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ANNEX 1

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The Union position in the Paris Memorandum of Understanding on Port State Control

to the

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

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GUIDING PRINCIPLES

In the framework of the Paris Memorandum of Understanding on Port State Control (PMoU), the Union shall:

- a) act in accordance with the objectives pursued by the Union, notably to improve maritime safety, pollution prevention and on-board living and working conditions through a drastic reduction of substandard ships by strictly applying international Conventions and codes;
- b) promote the implementation of a harmonised approach by Members of the PMoU to the effective enforcement of these international standards in respect of ships sailing in the waters under their jurisdiction and using their ports;
- c) work together within the PMoU to achieve a comprehensive inspection scheme and the sharing of the inspection burden in an equitable manner in particular by the adoption of the annual inspection commitment drawn up in accordance with the agreed methodology set out in Annex 11 of the PMoU;
- d) work within the PMoU to promote the recruitment, retention and training by PMoU members of the requisite number of staff, including qualified inspectors, taking into account the volume and characteristics of shipping traffic at each port;
- e) ensure that measures adopted within the PMoU are consistent with international law, and in particular with international Conventions and codes relating to maritime safety, pollution prevention and on-board living and working conditions;
- f) promote the development of common approaches with other bodies carrying out Port State Control;
- g) ensure the coherence with other Union policies notably in external relations, security, environment and others.

ORIENTATIONS

The Union shall endeavour to support the adoption of the following actions by the PMoU:

- A. In order to ensure the smooth year-to-year functioning of the EU port State control regime in accordance with Directive 2009/16/EC:
 - 1. The following elements of the ship risk profile used to target vessels for inspection:
 - a) the white, grey and black flag list in accordance with the formula developed by the PMoU and set out in the Annex to Commission Regulation (EU) No 801/2010 of 13 September

2010 implementing Article 10(3) of Directive 2009/16/EC of the European Parliament and of the Council as regards the flag State criteria¹;

- b) the performance list for recognised organisations in accordance with the methodology adopted by PSSC at the PSSC 37 in May 2004 (Agenda Item point 4.5.2);
- c) the average deficiency and detention ratio for the company performance formula on the basis of the Annex to Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance², as amended.

2. Ensure that any changes or updates to the procedures and guidelines of the PMoU are consistent with the objectives pursued by the Union, notably to improve maritime safety, pollution prevention and on-board living and working conditions.

B. In the medium term, the development of an alternative method of drawing up the white, grey and black list of flag States in order to increase its fairness, in particular with respect to flag States with small fleets.

¹ OJ L 241, 14.9.2010, p.1

² OJ L 241, 14.9.2010, p.4.