

2.4.2024

A9-0419/ 001-040

AMENDMENTS 001-040

by the Committee on Transport and Tourism

Report

Vera Tax

A9-0419/2023

Amending Directive 2009/16/EC on port State control

Proposal for a directive (COM(2023)0271 – C9-0191/2023 – 2023/0165(COD))

Amendment 1

Proposal for a directive

Recital 1

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 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.

²⁵ OJ L 131, 28.5.2009, p. 57

Amendment

(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 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.

²⁵ OJ L 131, 28.5.2009, p. 57

Amendment 2

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) 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.

Amendment 3

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) 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.

Amendment 4

Proposal for a directive Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) 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.

Amendment 5

Proposal for a directive Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) It is of high importance that Member States that have not ratified international conventions relating to fisheries, especially ILO C188 and IMO STCW 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.

Amendment 6

Proposal for a directive Recital 5 d (new)

Text proposed by the Commission

Amendment

(5d) 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

Amendment 7

Proposal for a directive

Recital 6

Text proposed by the Commission

(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 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.

Amendment

(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 **port State control**. As the majority of the international conventions 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.

Amendment 8

Proposal for a directive

Recital 7

Text proposed by 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.

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. ***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^{1a}. 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.***

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

Amendment 9

Proposal for a directive Recital 11

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 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.

Amendment

(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. ***In line with its commitments under the Paris Agreement^{1a}, 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.

^{1a} *OJ L 282, 19.10.2016, p. 4.*

Amendment 10

Proposal for a directive Recital 12

Text proposed by the Commission

(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.

Amendment

(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.***

Amendment 11

**Proposal for a directive
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(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.

Amendment 12

Proposal for a directive
Recital 13

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.

Amendment

(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.***

Amendment 13

Proposal for a directive
Recital 14

Text proposed by the Commission

(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.

Amendment

(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 also take into account minimum wages, working hours and rest periods.

Amendment 14

Proposal for a directive

Recital 15

Text proposed by the Commission

(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.

Amendment

(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).

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.*

Amendment 15

Proposal for a directive Recital 15 a (new)

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.

Amendment 16

Proposal for a directive Recital 19

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.

Amendment

(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.

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a – **introductory part**

Text proposed by the Commission

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

Amendment

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

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a

Directive 2009/16/EC

Article 2 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

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

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2009/16/EC
Article 3 – paragraph 4a

Text proposed by the Commission

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).

Amendment

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).

Amendment 20

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2009/16/EC
Article 8a – paragraph 1

Text proposed by the Commission

Failure to carry out an inspection for force majeure reasons shall not be counted as a missed inspection provided that the missed inspection and the reasons for not carrying it out are documented **and** recorded in the inspection database.

Amendment

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

Amendment 21

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2009/16/EC
Article 10 – paragraph 2 – point c

Text proposed by the Commission

‘(c) Environmental parameters

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.

Amendment

‘(c) Environmental parameters

Environmental parameters shall be based on 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.

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 12 a (new)

Directive 2009/16/EC

Article 18 – paragraph 5

Present text

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.

Amendment

(12a) In Article 18, paragraph 5 is replaced by the following:

‘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.***’

(32009L0016)

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2009/16/EC

Article 21 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2009/16/EC

Article 21 – paragraph 4 – subparagraph 3

Text proposed by the Commission

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.

Amendment

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.

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2009/16/EC

Article 22 – paragraph 7 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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.***

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2009/16/EC

Article 22 – paragraph 7 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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.***

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2009/16/EC

Article 22 – paragraph 7 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 14 a (new)

Directive 2009/16/EC

Article 23 – paragraph 1

Present text

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.

Amendment

(14a) In Article 23, paragraphs 1 and 2 are replaced by the following:

‘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 **safety of seafarers on board or** which may pose a threat of harm to the marine environment.’

(02009L0016-20191221)

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 14 a (new)

Directive 2009/16/EC

Article 23 – paragraph 2

Present text

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.

Amendment

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.

(02009L0016-20191221)

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2009/16/EC

Article 24a – paragraph 2

Text proposed by the Commission

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.

Amendment

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.

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2009/16/EC

Article 24a – paragraph 3

Text proposed by the Commission

3. Ships flying the flag of a State that

Amendment

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.

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.***

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 17 a (new)

Directive 2009/16/EC

Article 26

Present text

Article 26

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.

Amendment

(17a) Article 26 is replaced by the following:

‘Article 26

Publication of information

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.***’

(02009L0016-20191221)

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2009/16/EC

Article 35 – paragraph 1

Text proposed by the Commission

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,

Amendment

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.

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.*

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2009/16/EC

Article 35 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2009/16/EC

Article 35 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

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

Amendment 36

Proposal for a directive

Annex I – point I – point g – subpoint i

Directive 2009/16/EC

Annex I

Text proposed by the Commission

Amendment

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

Amendment 37

Proposal for a directive

Annex I – point I – subparagraph g – subpoint iia (new)

Directive 2009/16/EC

Annex I

Text proposed by the Commission

Amendment

(iia) 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

Amendment 38

Proposal for a directive

Annex II – table – point 8

Directive 2009/16/EC

Annex II

<i>Text proposed by the Commission</i>						
8	Carbon Intensity Indicator (CII)	Rating	D-E	1		

<i>Amendment</i>
8 <i>Deleted</i>

Amendment 39

Proposal for a directive
Annex II – table – point 9 a (new)
 Directive 2009/16/EC
 Annex II

<i>Text proposed by the Commission</i>						
<i>Amendment</i>						
<i>9a</i>	<i>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</i>		<i>No valid documentaion</i>	<i>1</i>		

Amendment 40

Proposal for a directive
Annex III – Part A – point 54 a (new)
 Directive 2009/16/EC
 Annex III

Text proposed by the Commission

Amendment

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