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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Shipping
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/16/EC on port State control - Comments by Italy

Delegations will find attached comments by **Italy** on the above proposal.

**Italy's comments on PSC Directive
(st16968/3/23 REV 3 and wk1743/2024)**

Italy wishes to thank the Presidency and its team for the many efforts made on this file and for the compromises proposed in documents st16968/Rev.03/23 and wk1743/24.

Please find below Italy's comments and suggested text as follows.

In general, we would like to flag that we agree with the General Approach (GA) text on line 39b, and fully support IE proposal and rationale on the matter (Council discussions under ES Presidency).

Line 68, 190 – environmental parameters as grounds for detention

Italy supports the Presidency proposal to set the threshold at >2 deficiencies on the environmental parameters, taking into account the impact assessment analysis provided in document wk 1743/2024.

Line 190a – environmental parameters as grounds for detention

Italy agrees that reference to regulation (EU) 1257/2013 in line 190a is mostly superfluous and that the scope for Port State Control should only be international conventions as mentioned in document WK 1743/2024. Line 190a should be deleted.

Line 70 – 2 inspectors for expanded inspections

Italy supports the newly proposed text including the addition of the new recital (12c)

Line 95 – refusal of access order

Italy supports the newly proposed text.

Line 96 – refusal of access order

Italy is of the opinion that “line 95” already covers how the refusal of access can be lifted, and therefore there is no need to introduce the proposed additional text.

Line 98 – training of PSCOs

Italy would like to reiterate that cannot support the proposal to mandate the Commission to develop the training scheme and requirements for the assessment of the inspector's competences by the Member States.

Italy considers that this is a prerogative of the Paris MoU where all Members States and the Commission are involved and where common and agreed decisions on training and assessment requirements can be taken.

Line 105 – validation of the inspection report

Although Italy recognizes that the validation of the report by an inspector who was not part of the team increases the quality of the reporting, although this is not always possible. Indeed, there could be regional port where only one inspector is assigned or the other inspector is not available for other reasons.

Therefore, Italy supports the GA text.

Line 125 – Quality Management System (QMS)

Italy is of the opinion that the port State control activity should not be subject to a QMS.

This is due to the following considerations:

- a) The activity is already covered by an efficient and structured system based on the Paris MoU experience which ensures - through common and agreed procedures - harmonized standards regarding the training of personnel and inspection process, evaluation and review of the activity within all Member States
- b) The port State control system in Member States is already audited by EMSA, through the Member State visits
- c) The QMS certification implies an additional burden for the Member States in terms of administrative activities and high costs to develop it and ensure the auditing system and certification.

Italy is of the view that in case the QMS is to be implemented, the EMSA audit would be a duplication of the activity already carried out by a third party and therefore should not be carried out anymore.

Italy would like to propose the deletion of the provision requiring the QMS.

Last but not least, as to the transposition period, Italy would ask the Presidency to stick to the 4 years of the GA.