

Port state control directive

Official reference	Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port state control (recast)	
Relevant dates	Document	23/04/2009
	Publication	28/05/2009
	Entry into force	17/06/2009
	Implementation by Belgium	22/12/2010
	Implementation by Flanders	6/07/2012; 13/07/2012; 30/11/2012
	Implementation deadline	31/12/2010
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	(Port areas)	
European contact point	Directorate-General Mobility and Transport (DG MOVE) The European Maritime Safety Agency (EMSA) has the technical responsibility to monitor the port state control on the EU level	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Transposition on the federal level	Koninklijk besluit van 22 december 2010 betreffende havenstaatcontrole	
Transposition on the Flemish level	<p>Decreet van 6 juli 2012 tot wijziging van diverse bepalingen van het decreet van 16 juni 2006 betreffende de begeleiding van de scheepvaart op de maritieme toegangswegen naar de havens en de organisatie van het Maritiem Reddings- en Coördinatiecentrum</p> <p>Besluit van de Vlaamse Regering van 13 juli 2012 tot wijziging van verscheidene besluiten bij het Scheepvaartbegeleidingsdecreet</p> <p>Decreet van 30 november 2012 tot wijziging van het decreet van 19 april 1995 betreffende de organisatie en de werking van de loodsdienst van het Vlaamse Gewest en betreffende de brevetten van havenloods en bootman</p>	

// abstract:

The directive's objective is to contribute to a drastic reduction of the number of substandard ships under the jurisdiction of the Member States. In the first place, this directive has to enhance compliance with the relevant international and Community legislation on safety at sea (*COLREGs convention* p.28; *STCW convention* p.47), maritime security (*SOLAS convention* p.46), protection of the marine environment (*MARPOL convention* p.38) and onboard living and working conditions of ships of all flags. Moreover, common criteria are proposed for the control of ships by the port state and harmonisation of different inspection and detention procedures. Finally, a port state control system needs to be implemented, based on the inspections performed within the Community and within the areas covered by the *Paris Memorandum of Understanding* (p.14). In this context, it is aimed at inspecting all ships on a regular basis, taking into account the risk profile of the ship, which means that ships having a high risk profile are inspected more often and more thoroughly.