Port State control. Recast

2005/0238(COD) - 25/04/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Dominique **VLASTO** (EPP-ED, FR) amending the proposed directive on Port State Control (PSC). The main amendments were as follows:

- under the inspection regime set up by the Directive, the intervals between periodic inspections on ships depend on their risk profile that is determined by certain generic and historical parameters. For high risk ships this interval should not exceed 6 months;

- complaints from persons with a confirmed legitimate interest regarding living and working conditions on board should be investigated. Priority should be given to dealing with complaints on board. The initial investigation must make it possible to establish swiftly whether the complaint is admissible or whether it is manifestly unfounded or clearly abusive;

- the objectives of the directive should include more thorough and frequent inspections for high-risk vessels and the introduction of "elements related to a Community port State control regime", aimed at establishing common criteria for control of ships by the port State and harmonising procedures on inspection and detention;

- in order not to impose a disproportionate administrative burden on Member States without seaports, a de minimis rule will permit them to derogate from the provisions of the Directive under certain conditions. The Commission shall adopt, in accordance with the comitology procedures set out; the measures for the implementation of this derogation mechanism;

- Parliament introduced a new definition for “port” and amended some existing definitions;

- France may decide the legislation does not include ports situated in the overseas departments. Where a Member State carries out an inspection on a ship in its territorial waters but outside a port, such procedure shall be deemed to be an inspection for the purposes of the Directive.

- each Member State shall carry out annually a total number of inspections of individual ships corresponding to its share of the total number of inspections to be carried out annually in the Community and in the Paris MOU area. This share shall be based on the number of ships calling at the ports or anchorages of the Member State in question in relation to the sum of the number of ships calling at the ports and anchorages of each Member State of the Community and of the states party to the Paris MOU. Parliament deleted the clause stating that the total number of inspections to be carried out annually by the competent authority of each Member State must correspond to at least 25% of the annual number of individual ships which entered its ports;

- Parliament made a number of amendments aimed at tightening up and clarifying some of the provisions relating to the inspection regime, the criteria for selecting ships for inspection and the parameters for calculating a ship's risk profile. It specified inter alia in a new Article 7a dealing with the 'expanded inspection' regime that expanded inspections should apply to ships with a high risk profile and to passenger ships and oil and chemical tankers more than 12 years old;

- the competent authority shall inform the port authority at its earliest convenience when a detention order is issued;

- new article 18a stipulated that the Commission should develop and maintain an inspection database, which shall be a common database for both the European Union and the Paris Memorandum of Understanding, showing the risk profiles of ships, indicating all ships due for inspection, calculating the inspection commitment and capable of receiving ship movement data. The core of the system will be the joint EU/Paris MOU requirements. However, in the case of specific EU requirements, the Community will have full discretion to take decisions on the development and possible adaptation of the system to meet such requirements;

- Parliament deleted references to berthing areas;

- the Commission must ensure that penalties allow for uniform application of the inspection regime throughout the Community and do not create distortions between Member States.