



2023/0165(COD)

19.9.2023

DRAFT OPINION

of the Committee on Fisheries

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council
amending Directive 2009/16/EC on port State control
(COM(2023)0271 – C9-0191/2023 – 2023/0165(COD))

Rapporteur for opinion: Izaskun Bilbao Barandica

PA_Legam

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:

Amendment 1

Proposal for a directive Recital 5 a (new)

(5 a) It is of high importance that Member States that have not ratified international conventions relating to fisheries, especially ILO C188 and IMO STCW, do so as soon as possible. In order to ensure harmonised approaches in the implementation of these international obligations these should be transposed on EU-level 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 the Commission should further assess and follow the ratification of the international obligations relating to fishing activities and where appropriate present a legislative proposal for a harmonised transposition of these international obligations.

Or. en

Amendment 2

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. ***In order to set the modalities for the specific port state***

*control regime for fishing vessels
delegated powers should be conferred on
the Commission.*

Or. en

Amendment 3

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. 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**.

Or. en

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2009/16/EC

Article 30 b – paragraph 5

Present text

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

Amendment

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

‘5. A delegated act adopted pursuant to **Article 2(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

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.

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.’

Or. en

Amendment 5

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

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 progress by Member States on the ratification of international obligations related to fisheries as well as assessing how these obligations should be transposed on EU-level and, where appropriate, present a legislative proposal to this effect.

Or. en