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**NOTE**

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Subject:	Annexes to the Proposal for a Council Decision on the position to be adopted on behalf of the European Union within the Port State Control Committee of the Paris Memorandum of Understanding on port State control during the period 2025-2029

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## **The position to be adopted on behalf of the European Union in the Paris Memorandum of Understanding on Port State Control**

### **GUIDING PRINCIPLES**

In the framework of the Paris Memorandum of Understanding on Port State Control (Paris MOU), the Member States which are bound by the Paris MoU shall, on behalf of the Union:

- (a) act in accordance with the objectives pursued by Directive 2009/16/EC, notably to improve maritime safety, pollution prevention, and on-board living and working conditions through a drastic reduction of substandard ships by strictly applying international Conventions and codes;
- (b) promote the implementation of an harmonised approach by members of the Paris MOU to the effective enforcement of these 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) ensure that measures adopted within the Paris MOU are consistent with international law, and in particular with international Conventions and codes relating to maritime safety, pollution prevention, and on-board living and working conditions;
- (e) promote the development of common approaches with other bodies carrying out Port State Control;
- (f) ensure the coherence with other Union policies, notably in external relations, security, and the environment.

## ORIENTATIONS

In order to ensure the smooth year-to-year functioning of the Union's Port State control regime in accordance with Directive 2009/16/EC, the Member States which are bound by the Paris MOU shall endeavour to support 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<sup>1</sup>. According to Article 10(3) of Directive (EU) 2024/3099 amending Directive 2009/16/EC, the Commission shall adopt a Commission Implementing Regulation to replace Commission Regulation (EU) 801/2010 laying down the methodology for the consideration of generic risk parameters. This replacement text will reflect the decisions already taken, in principle, by the Paris MoU in 2019 to change the methodology for calculating the white, grey and black flag list formula and the renaming thereof to "high, medium and low performance lists". The Commission is expected to adopt that implementing regulation in 2027;
- (b) the performance list for recognised organisations in accordance with the methodology adopted by the Port State Control Committee ('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<sup>2</sup>.

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<sup>1</sup> 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).

<sup>2</sup> 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).

2. 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.

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**Year-to-year specification of the position to be adopted on behalf of the Union in the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control**

Before each annual Port State Control Committee ('PSCC') meeting of the Paris Memorandum of Understanding on Port State Control, the necessary steps shall be taken so that the position to be taken on behalf of the Union takes account of all relevant information transmitted 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 set out in Annex 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 envisaged position to be adopted on the Union's behalf, in sufficient time before the PSCC meeting.

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