



2023/0165(COD)

13.10.2023

AMENDMENTS

6 - 20

Draft opinion
Izaskun Bilbao Barandica
(PE753.475v01-00)

Amending Directive 2009/16/EC on port State control

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

Amendment 6
Anja Haga

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) As long as an harmonized legal framework in the EU for fisheries does not exist in terms of maritime safety, competences, ship construction and living and working conditions on board (as it is the case in the maritime transport sector), the Port State Control Directive for fisheries can only be applied on a voluntary basis. It is therefore of high importance that Member States that have not ratified international conventions relating to fisheries, especially ILO C188, IMO CTA and IMO STCWF, do so as soon as possible. In order to ensure harmonised approaches in the implementation of these international obligations, these conventions should be transposed on EU-level through a Directive with a view to then establish a harmonised approach to control of these obligations, including harmonised inspections systems on the control and enforcement of the provisions of the Convention C188. Therefore, in light of the poor ratification status of the Convention relating to fisheries, a legislative proposal for a harmonised transposition of these international obligations should be presented, particularly regarding the IMO STCW-F Convention on an harmonized inspection system on the control and application of the provisions of Convention C188. In this sense, implementing measures in relation to Directive (EU) 2017/159 similar to those adopted by the maritime transport sector through Directive 2013/54/EU in relation to Directive 2009/13/CE shall be proposed.

Or. en

Amendment 7

Francisco José Millán Mon, Gabriel Mato

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. ***Additionally, in fisheries there is no harmonized 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 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 developed by the Member States that so wish must be proportionate and non-discriminatory.***

Or. en

Amendment 8

Francisco Guerreiro

Proposal for a directive

Recital 7

Text proposed by the Commission

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Amendment

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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.

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. ***Member States carrying out those voluntary inspections may be granted financial assistance (EMFAF), in order to ensure sufficient means and human resources to this end.***

Or. en

Amendment 9
France Jamet

Proposal for a directive
Recital 13

Text proposed by the Commission

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.

deleted

Or. fr

Amendment 10
Anja Haga

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to create a level playing field throughout the Union, it is preferable to first harmonize the fisheries conventions in the community aquis and, once completed, propose a 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 directive. Ratification of these conventions should therefore be accelerated, otherwise, there may be a risk that Member States will apply the rules differently.

Or. en

Justification

Control is a second step that must be performed once international/European regulations are consolidated in the EU and not the other way around.

Amendment 11

Anja Haga

**Proposal for a directive
Recital 15 b (new)**

Text proposed by the Commission

Amendment

(15b) 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 EU fishing vessels and between the different national control systems implemented.

Or. en

Amendment 12

Francisco José Millán Mon, Gabriel Mato

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) 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 EU level. For this purpose, the Commission should, in parallel, actively encourage and assist Member States to ratify relevant international conventions.

Or. en

Amendment 13

France Jamet

Proposal for a directive

Article premier – paragraph 1 – point 16

Directive 2009/16/EC

Article 24 a – title

Text proposed by the Commission

Amendment

Electronic certificates

deleted

Or. fr

Amendment 14

France Jamet

Proposal for a directive

Article premier – paragraph 1 – point 16

Directive 2009/16/EC

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall, in close cooperation with the Member States,

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adopt implementing acts laying down the functional and technical specifications for a harmonised reporting interface, validation tool and central repository/database for electronic versions of the certificates listed in Annex IV and referred to in Article 13(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).'

Or. fr

Amendment 15
France Jamet

Proposal for a directive
Article premier – paragraph 1 – point 16
Directive 2009/16/EC
Article 24 a – paragraph 2

Text proposed by the Commission

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.* ***deleted***

Or. fr

Amendment 16
France Jamet

Proposal for a directive
Article premier – paragraph 1 – point 16
Directive 2009/16/EC
Article 24 a – paragraph 3

Text proposed by the Commission

Amendment

3. *Ships flying the flag of a State that issue such electronic certificates shall have this reflected in the ship risk profile* ***deleted***

(SRP) as set out in Annexes I and II.

Or. fr

Amendment 17

France Jamet

Proposal for a directive

Article premier – paragraph 1 – point 16

Directive 2009/16/EC

Article 24 a – paragraph 4

Text proposed by the Commission

Amendment

4. The Member State shall be responsible for ensuring the submission of data elements in compliance with the applicable legal and technical requirements, The Member State shall remain responsible for the data and the validity of the information and the certificates, as well as for updating any information that has changed after the submission to the central database.

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Or. fr

Amendment 18

Isabel Carvalhais

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2009/16/EC

Article 30 a – paragraph 1

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

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***

State control *adopted* by the Paris MOU *set out in that Annex*.

adoption by the Paris MOU.

Or. en

Amendment 19

France Jamet

Proposal for a directive

Annex I

Directive 2009/16/EC

Annex I – part I – paragraph 1 – point b – heading

Text proposed by the Commission

Amendment

Age of ship

deleted

Or. fr

Amendment 20

France Jamet

Proposal for a directive

Annex I

Directive 2009/16/EC

Annex I – part I – paragraph 1 – point b

Text proposed by the Commission

Amendment

Ships of more than 12 years old shall be considered as posing a higher risk.

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Or. fr