Compliance with flag State requirements

2023/0172(COD) - 08/12/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Vera TAX (S&D, NL) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/21/EC on compliance with flag State requirements.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Conditions for allowing a ship to operate upon granting the right to fly the flag of a Member State

To ensure the effectiveness of this Directive, every EU flag State should carry out its fair share of inspections, commensurate with the size and type of its fleet. A yearly minimum inspection quota of at least **30 %** of ships flying its flag for every Member State should be set.

The Commission, with the assistance of EMSA, should produce a **guidance document** offering advice on how to implement Directive 2013/54/EU concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006. EMSA should also provide detailed information about the problems most frequently detected during port State inspections of ships under each flag, as well as explanations and clarifications concerning the specific documentation and certificates of each flag State.

Electronic certificates should be mandatory for all Members States from three years from the date of entry into force of this amending Directive, at the latest. The report also called for Member States to ensure that shipboard working arrangements and records of seafarers' daily hours of work or of their daily hours of rest are transmitted electronically to the inspection database..

Flag State auditing process

Member States should take the necessary measures to undergo the IMO audit of their administration at least once every five years (compared to seven years proposed by the Commission) and should publish the outcome of the audit as well as any corrective actions in the Global Integrated Shipping Information System (GISIS) database set up by the IMO. Member States should also make the same information available to the public, in accordance with relevant national legislation on confidentiality.

Quality management system and internal evaluation

Members suggested that flag States should revise the guidelines provided to their inspectors, and to those authorised to act on their behalf, so that they cover the systematic verification of the accuracy of records. Training provided by EMSA to flag State administrations should cover such verification procedures and should be continuous, reinforced and extended to cover MLC 2006 in more detail. EMSA should also facilitate the coordination and exchange of information and good practices between flag State administrations.

Reports and Review

The report stated that every five years, and for the first time by three years from the date of entry into force of this amending Directive, the Commission should present a report to the European Parliament and to the Council on the application of this Directive. This report should contain an assessment of the

performance of the Member States as flag States and should be accompanied, where appropriate, by a legislative proposal for the amendment of this Directive.

The Commission should also issue an annual report based on the information collected, which should be published on the official website.