

VOTING LIST

Proposal for a directive of the European Parliament and of the Council Amending Directive 2009/16/EC on port State control (2023/0165(COD))

Rapporteur: Vera Tax (S&D)

Concerned text	AM	Tabled by	Remarks	Rapp	Vote
Recitals 1, 14, 15 Article 1(14a)	CA 1	EPP, S&D, Renew, Greens, ECR, ID	If adopted, 52, 64, 65, 67, 73, 77, 104, 106, 111, 112, 15, 16, 30, 6 and 31 fall >> GO TO CA2	+	
Article 1 – paragraph 1 – point 2 a (new)	52	Oetjen	Falls if CA 1 adopted		
Article 1 – paragraph 1 – point 9 Directive 2009/16/EC – Article 10 – paragraph 2 – point d (new)	64	Karleskind	Falls if CA 1 adopted		
Article 1 – paragraph 1 – point 9 a (new) Directive 2009/16/EC – Article 13 – paragraph 1 – point (a)	65	Karleskind	Falls if CA 1 adopted		
Article 1 – paragraph 1 – point 11 a (new) Directive 2009/16 – Article 15 – paragraph 1	67	Karleskind	Falls if CA 1 adopted		
Article 1 – paragraph 1 – point 12 b (new) Directive 2009/16/EC – Article 19 – paragraph 2a	73	Karleskind	Falls if CA 1 adopted		

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Article 1 – paragraph 1 – point 14 a (new) Directive 2009/16/EC – Article 23	77	Karleskind	Falls if CA 1 adopted		
Annex I Directive 2009/16/EC – Annex I	104	Karleskind	Falls if CA 1 adopted		
Annex III Directive 2009/16/EC – Annex III – PART A LIST OF CERTIFICATES AND DOCUMENTS	106	Karleskind	Falls if CA 1 adopted		
Annex V a (new) Directive 2009/16/EC – Annex XIII	111	Karleskind	Falls if CA 1 adopted		
Annex V b (new) Directive 2009/16/EC – Annex IX	112	Karleskind	Falls if CA 1 adopted		
Recital 1	15	Karleskind	Falls if CA 1 adopted		
Recital 1 a (new)	16	Karleskind	Falls if CA 1 adopted		
Recital 14	30	Karleskind	Falls if CA 1 adopted		
Recital 14	6	Tax	Falls if CA 1 adopted <i>Compatible with am 30</i>		
Recital 15	31	Oetjen	Falls if CA 1 adopted		
Recitals 4a, 6, 7, 17 Article 1(2)	CA 2	EPP, S&D, Renew, ID	If adopted, 47, 46, 48, 49, 50, 7, PECH 7, PECH 9, 17, 1, 21, 22, 23, 2, PECH 4, PECH 6, 32 and 33 fall >> GO TO PECH 1	+	
Article 1 – paragraph 1 – point 2 – point a Directive	47	Van Overtveldt	Falls if CA 2 adopted		

2009/16/EC – Article 3(4)					
Article 1 – paragraph 1 – point 2 – point a Directive 2009/16/EC – Article 3 – paragraph 4	46	Corrao	Falls if CA 2 or 47 adopted		
Article 1 – paragraph 1 – point 2 – point b Directive 2009/16/EC – Article 3(4a)	48	Van Overtveldt	Falls if CA 2 adopted <i>Deletion</i>		
Article 1 – paragraph 1 – point 2 – point b Directive 2009/16/EC – Article 3 – paragraph 4a	49	Corrao	Falls if CA 2 or 48 adopted		
Article 1 – paragraph 1 – point 2 – point b Directive 2009/16/EC – Article 3 – paragraph 4a	50	Karleskind	Falls if CA 2, 48 or 49 adopted		
Article 1 – paragraph 1 – point 2 – point b Directive 2009/16/EC – Article 3 – paragraph 4a	7	Tax	Falls if CA 2, 48, 49 or 50 adopted		
Article 1 – paragraph 1 – point 2 – point b Directive 2009/16/EC – Article 3 – paragraph 4a	PECH 7	PECH	Falls if CA 2, 48, 49, 50 or 7 adopted		

<DocAmend> </DocAmend>< Article>Article 1 – paragraph 1 – point 19 a (new)</Article> <DocAmend2>D irective 2009/16/EC</Do cAmend2> <Article2>Articl e 30 b – paragraph 5</Article2>	PECH 9	PECH	Falls if CA 2 adopted		
Recital 4 a (new)	17	Karleskind	Falls if CA 2 adopted		
Recital 6	1	Tax	Falls if CA 2 adopted		
Recital 6	21	Karleskind	Falls if CA 2 adopted <i>Compatible with 1</i>		
Recital 6 a (new)	22	Corrao	Falls if CA 2 adopted		
Recital 7	23	Karleskind	Falls if CA 2 adopted <i>Deletion</i>		
Recital 7	2	Tax	Falls if CA 2 or 23 adopted		
Recital 7	PECH 4	PECH	Falls if CA 2, 23 or 2 adopted		
Recital 16 a	PECH 6	PECH	Falls if CA 2 adopted		
Recital 17	32	Van Overtveldt	Falls if CA 2 adopted		
Recital 17	33	Karleskind	Falls if CA 2 or 32 adopted		
Recital 5 a (new)	PECH 1	PECH		+	
<Article>Article 1 – paragraph 1 – point 22</Article> <DocAmend2>D irective 2009/16/EC</Do cAmend2> <Article2>Articl e 35 – paragraph	PECH 10	PECH	Vote together	+	

1 a (new)</Article2>					
Recital 5 b (new)	PECH 2	PECH			
Recital 5 c (new)	PECH 3	PECH			
<Article>Article 1 – paragraph 1 – point 19</Article> <DocAmend2>Directive 2009/16/EC</DocAmend2> <Article2>Article 30 a – paragraph 1</Article2>	PECH 8	PECH		-	
Recital 15 a (new)	PECH 5	PECH		+	
Recitals 11, 12, 12a Article 1(22) Annex I Annex II	CA 3	EPP, S&D, Renew	If adopted, 97 and al., 63 and al., 69, 84, 86, 94, 93, 101, 102, 103, 107, 116, 3, 24, 4 and 34 fall >> GO TO CA4	+	
Annex I Directive 2009/16/EC – Annex I	97	Oetjen	Fall if CA 3 adopted Vote together (97, 98 identical) (114, 115 identical) AMs asking for strict deletion of CII		
	98	Van Overtveldt			
Annex II Directive 2009/16/EC – Annex 2– table	114	Oetjen			
	115	Van Overtveldt			
Recital 12	26	Van Overtveldt			
Article 1 – paragraph 1 – point 9 / – /	63	Novak, Marinescu, Vozemberg-Vrionidi, Adamowicz	Fall if CA 3 or 97 adopted Vote together (90 Part 2: From “in any case”) AMs calling for suppression of CII in current form and inclusion when revised by IMO		
Article 1 – paragraph 1 – point 22 / – /	90 Part 2	Novak, Marinescu, Vozemberg-			

		Vrionidi, Adamowicz			
Annex I Directive 2009/16/EC – Annex1– point g – point i	99	Novak, Vozemberg- Vrionidi, Adamowicz			
Annex II Directive 2009/16/EC – Annex 2– table	113	Novak			
Recital 12	25	Novak, Marinescu, Vozemberg- Vrionidi, Adamowicz			
Recital 12 a (new)	28	Novak, Marinescu, Vozemberg- Vrionidi, Adamowicz			
Article 1 – paragraph 1 – point 12 – point a Directive 2009/16/EC – Article 16, paragraph 1, 3rd indent	69	Corrao	Falls if CA 3, 97 or 63 adopted		
Article 1 – paragraph 1 – point 17 a (new) Directive 2009/16/EC – Article 27, paragraph 1	84	Corrao	Falls if CA 3, 97 or 63 adopted		
Article 1 – paragraph 1 – point 17 a (new) Directive 2009/16/EC – Article 27	86	Karleskind	Falls if CA 3, 97, 63 or 84 adopted		

Article 1 – paragraph 1 – point 22 2009/16/EC – Article 35, paragraph 2 (new)	93	Corrao	Falls if CA 3 adopted		
Article 2 – paragraph 1 – subparagraph 1	94	Corrao	Falls if CA 3 adopted		
Annex I Directive 2009/16/EC – Annex I	101	Karleskind	Falls if CA 3 adopted		
Annex I Directive 2009/16/EC – Annex I	102	Karleskind	Falls if CA 3 adopted		
Annex I Directive 2009/16/EC – Annex I	103	Karleskind	Falls if CA 3 adopted		
Annex III Directive 2009/16/EC – Annex IV, point 54a	107	Corrao	Falls if CA 3 adopted		
Annex II Directive 2009/16/EC – Annex 2– table	116	Karleskind	Falls if CA 3 adopted No vote - Annex II to be updated based on the results of the votes of AMs 59 and 101 to 104		
Recital 11	3	Tax	Falls if CA 3 adopted		
Recital 11	24	Karleskind	Falls if CA 3 adopted <i>Compatible with am 3</i>		
Recital 12	4	Tax	Falls if CA 3 adopted <i>Compatible with am 25/26</i>		
Recital 18 a (new)	34	Corrao	Falls if CA 3 adopted		
Recital 13 Article 1(16)	CA 4	EPP, S&D, Renew,	If adopted, 12, 13, 79, 81, 82, 109, 110, 29 and 5 fall >> GO TO CA5	+	

		Greens, ECR, ID			
Article 1 – paragraph 1 – point 16 Directive 2009/16/EC – Article 24a – paragraph 2	12	Tax	Falls if CA 4 adopted		
Article 1 – paragraph 1 – point 16 Directive 2009/16/EC – Article 24a – paragraph 3	13	Tax	Falls if CA 4 adopted		
Article 1 – paragraph 1 – point 16 Directive 2009/16/EC – Article 24a (3)	79	Van Overtveldt	Falls if CA 4 adopted		
Article 1 – paragraph 1 – point 17 Directive 2009/16/EC – Article 25 – paragraph 1a (new)	81	Karleskind	Falls if CA 4 adopted		
Article 1 – paragraph 1 – point 17 Directive 2009/16/EC – Article 25 – paragraph 1b (new)	82	Karleskind	Falls if CA 4 adopted		
Annex III Directive 2009/16/EC – Annex IV	109	Karleskind	Falls if CA 4 adopted		
Annex III Directive	110	Karleskind	Falls if CA 4 adopted		

2009/16/EC – Annex IV					
Recital 13	29	Van Overtveldt	Falls if CA 4 adopted		
Recital 13	5	Tax	Falls if CA 4 adopted <i>Compatible with am 29</i>		
Recital 19 Article 1(7), 1(12a) new, 1(12b) new, 1(13), 1(17a), 1(18), 1(22)	CA 5	EPP, S&D, Renew, Greens, ECR, ID	If adopted, 43, 44, 57, 58, 66, 71, 72, 8, 9, 78, 85, 87, 89, 90 Part 1, 91, 14, 92 and 36 fall >> GO TO CA6	+	
Article 1 – paragraph 1 – point 1 – point a b (new) Directive 2009/16 – Article 2 – paragraph 25a (new)	43	Karleskind	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 1 – point b a (new)	44	Karleskind	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 7 Directive 2009/16/EC – Article 8a	57	Oetjen	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 8	58	Van Overtveldt	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 11 Directive 2009/16/EC – Article 11 – paragraph 4a (new)	66	Karleskind	Falls if CA 5 adopted		

Article 1 – paragraph 1 – point 12 – point a Directive 2006/16/EC – Article 16 – paragraph 1a (new)	71	Karleskind	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 12 a (new) Directive 2009/16/EC – Article 18	72	Karleskind	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 13 Directive 2009/16/EC – Article 21 – paragraph 4 – subparagraph 2	8	Tax	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 13 Directive 2009/16/EC – Article 21 – paragraph 4 – subparagraph 3	9	Tax	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 15 – point a Directive 2009/16/EC – Article 24 (2)	78	Van Overtveldt	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 17 a (new) Directive 2009/16/EC – Article 26	85	Oetjen	Falls if CA 5 adopted		

Article 1 – paragraph 1 – point 18 Directive 2009/16/EC – Article 30, paragraph 1	87	Corrao	Falls if CA 5 adopted		
Article 1 – paragraph 1 – point 22 / – /	89	Novak, Marinescu, Vozemberg-Vrionidi, Adamowicz	Falls if CA 5 adopted <i>Compatible with am 14 and 90-92</i>		
Article 1 – paragraph 1 – point 22 / – /	90 Part 1	Novak, Marinescu, Vozemberg-Vrionidi, Adamowicz	Falls if CA 5 adopted Split vote Part 1 <i>From “the commission” to “this area”</i>		
Article 1 – paragraph 1 – point 22 Directive 2009/16/EC – Article 35, paragraph 1	91	Corrao	Falls if CA 5 or 90 Part 1 adopted		
Article 1 – paragraph 1 – point 22 Directive 2009/16/EC – Article 35 – paragraph 1	14	Tax	Falls if CA 5, 90 Part 1 or 91 adopted		
Article 1 – paragraph 1 – point 22 2009/16/EC – Article 35	92	Corrao	Falls if CA 5 or 90 Part 1 adopted		
Recital 19	36	Corrao	Falls if CA 5 adopted		
Article 1(14)	CA 6	EPP, S&D, Renew, Greens, ECR, ID	If adopted, 10, 11, 74, 75 and 76 fall >> GO TO CA7	+	
Article 1 – paragraph 1 –	10	Tax	Falls if CA 6 adopted		

point 14 Directive 2009/16/EC – Article 22 – paragraph 7 – subparagraph 1					
Article 1 – paragraph 1 – point 14 Directive 2009/16/EC – Article 22 – paragraph 7 – subparagraph 2	11	Tax	Falls if CA 6 adopted		
Article 1 – paragraph 1 – point 14 Directive 2009/16/EC – Article 22, paragraph 7	74	Corrao	Falls if CA 6 adopted		
Article 1 – paragraph 1 – point 14 Directive 2009/16/EC – Article 22, paragraph 7, subparagraph 1	75	Corrao	Falls if CA 6 adopted		
Article 1 – paragraph 1 – point 14 Directive 2009/16/EC – Article 22, paragraph 7	76	Corrao	Falls if CA 6 adopted		
Recital 5a Articles 1(1)a, 1(9), Annex I, Annex III	CA 7	EPP, S&D, Renew, Greens, ECR, ID	If adopted, 37, 39, 42, 45, 61, 62, 59, 60, 88, 95, 96, 100, 105, 108, 117, 18 and 19 fall >> GO TO AM20	+	
Article 1 – paragraph 1 – point 1 – point a – introductory part	37	Corrao	Fall if CA 7 adopted Identical <i>Substantially identical</i>		
	38	Daly			

Article 1 – paragraph 1 – point 1 – point a Directive 2009/16/EC – Article 2, point ma (new)	39	Corrao	Fall if CA 7 adopted Identical		
	40	Karleskind			
	41	Daly			
Article 1 – paragraph 1 – point 1 – point a a (new) Directive 2009/16 – Article 2 – paragraph 1a (new)	42	Karleskind	Falls if CA 7 adopted		
Article 1 – paragraph 1 – point 1 a (new)	45	Daly	Falls if CA 7 adopted		
Article 1 – paragraph 1 – point 9 Directive 2009/16/EC – Article 10 – paragraph 2 – point c	61	Oetjen	Falls if CA 7 adopted Not voted - Paragraph to be updated based on the votes on CII in CA3		
Article 1 – paragraph 1 – point 9 Directive 2009/16/EC – Article 10(2)	62	Campomenosi	Falls if CA 7 or 61 adopted Not voted - Paragraph to be updated based on the votes on CII in CA3		
Article 1 – paragraph 1 – point 9 Directive 2009/16/EC – Article 10 – paragraph 2 – point c	59	Karleskind	Falls if CA 7 adopted Compatible with 61/62		
Article 1 – paragraph 1 – point 9 Directive	60	Corrao	Falls if CA 7 adopted Compatible with 61/62, 59		

2009/16/EC – Article 10(2), point c					
Article 1 – paragraph 1 – point 19 Directive 2009/16/EC – Article 30a, paragraph 1	88	Corrao	Falls if CA 7 adopted		
Annex I Directive 2009/16/EC – Annex I	95	Oetjen	Falls if CA 7 adopted		
Annex I Directive 2009/16/EC – Annex I, paragraph I, 1, 2	96	Daly	Falls if CA 7 adopted		
Annex I Directive 2009/16/EC – Annex I, point I, sub paragraph g, sub point iia	100	Corrao	Falls if CA 7 adopted		
Annex I Directive 2009/16/EC – Annex I	105	Oetjen	Falls if CA 7 adopted		
Annex III Directive 2009/16/EC – Annex IV, point 54b	108	Corrao	Falls if CA 7 adopted		
Annex II Directive 2009/16/EC – Annex 2– table	117	Corrao	Falls if CA 7 adopted		
Recital 5	18	Corrao	Falls if CA 7 adopted		
Recital 5 a (new)	19	Corrao	Falls if CA 7 adopted		
Recital 5 b (new)	20	Corrao			

Article 1 – paragraph 1 – point 2 – point b Directive 2009/16/EC – Article 3 – paragraph 4aa (new)	51	Corrao	Vote together <i>HNS</i>	-	
Article 1 – paragraph 1 – point 4 Directive 2009/16/EC – Article 6, paragraph 1	53	Corrao	Vote together <i>Inspections</i>	-	
Article 1 – paragraph 1 – point 6 Directive 2009/16/EC – Article 8, paragraph 1, sub paragraph a	54	Corrao			
Article 1 – paragraph 1 – point 6 Directive 2009/16/EC – Article 8, paragraph 1, sub paragraph b	55	Corrao			
Article 1 – paragraph 1 – point 6 Directive 2009/16/EC – Article 8, paragraph 1, sub paragraph ba	56	Corrao			
Recital 12 a (new)	27	Corrao	Vote together <i>Exhaust gas</i>		
Article 1 – paragraph 1 – point 12 – point	70	Corrao		-	

a Directive 2009/16/EC – Article 16, paragraph 1, 4th indent					
Article 1 – paragraph 1 – point 17 Directive 2009/16/EC – Article 25	80	Campomenosi		-	
Article 1 – paragraph 1 – point 17 Directive 2009/16/EC – Article 25	83	Daly		-	
Article 1 – paragraph 1 – point 11 b (new)	68	Karleskind		-	
Recital 18 a (new)	35	Karleskind		-	
Final vote – Draft as amended (Roll-call vote)					
Vote on mandate - Interinstitutional negotiations (Roll-call vote; Required majority: 25)					

Compromise amendments

COMPROMISE AMENDMENT 1 (the following AM are covered or fall: 6, 15, 16, 30, 31, 52, 64, 65, 67, 73, 77, 104, 106, 111 and 112)

Subject of the compromise: Working and living conditions

Recitals (1), (14), (15)

Article 1 (14 a)

Text proposed by the Commission

(1) Directive 2009/16/EC of the European Parliament and of the Council²⁵ sets out rules on the system for port State control inspections, whereby eligible ships

Proposed compromise

(1) Directive 2009/16/EC of the European Parliament and of the Council²⁵ sets out rules on the system for port State control inspections, whereby eligible ships

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calling in Union ports are inspected to verify if the competency of the crew on board and the condition of the ship and its equipment comply with the requirements of international conventions on the safety of life at sea and on the protection of marine environment.

(14) Port State control has been increasing in complexity as new inspection requirements are added, either by EU law or via the International Maritime Organization. There is therefore a need to ensure the upskilling and reskilling of the port State control officers and continuously develop their training.

calling in Union ports are inspected to verify if the competency **and the working and living conditions** of the crew on board and the condition of the ship and its equipment comply with the requirements of international conventions on the safety of life at sea and on **board, on** the protection of marine environment.

(14) Port State control has been increasing in complexity as new inspection requirements are added, either by EU law or via the International Maritime Organization **and the International Labour Organization**. There is therefore a need to ensure the upskilling and reskilling of the port State control officers and continuously develop their training. **More specifically, more emphasis should be placed on training concerning respect for seafarers' welfare, in particular regarding the verification of the work and rest hour records, since insufficient rest affects the safety of the ship and the work performance, and regarding the occupational health of seafarers. The competent authorities of the port State should also implement their responsibilities effectively under the ILO Work in Fishing Convention, 2007 (No. 188). It is important to take into account the on-board working and living conditions of the crew and the training and qualifications of its members, given that health, safety, security and social considerations are closely interlinked and that it is of utmost importance to prevent any damage caused by human factors. In particular, when considering detention of a ship based on serious or repeated breach of MLC 2006 requirements (including seafarers' rights) the competent authorities should take also take into account minimum wages, working hours and rest periods.**

(15) Union Flag State administrations in line with Directive 2009/21/EC of the European Parliament and of the Council²⁶ are required to have a quality management system in order to help Member States to further improve their performance as flag States and to ensure a level playing field between administrations. A similar requirement for the port state control activities should allow Member States to certify that their organisation, its policies, processes, resources and documentation are appropriate to achieve its objectives as well as identify system problems such as resource or personnel allocation issues before these become problematic.

26 Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).

(15) Union Flag State administrations in line with Directive 2009/21/EC of the European Parliament and of the Council²⁶ are required to have a quality management system in order to help Member States to further improve their performance as flag States and to ensure a level playing field between administrations. A similar requirement for the port state control activities should allow Member States to certify that their organisation, its policies, processes, resources and documentation are appropriate to achieve its objectives as well as identify system problems such as resource or personnel allocation issues before these become problematic. ***The competent authorities of the port States should verify compliance with applicable international conventions on maritime safety and security, on protection of the marine environment and on living and working conditions on-board, in respect of the ships calling at their ports. In conducting such monitoring activities, the port State should not interfere with the competences of a flag State, as set out by international conventions such as Article 94 of UNCLOS and Union legal acts such as Directive 2013/54/EU of the European Parliament and of the Council^{26a}.***

²⁶ Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).

^{26a} ***Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006.***

Article 1(14 a)

Reports from pilots and port authorities

1. Member States shall take appropriate measures to ensure that their pilots engaged on the berthing or unberthing of ships or engaged on ships bound for a port or in transit within a Member State immediately inform the competent authority of the port State or the coastal State, as appropriate, whenever they learn in the course of their normal duties that there are apparent anomalies which may prejudice the safe navigation of the ship, or which may pose a threat of harm to the marine environment.

2. If port authorities or bodies, in the course of their normal duties, learn that a ship within their port has apparent anomalies which may prejudice the safety of the ship or poses an unreasonable threat of harm to the marine environment, such authority or body shall immediately inform the competent authority of the port State concerned.

3. Member States shall require pilots and port authorities or bodies to report at least the following information, in electronic format whenever possible:

- ship information (name, IMO identification number, call sign and flag),
- sailing information (last port of call, port of destination),
- description of apparent anomalies found on board.

4. Member States shall ensure that proper follow-up action is taken on apparent anomalies notified by pilots and port authorities or bodies and shall record the details of action taken.

5. Implementing powers shall be conferred on the Commission to adopt measures for the implementation of this Article,

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2. If port authorities or bodies, in the course of their normal duties, learn that a ship within their port has apparent anomalies which may prejudice the safety of the ship **or seafarers on board** or poses an unreasonable threat of harm to the marine environment, such authority or body shall immediately inform the competent authority of the port State concerned.

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5. Implementing powers shall be conferred on the Commission to adopt measures for

including harmonised procedures for the reporting of apparent anomalies by pilots and port authorities or bodies and of follow-up actions taken by Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(3).

the implementation of this Article, including harmonised procedures for the reporting of apparent anomalies by pilots and port authorities or bodies and of follow-up actions taken by Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(3).

COMPROMISE AMENDMENT 2 (the following AM are covered or fall: 1, 2, 7, 17, 21, 22, 23, 32, 33, 46, 47, 48, 49, 50, PECH 4, PECH 6, PECH 7, PECH 9)
Subject of the compromise: Regime for fishing vessels

Recitals (4a) (6) (7) (17)
Article 1(2)

Text proposed by the Commission

Proposed compromise

4 a) In view of the commitment of Member States to ratifying the 2012 Cape Town Agreement, Member States that have not yet ratified that agreement should initiate the ratification process as soon as possible. Furthermore, those Member States that have already ratified that agreement should implement it immediately.

(6) Due to their small size, most fishing vessels in the EU operate in territorial waters, and are not susceptible to being inspected in foreign ports. This means that in general, only larger fishing vessels above 24 meters in length (which are also the fishing vessels which are most subject to international conventions) are likely to engage in international waters and call at ports different than those in the country where they are registered and therefore be subject to **PSC**. As the majority of the international conventions applicable to larger fishing vessels are different to those

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which are currently enforced through port State control and to avoid undesirable spill over effects onto the current port state control system a parallel system of port **state** control for fishing vessels is being proposed.

applicable to larger fishing vessels are different to those which are currently enforced through port State control and to avoid undesirable spill over effects onto the current port state control system a parallel system of port state control for fishing vessels is being proposed. ***Nevertheless, the inspection criteria for fishing vessels should be aligned as far as possible with the Cape Town Agreement inspection criteria, since all Member States have committed themselves to ratifying it in order to avoid the fragmentation of practices across the Union ports. This will facilitate the collecting of more complete data including on accidents and injuries aboard such vessels and the improving of the health and safety of the seafarers and fishermen working on them.***

(7) However, due to the patterns of fishing not all EU Member States are visited by these larger fishing vessels. Therefore, a voluntary system for those EU Member States that wish to carry out these inspections and which is separate from the current port state control regime is being proposed to allow for flexibility and the way that standards are developed in port State control. This system of port State control of fishing vessel of over 24 metres in length can therefore be developed organically by Member States, the Paris MoU and the Commission

(7) However, due to the patterns of fishing not all EU Member States are visited by these larger fishing vessels. Therefore, a voluntary system for those EU Member States that wish to carry out these inspections and which is separate from the current port state control regime is being proposed to allow for flexibility and the way that standards are developed in port State control. This system of port State control of fishing vessel of over 24 metres in length can therefore be developed organically by Member States, the Paris MoU and the Commission. ***This voluntary system should be promoted as it will help Member States and larger fishing vessels prepare for the entry into force of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the ‘Cape Town Agreement’) to enhance fishing vessel safety. As early as possible after the entry into force of that agreement, the Commission should align existing Union legal acts accordingly, and in particular Council Directive 97/70/EC^{3a}. The***

mandatory port State control enforcement regime to be introduced in the Union after the entry into force of the Cape Town Agreement should take account of existing voluntary systems for the port State control of fishing vessels referred to in this Directive.

^{3a} ***Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over (OJ L 34, 9.2.1998, p. 1, ELI: <http://data.europa.eu/eli/dir/1997/70/oj>).***

(17) In order to ensure uniform conditions for the implementation of the provisions of Directive 2009/16/EC concerning the list of Conventions under its scope, the voluntary port state control regime for fishing vessels above 24 meters length overall, the conditions for the application of Annex VII on expanded inspection, the uniform set of safety and security guidelines and procedures, as well as the requirements for electronic certificates, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁸.

²⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(17) In order to ensure uniform conditions for the implementation of the provisions of Directive 2009/16/EC concerning the list of Conventions under its scope, the voluntary port state control regime for fishing vessels above 24 meters length overall, the conditions for the application of Annex VII on expanded inspection, the uniform set of safety and security guidelines and procedures, as well as the requirements for electronic certificates, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁸.

²⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Article 1(2)

(a) paragraph 4 is replaced by the following:

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Article 3 is amended as follows:

(a) paragraph 4 is replaced by the following:

‘4. Fishing vessels below 24 meters overall, warships, naval auxiliaries, wooden ships of a primitive build, government ships used for non-commercial purposes and pleasure yachts not engaged in trade shall be excluded from the scope of this Directive.’

(b) the following paragraph 4a is added:

‘4a. Member States may carry out port state control inspections of fishing vessels of above 24 metres length overall. The Commission shall adopt implementing acts establishing the modalities of such a specific port state control regime for fishing vessels above 24 meters length overall. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).’

‘4. Fishing vessels below 24 meters overall, warships, naval auxiliaries, wooden ships of a primitive build, government ships used for non-commercial purposes and pleasure yachts not engaged in trade shall be excluded from the scope of this Directive.’

(b) the following paragraph 4a is added:

4a. ***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.. The Commission shall adopt implementing acts establishing the modalities of such a specific port state control regime for fishing vessels above 24 meters length overall. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

COMPROMISE AMENDMENT 3 (the following AM are covered or fall: 3, 4, 24, 25, 26, 28, 34, 63, 69, 84, 86, 90 part 2, 93, 94, 97, 98, 99, 101, 102, 103, 107, 113, 114, 115, 116)

Subject of the compromise: Fight against climate change/Carbon Intensity Indicator

Recitals (11), (12). (12a)

Annex I

Annex II

Article 1(22)

Text proposed by the Commission

(11) Over the last decade and despite increases in the number of vessels calling to EU ports including the short sea shipping transport of goods between main ports in the EU Member States and ports situated in geographical Europe or in non-European countries on the Mediterranean and the Black Sea, the safety profile of vessels

Proposed compromise

(11) Over the last decade and despite increases in the number of vessels calling to EU ports including the short sea shipping transport of goods between main ports in the EU Member States and ports situated in geographical Europe or in non-European countries on the Mediterranean and the Black Sea, the safety profile of vessels

calling to EU ports has improved considerably. Port State control inspections are being increasingly used to enforce environmental legislation such as in relation to sulphur emissions or the safe and environmental scrapping of ships. The “Fit for 55 package” aims to reduce the EU’s total green-house gas emissions by 55% by 2030, paving the way to climate neutrality by 2050 and maritime transport is expected to contribute to this effort. However, the ship risk profile devised prior to 2009 had different priorities and is not fully adapted to focus the inspection effort on the least environmentally performing vessels.

calling to EU ports has improved considerably. Port State control inspections are being increasingly used to enforce environmental legislation such as in relation to sulphur emissions or the safe and environmental scrapping of ships. ***In line with its commitments under the Paris Agreement^{3b}, adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change, the Union should continue to exert its leadership in a sector that is regulated both at European and international level and is still highly dependent on fossil fuels.*** The “Fit for 55 package” aims to reduce the EU’s total green-house gas emissions by 55% by 2030, paving the way to climate neutrality by 2050 and maritime transport is expected to contribute to this effort. However, the ship risk profile devised prior to 2009 had different priorities and is not fully adapted to focus the inspection effort on the least environmentally performing vessels.

^{3b} OJ L 282, 19.10.2016, p. 4.

(12) On this basis, the ship risk profile should be updated to reflect environmental issues by attaching more importance to the environmental performance, including the operational carbon intensity of the ships being inspected as well as to environmental related deficiencies and detentions.

(12) On this basis, the ship risk profile should be updated to reflect environmental issues by attaching more importance to the environmental performance, including the operational carbon intensity of the ships being inspected as well as to environmental related deficiencies and detentions. ***Port State control can play an important role in ensuring that ‘Fit for 55’ measures that apply to the maritime sector are effective through the imposition of more numerous inspections on polluting ships. While safeguarding the competitiveness of the sector this will help promote the use of on-shore power supply or any other energy saving technology which reduces greenhouse gas emissions and air pollutants in ports. This, along with the support to port industries, small and medium enterprises and start-ups***

specialised in circular economy and investment in renewable, low and zero emission alternatives, will contribute to the achievement of the Union's climate neutrality goals.

(12a) As soon as the IMO has concluded the revision of its carbon intensity indicator (CII), the Commission should adopt a delegated act in order to amend this Directive by including the carbon intensity indicator adopted by the IMO among the environmental parameters used for the determination of a ship risk profile of a ship under this Directive.

Article 1(22)

Implementation review

[...]

Article 1(22)

Implementation review

[....]

In any event, as soon as the IMO has adopted a carbon intensity indicator (CII), the Commission shall adopt a delegated act, in accordance with Article 30b, in order to amend Annex I and Annex II of this Directive by including the carbon intensity indicator adopted by the IMO among the environmental parameters used for the determination of a ship risk profile of a ship under this Directive

Annex I

(i) The Carbon Intensity Indicator of the ship, ships which are category D-E shall be considered as posing a higher risk.

Deleted

Annex II

Adoption of CA3 also means that AM 113, 114, 115 (substantially identical) are adopted and that AM 116 falls.

COMPROMISE AMENDMENT 4 (the following AM are covered or fall: 5, 12, 13, 29, 79, 81, 82, 109 and 110)

Subject of the compromise: digitalisation

Recitals (13)

Article 1(16)

Text proposed by the Commission

(13) Digitalisation is an essential aspect of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources. The number of ships currently carrying electronic certificates is on the rise and expected to increase. Therefore the effectiveness of port State control should be enhanced by making more use of electronic certificates to allow for more ship focussed better prepared inspections. The uptake and use of these electronic certificates should be incentivised by their inclusion in the ship risk profile.

Article 1(16)

2. The Member States may use the harmonised reporting interface, validation tool and central repository/database for electronic versions of the certificates to facilitate the transition of their ship registers to electronic certificates.

Proposed compromise

(13) Digitalisation is an essential aspect of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources. The number of ships currently carrying electronic certificates is on the rise and expected to increase. Therefore the effectiveness of port State control should be enhanced by making more use of electronic certificates to allow for more ship focussed better prepared inspections. The uptake and use of these electronic certificates should be incentivised by their inclusion in the ship risk profile. ***It is important for the Union to support the research and innovation, as well as the upskilling and reskilling of seafarers in order to optimise the benefits that digitalisation and automation can bring to the maritime sector, in particular in terms of reducing emissions.***

2. The Member States may use the harmonised reporting interface, validation tool and central repository/database for electronic versions of the certificates to facilitate the transition of their ship registers to electronic certificates. ***Electronic certificates shall 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.

3. Ships flying the flag of a State that issue such electronic certificates shall have this reflected in the ship risk profile (SRP) as set out in Annexes I and II.

3. Ships flying the flag of a State that issue such electronic certificates shall have this reflected in the ship risk profile (SRP) as set out in Annexes I and II ***until the electronic certificate becomes compulsory.***

COMPROMISE AMENDMENT 5 (the following AM are covered or fall: 43, 44, 57, 58, 66, 71, 72, 8, 9, 78, 14, 36, 85, 87, 89, 90 part 1, 91 and 92)

Subject of the compromise: Implementation

Recital (19)

Article 1(7)

Article 1(12a) new

Article 1(12b) new

Article 1(13)

Article 1(17a)

Article 1(18)

Article 1(22)

Text proposed by the Commission

(19) In view of the full monitoring cycle of visits to Member States by the European Maritime Safety Agency (EMSA) to monitor the implementation of Directive 2009/16/EC, the Commission should evaluate the implementation of Directive 2009/16/EC no later than [***ten*** years after its date of application referred to in Article XX]) and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all information necessary for this evaluation.

Article 1(7)

Failure to carry out an inspection for force majeure reasons shall not be counted as a

Proposed compromise

(19) In view of the full monitoring cycle of visits to Member States by the European Maritime Safety Agency (EMSA) to monitor the implementation of Directive 2009/16/EC, the Commission should evaluate the implementation of Directive 2009/16/EC no later than [***5*** years after its date of application referred to in Article XX]) and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all information necessary for this evaluation.

Failure to carry out an inspection for force majeure reasons shall not be counted as a

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missed inspection provided that the missed inspection and the reasons for not carrying it out are documented and recorded in the inspection database.

missed inspection provided that the missed inspection and the reasons for not carrying it out are documented, recorded in the inspection database **and reported to EMSA**.

Article 1(12a) new

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. Should that be the case, the competent authority shall take the necessary action on the complaint, in particular, ensuring that anyone directly concerned by that complaint can make their views known. Where the competent authority deems the complaint to be manifestly unfounded, it shall inform the complainant of its decision and of the reasons therefor.

The identity of the complainant shall not be revealed to the master or the shipowner of the ship concerned. The inspector shall take appropriate steps to safeguard the confidentiality of complaints made by seafarers, including ensuring confidentiality during any interviews of seafarers.

Member States shall inform the flag State administration, with a copy to the International Labour Organisation (ILO) **if appropriate**, of complaints not manifestly unfounded and of follow-up actions taken.

"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. Should that be the case, the competent authority shall take the necessary action on the complaint, in particular, ensuring that anyone directly concerned by that complaint can make their views known. Where the competent authority deems the complaint to be manifestly unfounded, it shall inform the complainant of its decision and of the reasons therefor.

The identity of the complainant shall not be revealed to the master or the shipowner of the ship concerned. The inspector shall take appropriate steps to safeguard the confidentiality of complaints made by seafarers, including ensuring confidentiality during any interviews of seafarers.

Member States shall 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 shall be invited by Member States, in line with the EMSA regulation, to provide operational and technical support concerning safety investigations.***

Article 1(12b) new

2a. In the case of living and working conditions on board which are clearly hazardous to the safety, health or security of seafarers or deficiencies which constitute a serious or repeated breach of MLC 2006

2a. In the case of living and working conditions on board which are clearly hazardous to the safety, health or security of seafarers or deficiencies which constitute a

requirements (including seafarers' rights), the competent authority of the port State where the ship is being inspected shall ensure that the ship is detained or that the operation in the course of which the deficiencies are revealed is stopped. The detention order or stoppage of an operation shall not be lifted until those deficiencies have been rectified or if the competent authority has accepted a plan of action to rectify those deficiencies and it is satisfied that the plan will be implemented in an expeditious manner. Prior to accepting a plan of action, the inspector may consult the flag State.

serious or repeated breach of MLC 2006 requirements (including seafarers' rights) the competent authority of the port State where the ship is being inspected shall ensure that the ship is detained or that the operation in the course of which the deficiencies are revealed is stopped. The detention order or stoppage of an operation shall not be lifted until those deficiencies have been rectified or if the competent authority has accepted a plan of action to rectify those deficiencies and it is satisfied that the plan will be implemented in an expeditious manner. Prior to accepting a plan of action, the inspector may consult the flag State.

Article 1(13)

The refusal of access order shall be lifted after a period of 12 months has passed. The refusal of access order shall become applicable from the date of its issuing.

The refusal of access order shall become applicable from the date of its issuing.

Such refusal shall be ***maintained until*** 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.

The refusal of access order shall 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.

Article 1(17a)

Article 26 - Public information

The Commission shall make available and maintain on a public website the information on inspections, detentions and refusals of access in accordance with Annex XIII, building upon the expertise and experience under the Paris MOU.

Publication of information. The Commission shall make available and maintain on a public website the information on inspections, detentions and refusals of access in accordance with Annex XIII, building upon the expertise and experience under the Paris MOU. Information identifying an individual ship

shall only be made publicly available if all legal proceedings are finalised and there is no appeal.

Article 1(18)

In order to ensure the effective implementation of this Directive and to monitor the overall functioning of the Union's port State control regime in accordance with Article 2(b) point (i) of Regulation (EC) No 1406/2002, the Commission shall collect the necessary information and carry out visits to Member States.

In order to ensure the effective implementation of this Directive and to monitor the overall functioning of the Union's port State control regime in accordance with Article 2(b) point (i) of Regulation (EC) No 1406/2002, the Commission shall collect the necessary information and carry out visits, to Member States.

Article 1(22)

Implementation review

Implementation review

The Commission shall by [OP: Please insert a date: **ten** years from the date of entry into force of this amending Directive] submit a report to the European Parliament and the Council on the implementation of, and compliance with, this Directive.

The Commission shall by [OP: Please insert a date: **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 implementation of, and compliance with, this Directive.

The Commission shall determine on the basis of the report whether it is necessary to submit a legislative proposal for the amendment of this Directive or for further legal acts in this area.

[...]

COMPROMISE AMENDMENT 6 (the following AM are covered or fall: 10, 11, 74, 75, 76)

Subject of the compromise: training/EMSA/upskilling

Article 1(14)

Text proposed by the Commission

Article 1(14)

7. In cooperation with Member States and taking into account the expertise and the experience gained in the Union and under the Paris MOU, the Commission shall develop a professional development and training programme for port State control inspectors. This training programme shall take account of the widened scope of port State control as well as improvements in the scope and forms of training.

In cooperation with the Member States, the Commission shall 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

Proposed compromise

7. In cooperation with Member States and taking into account the expertise and the experience gained in the Union and under the Paris MOU, the Commission shall ***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. It shall also*** develop a professional development and training programme for port State control inspectors. This training programme shall take account of the widened scope of port State control as well as improvements in the scope and forms of training. ***The Commission shall 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.***

In cooperation with the Member States, the Commission shall 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.***

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

COMPROMISE AMENDMENT 7 (the following AM are covered or fall: 18, 19, 37, 38, 39, 40, 41, 42, 45, 59, 60, 61, 62 88, 95, 96, 100, 105, 108, and 117)

Subject of the compromise: Hong Kong International Convention

Recitals (5a)

Article 1(1)(a)

Article 1(9)

Annex I

Annex III

Text proposed by the Commission

Proposed compromise

(5 a) The Hong Kong International Convention for the safe and environmentally sound recycling of ships will enter into force as of 26 June 2025. The present directive should provide for its enforcement.

Article 1(1)(a)

(a) in point 1 the following points ***(i)*** and ***(m)*** are added:

‘(l) International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention);

(m) Nairobi International Convention on the Removal of Wrecks (Nairobi Convention).’

(a) in point 1 the following points ***(l)***, ***(m)*** and ***(ma)*** are added:

‘(l) International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention);

(m) Nairobi International Convention on the Removal of Wrecks (Nairobi Convention);

(ma) The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (“The Hong Kong Convention”);

Environmental parameters shall be based on **[the Carbon Intensity**

Article 1(9)

Environmental parameters shall be based on the Carbon Intensity Indicator of the ship and the number of deficiencies relating to MARPOL, AFS, BWM Convention, CLC 92, Bunkers Convention and Nairobi Conventions in accordance with Annex I, Part I.3 and Annex II

Indicator of the ship], the number of deficiencies relating to MARPOL, AFS, BWM Convention, CLC 92, Bunkers Convention and Nairobi Conventions, ***and the provision of valid documentation relating to Regulation (EU) No 1257/2013 or the Hong Kong Convention***, in accordance with Annex I, Part I.3 and Annex II.

Annex I

(ii a) Ships which do not have a valid inventory of hazardous substances as detailed in Regulation (EU) No 1257/2013 or in the Hong Kong Convention shall be considered a higher risk

Annex III

54 b. Valid inventory of hazardous substances as detailed in Regulation (EU) No 1257/2013 or in the Hong Kong Convention

Adoption of CA 7 also means adoption of AM 117, which is compatible with AMs 113-116 in case these are adopted.



<Commission>{PECH}Committee on Fisheries</Commission>

<RefProc>2023/0165</RefProc><RefTypeProc>(COD)</RefTypeProc>

<Date>{29/11/2023}29.11.2023</Date>

<TitreType>**OPINION**</TitreType>

<CommissionResp>of the Committee on Fisheries</CommissionResp>

<CommissionInt>for the Committee on Transport and
Tourism</CommissionInt>

<Titre>on the proposal for a directive of the European Parliament and of the
Council amending Directive 2009/16/EC on port State control</Titre>

<DocRef>(COM(2023)0271 – C9-0191/2023 – 2023/0165(COD))</DocRef>

Rapporteur for opinion: <Depute>Izaskun Bilbao Barandica</Depute>

Agence Europe

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SHORT JUSTIFICATION

Fisheries vessels are not currently covered by the Port State Control directive, however more and more international obligations cover fishing vessels and the need for port state control on fishing vessels is increasing.

The Commission noted that the current EU requirements do not apply for fishing vessels and that certain international obligations in relation to fishing vessels are not enforced by port state controls and are not inspected in a coordinated manner. These international obligations are primarily targeting fishing vessels above 24m.

The Commission therefore proposes to include fishing vessels above 24 meter in the scope of the directive and that Member States, on a voluntary basis, can carry out port state control inspections on these vessels. For these inspections the Commission proposes that they should be given implementing powers to define the modalities for such specific port state control regimes for fishing vessels above 24m.

The rapporteur considers that the voluntary schemes should be developed in close cooperation between Member States and the Commission in order to ensure a more harmonised approach to controls. The harmonised approach is of importance for the level playing field and sees positively on the proposal that the Commission should develop the modalities for the specific ports state control regimes for fishing vessels. However the rapporteur sees these modalities as potentially important part of the rules regarding port state control, and especially considering that rules on the modalities for the normal port state control regime is set out in the basic act, the rapporteur proposes that these modalities should be set out in the form of delegated acts.

The rapporteur believes that it is important that more Member States are ratifying and implementing the international obligations relating to fishing vessels and fishing activities so as to ensure a high global standard and a level playing field for fishers. The rapporteur believes that it is essential that these international obligations are implemented and controlled in a harmonised manner in the EU in order to ensure a level playing field for all EU fishers. Therefore the rapporteur is of the opinion that the Commission should assess the progress by Member States in ratifying and implementing these international obligations and where appropriate put forward legislative proposals for a harmonised implementation and control of the measures.

AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:<RepeatBlock-Amend>

<Amend>**Amendment** <NumAm>1</NumAm>

<DocAmend>**Proposal for a directive**</DocAmend>

<Article>**Recital 5 a (new)**</Article>

Text proposed by the Commission

Amendment

(5a) In order to create a level playing field throughout the Union, it is preferable to first transpose the fisheries conventions in the community aquis with a view of creating a harmonised community control system. However, there are already Member States, which have ratified international conventions such as the ILO C188 and the STCW-F, who have the responsibility of applying the Port State Control measures.

</Amend>

<Amend>**Amendment** <NumAm>2</NumAm>

<DocAmend>**Proposal for a directive**</DocAmend>

<Article>**Recital 5 b (new)**</Article>

Text proposed by the Commission

Amendment

(5b) It is of high importance that Member States that have not ratified international conventions relating to fisheries, especially ILO C188 and IMO STCW-F and IMO CTA, do so as soon as possible, in order to avoid the risk that Member States will apply the rules differently. The Commission should actively encourage and assist Member States to ratify relevant international conventions. In order to ensure harmonised approaches in the implementation of these international obligations these should be transposed on Union level with a view to then establish a harmonised approach to control these obligations, including harmonised

inspections systems on the control and enforcement of the provisions of the Convention C188.

<Amend>**Amendment**

<NumAm>**3**</NumAm>

<DocAmend>**Proposal for a directive**</DocAmend>

<Article>**Recital 5 c (new)**</Article>

Text proposed by the Commission

Amendment

(5c) The Commission should further assess and follow up on the ratification of the international agreements containing obligations relating to fishing activities and where appropriate present a legislative proposal for a harmonised transposition of these international obligations into Union law, particularly regarding the IMO STCW-F Convention on a harmonized inspection system on the control and application of the provisions of Convention C188 as well as implementing measures in relation to Directive (EU) 2017/159.

</Amend>

<Amend>**Amendment**

<NumAm>**4**</NumAm>

<DocAmend>**Proposal for a directive**</DocAmend>

<Article>**Recital 7**</Article>

Text proposed by the Commission

Amendment

(7) However, due to the patterns of fishing not all EU Member States are visited by these larger fishing vessels. Therefore, a voluntary system for those EU Member States that wish to carry out these inspections and which is separate from the current port state control regime is being proposed to allow for flexibility and the way that standards are developed in port State control. This system of port State control of fishing vessel of over 24 metres in length can therefore be developed organically by Member States, the Paris MoU and the Commission.

(7) However, due to the patterns of fishing not all EU Member States are visited by these larger fishing vessels. ***Additionally, in fisheries there is no harmonised legal framework at EU level on domains such as maritime safety, vessels' construction and living and working conditions on board.*** Therefore, a voluntary system for those EU Member States that wish to carry out these inspections and which is separate from the current port state control regime is being proposed to allow for flexibility and the way that standards are developed in port State control. This system of port State control of

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fishing vessel of over 24 metres in length can therefore be developed organically by Member States, the Paris MoU and the Commission. ***The port State control rules that are developed must be proportionate and non-discriminatory. Member States carrying out those voluntary inspections should be able to make use of financial assistance (EMFAF), in order to ensure sufficient means and human resources to this end.***

</Amend><Amend>Amendment

<NumAm>5</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Recital 15 a (new)</Article>

Text proposed by the Commission

Amendment

(15a) Member States must apply the same criteria to national fleets and other European flags calling their ports. No differences should occur in the treatment of Union fishing vessels and between the different national control systems implemented.

</Amend>

<Amend>Amendment

<NumAm>6</NumAm>

<DocAmend>Proposal for a directive</DocAmend>

<Article>Recital 16 a (new)</Article>

Text proposed by the Commission

Amendment

(16a) In order to establish the terms of the specific port state control regime for fishing vessels delegated powers should be conferred on the Commission. In the exercise of its delegated powers the Commission shall take into account the need to ensure a level playing field in terms of port State control rules among Member States and fleets and harmonisation of the rules at Union level.

</Amend>

<Amend>Amendment <NumAm>7</NumAm>

<DocAmend>Proposal for a directive</DocAmend>
<Article>Article 1 – paragraph 1 – point 2 – point b</Article>
<DocAmend2>Directive 2009/16/EC</DocAmend2>
<Article2>Article 3 – paragraph 4a</Article2>

Text proposed by the Commission

Amendment

4a. Member States may carry out port state control inspections of fishing vessels of above 24 metres length overall. The Commission shall adopt **implementing** acts establishing the modalities of such a specific port state control regime for fishing vessels above 24 meters length overall. Those **implementing** acts shall be adopted in accordance with **the examination procedure referred to in Article 31(2)**.

4a. Member States may carry out port state control inspections of fishing vessels of above 24 metres length overall . The Commission shall adopt **delegated** acts establishing the modalities of such a specific port state control regime for fishing vessels above 24 meters length overall. Those **delegated** acts shall be adopted in accordance with Article 30b.

</Amend>

<Amend>Amendment <NumAm>8</NumAm>

<DocAmend>Proposal for a directive</DocAmend>
<Article>Article 1 – paragraph 1 – point 19</Article>
<DocAmend2>Directive 2009/16/EC</DocAmend2>
<Article2>Article 30 a – paragraph 1</Article2>

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts **in accordance with Article 30b, to amend Article 2(1)** to amend the list of Conventions set out in Article 2(1) once such Conventions have been adopted as a relevant instrument by the Paris MoU and **to amend Annex VI in order** to add and/or update the list of procedures and guidelines relating to port State control **adopted** by the Paris MOU **set out in that Annex**.

In accordance with the Article 30b, the Commission shall be empowered to adopt delegated acts to amend the list of Conventions set out in Article 2(1) once such Conventions have been adopted as a relevant instrument by the Paris MoU, and to add and/or update the list of procedures and guidelines relating to port State control **set out in Annex VI , following their adoption** by the Paris MOU.

</Amend>

<Amend>Amendment <NumAm>9</NumAm>

<DocAmend>Proposal for a directive</DocAmend>
<Article>Article 1 – paragraph 1 – point 19 a (new)</Article>
<DocAmend2>Directive 2009/16/EC</DocAmend2>
<Article2>Article 30 b – paragraph 5</Article2>

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(19a) in Article 30b, paragraph 5 is replaced by the following:

5. A delegated act adopted pursuant to Article 30a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

‘5. A delegated act adopted pursuant to **Article 3(4a) and** Article 30a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’

</Amend>

<Amend>**Amendment**

<NumAm>**10**</NumAm>

<DocAmend>**Proposal for a directive**</DocAmend>

<Article>**Article 1 – paragraph 1 – point 22**</Article>

<DocAmend2>Directive 2009/16/EC</DocAmend2>

<Article2>Article 35 – paragraph 1 a (new)</Article2>

Text proposed by the Commission

Amendment

By ... [date five years from the date of entry into force of this amending Directive], the Commission shall 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.

</Amend>

</RepeatBlock-Amend>

Agence Europe