Port State control. Recast

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Taking into account progress made within the framework of the Paris Memorandum of Understanding and pending the European Parliament's first-reading opinion, the Council reached agreement on a general approach on a proposal for a directive on port State control (recast). The Maltese delegation indicated that it would vote against.

The Ministerial discussion was based on a Presidency compromise proposal concerning in particular the following issues:

– **scope of the directive**: Member States shall perform inspections on any ship and its crew calling at one of their ports or anchoring in areas under the jurisdiction of one of their ports in order to carry out a ship /port interface;

– **flexibility mechanism for inspections**: Member States are allowed to miss a small percentage of inspections, namely inspections on 5% of ships with a high risk profile and on 10% of other ships. They shall, however, give particular attention to ships that do not call often at ports within the Community. Furthermore, Member States may, in specific circumstances, postpone an inspection for 15 days;

– **access refusal**: ships that at various occasions have proven not to comply with international standards on safety, health and environment, will be refused access to Member States' ports. As criteria for such a measure, the performance of the ship is evaluated in relation to the performance of its flag State, determined on the basis of the "black" and "grey" and "white" lists of flag States established by the Paris MoU. As ultimate measure against substandard ships it can be decided to refuse the access to ports within the Community indefinitely. If the ship concerned however complies with a series of conditions, this measure can be lifted after 36 months. Among the conditions to be fulfilled, the ship is not allowed to fly a flag of a State on the "black" and "grey" Paris MoU list, it has to be classified by an EU recognised organisation and to be managed by a company with a high performance;

– **transposition date**: the complexity of the new inspection system requires an intensive preparation by Member States. The directive will therefore apply in all Member States on the same day after a transposition period of 36 months.