Compliance with flag State requirements

2023/0172(COD) - 16/12/2024 - Final act

PURPOSE: to enhance maritime safety and to prevent pollution from ships.

LEGISLATIVE ACT: Directive (EU) 2024/3100 of the European Parliament and of the Council amending Directive 2009/21/EC on compliance with flag State requirements.

CONTENT: this directive is part of a package of four new pieces of legislation on maritime safety that aim to support clean, safer and modern maritime transport in the EU. These acts amend the relevant Directives on:

- the investigation of accidents in the maritime transport sector (2023/0164(COD));

- ship-source pollution (2023/0171(COD));

- **compliance with flag state requirements**, and

- port state control (2023/0165(COD)).

The revised ‘package’ achieves a careful balance between, on the one hand, the need to ensure a high quality of shipping and, on the other, the need to safeguard the competitiveness of the European shipping sector, while also maintaining reasonable costs for operators and Member States' administrations.

Subject matter

The responsibility for monitoring the compliance of ships with the conventions of the International Maritime Organization (IMO) lies with the State in which the ship is registered and whose nationality the ship has, namely the flag State.

The purpose of this Directive is: (a) to ensure that Member States effectively and **consistently discharge their responsibilities and obligations as flag States**; and (b) to enhance safety and living and working conditions, and to prevent pollution from ships flying the flag of a Member State.

The Directive updates existing legislation and **aligns it with international rules**, in particular the IMO Code of Implementation (Code III).

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

Prior to allowing a ship which has been granted the right to fly its flag to operate, the Member State concerned will ensure that the ship in question **complies with the applicable international rules and regulations**, including safety, social and environmental standards. In particular, the Member State concerned or the recognised organisation acting on its behalf, as applicable, will verify the safety records of the ship using, where available, the flag State inspection reports and certificates contained in its own database. The Member State concerned will, if necessary, consult with the losing flag State in order to establish whether any outstanding deficiencies or safety issues identified by the latter remain unresolved.

Safety of ships flying the flag of a Member State

The revised Directive ensure the **adequate inspections of flagged ships** and monitoring oversight of recognised organisations working on behalf of the flag state.

Member States will take all necessary measures to ensure compliance with international rules, regulations and standards under the Conventions by ships entitled to fly their flag, including the following:

(a) ensuring that a surveyor employed by a recognised organisation may perform the same tasks as flag State surveyors when authorised to do so by the competent authority of the Member State; and

(b) carrying out flag State inspections to verify that the actual condition of the ship is in conformity with the certificates that it carries.

Member States using a risk-based approach will ensure that ships in respect of which no sufficient data is available for the calculation of the risk rating are inspected **at least once every 5 years**. Member States not using a risk-based approach will ensure that every ship is inspected at least once every 5 years.

The personnel responsible for or performing surveys, flag State inspections, audits and verifications of ships and companies will undergo **training** relevant to the specific activities carried out.

Detention of a ship

When the administration is informed that a ship flying the flag of the Member State concerned has been detained by a port State, it will oversee the ship being brought into compliance with the relevant IMO Conventions.

Information and electronic exchanges

Member States will ensure that information such as statutory certificates, including dates of survey, concerning ships flying their flag are accessible in electronic format in their updated version by 6 January 2031 at the latest. The Commission will establish, manage and update an interoperable **digital portal** providing a single access point for this information, and will make this portal accessible electronically and free of charge for Member States. This portal will be established by 6 January 2028 at the latest.

The Commission will further establish, manage and update a **database** of ship information.

The Directive also ensures a harmonised approach in the understanding, reporting, and measuring of the performance of flag states' fleets and duties.

ENTRY INTO FORCE: 5.1.2025.

TRANSPOSITION: no later than 6.7.2027.