Port State control

2023/0165(COD) - 16/12/2024 - Final act

PURPOSE: to revise the Port State Control Directive with a view to adapting Union legislation to international regulations as revised.

LEGISLATIVE ACT: Directive (EU) 2024/3099 of the European Parliament and of the Council amending Directive 2009/16/EC on port State control.

CONTENT: this directive is part of a package of four new pieces of legislation on maritime safety that aim to support clean, safer and modern maritime transport in the EU. These acts amend the relevant Directives on:

- the investigation of accidents in the maritime transport sector (2023/0164(COD));

- ship-source pollution (2023/0171(COD));

- compliance with flag state requirements (2023/0172(COD)), and

- **port state control**.

The revised ‘package’ achieves a careful balance between, on the one hand, the need to ensure a high quality of shipping and, on the other, the need to safeguard the competitiveness of the European shipping sector, while also maintaining reasonable costs for operators and Member States' administrations.

Port State control is important for ensuring maritime safety and protecting the marine environment. It is a system under which inspections of foreign ships are carried out, in ports of States other than the flag State, by port State control officers to verify that the competence of the master, officers and crew on board, as well as the condition of the ship and its equipment, comply with the requirements of international conventions, as well as with applicable Union law, when the control takes place within the EU.

The revised Directive updates Union legislation and **aligns it with international rules and procedures** established by the Paris Memorandum of Understanding and the International Maritime Organization (IMO) Conventions. Its main elements are:

Inspections on large fishing vessels

The revised Directive protects fishing vessels, their crews and the environment, in particular by establishing a **voluntary system of control** for large fishing vessels (over 24 metres in length).

Fishing vessels of less than 24 metres in length, warships, naval auxiliaries, wooden ships of a primitive build, government ships used for non-commercial purposes and pleasure yachts not engaged in trade will be excluded from the scope of this Directive.

Compliance with inspection commitment

The Directive establishes an **efficient and harmonised approach** to carrying out port state control inspections.

A Member State which fails to carry out the required inspections will nevertheless be regarded as complying with that requirement if such missed inspections do not exceed **10%** of the total number of Priority I ships calling at its ports and anchorages, irrespective of their risk profile.

A Member State in which the total number of calls of 'Priority I' ships exceeds its inspection share will be considered to be in compliance with its commitments if the number of inspections carried out by that Member State corresponds at least to that inspection share and if the inspections not carried out by that Member State do not exceed **40%** of the total number of Priority I ships calling at its ports and anchorages.

Postponement of inspections and exceptional circumstances

A Member State may decide to postpone the inspection of a Priority I or II ship if the inspection could be carried out during any subsequent call of the ship in the same Member State **within 15 days** of the actual time of departure, provided that the ship does not in the meantime call at another port within the Union or in the Paris Memorandum of Understanding region, with the exception of any port of the flag State of the ship.

Where an inspection is not carried out on a Priority I or Priority II ship for operational reasons, it will not be counted as a missed inspection, provided that the reason for not carrying out the inspection is recorded in the inspection database and any of the following exceptional circumstances apply:

- the competent authority considers that the inspection would create a risk to the safety of inspectors, the ship or its crew, or to the port, or to the marine environment;

- the ship call at port takes place only during night time; or

- the duration of the ship call is too short for the inspection to be carried out satisfactorily.

If an inspection is not carried out due to **extraordinary and unforeseen circumstances** it will not be counted as a missed inspection and the reason for not carrying out the inspection will be recorded in the inspection database. Those circumstances will be duly justified and reported to the Commission.

Expanded inspections

Ships with a **high-risk profile**, as well as passenger ships, bulk carriers, oil tankers and tankers for gas, harmful liquid substances (NLS) or chemicals, more than 12 years old, will be subject to expanded inspection.

A Member State will **refuse access** to its ports and anchorages to any ship which flies the flag of a State that appears on the low performance list and which has been **detained more than twice in the course of the preceding 36 months** in a port or anchorage of a Member State or of a State signatory to the Paris Memorandum of Understanding.

Encouraging digitisation

Digitisation is a key aspect of technological progress in the field of data collection and communication with a view to contributing to cost reduction. The number of ships currently carrying electronic certificates is on the rise and is expected to continue to increase. The Directive therefore aims to improve the effectiveness of port State control by **making greater use of electronic certificates**, to allow for more ship-focussed and better prepared inspections.

ENTRY INTO FORCE: 5.1.2025.

TRANSPOSITION: no later than 6.7.2027.