulphur cap and to provide MAB with the mandate to submit such a report if and when adequate data are available and urge the member Authorities to actively support the contents of the commenting paper and the consideration thereof by III 7 and/or the working group on measures to harmonize port State control (PSC) activities and procedures worldwide, if established.

PSCC54/8.3.2-INF (Secretariat): contains developments in the Equasis Editorial Board, including minutes of meetings for the information of the Committee and invites the Committee to note the report of the EQUASIS Editorial Board and to comment as appropriate.

\*PSCC54/8.3.3 (MAB): following the discussions during PSCC53, this paper elaborates further on the possible benefits of interaction with relevant organizations representing the shipping industry by organizing industry forums and workshops and invites the Committee to note the information provided and comment as appropriate, request the Secretariat to hold a virtual forum and submit an evaluation of the forum to PSCC55.

\*PSCC54/8.3.4 (Secretariat): invites the Committee to consider and comment as appropriate, consider the idea to develop an overarching database collecting ship particulars and inspection data from the connected PSC Agreements/MoUs, consider whether a limited approach is preferable, request the database manager to draft the specifications and to develop a roll-out plan, including responsibilities and organisational processes of the future application and request the Secretariat, in consultation with the database manager, to engage in discussions and organise a work programme with the other PSC Agreements/MoUs to ensure that the other PSC regimes are prepared when the technical specifications will be shared, and to promote the need to harmonise the data-exchange protocols taking into account future multi-lateral data-exchanges.

***~~The position of the Union is as follows:~~ Member States and the Commission shall:***

- 1. endorse the actions proposed in document PSCC54/8.3.4, in particular to request the Secretariat, in consultation with the database manager, to engage in discussions and organise a work programme with the other PSC Agreements/MoUs.\****
- ~~2. take note of the content of documents PSCC54/8.3.1, PSCC54/8.3.2-INF and PSCC54/8.3.3\*.~~***

#### **8.4 3<sup>rd</sup> Inter-regional Ministerial Conference on Port State Control**

\*PSCC54/8.4.1 (MAB/Canada): presents the follow-up action items emanating from the Third Joint Ministerial Conference on port State control in May 2017, and on-going work since the last Committee meeting held virtually due to COVID-19 restrictions and invites the Committee to consider the progress and comment, agree on possible proposals regarding actions mentioned including tasking, agree for MAB to work in conjunction with the Secretariat to explore opportunities to improve and develop a framework for maintaining and updating the list for submission to PSCC55 and give MAB a mandate to keep the list under review and present an updated list at PSCC55.

***~~The position of the Union is as follows:~~***

- ~~1. take note of the content of documents PSCC54/8.4.1.\*~~***

## **8.5 Transparency of information**

\*PSCC54/8.5.1 (MAB/Secretariat): informs that the Secretariat started the examination of the current regulatory complex with a review of the MoU text and Instructions on possible improvements in structure, detail and recurring information and invites the Committee to consider and comment the information, approve the proposals, agree to establish a Task Force on regulatory complexity, o agree on the ToRs for the Task Force and to appoint a Task Force leader.

\*PSCC54/8.5.2 (MAB): reports the completed process by which the European Commission was requested access to instructions from the Paris Memorandum and invites the Committee to note the information provided and comment as appropriate and consider requesting MAB to prepare an amendment to PSCC Instruction53/2020/04P.

*The position of the Union is as follows:*

*1. — take note of the content of documents PSCC54/8.5.1 \* and PSCC54/8.5.2. \**

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

PSCC54/9.1 (MAB): informs on future requirements due to amendments to the relevant instruments and invites the Committee to consider and comment on possible actions required, note the information provided by the reports of MSC102, MEPC75 and Lloyds Register and comment as appropriate, note the information provided in relation to blending and use of biofuel on board ships and consider if further action is needed and agree that TF45 would address the issue in line with the proposed ToR and report back to PSCC55.

\*PSCC54/9.2A (MAB): presents the Strategic Plan (2018 – 2023) and the Action Plan (2020 – 2021) including KPIs, invites the Committee to note the KPIs, adopt the Action Plan 2021-2022, request MAB to submit an updated Action Plan 2022 – 2023, including KPIs to PSCC55.

\*PSCC54/9.2B (MAB): reflects the progress made on the development of a cohesive communication strategy and plan for the Paris MoU, invites the Committee to note the information provided and request MAB to continue to develop a communication strategy and plan and to present it at PSCC55.

\*PSCC54/9.2C (MAB): presents the necessary steps for the further development of the Strategic Plan 2024-2029, invites the Committee to note the information provided and comment as appropriate and endorse the establishment of an informal correspondence group, chaired by the Secretariat.

PSCC54/9.3 (Secretariat): invites the Committee to note and comment as appropriate the report demonstrating compliance of the quality management system ISO 9001:2015 used by the Secretariat.

PSCC54/9.4 (Secretariat): presents the 2020 Paris MoU Financial Account, as well as an overview of actual expenses incurred and invites the Committee to note the budgetary efficiency gains achieved, note that the surplus of € 220.040,00 will be reimbursed to the members and deducted from the 2020 contribution and comment as appropriate.

PSCC54/9.5 (Secretariat): presents the budgetary developments for 2021 within the Paris MoU and the long term budget not taking into account any financial implications which may stem from other items on the agenda and invites the Committee to adopt the 2022 Paris MoU budget, authorise the Secretary-General to make, as and when necessary, timely transfers between the separate budget lines to the extent that balances are available to cover or reduce deficits in other budget lines, approve the 2023 Paris MoU budget and approve, in principle, the tentative budget for the year 2024.

PSCC54/9.6 (Secretariat): indicates the various dates and places of upcoming Paris MoU meetings and invites the Committee to consider and endorse the places and dates of future meetings in the framework of the Paris MoU on Port State Control.

PSCC54/9.7 (Secretariat): reports on the status, as at 11 March 2021, of the Relevant Instruments of the Paris MoU on PSC and invites the Committee to take note of the information provided in this document and its Annex, and to comment as appropriate, urge member States, that have not yet done so, to consider, as a matter of priority and in order to enhance the effectiveness of the Paris MoU as a whole, becoming parties to all the instruments that are relevant to the Paris MoU.

PSCC54/9.8-INF (Secretariat): presents the Paris MoU address and financial contact list and invites the Committee to notify the Secretariat of any changes or additions.

PSCC54/9.9 (Secretariat): provides information on the commitment by member States, as expressed in the participation in different Paris MoU meetings and training programmes and invites the Committee to note the information provided and comment as appropriate and urge member States, observers and other MoUs to actively contribute to the work of the Paris MoU by their representation and participation in the meetings of the respective bodies of the Paris MoU as well as by participating in training programmes offered by the Paris MoU.

*~~The position of the Union is as follows:~~*

*~~1. take note of the content of documents PSCC54/9.1, PSCC54/9.2A \*, PSCC54/9.2B \*, PSCC54/9.2C \*, PSCC54/9.3, PSCC54/9.4, PSCC54/9.5, PSCC54/9.6, PSCC54/9.7 PSCC54/9.8 INF and PSCC54/9.9.~~*

**Agenda item 10 – Election of the Chairman and MAB members**

PSCC54/10.1 (Secretariat): no paper available

**Agenda item 11 – Any other business**

no paper

**Agenda item 12 – Adoption of a press release**

no paper

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