Basic information

2005/0236(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Maritime safety: discharge by the Member States of their obligations as flag States in accordance with the IMO Conventions Amended by 2023/0172(COD) **Subject** 3.20.03.01 Maritime safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	FERNANDES Emanuel Jardim (PSE)	10/12/2008

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	VINCENZI Marta (PSE)	06/04/2006

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2895	2008-10-09
Transport, Telecommunications and Energy	2861	2008-04-07
Transport, Telecommunications and Energy	2913	2008-12-09

European Commission

Commission DG	Commissioner
Energy and Transport	TAJANI Antonio

Key events

Date	Event	Reference	Summary

23/11/2005	Legislative proposal published	COM(2005)0586	Summary
14/03/2006	Committee referral announced in Parliament, 1st reading		
27/02/2007	Vote in committee, 1st reading		Summary
06/03/2007	Committee report tabled for plenary, 1st reading	A6-0058/2007	
28/03/2007	Debate in Parliament		
29/03/2007	Decision by Parliament, 1st reading	T6-0093/2007	Summary
29/03/2007	Results of vote in Parliament		
07/04/2008	Debate in Council		Summary
09/12/2008	Council position published	14288/2/2008	Summary
18/12/2008	Committee referral announced in Parliament, 2nd reading		
17/02/2009	Vote in committee, 2nd reading		Summary
18/02/2009	Committee recommendation tabled for plenary, 2nd reading	A6-0069/2009	
10/03/2009	Debate in Parliament		
11/03/2009	Decision by Parliament, 2nd reading	T6-0112/2009	Summary
22/04/2009	End of procedure in Parliament		
23/04/2009	Final act signed		
28/05/2009	Final act published in Official Journal		

Technical information

Procedure reference	2005/0236(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amended by 2023/0172(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/71035

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE376.552	22/08/2006	
Amendments tabled in committee		PE378.848	11/10/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0058/2007	06/03/2007	

Text adopted by Parliament, 1st reading/single reading		T6-0093/2007	29/03/2007	Summary
Committee draft report		PE416.650	19/12/2008	
Committee recommendation tabled for plenary, 2nd reading		A6-0069/2009	18/02/2009	
Text adopted by Parliament, 2nd reading		T6-0112/2009	11/03/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15859/2008	19/11/2008	
Council position	14288/2/2008	09/12/2008	Summary
Draft final act	03616/2009/LEX	23/04/2009	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0586	23/11/2005	Summary
Document attached to the procedure	SEC(2005)1497	23/11/2005	Summary
Commission communication on Council's position	COM(2008)0848	09/12/2008	Summary
Follow-up document	COM(2013)0916	18/12/2013	Summary
Follow-up document	SWD(2018)0232	16/05/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1177/2006	13/09/2006	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Directive 2009/0021
OJ L 131 28.05.2009, p. 0132 Summary

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.

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;
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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.

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

2005/0236(COD) - 11/03/2009 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution approving unamended, under the second reading of the codecision procedure, the Council's common position for adopting a directive of the European Parliament and of the Council on compliance with flag State requirements.

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

2005/0236(COD) - 23/04/2009 - Final act

PURPOSE: to ensure that Member States effectively discharge their obligations as flag States.

LEGISLATIVE ACT: Directive 2009/21/EC of the European Parliament and of the Council on compliance with flag State requirements.

CONTENT: following a second reading by the European Parliament, the Council adopted this Directive, the objective of which is:

- to ensure that Member States effectively and consistently discharge their obligations as flag States; and
- to enhance safety and prevent pollution from ships flying the flag of a Member State .

The Directive shall apply to the administration of the State whose flag the ship is flying.

Conditions for allowing a ship to operate upon granting the right to fly the flag of a Member State: prior to allowing a ship to operate, which has been granted the right to fly its flag, the Member State concerned shall take the measures it deems appropriate to ensure that the ship in question complies with the applicable international rules and regulations. In particular, it shall verify the safety records of the ship by all reasonable means. It shall, 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. Whenever another flag State requests information concerning a ship which was previously flying the flag of a Member State, that Member State shall promptly provide details of outstanding deficiencies and any other relevant safety-related information to the requesting flag State.

Detention of a ship flying the flag of a Member State: when the administration is informed that a ship flying the flag of the Member State concerned has been detained by a port State, it shall, according to the procedures it has established to this effect, oversee the ship being brought into compliance with the relevant IMO Conventions.

Accompanying measures: Member States must ensure that certain specified information concerning ships flying their flag is kept and remains readily accessible for the purposes of the Directive. This includes particulars of the ship (name, IMO number, etc.); dates of surveys and audits; and identification of the recognised organisations involved in the certification and classification of the ship.

Quality management system and internal evaluation: by 17/06/2012 each Member State shall develop, implement and maintain a quality management system for the operational parts of the flag State-related activities of its administration. Such quality management system shall be certified in accordance with the applicable international quality standards. Member States which appear on the black list or which appear, for two consecutive years, on the grey list as published in the most recent annual report of the Paris Memorandum of Understanding on Port State shall provide the Commission with a report on their flag State performance no later than four months after the publication of the Paris MOU report. The report shall identify and analyse the main reasons for the lack of compliance that led to the detentions and the deficiencies resulting in black or grey status.

Flag State auditing process: Member States shall take the necessary measures for an IMO audit of their administration **at least once every seven years** , subject to a positive reply of the IMO to a timely request of the Member State concerned, and shall publish the outcome of the audit in accordance with relevant national legislation on confidentiality. This provision shall expire at the latest on 17/06/2017 or at an earlier date, as established by the Commission in accordance with the regulatory procedure, if a mandatory IMO Member State Audit Scheme has entered into force.

Report: every five years, and for the first time by 17/06/2012 the Commission shall present a report on the application of the Directive, containing an assessment of the performance of the Member States as flag States.

This Directive is part of a series of measures, comprising the **third maritime package**, aiming to strengthen the security of maritime transport in Europe by improving accident prevention and investigations into accidents and by strengthening vessel quality control. (See also COD/2005/0237, COD/2005/0238, COD/2005/0239, COD/ 2005/0240, COD/2005/0241 and COD/2005/0242).

ENTRY INTO FORCE: 17/06/2009.

TRANSPOSITION: 17/06/2011.

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 - Council position

Although the Council agrees with the Commission as regards the objective of the proposal, it has made some major amendments to the original proposal. A number of the proposed provisions were not acceptable for the Council as they duplicate existing Community legislation and provisions included in other proposals of the third maritime safety package.

Therefore, the common position adopted by unanimity, modifies, to a large extent, the original Commission proposal by redrafting it and deleting several parts of the text. This implies that all amendments introduced in the European Parliament's first-reading opinion related to these deleted parts were not accepted by the Council.

The main political issues are as follows:

Flag State auditing process: the Council follows the proposal by the Commission to introduce an independent audit of Member States' maritime administration. It considers, however, that the creation in the Community framework of a parallel auditing system to the one established at international level through the Voluntary IMO Member State Audit Scheme should be avoided. With a view to harmonising the auditing procedures and ensuring a level playing field, the common position therefore provides for an obligation to request regularly an IMO auditing of the administration and to publish the outcome of the audit. The interval for the renewal of the auditing is set at seven years, taking into account the available resources at IMO level.

Furthermore, the common position ensures that once the IMO Audit Scheme becomes mandatory, the relevant provision of the Directive expires, either automatically eight years after the entry into force of the Directive or earlier, if needed, upon decision of the Commission in accordance with comitology rules (regulatory procedure).

Quality management system: the Council supports the Commission's proposal to ensure that maritime administrations of Member States meet quality criteria related to the management of their tasks. In its common position, the Council, however, takes into consideration the specific situation of the different services concerned and leaves it up to the Member States to determine the international standards that are applicable for the certification of the different parts of their administration.

In addition, following the objective of enhancing the flag State performance of Member States, the Council provides for a mandatory reporting on the performance to the Commission by Member States that are on the black list or, for two consecutive years, on the grey list of flag States established by the Paris MOU. By means of such a report the main reasons for the lack of compliance by the Member State concerned with its flag State requirements shall be identified.

Other flag State requirements: the Council further simplified the Commission's proposal regarding measures to be taken before granting the right to fly the flag of a Member State and in the case of the detention of a ship flying the flag of a Member State by a port State. In this respect, the Council deems it appropriate, in the framework of a Directive, that Member States decide which measures have to be undertaken to ensure that the ship concerned complies or is brought into compliance with the applicable international rules and regulations.

In parallel to the Common Position, a declaration of the representatives of the Governments of the Member States of the European Union confirms their commitment to do the utmost with a view to ensuring a rapid and effective application of the international conventions on maritime safety, the IMO rules related to flag State obligations and the IMO audit.

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

2005/0236(COD) - 07/04/2008

The Council held a public policy debate on a proposal for a Directive on compliance with flag State requirements.

The Commission transmitted its proposal as part of its third maritime package of seven legislative proposals, which aim to reinforce the safety of maritime transport in Europe. The Council already adopted six political agreements on the basis of five of the proposals. The respective common positions will be transmitted shortly to the European Parliament with a view to reaching an agreement to ensure that their implementation will start as soon as possible.

During the policy debate all Member States underlined the importance they attach to improving maritime safety and the prevention of pollution caused by ships. They considered that fulfilment of the related flag State requirements was an essential element to achieve this objective and that, in particular, the IMO Flag State Code and the IMO Member State Audit Scheme constitute the appropriate means to this effect.

Member States reaffirmed their commitment to take the necessary measures to implement the International Conventions with a view to ensuring a level playing field among the maritime administrations of Member States and underlined the importance of sharing best practices to this effect.

Ministers, furthermore, underlined the need for a level playing field worldwide as regards the way flag States comply with their international obligations, thus contributing to the improvement of maritime safety and the protection of the marine environment and to the elimination of sub-standard ships.

A majority of ministers stated that in their opinion the legislative proposal in question is not the most effective way to achieve the abovementioned objectives. In consequence, the presidency concluded that at this stage the Commission's proposal is not supported by a qualified majority of Member States. The proposal remains on the table, but the Slovenian presidency did not see sufficient political support to be able to work on the original proposal in the near future.

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

2005/0236(COD) - 23/11/2005 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's proposal for a Directive of the European Parliament and of the Council on compliance with flag State requirements – COM(2005)0586.

1- POLICY OPTIONS AND IMPACTS

The Commission considered five potential policy options.

1.1- Option 1: 'no change': there would be no advantage in perpetuating the current situation and, if this option were the chosen one, it would risk creating new distortions between Member States.

1.2- Option 2: amend Directive 94/57/EC: the option of an amendment to Directive 94/57/EC containing a reference to Resolution A.847 (20) of the IMO (the International Maritime Organisation) was not retained since the Directive in question specifically deals with inspection and the certification of vessels.

1.3- Option 3: creation of an *ad hoc* system to audit the flag states of the EU: this system would be managed by the European Maritime Safety Agency. Any control to meet the recommended objectives can only be effective when done on the basis of well-defined standards and when it covers all of the contracting parties to the conventions. The IMO's Code and the independent audit system recognised by the IMO meet these requirements.

1.4- Option 4: individual action on the part of the Member States: this option involves Community action encouraging the Member States, on a case by case basis, to improve their respective levels of performance to comply with the requirements of the flag states laid down by the IMO. The main argument against this cooperation option is illustrated by experience of the Paris Memorandum. This was drawn up in 1982 to apply - in a non-discriminatory way - the IMO's guidelines regarding Port State control. Effective controls, non-discriminatory practices between Member States and, in particular, the allocation of resources to enable the Memorandum's objectives to be met, could only be achieved by the incorporation, in 1995, of the IMO's guidelines into Community legislation. Despite the good intentions of those responsible for maritime administrations, due to the lack of legal base, the majority of the Memorandum's signatories were unable to convince their governments to honour the undertakings to which they had signed up. Since then, it is only because of Directive 95/21/EC that the Paris Memorandum has operated in a satisfactory manner.

1.5- Option 5: Community legislation: this would involve a new directive introducing into Community law minimum obligations of flag states that Member States have to respect in accordance with IMO requirements. When discussions took place within the IMO, as well as in the Council, the Member States announced their intention to accede to the IMO system and to approve, in November 2005, at the IMO's general meeting, the flag states' code and audit system.

This option takes into account all the results and the decisions reached within the IMO. According to certain Member States, the incorporation within Community legislation of the flag states' code and the audit system is the only measure that they are in a position to recommend to the Commission in view of the need to improve flag states' performance.

This option permits the unequivocal identification of all relevant international conventions, as well as the creation of a binding framework to ensure the consistent auditing of the way in which States enforce the obligations arising from international conventions on maritime safety, on seafarers' qualifications and on the prevention of pollution.

CONCLUSION: **Option 5, the option favoured by the Commission, offers important advantages:** costs are low, competitiveness is improved, environmental protection is enhanced and the attraction of seafaring careers is revived. Moreover, by means of this proposal, the Commission, using a single instrument, is able to go further than existing international regulation without creating new expensive obligations for Member States.

IMPACT

Social impact: a flag becomes socially attractive and creates employment when the social conditions offered to seafarers conform to the security standards contained in international conventions. Their conformity to the international social standards can be checked by national maritime seafarer training institutes prior to the recruitment of their nationals. Furthermore, it will be subject to regular evaluation by means of audits.

Environmental impact: the improvement of maritime safety involves better environmental protection which, in turn, contributes to reducing the number of maritime accidents and incidents throughout the world, with all the positive effects which result from this at macroeconomic level. Moreover, the establishment of a quality system and the practice of an audit of the flag states contribute to improving their performance in the enforcement of international conventions.

The costs of non-action are considerable: significant costs will be saved in relation to the financing of the rehabilitation of polluted environments.

Economic impacton maritime administrations: the Commission is aware of the cost involved in the setting up of appropriate maritime administrations that are able to meet international and Community regulatory requirements and constraints. However, these costs do not generate distortions of competition or any additional barriers to the maritime transport market. Indeed, any costs that might arise would only relate to improving the efficiency of maritime administrations.

2- FOLLOW-UP

A Directive has the advantage of being subject to the automatic system that controls the application of Community law, introduced by the Commission several years ago.

Two types of controls are planned:

- audits of the flag states carried out under the aegis of the International Maritime Organisation to which the Commission will be party as an observer;
- publication of the results of the audits: that will enable any areas of weakness or of non-conformity to be identified and appropriate action to be taken; this will mean the best performing flag States will benefit from lighter controls imposed by Port states. To this end, several Member States (the United Kingdom, Cyprus and the Netherlands) have already agreed, of their own volition, to subject themselves to the audit of their flag.

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

2005/0236(COD) - 23/11/2005 - Legislative proposal

PURPOSE: to improve safety at sea, to prevent pollution and to protect seafarers by ensuring that Member States comply with the IMO Conventions.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: according to the Commission, this Directive acts as the missing link in relation to the other legislative instruments dealing with maritime safety. It is being presented in order to make an IMO Code on mandatory instruments as well as a flag-State Audit scheme compulsory. The ultimate aim being to harmonise the methods for implementing the international maritime conventions in the Member States.

In presenting this proposal, the Commission is fulfilling the wishes of the Member States, who in Copenhagen 2002, requested that a Community system be put in place to monitor Member State obligations arising from international instruments to which they are a party. Not only will a harmonised application of standards improve safety at sea and prevent a distortion of competition it will also be of huge benefit to the environment. Current, sub-standard shipping standards, which account for many of the environmental accidents at sea, can be attributed to the lack of IMO enforcement capabilities.

Lastly the Commission’s ultimate objective is to make the flags of the Member States more attractive, thereby transforming the European fleet into a quality fleet, while at the same time maintaining a competitive environment vis-à-vis third countries. The proposal has no impact on the Community budget.

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

2005/0236(COD) - 18/12/2013 - Follow-up document

The Commission presents a report on the application of Directive 2009/21/EC on compliance with flag State requirements.

The report notes that the majority of Member States currently comply with the requirements set out in Directive 2009/21/EC and the Commission encourages Member States to ensure that this level of commitment will be maintained and further progress achieved.

The main findings of the report concern the assessment of the performance of Member States as flag states:

Transparency in the transfer of a ship flying a Member State flag: the Directive's requirement for readily accessible information and transparency of data on the performance of ships under Member State flags is largely applied and can help in facilitating the transfer of ships between registers. Any potential weaknesses in the fleet are also more easily exposed and the need for corrective action identified.

Flag State auditing process: the Commission sees any identification of non-conformities or observations as a means to improvement, so that Member State administrations are in a better position to discharge their responsibilities as flag States, particularly in relation to maritime safety and environmental protection. Member States have used the corrective action plan drawn up following the audit to improve their operation as flag states.

Of those Member States which have not undergone an IMO audit, only Portugal has an active register. The Commission will actively pursue Portugal to subscribe to Voluntary IMO Member State Audit Scheme (VIMSAS).

Certified Quality Management System: the requirement for a certified Quality Management System may also provide an opportunity for flag management rationalisation and better use of human resources. This requirement provides another independent quality check on the systems and procedures used by Member States when operating as flag States. Concrete improvements have been notified.

For six Member States, external certification confirmed the quality management system already in place. For several Member States external certification is expected shortly, while for Ireland and Portugal this is a pending issue, and the Commission will actively pursue the Member States concerned.

External certification of all EU maritime administrations for all relevant international conventions is therefore still outstanding and the Commission will take action to ensure this is rectified.

Black and Grey lists: for the final period reported in 2013, namely 2010-2012, out of the original 7 Member States or candidate countries (Austria, Lithuania, Latvia, Poland and Slovakia, plus Bulgaria and Romania) noted as having a significant number of non-compliant ships on their register, none are now on the black list and only 2 remain on the grey list (Bulgaria and Slovakia).

Indeed 6 out of the top 10 flag states on the latest white list are EU Member States, with 15 being in the top 30 flag states. The Commission will continue to monitor progress of the two remaining EU Member States still on the grey list.

Ratification of International Conventions: Member States have generally been true to their commitments to consent to be bound by the Conventions contained in their declaration, with only two landlocked Member States not seeming to take active steps to ratify the Protocols of certain Conventions (SOLAS, Load Lines) dating back to 1988. Progress has been made as regards the Nairobi Wreck Removal Convention 2007 and the Hazardous and Noxious Substances (HNS) Convention 1996 and its 2010 Protocol. The Maritime Labour Convention (MLC) 2006 has already been ratified by 14 Member States and all remaining Member States are expected to swiftly follow suite.

The uptake in ratifications and preparations to ratify is an encouraging development, although Member States should recognise that the deadlines to which they committed themselves in 2009 have now passed and redouble their efforts to make good their declaration. An incentive to do so may be required.

The majority of Member States currently comply with the requirements set out in Directive 2009/21/EC and the Commission encourages Member States to ensure that this level of commitment will be maintained and further progress achieved.

At the time of adoption of Directive 2009/21/EC, the Commission regretted that its original proposal for compliance with flag state requirements had not been taken up by Member States. Should circumstances warrant it in the future, the **Commission may consider the merits of proposing further measures** to ensure Member States continue to effectively and consistently discharge their obligations as flag States. With this in mind, the Commission would therefore encourage Member States to continue their work in fully complying with the current directive.