



Representación Permanente de España ante la Unión Europea
Consejería de Transportes y Telecomunicaciones

Comments from Spain on Port State Control Directive document WK01743/2024

Find attached the Spanish position in relation to paper ST 16968/3/23 REV 3 and WK01743/2024. Our previous comments dated 18 January 2024, 30 January and 5 remain, with the following changes:

Technical Issues:

Line 70. Two inspectors for expanded inspections. We cannot support Presidency proposal and we maintain our support to the general approach. Why recording that the inspection cannot be carried out by 2 inspectors?

Justification.

We do not support the proposal to register cases in which there are no two inspectors available for expanded inspections. It represents an administrative burden for the States. Our reasoning behind the issue of the need/not availability of two inspectors has been explained in our previous comments. Additionally, if cases are recorded where 2 inspectors cannot attend expanded inspections, EMSA may conclude in its visits that you do not have enough inspectors

The elimination of ETA 72 hours does not allow to plan properly. We support the General Approach

Lines 21b, 68b, 77, 81a. “medium performance”. We cannot support Presidency proposal and we maintain our support to the general approach.

Note. The term “medium” is incorrect.

Justification.

The correct terminology is “standard” performance list and there is a mistake in the working group. To understand this summary of the PMoU Committee PSCC51 should be read.

Agenda item 4.2.2 “The Committee, in the context of the evaluation of NIR,:.... “adopted option 2 – low/standard/high performance”

Then, TF31 submitted a document to PSCC52 where there were references to “low/medium and high/medium” and references to “low/standard and high/standard”.

PSCC52 final report under agenda item 4.2.2 refers to “low/medium and high/medium”.

Although the meaning of both terms is the same, since at PSCC51 it was agreed to use “low/standard/high performance, “standard” is the one that should be used.



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Political Issues

Lines 68,190 – Environmental parameters as ground for detention-. We maintain support for the General Approach and cannot support the Presidency.

Justification:

We maintain our position that not all breaches of the conventions referred to (MARPOL, AFS, BWM Convention, CLC 92, Bunkers Convention, Nairobi Convention and Hong Kong Convention) can be assessed in the same way. As an example, with respect to MARPOL ANNEX I, “not having the SOPEP contact list updated” is not the same as having an inoperative bilge separator. If any deficiency is included, a ship with minor deficiencies is penalized in the same way as a ship with deficiencies that cause detention. This is not consistent with the philosophy of the Ship Risk profile (SRP), which aims to differentiate ships that are a risk (High Risk Ship) from those that are not. By not considering the seriousness of the deficiencies, the proposal blurs the concept of an HRS (High Risk Ship) ship.

Furthermore, it seems that we are entering into an auction when the Presidency proposes lowering the threshold of environmental deficiencies from more than 3 to more than 2.

On the other hand, the proposal is conditional on EP accepting the elimination of the CII in the Ship Risk Profile. We do not have to choose between the CII or environmental deficiencies in the Ship Risk Profile.

Lines 68,190 and 190a – Ship Risk profile. We keep our support to the general approach.

Justification

Our position regarding the Ship Risk Profile is expressed in “Lines 68,190 above environmental parameters as ground for detention”. The specific reference to Regulation No. 1257/2013: must be eliminated from the text because it is not one of the agreements listed in art 2.1 of the current PSC directive.

Lines 20, 21 – Fit for 55-. Spain supports the general approach.

Justification

We continue to maintain our support for the Council's text. The importance to the issue of emissions reduction is already reflected by the EU in the list of specific regulations on this issue. Furthermore, pollution issues cannot be given more importance than safety issues because in the PSC all areas



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(safety at sea, pollution and life and work on board) must have the same relevance.

Line 38d – definition of inspection- We support the general approach.

Justification

If the word “overall” is not included, it would lead to the conclusion that in a PSC inspection all points are verified and this is not the case, it is a general verification.

Lines 23 and 24 – Seafarers welfare and working conditions. We maintain our support for the Council's text, which is the one we know.

Line 131- Conformity check- We support the General Approach

Justification

Any wording in the EP that could lead to a discrepancy between IMO and EU legislation should be avoided, as it can have very serious consequences for PSCs on board non-EU flagged vessels.

In addition:

Line 135 – Implementing acts- We do not support an implementing act.

Justification

We Do not support EP text because it includes a Commission proposal that contained errors. The Council's text is more complete and corrects erroneous references to some articles.

Lines 98, 99, 99a. Training provided by EMSA. Spain strongly opposes this proposal and supports the general approach and this is a red line for us.

Justification

With this proposal it is intended to impose its training scheme on the Member States, ignoring the fact that this training is agreed upon within the PMoU in which there are States that are not EU members. Member States are responsible for the training of their inspectors and work is being done to achieve this within the PMoU. Furthermore, this issue is linked with QMS systems and it would become part to the QMS adding additional burden. Training needs to remain under Paris MoU agreed terms and conditions.



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Line 125. QMS. Cannot be supported. Spain does not support a QMS. Paris MoU is working on this issue to rearrange procedures. It is a red line



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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 Spain

Delegations will find attached comments by Spain on the above proposal.