Maritime safety: discharge by the Member States of their obligations as flag States in accordance with the IMO Conventions

2005/0236(COD) - 09/12/2008 - Commission communication on Council's position

The Commission notes that, after expressing its opposition in principle to the proposal at its April 2008 meeting, the Council considered it necessary to remove from the operative part certain important provisions such as those concerning the ratification of international conventions and the mandatory application in the Community of the Flag State Code of the International Maritime Organisation (IMO).

Although the text on which the Council has expressed agreement is therefore less ambitious than that proposed by the Commission, the latter notes that, in the common position, the following obligations in particular continue to be incumbent on Member States:

- before authorising a ship to fly their respective flag, check that it complies with international rules;
- make sure that ships which fly their respective flag and have been detained in the context of a port State inspection are brought into conformity with the relevant IMO conventions;
- whilst waiting for the IMO audit scheme to become mandatory, subject their maritime authorities to such an audit and publish the results;
- put in place a quality management system for their maritime authorities which is certified in accordance with international standards;
- in the case of Member States whose flag is blacklisted or which, for two consecutive years, appears on the grey list of the Paris Memorandum of Understanding on port State control, report the reasons for the poor performance to the Commission.

These binding provisions will help to improve the quality of the worst performing European flags. The Commission therefore supports the common position adopted by unanimity by the Council.

The Commission takes note of the firm undertaking given by the Member States, as set out in the statement signed by their representatives meeting in the Council, (a) to ratify the main international conventions on maritime safety; (b) to apply the IMO Flag State Code and the related audit scheme for maritime authorities; and (c) to encourage the IMO to make these two instruments mandatory worldwide.