

Port State control

2023/0165(COD) - 08/12/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Vera TAX (S&D, NL) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/16/EC on port State control.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Scope

The report clarified that until such time as a mandatory port State control regime for fishing vessels applies throughout the Union, as a result of the entry into force of the Cape Town Agreement and the amendment of the relevant Union legal acts, individual Member States may carry out port state control inspections of fishing vessels of **above 24 metres length** overall.

Complaints

The amended text stated that Member States should inform the flag State administration, with a copy to the International Labour Organisation (ILO) and the European Maritime Safety Agency (EMSA), of complaints not manifestly unfounded and of follow-up actions taken. The Agency should be invited by Member States, in line with the EMSA regulation, to provide operational and technical support concerning safety investigations.

Refusal of access

The refusal of access order should be lifted after a period of **12 months** has elapsed on condition that the owner or operator provides evidence to the satisfaction of the competent authority of the Member State where the ship was found defective, demonstrating that the ship fully complies with all applicable requirements of the Conventions.

ESMA's involvement

In cooperation with Member States, the Commission should:

- ensure adequate support for the harmonisation of port State control practices across the Union, reporting to the European Parliament and the Council every 4 years on the level of harmonisation and standards of the inspections;
- develop a professional development and training programme for port State control inspectors. The Commission should build on the expertise of EMSA and support its activity, as the trainings it proposes contribute to the harmonisation of port State control officers' practices;
- on a continuous basis, identify and provide **new training needs** to amend the curricula, syllabi and content of the professional development and training programme for inspectors, especially as regards new technologies and in relation to the additional obligations arising from the relevant instruments in order to facilitate compliance with environmental, social, public health and labour law standards and safety on-board ships calling at Union ports for both seafarers and dock workers, with a special focus on female workers.

Moreover, the Commission, with the involvement of EMSA, should produce a **guidance document** offering advice on how to implement international Conventions, in particular the MLC 2006, with regard to port State control. EMSA should also provide detailed information about the most frequent problems detected during port State inspections of ships under each flag.

Inspection database

Members stated that electronic certificates should be **mandatory** for all Members States as early as possible after the entry into force of this amending directive and in any case no later than three years thereafter. Ships flying the flag of a State that issue such electronic certificates should have this reflected in the ship risk profile (SRP) as set out in Annexes I and II until the electronic certificate becomes compulsory.

Publication of information

According to the report, the Commission should make available and maintain on a public website the information on inspections, detentions and refusals of access. Information identifying an individual ship should only be made publicly available if all legal proceedings are finalised and there is no appeal.

Review

Lastly, Members considered that the Commission should, by five years from the date of entry into force of this amending Directive, submit a report to the European Parliament and the Council on the progress by Member States on the ratification of international agreements containing obligations related to fisheries as well as assessing how these obligations should be transposed into Union law and, where appropriate, present a legislative proposal to this effect.