



Council of the
European Union

Brussels, 3 March 2016
(OR. en)

6432/16

Interinstitutional File:
2015/0304 (NLE)

MAR 61
TRANS 54

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	5570/16 MAR 17 TRANS 23
No. Cion doc.:	15518/15 MAR 181 TRANS 421 + ADD 1 + ADD 2
Subject:	Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control - <i>Adoption</i>

INTRODUCTION

Content and context of the proposal

1. On 18 December 2015, the Commission submitted this proposal to the Council.
2. Directive 2009/16/EC of the European Parliament and of the Council¹ sets out the Union regime on port State control. That regime is based on the pre-existing structure of the Paris Memorandum of Understanding on port State control ('the Paris MOU')².

¹ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

² The Paris MOU has been signed by 23 EU Member States and by Canada, Iceland, Norway and the Russian Federation.

3. Certain procedures, tools and activities, such as instructions, of the Paris MOU are brought into Union law through Directive 2009/16/EC and therefore certain decisions taken by the Port State Control Committee ('PSCC') of the Paris MOU become binding on EU Member States³.
4. Until 2015, the EU position to be adopted in the PSCC was still decided on an annual basis. As the internal rules of the Paris MOU make it difficult to establish a position to be adopted, on behalf of the Union, in a timely manner for each individual meeting of the PSCC, the Commission proposes a multi-annual framework decision, covering the period 2016–2019. It is foreseen that the general position will, if needed, be further elaborated and refined for each annual PSCC meeting by Commission non-papers to be discussed in the Shipping Working Party. The proposed decision sets out the guiding principles and orientations for the positions to be adopted in the PSCC (Annex I), while a framework for taking positions on specific agenda points at the annual PSCC meeting is proposed in Annex II.
5. A similar proposal was presented in April 2015 under the Latvian Presidency, but due to the very limited timeframe for examination given to the Council, which did at the time not allow Member States to fully evaluate the political and legal consequences of such an approach, the proposed Council Decision was made specific, covering only the 48th session of the PSCC (18–22 May 2015).
6. In order to allow Member States to express a position concerning the adoption of acts in the PSCC of the Paris MOU having legal effects at the next session of the PSCC, the proposed Council Decision would need to enter into force before that session, which is scheduled to take place in Norway from 23 to 27 May 2016. The suggested date of entry into force is therefore 1 April 2016.

Work within the Council

7. The Shipping Working Party examined the proposal on 13, 20, 27 January and 1 February 2016.

³ See Article 15(1) of Directive 2009/16/EC in conjunction with Annex VI to the Directive.

8. The working party adapted several provisions in the proposal on the basis of the Council Decision adopted for last year's session of the PSCC⁴. Furthermore, some provisions, in particular in Annex I, were aligned to Directive 2009/16/EC of the European Parliament and of the Council, in order to avoid unnecessary discrepancies between the two texts and diverging interpretations thereof.
9. The Permanent Representatives Committee examined the proposal on 19 February 2015. Minor changes were made to the text as a result of that examination. The text agreed by the Committee was revised by the legal-linguistic services.

CONCLUSION

10. The Permanent Representatives Committee/Council are invited to adopt the Decision as set out in document 6183/16 INIT, prepared by the legal-linguistic experts.

⁴ Council Decision (EU) 2015/873 of 18 May 2015 on the position to be adopted, on behalf of the European Union, at the 48th session of the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control (OJ L 142, 6.6.2015, p. 25).