



2023/0172(COD)

19.9.2023

DRAFT 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

PA_Legam

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 disaster¹ – 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 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.² 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 Fisterra corridor remains live.

¹ P5_TA(2004)0350

² For example, resolution P9_TA(2022)0356 and at the first reading of the FuelEU Maritime proposal.

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 shipping and of citizens using it and 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 protection of the environment.

Or. en

Amendment 2

Proposal for a directive

Recital 2

Text proposed by the Commission

(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

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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.

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.

Or. en

Amendment 3

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. **Full regard should be had 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.

Or. en