COUNCIL DECISION (EU) 2020/722

of 19 May 2020

on the position to be adopted, on the Union's behalf, within the Port State Control Committee of the Paris Memorandum of Understanding on port State control, during the period 2020–2024

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) Directive 2009/16/EC of the European Parliament and of the Council ([1]) sets out the Union's legal regime on port State control, reformulating and reinforcing 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 Memorandum of Understanding on Port State Control (the 'Paris MOU'), which was signed in Paris on 26 January 1982.

(2) 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. By virtue of that Directive, certain decisions taken by the Port State Control Committee established under Section 7 of the Paris MOU ('PSCC') become binding on the Union Member States.

(3) The PSCC meets annually. During its deliberations it decides on certain issues which have legal effects.

(4) Pursuant to Article 218(9) of the Treaty on the Functioning of the European Union (TFEU), the position to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, is to be adopted by Council decision, on a proposal from the Commission.

(5) 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) TFEU 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.

(6) The Union is not a contracting party to the Paris MOU. It is therefore necessary for the Council to authorise the Member States 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.

(7) 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.

(8) This Decision should cover the period from 2020 to 2024,

([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).

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 2020–2024, when the PSCC is called upon to adopt decisions having legal effects, shall be in accordance with the guiding principles and orientations on the position to be adopted on the Union's behalf within the PSCC ([2]).

Article 2

The year-to-year specifications 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 2020–2024, shall be established in accordance with the procedural rules governing the year-to-year specifications of the position to be adopted on the Union's behalf within the PSCC ([3]).

Article 3

The Member States which are bound by the Paris MOU shall act in accordance with the position to be adopted on the Union's behalf as referred to in Articles 1 and 2, acting jointly in the interests of the Union.

Article 4

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

It shall expire on 31 December 2024.

Done at Brussels, 19 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

([2]) See doc. ST 7465/20, point I, on http://register.consilium.europa.eu
([3]) See doc. ST 7465/20, point II, on http://register.consilium.europa.eu