

Maritime transport and safety: transfer of cargo and passenger ships between registers within the Community

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The Commission presents a report on the implementation of Regulation (EC) no 789/2004 on the transfer of cargo and passenger ships between registers in the Community.

To recall, the Regulation provides that a Member State shall not withhold from registration, for technical reasons arising from three main IMO Conventions and their respective Protocols (SOLAS, MARPOL, the London Tonnage Convention 1969 and related codes), a ship registered in another Member State which complies with the relevant requirements and carries valid certificates and equipment.

The period of reference for the report is 2006-2012. The report notes that during this period, a **substantial number of transfers have taken place**. It refers to the [accompanying Working Document](#) of the Commission services showing the statistics on individual transfers in and out of the ship registries during this period.

Overall assessment of the implementation of Regulation (EC) 789/2004: based on the information available to the Commission, **there do not appear to be any problems with the implementation of this Regulation**. The Commission discusses the following:

Transfer of a ship between registers of EU Member States: the information provided to the Commission does not reveal any difficulties arising in such transfers. However, it was pointed out by some Member States that there could be difficulties where the Conventions leave margins of interpretation.

Issuing certificates: the Commission notes the fact that most Member States have not reported any difficulties in issuing certificates in line with the Regulation.

Refusal of transfer and interpretation: the general absence of any referral to the Commission by Member States or complaint by ship owners suggests that Member States have been able to deal with any problems.

Possible linkage with [Directive 2009/21/EC on compliance with flag State requirements](#): the Commission asked Member States if there was merit in combining both in one legislative instrument, but there was no clear response. However, the Commission may consider a further consolidation of appropriate legal instruments based on further assessment of its benefits.