Port State control. Recast

2005/0238(COD) - 04/09/2008

The Committee on Transport and Tourism adopted the recommendation for second reading contained in the report by Dominique **VLASTO** (EPP-ED, FR), amending the Council common position for adopting a directive of the European Parliament and of the Council on port State control (Recast).

The main amendments are as follows:

Anchorages: MEPs consider that the provisions of the directive should apply to ships calling at anchorages as well as at ports. This was the position of the Commission in its proposal. The proposed amendments therefore aim to restore anchorages to the Directive where Council has removed them. Therefore, the Directive shall apply to any ship and its crew calling at a port or at an anchorage of a Member State to engage in a ship/port interface.

Missed inspections: the Council amended the proposal to include a provision which allows Member States a margin of 'missed inspections'. It proposes that a Member State is in compliance with the Directive if 5% of priority 1 vessels with a high risk profile calling at its ports are not inspected. MEPs believe that this margin is too generous and could discourage adequate efforts to ensure the inspection regime is rigorous in those ports where a higher than average number of problem vessels call. The report therefore introduces an amendment that ensures a sufficient number of inspections are carried out. Furthermore, MEPs deleted a provision of the common position allowing sub standard vessels to call at night.

Frequency of inspections: ships shall be subject to periodic inspections at predetermined intervals depending on their risk profile. According to MEPs, the interval between periodic inspections of high risk ships shall not exceed six months.

Permanent ban: the Council common position would prevent any ship from being definitively banned. MEPs propose that any ship which appears on the black or grey list, as defined by the Paris MOU, and has been detained or issued with a prevention of operation order at least three times in the preceding 36 months, should be refused access to the ports and anchorages of a Member State. The refusal of access order shall be lifted only after a period of three months has passed from the date of issue of the order and when certain conditions are met. If the ship is subject to a second refusal of access, the period shall be increased to 12 months. Any subsequent detention in a Community port shall result in the ship being permanently refused access to any port or anchorage within the Community.

Complaints: all complaints shall be subject to a rapid initial assessment by the competent authority. This assessment shall make it possible to determine whether a complaint is justified, concrete and properly grounded. Should the above be the case, the competent authority shall take the necessary action on the complaint. It shall, in particular, ensure that the ship's master and owner, as well as anyone else directly concerned by the complaint, including the complainant, can make their views known. The competent authority shall inform the port authorities or bodies at its earliest convenience when a detention order is issued. Member States shall cooperate in particular in order to ensure that appeals are dealt with in a reasonable time.