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

2005/0236(COD) - 29/03/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Marta **VINCENZI** (PES, IT) amending the proposed directive on compliance with flag State requirements. (Please refer to the summary of 27/02 /2007.) The main amendments were as follows:

- an expanded recital states that the establishment of a Flag State Memorandum of understanding, under the conditions referred to in IMO Resolutions A.973(24) and A.974(24), to establish flag State synergies should be promoted by the Commission, and should provide incentives to register vessels in the registers of Member States. If third countries were allowed, subject to guarantees regarding the necessary quality and survey systems, to conclude agreements with the European Community enabling them to benefit from the good reputation of Community standards and from simpler administrative formalities, this could help, at a time when national registers and maritime administrations are engaged in global competition, to raise the overall degree of compliance with the IMO Conventions and eliminate international dumping

- it should be specified in the directive that Member States should discharge their obligations as flag States in accordance not just with the IMO Conventions but also with the relevant ILO instruments;

- the 1991 Code of Safe Practice for Ships Carrying Timber Deck Cargoes and the 1965 Code of Safe Practice for Solid Bulk Cargoes (BC Code)should both be incorporated into the list of IMO Conventions mentioned in the directive;

- each Member State shall ensure the training of flag State surveyors and the oversight of flag State surveyors and investigators and, in the event of accidents or deficiencies, the coastal State, as well as of the activities of recognised organisations, should it delegate authority to such organisations;

- as a precondition for registration of a ship in its register for the first time the Member State concerned **shall** ascertain whether the ship in question complies with the applicable international rules and regulations and ensure that this is confirmed by documentary evidence in its possession . If necessary, but in every case if the ship is not newly built, it shall liaise with the previous flag State and request it to pass on the necessary documents and data;

- if the request is made by a Member State to another Member State, the previous flag State shall be obliged to communicate the documents and the data in question, as provided for by Regulation 789/2004 /EC on the transfer of cargo and passenger ships between registers within the Community;

- as laid down in Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, Member States shall develop and implement an appropriate control and monitoring programme for ships flying their flag in order to be able to provide, not least by using the Community SafeSeaNet data exchange system, for a timely and comprehensive response to requests for information and clarification submitted by port or coastal States in the event of accidents or deficiencies;

- Parliament amended the provisions on the information to be included in the database of each Member State, dividing this into two categories: (a) individual information, for each ship registered (including such details as the date of registration and, if appropriate, of removal from the register, repairs performed or

pending, etc.); and (b) general information concerning all ships in the register (including the number of annual inspections of all types carried out by or on behalf of the flag State, broken down by procedure). All this information should be immediately forwarded in full to the new flag State if a ship leaves the register and is transferred to another register;

- Parliament specified that authorisation as a flag-state inspector may only be granted to officers with

at least three years' experience at sea, or one year at sea plus two years with the competent authority of a member state as a practising flag state surveyor;

- lastly, some amendments eased certain obligations and administrative requirements in the Commission's proposal, with particular reference to ship inspection obligations.