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*Plenary sitting*

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**A9-0418/2023**

8.12.2023

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## **REPORT**

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 (COM(2023)0272 – C9-0188/2023 – 2023/0172(COD))

Committee on Transport and Tourism

Rapporteur: Vera Tax

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**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 (COM(2023)0272 – C9-0188/2023 – 2023/0172(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0272),
  - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0188/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 20 September 2023<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on Fisheries,
  - having regard to the report of the Committee on Transport and Tourism (A9-0418/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

**Proposal for a directive**  
**Recital 1 a (new)**

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<sup>1</sup> Not yet published in the Official Journal.

*Text proposed by the Commission*

*Amendment*

**(1a)** *It is important to take into account the on-board working and living conditions of the crew and the training and qualifications of crew members, in line with Directive 2013/54/EU of the European Parliament and of the Council<sup>1a</sup>, given that health, safety, security and the human factor are closely interlinked and that it is of utmost importance to prevent any damage caused by human error.*

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<sup>1a</sup> *Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006.*

## **Amendment 2**

### **Proposal for a directive Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a)** *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 therefore be set.*

## **Amendment 3**

### **Proposal for a directive Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) The fulfilment of a harmonised

(9) The fulfilment of a harmonised

capacity building scheme, post-qualification, by flag State surveyors and inspectors, should ensure a level playing field between maritime administrations and contribute to the qualitative performance of ships flying the flag of a Member State.

capacity building scheme, post-qualification, by flag State surveyors and inspectors, should ensure a level playing field between maritime administrations and contribute to the qualitative performance of ships flying the flag of a Member State.

***The training programme developed by the European Maritime Safety Agency (EMSA) should lead to the adoption of harmonised approaches by all Flag State surveyors and inspectors, including the mandatory use of electronic certificates by all Members States from three years from ... [three years from the date of entry into force of this amending Directive], at the latest.***

#### **Amendment 4**

##### **Proposal for a directive Recital 11**

###### *Text proposed by the Commission*

(11) The establishment and development of a database providing essential information, in an electronic format on ships flying the flag of a Member State should contribute to enhanced exchange of information, further improve the transparency of the performance of a high quality fleet and allowing enhanced monitoring of flag State obligations to ensure a level playing field between maritime administrations.

###### *Amendment*

(11) The establishment and development of a database providing essential information, in an electronic format on ships flying the flag of a Member State should contribute to enhanced exchange of information, further improve the transparency of the performance of a high quality fleet and allowing enhanced monitoring of flag State obligations to ensure a level playing field between maritime administrations. ***In accordance with Article 91(1) of UNCLOS, there must be a genuine link between a vessel and its flag State. In order to proceed with the correct analysis of the reflagging of vessels and the use of open registries, the Commission should facilitate the task of Member States in determining the existence of such a link by developing guidelines. Those guidelines should set out what constitutes a genuine link and its consequences. In drawing up those guidelines, the Commission should take into account the recommendation of the***

*High Level Group on flag State matters and input from stakeholders, including those from the private sector, civil society and academia. Shipowners are obliged to pay social security contributions under the law of the State of the flag that they are flying, unless the employee pays them in accordance with the law of the State in which they reside. Those rules can have undesirable consequences when they are used to avoid high contribution levels.*

## Amendment 5

### Proposal for a directive Recital 14

#### *Text proposed by the Commission*

(14) The Commission, *assisted by* the European Maritime Safety Agency (EMSA) established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>31</sup>, should be invited and involved as observer by the auditee Member State as flag State for the purpose of ensuring consistency between IMO audit and Commission assessments, executed by EMSA to check the implementation of Union maritime safety legislation via its visit and inspection scheme, on behalf of the Commission.

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<sup>31</sup> Regulation (EC) 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208 5.8.2002, p. 1).

#### *Amendment*

(14) The Commission *and* the European Maritime Safety Agency (EMSA) established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>31</sup>, should be invited and involved as observer by the auditee Member State as flag State for the purpose of ensuring consistency between IMO audit and Commission assessments, executed by EMSA to check the implementation of Union maritime safety legislation via its visit and inspection scheme, on behalf of the Commission.

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<sup>31</sup> Regulation (EC) 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208 5.8.2002, p. 1).

## Amendment 6

### Proposal for a directive Recital 14 a (new)



*Text proposed by the Commission*

*Amendment*

***(14a) The involvement of the Commission and EMSA in the audits should make the auditing process more effective and comprehensive. It should also facilitate the introduction and implementation of simplified procedures, including incentives for compliance with environmental, social, public health and labour law standards and standards ensuring the safety on board ships calling at Union ports of seafarers, as well as possibilities for effective, proportionate and dissuasive sanctions, taking into account environmental, public health, tax and social law.***

#### **Amendment 7**

##### **Proposal for a directive Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) In coordination with the International Labour Organisation (ILO), the Commission and Member States should promote capacity building for third countries on inspection and enforcement by establishing campaigns with social partners to raise awareness of rights and obligations under the Maritime Labour Convention adopted by ILO in 2006 (MLC 2006). Furthermore the Commission should promote the establishment by the ILO of a database of inspection results and complaints, for seafarers and dockworkers, ensuring the accuracy of records of hours of work and rest, to help seafarers and shipowners seek the most reliable and MLC 2006-compliant recruitment and employment services.***

## Amendment 8

### Proposal for a directive Recital 16 a (new)

*Text proposed by the Commission*

*Amendment*

***(16a) The Commission should issue a transparency report based on information from the mandatory database, which is accessible to all Member States.***

## Amendment 9

### Proposal for a directive Recital 21

*Text proposed by the Commission*

*Amendment*

(21) The European Maritime Safety Agency (EMSA) should provide the necessary support to ensure the implementation of Directive 2009/21/EC.

(21) The European Maritime Safety Agency (EMSA) should provide the necessary support to ensure the implementation of Directive 2009/21/EC. ***The training provided by EMSA to flag State administrations should be continued, reinforced and extended to fully cover the obligations of Member States as set out in the MLC 2006. EMSA should facilitate coordination and exchange of information and good practices between flag State administrations.***

## Amendment 10

### Proposal for a directive Article 1 – paragraph 1 – point -1 (new) Directive 2009/21/EC Article 1 – paragraph 1

*Present text*

*Amendment*

1. The purpose of this Directive is:
- (a) to ensure that Member States

***(-1) In Article 1, paragraph 1 is replaced by the following:***

- ‘1. The purpose of this Directive is:
- (a) to ensure that Member States

effectively and consistently discharge their obligations as flag States; and

(b) to enhance safety and prevent pollution from ships flying the flag of a Member State

effectively and consistently discharge their obligations as flag States; and

(b) to enhance safety, ***including safety onboard***, and ***to*** prevent pollution from ships flying the flag of a Member State.’

## Amendment 11

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2

Directive 2009/21/EC

Article 4 – paragraph 1

#### *Text proposed by the Commission*

1. Prior to allowing a ship to operate, which has been granted the right to fly its flag, the Member State concerned shall 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 using the inspection reports and certificates contained in database referred to in article 6a. 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.

#### *Amendment*

1. Prior to allowing a ship to operate, which has been granted the right to fly its flag, the Member State concerned shall ensure that the ship in question complies with the applicable international rules and regulations. In particular, it shall ***carry out on-board inspections and*** verify ***both*** the safety records of the ship ***and documentation the purpose of which is to ensure that the ship meets international environmental and social standards***, using the inspection reports and certificates contained in ***the inspection*** database referred to in article 6a. ***It shall also verify that the operation of the ship complies with international environmental and labour conventions, that it is in line with Directive 2013/54/EU, and that the crew is trained in accordance with Directive 2022/993 of the European Parliament and of the Council<sup>1a</sup>***. 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.

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<sup>1a</sup> Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

## Amendment 12

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3

Directive 2009/21/EC

Article 4a – paragraph 3

#### *Text proposed by the Commission*

3. Member States shall ensure that any deficiencies confirmed or revealed by an inspection carried out in accordance with paragraph 2(c) are rectified.

#### *Amendment*

3. Member States shall ensure that any deficiencies confirmed or revealed by an inspection carried out in accordance with paragraph 2(c) are rectified ***and all necessary corrective measures addressing time-critical safety and environmental concerns are taken before the ship proceeds to sea. Inspections shall focus in particular on the safety and environmental performance of all ships flying the flag of a Member State, as well as on the working conditions of the crews, including the accuracy of data on working and resting hours in line with Directive 2013/54/EU of the European Parliament and of the Council.***

## Amendment 13

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3

Directive 2009/21/EC

Article 4b – paragraph 4

#### *Text proposed by the Commission*

4. In order to ensure harmonisation of the supplementary flag State inspections referred to in Article 4a(2) point (c), the Commission, after consulting the high level group on flag State matters referred to in Article 9a(1), shall adopt implementing acts to define the uniform measures to determine the minimum requirements for the implementation of the obligations provided for by paragraph 1. Those implementing acts shall be adopted in

#### *Amendment*

4. In order to ensure harmonisation of the supplementary flag State inspections referred to in Article 4a(2) point (c), the Commission, after consulting the high level group on flag State matters referred to in Article 9a(1), shall adopt implementing acts to define the uniform measures to determine the minimum requirements for the implementation of the obligations provided for by paragraph 1. ***These minimum requirements shall in particular***

accordance with the examination procedure referred to in Article 10(2).’

***include a yearly minimum inspection quota of at least 30% of ships flying its flag for every Member State, commensurate with the size and type of its fleet and a qualitative element that takes account of the risk profile of the ship being inspected.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

## **Amendment 14**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3**

Directive 2009/21/EC

Article 4c – paragraph 2

#### *Text proposed by the Commission*

2. The Commission, seeking the advice of the high level group on flag State matters referred to in Article 9a(1), shall develop a common capacity building scheme (post-qualification at national level) and keep it updated, considering new technologies and in relation to new or additional obligations arising from the relevant international instruments, for Member States flag State surveyors and inspectors.

#### *Amendment*

2. The Commission, seeking the advice of the high level group on flag State matters referred to in Article 9a(1), shall develop a common capacity building scheme (post-qualification at national level) and keep it updated, considering new technologies and in relation to new or additional obligations arising from the relevant international instruments, for Member States flag State surveyors and inspectors, ***and paying particular attention to the implementation of Directive 2013/54/EU.***

## **Amendment 15**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3**

Directive 2009/21/EC

Article 4c – paragraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***2a. The Commission, with the assistance of EMSA, shall produce a guidance document offering advice on***

*how to implement Directive 2013/54/EU. EMSA shall 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.*

## **Amendment 16**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Member States shall ensure that at least the following information concerning ships flying their flag is kept and is made accessible in an electronic format compatible and interoperable with Union maritime safety databases:

#### *Amendment*

1. *Electronic certificates shall be mandatory for all Members States from [three years from the date of entry into force of this amending Directive], at the latest.* Member States shall ensure that at least the following information concerning ships flying their flag is kept and is made accessible in an electronic format compatible and interoperable with Union maritime safety databases:

## **Amendment 17**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6 – paragraph 1 – point a a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(aa) particulars of shipboard working arrangements and records of seafarers' daily hours of work as defined in Directive 1999/63/CE.*

## **Amendment 18**

## **Proposal for a directive**

### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6 – paragraph 1 – point e

#### *Text proposed by the Commission*

(e) outcome of the port State control inspections (deficiencies: yes or no; detentions: yes or no);

#### *Amendment*

(e) outcome of the port State control inspections (deficiencies: yes or no; detentions: yes or no; ***and, if there are deficiencies or detentions, further details as appropriate***);

## **Amendment 19**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6 – paragraph 1 – point e a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(ea) statutory certificates that confirm if any reported deficiencies identified through port State control inspections have been rectified;***

## **Amendment 20**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6 – paragraph 2

#### *Text proposed by the Commission*

#### *Amendment*

2. The information shall be communicated to the inspection database provided for in Article 6a. The master shall also be provided with a copy of the report.

2. The information shall be communicated to the inspection database provided for in Article 6a, ***since the interoperability of databases contributes to a harmonised approach to the reporting and measuring of performance of the fleet that is under the responsibility of the flag State***. The master shall also be provided with a copy of the report.

## Amendment 21

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2009/21/EC

Article 6a – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall have access to all the information recorded in the inspection database referred to in paragraph 1 of this Article and the inspection system provided for in Directive 2009/16/EC. Nothing in this Directive shall prevent the sharing of such information between relevant competent authorities within and between Member States, with the Commission **or** with the European Maritime Safety Agency (EMSA) established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>36</sup>.

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<sup>36</sup> Regulation (EC) 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208 5.8.2002, p. 1).

#### *Amendment*

4. Member States shall have access to all the information recorded in the inspection database referred to in paragraph 1 of this Article and the inspection system provided for in Directive 2009/16/EC. Nothing in this Directive shall prevent the sharing of such information between relevant competent authorities within and between Member States, with the Commission **and** with the European Maritime Safety Agency (EMSA) established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>36</sup>.

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<sup>36</sup> Regulation (EC) 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208 5.8.2002, p. 1).

## Amendment 22

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2009/21/EC

Article 6a – paragraph 5

#### *Text proposed by the Commission*

5. Member States shall ensure that Statutory certificates referred to in Article 6(1) **paragraph b, shall be** transmitted electronically to the inspection database referred to in paragraph 1 of this Article using the functional and technical specifications for a harmonised electronic reporting interface provided for in Article

#### *Amendment*

5. Member States shall ensure that ***shipboard working arrangements and records of seafarers' daily hours of work or of their daily hours of rest, in line with Directive 2013/54/EU, as well as*** Statutory certificates, referred to in Article 6(1), ***points (aa) and (b), are*** transmitted electronically to the inspection database



24a of Directive 2009/16/EC.

referred to in paragraph 1 of this Article using the functional and technical specifications for a harmonised electronic reporting interface provided for in Article 24a of Directive 2009/16/EC.

## Amendment 23

### Proposal for a directive

#### Article 1 – paragraph 1 – point 7

Directive 2009/21/EC

Article 7 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall take the necessary measures to undergo the IMO audit of their administration at least once every **seven** years, and shall 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 shall also make the same information available to the public, in accordance with relevant national legislation on confidentiality.

#### *Amendment*

1. Member States shall take the necessary measures to undergo the IMO audit of their administration at least once every **five** years, and shall 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 shall also make the same information available to the public, in accordance with relevant national legislation on confidentiality.

## Amendment 24

### Proposal for a directive

#### Article 1 – paragraph 1 – point 7

Directive 2009/21/EC

Article 7 – paragraph 2

#### *Text proposed by the Commission*

2. Member States shall ensure that the Commission, **assisted by** EMSA, **is** allowed to participate as an observer in the IMO auditing process and, that any Audit report and the information on subsequent action taken is immediately made available to the Commission.

#### *Amendment*

2. Member States shall ensure that the Commission **and** EMSA **are** allowed to participate as an observer in the IMO auditing process and, that any Audit report and the information on subsequent action taken is immediately made available to the Commission.

## Amendment 25

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8 – point a

Directive 2009/21/EC

Article 8 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

Each Member State shall ensure that other personnel assisting in the performance of inspections have education, training and supervision commensurate with the tasks they are authorized to perform.

#### *Amendment*

Each Member State shall ensure that other personnel assisting in the performance of inspections have education, training and supervision commensurate with the tasks they are authorized to perform. ***Flag States shall 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 shall cover such verification procedures and shall be continuous, reinforced and extended to cover MLC 2006 in more detail. EMSA shall also facilitate the coordination and exchange of information and good practices between flag State administrations.***

## Amendment 26

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9

Directive 2009/21/EC

Article 9

#### *Text proposed by the Commission*

(9) Article 9 *is deleted*.

#### *Amendment*

(9) Article 9 *is replaced by the following:*

#### ***‘Article 9***

#### ***Reports and Review***

***Every five years, and for the first time by [three years from the date of entry into force of this amending Directive] the Commission shall present a report to the European Parliament and to the Council***

*on the application of this Directive.*

*That report shall contain an assessment of the performance of the Member States as flag States and shall be accompanied, where appropriate, by a legislative proposal for the amendment of this Directive.'*

## **Amendment 27**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9a – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

The Commission shall establish a high level group on flag State matters for discussing flag State issues and facilitate exchanges of experience between the Member States' national authorities, flag State experts and inspectors, *including as appropriate those* from the private sector.

#### *Amendment*

The Commission shall establish a high level group on flag State matters for discussing flag State issues and facilitate exchanges of experience between the Member States' national authorities, flag State experts and inspectors, *and all relevant stakeholders* from the private sector, *civil society and academia*.

## **Amendment 28**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9a – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

The high level group on flag State matters shall be composed of representatives of the Member States and of the Commission, *assisted by* EMSA.

#### *Amendment*

The high level group on flag State matters shall be composed of representatives of the Member States and of the Commission *and* EMSA.

## **Amendment 29**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC  
Article 9a – paragraph 2 – point c

*Text proposed by the Commission*

(c) assist the Commission in the development of the technical method for what constitutes appropriate resources, commensurate with the size and type of fleet, referred to in Article 4b;

*Amendment*

(c) assist the Commission in the development of the technical method for what constitutes appropriate resources, commensurate with the size and type of fleet ***and the number of inspections to be undertaken***, referred to in Article 4b;

**Amendment 30**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 10**  
Directive 2009/21/EC  
Article 9b – paragraph 1

*Text proposed by the Commission*

The Commission shall establish an electronic reporting tool for the purposes of gathering information and data from the Member States in relation to this Directive. Member States shall periodically, and at least once a year, inform the Commission, about:

*Amendment*

**1.** The Commission shall establish an electronic reporting tool for the purposes of gathering information and data from the Member States in relation to this Directive. Member States shall periodically, and at least once a year, inform the Commission, about:

**Amendment 31**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 10**  
Directive 2009/21/EC  
Article 9b – paragraph 1 – point a – point iv a (new)

*Text proposed by the Commission*

*Amendment*

***(iva) the extent to which the risk profile of ships was taken account of in the surveys, inspections and audits carried out by flag States;***

**Amendment 32**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9b – paragraph 1 – point a – point iv b (new)

*Text proposed by the Commission*

*Amendment*

***(ivb) working conditions based on records of seafarers' daily hours of work and daily hours of rest in line with Directive 2013/54/EU of the European Parliament and of the Council;***

**Amendment 33**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9b – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. The Commission shall issue an annual report based on the information collected under paragraph 1 of this Article, which shall be published on the official website. After its publication, the Commission shall present the results of that report to the European Parliament and to the Council.***

## EXPLANATORY STATEMENT

The Rapporteur welcomes the Commission proposal to revise the Directive 2009/21/EC on compliance with flag State requirements. It should improve the quality of inspections of EU-flagged ships, provide for a better oversight of recognised organisations carrying out work under the responsibility of a flag state and set up a more harmonised training system for the European inspectors. In turn, this should lead to a better enforcement of safety rules, less pollution from shipping and better compliance of the EU Member States with their obligations as flag States under the IMO regime.

The Rapporteur supports the obligation to have a quality management system as well as a broader use of modern digital technologies, in particular in the field of electronic certificates and interoperability of EMSA databases that could be consulted by European port state authorities in preparation for a port state inspection of a European flagged ship.

The Rapporteur believes that digitization and automation of the maritime sector have a significant potential to contribute to the reduction of its emissions and play a key role in its decarbonisation, in line with the ambitions of the Green Deal. She is also convinced that in order to preserve the competitiveness, the European maritime transport sector must participate in the Union's efforts to reduce greenhouse gas emissions and to achieve climate neutrality by 2050 at the latest, in line with the Paris Agreement. To this end, she is of the opinion that Member States should use the Union Maritime Information and Exchange System (SafeSeaNet) and services established by Directive 2002/59/EC<sup>1</sup> and proposes that electronic certificates become mandatory for all member states already after three years from the date of entry into force of this Directive.

In order to improve safety and ensure level playing field, the rapporteur is also convinced that training programs provided by EMSA to flag State authorities should favour more harmonised approach and should be continued, reinforced and extended to cover Maritime Labour Convention- related aspects in more detail. EMSA should facilitate coordination, as well as an exchange of information and of good practice between flag State authorities in this regard. The Rapporteur would like to see the inspections to reflect on the working conditions, safety and environmental performance of all ships flying the flag of Member States and therefore include accurate data on crews' working and resting hours. Flag states should revise the guidelines provided to their inspectors and those authorised to act on their behalf to include systematic verification of these records' accuracy.

The rapporteur is of the opinion that to eliminate unwanted practices like the reflagging of vessels and the use of open registries, there should be a 'genuine link' between the actual owner of a vessel and the flag the vessel flies, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS Article 5 of the 1958 Convention and Article 91(1) of the 1982 UN Convention of the Law of the Sea (UNCLOS). Accordingly, shipowners should be obliged to pay social security contributions under the flag they are sailing unless the employee pays them according to the law of the state in which they reside.

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<sup>1</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC

Finally, the Commission proposal sets up an expert group on flag state requirements to provide a platform for the exchange of best practice and in order to develop a joint approach to flag state inspections and a common reporting format. While the rapporteur agrees with this idea and believes that adequate capacity and competence building should be maintained and promoted, she considers that the solutions and recommendations developed by the expert group should not penalise well-performing administrations.

**ANNEX: ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

<b>Entity and/or person</b>
KVNR
European Commission
ECSA
ETF
IACS
Netherlands Per. Rep.
T&E
WSC
EUDA
EMSA

The list above is drawn up under the exclusive responsibility of the rapporteur.



## **OPINION OF THE COMMITTEE ON FISHERIES**

for the Committee on Transport and Tourism

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 (COM(2023)272 – C9-0188/2023 – 2023/0172(COD))

Rapporteur for opinion: Ana Miranda

### **SHORT JUSTIFICATION**

The current proposal forms part of a wider package of measures aimed at improving maritime safety. Whilst other elements of the package involve specific changes for the fisheries sector, it is equally apparent that the flag State Directive is of vital importance to fishing communities; flags of convenience, for example, cause major problems with regard to safety, working conditions, traceability of fisheries products and a level playing field.

The 2009 maritime safety package was in large part a response to a series of marine disasters, not least of which was the Prestige disaster off the coast of Galicia in 2002. This disaster was unprecedented in nature and had a devastating effect on sea life, birds and the wider environment. This, in turn, severely impacted all those involved in fisheries, particularly those engaged in inshore and artisanal fishing and the shellfish sector.

The disaster also highlighted major shortcomings in the Spanish government's response – highlighted in Parliament's resolution in the wake of the disaster<sup>1</sup> – as well as disparities in maritime safety across the EU. Parliament raised serious concerns at that time regarding flags of convenience and the 2009 flag State requirements Directive went some way to remedying this.

The Commission considers that the 2009 Directive has in general been well transposed by Member States and has created a more level playing field in the shipping sector. It has not however remained fully up-to-date with developments at IMO level and there are still inconsistencies in relation to inspections and monitoring.

The Commission proposal therefore aims to update the Directive to conform more fully with IMO standards, to harmonise inspections and monitoring, to promote digital solutions and to improve cooperation between Member State authorities. The proposal also aims to improve flag State training.

Your rapporteur fully supports the Commission's aim to update the current legislative regime

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<sup>1</sup> P5\_TA(2004)0350

and to ensure that it remains fully aligned with international standards. She also welcomes the moves to more fully embrace digital technologies.

Equally, however, she highlights recent resolutions where the European Parliament has continued to express concerns as regards the issue of reflagging and flags of convenience.<sup>2</sup> This remains a major issue for the environment and, from a fisheries perspective, for those whose livelihoods are dependent on that environment. These views are reflected in wider civic society, for example in Galicia, where the *Nunca Más* platform continues to campaign in the wake of the Prestige disaster for all shipping in EU waters to comply with IMO standards.

Europe contains some of the world's busiest international shipping channels and the issue of ships using flags of convenience passing through sensitive marine areas such as the Fistera corridor remains live.

Needs vary between waters as diverse as the Baltic, the Mediterranean and the Atlantic coast. All these areas however support communities dependent on a clean maritime environment – and all are dependent upon a properly functioning maritime safety regime. The current proposal should form a part of ongoing efforts to improve the EU's work to protect our vital marine environment – as well as the economy, food security and communities dependent upon fisheries, aquaculture and shellfish.

On a final note, your rapporteur regrets the truncated procedure which has been faced by the Fisheries Committee. The Committee should have been given full oversight within a reasonable timescale for a package of such importance to the fishing industry.

## AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:

### Amendment 1

#### Proposal for a directive

##### Recital 1

###### *Text proposed by the Commission*

(1) The safety of Union **shipping** and of citizens using it **and** the protection of the environment should be ensured at all times.

###### *Amendment*

(1) The safety of Union **maritime sector, seafarers** and of citizens using it, **along with the well-being of passengers and crew as well as** the protection of the environment should be ensured at all times. **At all times it should also be borne in mind that countless jobs and coastal communities are dependent upon that**

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<sup>2</sup> For example, resolution P9\_TA(2022)0356 and at the first reading of the FuelEU Maritime proposal.

*protection of the environment.*

## **Amendment 2**

### **Proposal for a directive**

#### **Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1a) The welfare of workers in the maritime industry, ensuring fair labour conditions and adequate protection for seafarers should be guaranteed.**

#### *Justification*

*This Directive rightly emphasizes the safety of Union shipping and environmental protection. However, it could benefit from a more explicit acknowledgment of the importance of fair labour conditions and the welfare of seafarers, which are critical aspects of maritime operations.*

## **Amendment 3**

### **Proposal for a directive**

#### **Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) Under the provisions of the United Nations Convention on the Law of the Sea 1982 (UNCLOS) and of the Conventions for which the IMO is the depository, the States which are party to those instruments are responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure that, from the point of view of safety of life at sea and protection of the marine environment, a ship is fit for the service for which it is intended.

(2) Under the provisions of the United Nations Convention on the Law of the Sea 1982 (UNCLOS) and of the Conventions for which the IMO is the depository, the States which are party to those instruments are responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure that, from the point of view of safety of life at sea and protection of the marine environment **and those whose livelihoods are dependent on that environment**, a ship is fit for the service for which it is intended.

## **Amendment 4**

**Proposal for a directive**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) Unsafe situations at sea can lead to accidents and shipping disasters, which can have an unprecedented impact on (vulnerable) marine ecosystems. Seas and oceans play a crucial role in regulating the Earth's climate and are a huge carbon sink, and it is therefore essential to protect these ecosystems.**

**Amendment 5**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) At international level, the function of investigating maritime accidents is part of flag State responsibilities, while at the Union level it is made independent and regulated by Directive 2009/18/EC of the European Parliament and of the Council<sup>29</sup>. This Directive should not affect Directive 2009/18/EC.

(5) At international level, the function of investigating maritime accidents is part of flag State responsibilities; **wherein it is of utmost importance to ensure that accident investigations prioritize accountability and learning to prevent future accidents**; while at the Union level it is made independent and regulated by Directive 2009/18/EC of the European Parliament and of the Council<sup>29</sup>. This Directive should not affect Directive 2009/18/EC.

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<sup>29</sup> Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ L 131, 28.5.2009, p. 114)

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<sup>29</sup> Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ L 131, 28.5.2009, p. 114)

*Justification*

*The Directive maintains the independence of maritime accident investigations, which is*

*essential. Still, it should also underscore the significance of thorough reporting, transparency, and accountability in these investigations to ensure that lessons are learned and applied to prevent future accidents.*

## **Amendment 6**

### **Proposal for a directive**

#### **Recital 7**

##### *Text proposed by the Commission*

(7) The maritime administrations of the Member States should be able to rely on adequate resources, including technical decision-making capability, for the implementation of their flag State obligations, commensurate with the size and type of their fleet and based upon the relevant IMO requirements. In order to improve the overall qualitative performance of ships flying the flag of a Member State it is also necessary to harmonise the strict and thorough monitoring, including development of rules and design review, of the recognised organisations performing flag State duties on behalf of Member States.

##### *Amendment*

(7) The maritime administrations of the Member States should be able to rely on adequate resources, including technical decision-making capability, for the implementation of their flag State obligations, commensurate with the size and type of their fleet and based upon the relevant IMO requirements. ***There should be full regard for administrations below Member State level who have competences in the fisheries sector, in line with each Member State's legal order.*** In order to improve the overall qualitative performance of ships flying the flag of a Member State it is also necessary to harmonise the strict and thorough monitoring, including development of rules and design review, of the recognised organisations performing flag State duties on behalf of Member States.

## **Amendment 7**

### **Proposal for a directive**

#### **Recital 8**

##### *Text proposed by the Commission*

(8) Minimum criteria and inspection targets related to those resources should be established on the basis of the practical experience of the Member States, including the use of non-exclusive inspectors, via implementing measures.

##### *Amendment*

(8) Minimum criteria and inspection targets related to those resources should be established on the basis of the practical ***and observational*** experience of the Member States, including the use of non-exclusive inspectors, via implementing measures.

### *Justification*

*Whereas theoretical experience may not be the most useful for inspections, observational experience can significantly benefit Member States in implementing a best-case scenario based on the modus operandi in other countries by providing practical insights, learning opportunities, and a foundation for informed decision-making.*

## **Amendment 8**

### **Proposal for a directive**

#### **Recital 9**

##### *Text proposed by the Commission*

(9) The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State surveyors and inspectors, should ensure a level playing field between maritime administrations and contribute to the qualitative performance of ships flying the flag of a Member State.

##### *Amendment*

(9) The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State surveyors and inspectors, should ensure a level playing field between maritime administrations and contribute to the qualitative performance of ships flying the flag of a Member State.  
***Continuous training and professional development for seafarers should be ensured as to stay up-to-date with evolving safety and environmental standards.***

### *Justification*

*The capacity-building program for flag State surveyors and inspectors is a positive step. To enhance this, ongoing professional development and training opportunities could be emphasized to ensure that these professionals remain well-equipped to adapt to evolving safety and environmental standards.*

## **Amendment 9**

### **Proposal for a directive**

#### **Recital 11**

##### *Text proposed by the Commission*

(11) The establishment and development of a database providing essential information, in an electronic format on ships flying the flag of a Member State should contribute to enhanced exchange of

##### *Amendment*

(11) The establishment and development of a database providing essential information, in an electronic format on ships flying the flag of a Member State should contribute to enhanced exchange of

information, further improve the **transparency of the performance of a high quality** fleet and allowing enhanced monitoring of flag State obligations to ensure a level playing field between maritime administrations.

information, further improve the **working conditions and wages of fleet to promote fair labour practices** and allowing enhanced monitoring of flag State obligations to ensure a level playing field between maritime administrations.

## Amendment 10

### Proposal for a directive Recital 12 a (new)

*Text proposed by the Commission*

*Amendment*

**(12a) Transparency in maritime operations should be ensured along with accountability of ship-owners for any violation of safety or environmental regulations.**

*Justification*

*Ensuring access to information for relevant authorities is crucial for monitoring purposes. In addition to this, provisions could be made to protect whistle-blowers who report safety or environmental violations, contributing to a culture of transparency and accountability.*

## Amendment 11

### Proposal for a directive Recital 12 b (new)

*Text proposed by the Commission*

*Amendment*

**(12b) Relevant authorities should establish mechanisms for whistle-blowers to report safety and environmental violations without fear of retaliation.**

*Justification*

*The Directive should also provide clear mechanisms for workers to report safety and environmental concerns, fostering a proactive approach to safety.*

## Amendment 12

**Proposal for a directive**  
**Recital 17**

*Text proposed by the Commission*

(17) In order to discuss flag State matters, including technical, issues and facilitate exchange of expertise and information, a high level group on flag State matters consisting of Member States' national authorities, flag State experts and inspectors, as well as, **as** appropriate, experts from the private sector, should be established.

*Amendment*

(17) In order to discuss flag State matters, including technical, issues and facilitate exchange of expertise and information, a high level group on flag State matters consisting of Member States' national authorities, flag State experts and inspectors, as well as, **where** appropriate, experts from the private sector **and representatives of maritime workers**, should be established.

*Justification*

*Establishing a high-level group for flag State matters is a positive development. Still, it could be strengthened by including representation from workers and their representatives to ensure a holistic approach to maritime governance.*

**Amendment 13**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) An electronic reporting tool for the purposes of further improving the consistent collection of relevant statistics and maritime data and information from Member States, should be established.

*Amendment*

(18) An electronic reporting tool for the purposes of further improving the consistent collection of relevant statistics and maritime data and information from Member States, should be established **taking into account already existing reporting obligations in other Union acts such as the Regulation (EC) No 1224/2009.**

**Amendment 14**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2009/21/EC  
Article 4 – paragraph 1



*Text proposed by the Commission*

1. Prior to allowing a ship to operate, which has been granted the right to fly its flag, the Member State concerned shall 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 using the inspection reports and certificates contained in database referred to in article 6a. 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***.

*Amendment*

1. Prior to allowing a ship to operate, which has been granted the right to fly its flag, the Member State concerned shall ensure that the ship in question complies with the applicable international rules and regulations, ***notably with regard to seafarers' working conditions and environmental protection***. In particular, it shall verify the safety records of the ship using the inspection reports and certificates contained in database referred to in article 6a. It shall, if necessary, consult with the losing flag State ***to address*** any outstanding deficiencies or safety issues. ***This collaboration shall aim to ensure that any outstanding deficiencies or safety concerns are fully resolved before the ship operates.***

**Amendment 15**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2009/21/EC

Article 4a

*Text proposed by the Commission*

(a) prohibiting ships from sailing until such ships can proceed to sea in compliance with international rules and standards;

*Amendment*

(a) prohibiting ships from sailing until such ships can proceed to sea in compliance with international rules and standards; ***including the conduct of regular safety drills and exercises to ensure the readiness of the crew for emergency situations, and enforcing crew rest hour regulations to prevent fatigue-related accidents;***

**Amendment 16**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2009/21/EC

Article 4a

*Text proposed by the Commission*

(b) ensuring that ships entitled to fly their flag have been surveyed in accordance with the survey guidelines under the Harmonized System of Survey and Certification (HSSC); **and**,

*Amendment*

(b) ensuring that ships entitled to fly their flag have been surveyed in accordance with the survey guidelines under the Harmonized System of Survey and Certification (HSSC). ***This includes conducting environmental audits to assess compliance with regulations related to emissions, ballast water management, and other environmental concerns, going beyond standard safety inspections;***

**Amendment 17**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2009/21/EC

Article 4a

*Text proposed by the Commission*

*Amendment*

***(ba) Promoting a safety culture on board by encouraging the reporting of near-misses and unsafe conditions, as well as the continuous improvement of safety practices;***

**Amendment 18**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2009/21/EC

Article 4a

*Text proposed by the Commission*

*Amendment*

***(bb) Collaborating with other flag States and international bodies to conduct joint inspections, share information, and harmonize enforcement efforts to ensure the effective enforcement of international rules and standards;***

**Amendment 19**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2009/21/EC  
Article 4a

*Text proposed by the Commission*

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

*Amendment*

(c) carrying out supplementary flag State inspections of ships to verify that the actual condition **and working conditions** of the ship is in conformity with the certificates it carries. ***These inspections should also encompass crew training and welfare, ensuring that crew members receive proper training in safety and environmental procedures, and that their rights and well-being are protected in accordance with the Maritime Labour Convention, 2006 (MLC 2006);***

**Amendment 20**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2009/21/EC  
Article 4a

*Text proposed by the Commission*

*Amendment*

***(ca) Utilizing advanced monitoring technology, such as satellite tracking and remote sensors, to track a ship's activities and compliance with regulations in real-time;***

**Amendment 21**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2009/21/EC  
Article 4a

*Text proposed by the Commission*

*Amendment*

***(cb) Requiring ships to submit regular reports on safety and environmental compliance and making these reports***

*accessible to relevant authorities for review, thereby enhancing reporting and transparency.*

## **Amendment 22**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

*(ga) Information related to the ship's environmental performance, such as emissions data (e.g. greenhouse gas emissions, sulphur oxide emissions) and data on the management of ballast water and other potentially polluting substances;*

## **Amendment 23**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

*(gb) Details about the ship's crew, including their qualifications, certifications, and rest hours, to ensure compliance with labour and safety regulations;*

## **Amendment 24**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

*(gc) Reporting of any accidents,*

*incidents, or near-misses, along with the actions taken to address them, contributing to a proactive safety culture;*

## **Amendment 25**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

*(gd) Information on the type, quantity, and handling of cargo, especially for ships carrying hazardous materials or dangerous goods, to assess compliance with transport and safety regulations;*

## **Amendment 26**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

*(ge) Data related to the ship's Safety Management System, including records of safety meetings, hazard assessments, and corrective actions taken;*

## **Amendment 27**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

*(gf) Data on security measures and compliance with international maritime security codes and conventions, particularly relevant in today's security-*

*conscious environment;*

**Amendment 28**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

**(gg) Information on technological upgrades, equipment maintenance, and safety-related modifications made to the ship;**

**Amendment 29**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

**(gh) Records related to the welfare and living conditions of seafarers, including records of crew complaints or concerns;**

**Amendment 30**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2009/21/EC

Article 6

*Text proposed by the Commission*

*Amendment*

**(gi) The ability for Member States to verify the authenticity and validity of certificates and documentation presented by the ship, helping to combat fraud and ensure compliance;**

**Amendment 31**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5**  
Directive 2009/21/EC  
Article 6

*Text proposed by the Commission*

*Amendment*

**(gj) Reporting on sustainability practices, such as fuel consumption, energy efficiency measures, and environmental impact reduction efforts, aligning with global sustainability goals.**

## **Amendment 32**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 10**  
Directive 2009/21/EC  
Article 9a

*Text proposed by the Commission*

*Amendment*

**(ja) Develop recommendations and guidelines for flag State inspections and procedures that prioritize the protection of workers' rights and safety on ships, including the involvement of workers' representatives in safety inspections;**

## **Amendment 33**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 10**  
Directive 2009/21/EC  
Article 9a

*Text proposed by the Commission*

*Amendment*

**(jb) Provide recommendations for flag State inspections and procedures that emphasize environmental compliance, ensuring that ships are adhering to international environmental regulations and guidelines;**

## **Amendment 34**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 10**  
Directive 2009/21/EC  
Article 9a

*Text proposed by the Commission*

*Amendment*

**(jc) Assist in the development of measures to promote social responsibility and compliance with labour standards on ships, including monitoring and reporting on crew welfare, working conditions, and adherence to the Maritime Labour Convention, 2006 (MLC, 2006);**

## **Amendment 35**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 10**  
Directive 2009/21/EC  
Article 9a

*Text proposed by the Commission*

*Amendment*

**(jd) Encourage flag States to engage with local communities in ports of call to address any social or environmental concerns related to ship operations, promoting positive relationships and responsible maritime practices;**

## **Amendment 36**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 10**  
Directive 2009/21/EC  
Article 9a

*Text proposed by the Commission*

*Amendment*

**(je) Advise on the integration of new technologies, such as digital reporting tools and IoT devices, to enhance the effectiveness of flag State inspections and oversight, while also considering data privacy and cybersecurity aspects;**



## **Amendment 37**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9a

*Text proposed by the Commission*

*Amendment*

**(jf) Establish mechanisms for conflict resolution and dispute resolution related to flag State inspections and procedures, ensuring fair and transparent processes.**

## **Amendment 38**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9b

*Text proposed by the Commission*

*Amendment*

**(iva) Investments in green and environmentally sustainable technologies, such as the use of cleaner fuels or emission reduction equipment, to demonstrate efforts towards reducing the environmental footprint of the flagged fleet;**

## **Amendment 39**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9b

*Text proposed by the Commission*

*Amendment*

**(ivb) Initiatives and measures taken to promote a safety culture on board ships, including training programs, safety drills, and campaigns to raise awareness among crew members about safety practices;**

## **Amendment 40**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9b

*Text proposed by the Commission*

*Amendment*

***(ivc) Any incidents, accidents, or violations related to safety and pollution prevention requirements, along with actions taken to address them, promoting transparency and accountability;***

## **Amendment 41**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10**

Directive 2009/21/EC

Article 9b

*Text proposed by the Commission*

*Amendment*

***(ivd) Collaboration with other Member States and international bodies to enhance safety and pollution prevention, including joint inspections, information sharing, and participation in international initiatives to improve maritime safety and environmental protection;***

**ANNEX: ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under her exclusive responsibility that she did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Amending Directive 2009/21/EC on compliance with flag State requirements
<b>References</b>	COM(2023)0272 – C9-0188/2023 – 2023/0172(COD)
<b>Committee responsible</b> Date announced in plenary	TRAN 10.7.2023
<b>Opinion by</b> Date announced in plenary	PECH 10.7.2023
<b>Rapporteur for the opinion</b> Date appointed	Ana Miranda 5.9.2023
<b>Discussed in committee</b>	9.10.2023
<b>Date adopted</b>	29.11.2023
<b>Result of final vote</b>	+ : 20 - : 3 0 : 1
<b>Members present for the final vote</b>	Clara Aguilera, João Albuquerque, Pietro Bartolo, Izaskun Bilbao Barandica, Isabel Carvalhais, Maria da Graça Carvalho, Asger Christensen, Rosa D'Amato, Francisco Guerreiro, Anja Haga, Niclas Herbst, Ladislav Ilčić, France Jamet, Predrag Fred Matić, Francisco José Millán Mon, Ana Miranda, João Pimenta Lopes, Caroline Roose, Bert-Jan Ruissen, Marc Tarabella, Theodoros Zagorakis
<b>Substitutes present for the final vote</b>	Gabriel Mato
<b>Substitutes under Rule 209(7) present for the final vote</b>	Erik Poulsen, Anne Sander

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

20	+
PPE	Maria da Graça Carvalho, Anja Haga, Niclas Herbst, Gabriel Mato, Francisco José Millán Mon, Anne Sander, Theodoros Zagorakis
Renew	Izaskun Bilbao Barandica, Asger Christensen, Erik Poulsen
S&D	Clara Aguilera, João Albuquerque, Pietro Bartolo, Isabel Carvalhais, Predrag Fred Matić
The Left	João Pimenta Lopes
Verts/ALE	Rosa D'Amato, Francisco Guerreiro, Ana Miranda, Caroline Roose

3	-
ECR	Ladislav Ilčić, Bert-Jan Ruissen
ID	France Jamet

1	0
NI	Marc Tarabella

Key to symbols:

+ : in favour

- : against

0 : abstention

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Amending Directive 2009/21/EC on compliance with flag State requirements	
<b>References</b>	COM(2023)0272 – C9-0188/2023 – 2023/0172(COD)	
<b>Date submitted to Parliament</b>	1.6.2023	
<b>Committee responsible</b> Date announced in plenary	TRAN 10.7.2023	
<b>Committees asked for opinions</b> Date announced in plenary	BUDG 10.7.2023	PECH 10.7.2023
<b>Not delivering opinions</b> Date of decision	BUDG 28.6.2023	
<b>Rapporteurs</b> Date appointed	Vera Tax 13.7.2023	
<b>Discussed in committee</b>	9.10.2023	
<b>Date adopted</b>	7.12.2023	
<b>Result of final vote</b>	+: 34 –: 0 0: 5	
<b>Members present for the final vote</b>	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Karolin Braunsberger-Reinhold, Marco Campomenosi, Jakop G. Dalunde, Karima Delli, Mario Furore, Isabel García Muñoz, Bogusław Liberadzki, Peter Lundgren, Elżbieta Katarzyna Łukacijewska, Tilly Metz, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Tomasz Piotr Poręba, Bergur Løkke Rasmussen, Dominique Riquet, Thomas Rudner, Vera Tax, Barbara Thaler, István Ujhelyi, Achille Variati, Elissavet Vozemberg-Vrionidi, Lucia Vuolo, Kosma Złotowski	
<b>Substitutes present for the final vote</b>	Tom Berendsen, Sara Cerdas, Maria Grapini, Ondřej Kovařík, Ljudmila Novak, Dorien Rookmaker, Kathleen Van Brempt	
<b>Substitutes under Rule 209(7) present for the final vote</b>	Pascal Arimont, Andreas Glück, Erik Marquardt, Andželika Anna Moźdzanowska, Wolfram Pirchner, Nicolae Ștefănuță, Eugen Tomac	
<b>Date tabled</b>	8.12.2023	

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

34	+
ID	Marco Campomenosi
NI	Mario Furore
PPE	Pascal Arimont, Tom Berendsen, Karolin Braunsberger-Reinhold, Elżbieta Katarzyna Łukacijewska, Cláudia Monteiro de Aguiar, Ljudmila Novak, Wolfram Pirchner, Barbara Thaler, Eugen Tomac, Elissavet Vozemberg-Vrionidi, Lucia Vuolo
Renew	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Andreas Glück, Ondřej Kovářik, Caroline Nagtegaal, Bergur Løkke Rasmussen, Dominique Riquet
S&D	Sara Cerdas, Isabel García Muñoz, Maria Grapini, Bogusław Liberadzki, Thomas Rudner, Vera Tax, István Ujhelyi, Kathleen Van Brempt, Achille Variati
Verts/ALE	Jakop G. Dalunde, Karima Delli, Erik Marquardt, Tilly Metz, Nicolae Ștefănuță

0	-

5	0
ECR	Peter Lundgren, Andżelika Anna Mozdżanowska, Tomasz Piotr Poręba, Dorien Rookmaker, Kosma Złotowski

Key to symbols:

+ : in favour

- : against

0 : abstention