



Council of the
European Union

Brussels, 19 May 2025
(OR. en)

8474/25

Interinstitutional File:
2025/0068(NLE)

MAR 69

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Port State Control Committee of the Paris Memorandum of Understanding on port State control, during the period 2025-2029

COUNCIL DECISION (EU) 2025/...

of ...

**on the position to be adopted on behalf of the European Union
within the Port State Control Committee of the Paris Memorandum
of Understanding on port State control, during the period 2025-2029**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Paris Memorandum of Understanding on Port State Control (the ‘Paris MOU’) was signed in Paris on 26 January 1982 and took effect on 1 July 1982. It is appropriate to establish the position to be adopted on the Union’s behalf within the Port State Control Committee (‘PSCC’) of the Paris MOU, as its decisions are capable of decisively influencing the content of Union legislation, namely Directive 2009/16/EC of the European Parliament and of the Council¹ for example by establishing the inspection commitment and the average deficiency and detention rates used in the ship risk profile to select vessels for inspection and by updating the instructions and guidelines for inspectors carrying out inspections.
- (2) Directive 2009/16/EC sets out the Union’s legal regime on port State control and reformulates and reinforces the previous Union legislation which had been in place in this field since 1995. The Union’s legal regime on port State control is based on the Paris MOU. As regards the Union Member States, Directive 2009/16/EC effectively brings the procedures, tools and activities of the Paris MOU within the scope of Union law.
- (3) The PSCC of the Paris MOU meets annually. During its meetings it decides on certain issues which have legal effects.

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, ELI: <http://data.europa.eu/eli/dir/2009/16/oj>).

- (4) The internal rules of the Paris MOU make it difficult to establish a position to be adopted on the Union's behalf in accordance with Article 218(9) of the Treaty on the Functioning of the European Union in a timely manner for each annual meeting of the PSCC. It is therefore efficient to establish such a position on a multiannual basis, consisting of guiding principles and orientations, together with a framework for its year-to-year specifications. Moreover, most of the topics discussed at the annual meetings of the PSCC concern port State control matters that are covered generally by a single Union legal act, namely Directive 2009/16/EC. In the particular circumstances that apply to the Paris MOU, it is therefore possible to establish a general position to be adopted on the Union's behalf for several meetings of the PSCC.
- (5) The Union is not a member of the Paris MOU. It is therefore necessary for the Council to authorise the Member States that are members of Paris MOU to act in accordance with the position to be adopted on the Union's behalf and express their consent to be bound by the decisions taken by the PSCC.
- (6) Technical discussions and cooperation with third country members of the Paris MOU within the PSCC are of great importance in ensuring the effectiveness and the good functioning of the Paris MOU.
- (7) This Decision should cover the period 2025-2029.

- (8) The Union's position should be expressed by the Member States of the Union that are members of the Paris MOU, acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the annual meetings of the Port State Control Committee ('PSCC') of the Paris Memorandum of Understanding on Port State Control (the 'Paris MOU'), during the period 2025-2029, when the PSCC is called upon to take decisions having legal effects, is set out in Annex I to this Decision.

Article 2

The year-to-year specification of the position to be adopted on the Union's behalf within the annual meetings of the PSCC of the Paris MOU, during the period 2025-2029, is set out in Annex II to this Decision.

Article 3

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the Paris MOU, acting jointly in the interest of the Union.

Article 4

This Decision shall enter into force on the date of its adoption.

It shall expire on 31 December 2029.

Done at ..., ...

For the Council

The President
