



2023/0172(COD)

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AMENDMENT

14 - 88

Draft report

Vera Tax

(PE753.548v01-00)

Amending Directive 2009/21/EC on compliance with flag State requirements

Proposal for a directive

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

Amendment 14
Pierre Karleskind

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) It is important to take into account the onboard working and living conditions of the crew and the training and qualifications of its members, 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 factors.

Or. en

Justification

Inspiration of recital 12 of DIRECTIVE (EU) 2017/2110

Amendment 15
Henna Virkkunen

Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

(3) To ensure the effectiveness of the IMO Conventions in the Union, given that all Member States have to be party to the IMO Conventions and have to discharge the obligations laid down in those conventions with respect to the ships flying their flag, the mandatory provisions of those Conventions should be incorporated in Union legislation. To this end Member States have to discharge their obligations as flag States effectively and consistently in accordance with IMO Resolution A.1070(28) (adopted on 4 December 2013) on the IMO Instruments Implementation Code (III CODE), which contains the mandatory provisions to be implemented

(3) To ensure the effectiveness of the IMO Conventions in the Union, given that all Member States have to be party to the IMO Conventions and have to discharge the obligations laid down in those conventions with respect to the ships flying their flag, the mandatory provisions of those Conventions should be incorporated in Union legislation. To this end Member States have to discharge their obligations as flag States effectively and consistently in accordance with IMO Resolution A.1070(28) (adopted on 4 December 2013) on the IMO Instruments Implementation Code (III CODE), which contains the mandatory provisions to be implemented

by flag States.

by flag States.

The III Code section 22 indicates that a flag State should take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction so as to ensure compliance with its international obligations. In particular, section 22.2 refers to inspections to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries. Its periodicity should be established by the Member States either with a risk based approach or using its own procedures and instructions, using quantitative or qualitative criteria. The flag State inspections referred to in this Directive should be understood as ensuring compliance with the III Code and not with other EU legislation stemming from IMO Conventions.

Or. en

Justification

A visit by inspectors to the vessel should not be an absolute requirement, as the necessary assurance of the condition of the vessel can be obtained by other means, such as the history of the vessel and the documentation of the vessel. The abandonment of the vessel call requirement will make it possible to better allocate resources to ships in poor condition.

Amendment 16 **Jan-Christoph Oetjen**

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

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. 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.

relevant IMO requirements. *The revision of this Directive may lead to increased costs, due to the new requirements on Flag State authorities. The increase of fees paid by shipowners should be proportionate to maintain the competitiveness of EU flags.* 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

Amendment 17

Ljudmila Novak, Marian-Jean Marinescu, Magdalena Adamowicz

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) To ensure the effectiveness of this Directive, every EU flag State should carry its fair share of inspections, commensurate with the size and type of its fleet. A yearly minimum inspection quota of at least 20% of ships flying its flag for every Member State should therefore be set.

Or. en

Amendment 18

Johan Van Overtveldt

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(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.

deleted

Or. en

Amendment 19
Jan-Christoph Oetjen

Proposal for a directive
Recital 9

Text proposed by the Commission

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.

(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.
while taking commensurate measures to ensure equivalent performance of all ships entering EU waters irrespective of the flag they fly, thereby also, safeguarding the competitiveness of EU flags internationally.

Or. en

Amendment 20
Johan Van Overtveldt

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) ***The fulfilment of a harmonised***

(9) ***A strong voluntary post-***

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.

qualification *training provided by EMSA Academy to all Member States* should ensure a level playing field between maritime administrations and contribute to the qualitative performance of ships flying the flag of a Member State.

Or. en

Amendment 21
Henna Virkkunen

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 *among Member States.*

Or. en

Justification

The introduction of electronic documents and an inspection database should be made so that Member States can continue to use their national information systems in the future. This will make it possible to make better use of the data collected for national needs and to use the same system for other maritime surveillance.

Amendment 22
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) In accordance with Article 91 (1) of UNCLOS^{29a}, there should be a 'genuine link' between the real owner of a vessel and the flag the vessel flies. Such an approach should help eliminate unwanted practices like the reflagging of vessels and the use of open registries. It is well known that some ship owners often reflag their vessels or use open registries for the purpose of social dumping and/or minimizing operating costs, by way of, for example, paying lower taxes or levies or paying reduced social security contributions and/or for the purpose of escaping legislative implementation and administrative controls.

^{29a} UN General Assembly, Convention on the Law of the Sea, 10 December 1982

Or. en

Amendment 23
Johan Van Overtveldt

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) The sharing of the outcome of IMO audits and potential corrective measures resulting from IMO audits remains the prerogative of the Member States.

Or. en

Amendment 24
Johan Van Overtveldt

Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(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 Council³¹, 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.

deleted

³¹ 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).

Or. en

Amendment 25
Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(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 Council³¹, 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

(14) The Commission *and* the European Maritime Safety Agency (EMSA) established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council³¹, 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.

visit and inspection scheme, on behalf of the Commission.

³¹ 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).

³¹ 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).

Or. en

Amendment 26
Pierre Karleskind, Catherine Chabaud

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) In the absence of a European flag guaranteeing a level playing field, Member States should implement maritime transport services based on free and undistorted competition, and therefore strive to harmonize their specific characteristics especially environmental and social.

Or. en

Amendment 27
Pierre Karleskind, Jan-Christoph Oetjen

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) The Commission should issue a transparency report about all data collected on european flags to interested Member States.

Or. en

Amendment 28

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 21

Text proposed by the Commission

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

Amendment

(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 fully cover the obligations on Member States as set out in the MLC 2006. EMSA should facilitate coordination and exchange of information and good practices between flag State administrations.***

Or. en

Amendment 29

Pierre Karleskind

Proposal for a directive

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

Directive 2009/21/EC

Article 3 –point d

Text proposed by the Commission

Amendment

***(a a) point (d) is replaced as follows:
(d) ‘certificates’ means statutory certificates issued in respect of the relevant IMO and ILO Conventions;***

Or. en

Justification

EU flags shall respect ILO conventions in the same way as those of the IMO.

Amendment 30
Pierre Karleskind

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b
Directive 2009/21/EC
Article 3 – point f

Text proposed by the Commission

(f) ‘Conventions’ means the Conventions, with the Protocols and amendments thereto, and related codes of mandatory status, in their up-to-date version, as defined in Article 2(1) of Directive 2009/16/EC of the European Parliament and of the Council³⁴, ***with the exception of the Maritime Labour Convention, 2006 (MLC 2006);***

³⁴ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

Amendment

(f) ‘Conventions’ means the Conventions, with the Protocols and amendments thereto, and related codes of mandatory status, in their up-to-date version, as defined in Article 2(1) of Directive 2009/16/EC of the European Parliament and of the Council³⁴.

³⁴ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

Or. en

Justification

EU flags shall comply with all provisions of the MLC 2006.

Amendment 31
Johan Van Overtveldt

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b
Directive 2009/21/EC
Article 3 – point g

Text proposed by the Commission

(g) ‘***III-Code***’ means parts 1 and 2 of ***Resolution A.1070(28) (“IMO Instruments Implementation Code”), adopted by the International Maritime Organisation (IMO), with the exception of***

Amendment

deleted

paragraphs 16.1, 18.1, 19, 29, 30, 31 and 32 of part 2;

Or. en

Amendment 32
Josianne Cutajar

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b
Directive 2009/21/EC
Article 3 – point i

Text proposed by the Commission

(i) ‘flag State inspector’ means a public-sector employee, working exclusively for and duly authorised by the competent authority of a Member State to carry out supplementary flag State inspections, and who fulfils the independence requirement specified in Article 8(1), and the minimum criteria specified in Annex XI to Directive 2009/16/EC;

Amendment

(i) ‘flag State inspector’ means a public-sector employee working exclusively for and duly authorised by the competent authority of a Member State *or a person non-exclusively employed, and duly authorised by the competent authority of a Member State, on an ad hoc basis or on a contractual situation with the competent authority of a Member State*, to carry out supplementary flag State inspections, and who fulfils the independence requirement specified in Article 8(1), and the minimum criteria specified in Annex XI to Directive 2009/16/EC;

Or. en

Amendment 33
Henna Virkkunen

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b
Directive 2009/21/EC
Article 3 – point k

Text proposed by the Commission

(k) ‘**Supplementary** flag State inspection’ means an **on-board** inspection

Amendment

(k) ‘Flag State inspection’ means an inspection not leading to certification **to**

not leading to certification;

verify that the actual condition of the ship and its crew is in conformity with the certificates it carries. When the inspection is not carried out on board it shall ensure the same level of safety and assurance as that of on-site inspections.;

Or. en

Justification

A visit by inspectors to the vessel should not be an absolute requirement, as the necessary assurance of the condition of the vessel can be obtained by other means, such as the history of the vessel and the documentation of the vessel. The abandonment of the vessel call requirement will make it possible to better allocate resources to ships in poor condition.

Amendment 34
Pierre Karleskind

Proposal for a directive

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

Directive 2009/21/EC

Article 1 – paragraph 1 – sub-paragraph (b)

Present text

Article 1 Subject matter

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.

Amendment

(1 a) Article 1 - paragraph 1 is replaced as follows:

"Article 1 Subject matter

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 prevent pollution from ships flying the flag of a Member State *and to enhance safety, including safety onboard*

"

Or. en

(Directive 2009/21/EC)

Justification

Seafarers are a key element in ensuring optimal safety conditions of the ship.

Amendment 35

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2 – sub-point -1 (new)

Directive 2009/21/EC

Article 4 – title

Text proposed by the Commission

Amendment

-1. In Article 4, the title is amended as follows:

Conditions for allowing a ship to be granted the right to fly the flag of a Member State and the conditions to operate

Or. en

Amendment 36

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 2 – subpoint -1a (new)

Directive 2009/21/EC

Article 4 – paragraph –1 (new)

Text proposed by the Commission

Amendment

-1a. A new paragraph is inserted before the existing paragraph 1:

(-1) Prior to granting a ship the right to fly its flag, the Member State concerned shall ensure that the real owner of a vessel has a genuine link with the flag concerned. The Commission shall adopt delegated acts in accordance with Article 10b in order to give guidance on what would constitute a genuine link.

Or. en

Amendment 37

Karima Delli

on behalf of the Verts/ALE Group

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 that ensures the ship meets international environmental and social standards**, using the inspection reports and certificates contained in database referred to in article 6a. It shall consult with the losing flag State in order to establish whether any outstanding deficiencies or safety issues identified by the latter remain unresolved.

Or. en

Amendment 38

Clare Daly

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

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 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.

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 ***also verify the compliance of the ship with environmental international conventions as well as the crew training.*** ***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.

Or. en

Amendment 39 **Pierre Karleskind**

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 verify the safety records of the ship using the inspection reports and certificates contained in database referred to in article 6a. ***Member States also ensure that the operating conditions of the ship comply with all the provisions in MLC 2006.*** 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.

Or. en

Justification

The MLC convention shall be respected to allow a ship to fly under a European flag.

Amendment 40
Pierre Karleskind

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

Text proposed by the Commission

Amendment

1 a. The Member State shall ensure that a ship is allowed to operate and granted the right to fly the flag only if all provisions layed down in Directive 2022/993^{1a} are respected.

^{1a} Directive on the minimum level of training of seafarers

Or. en

Amendment 41
Henna Virkkunen

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2009/21/EC
Article 4a – paragraph 2 – subparagraph c

Text proposed by the Commission

Amendment

(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.

(c) carrying out flag State inspections to verify that the actual condition of the ship is in conformity with the certificates it carries. **These inspections may be carried out using a risk-based approach, which may include the following criteria:**

i. records of deficiencies and non-conformities from statutory surveys, audits and verifications performed by the flag state

ii. reports of very serious accidents

iii. inspection following a detention or prohibition of operation issued by the Port State Control

iv. inspection exceeding a Port State Control deficiency ratio established by each Member State

v. records deficiencies from inspections carried out according to national legislation as deemed appropriate by each Member State.

Member states may depart from the risk based approach and carry out flag state inspections using their own procedures, instructions and relevant information in compliance with the III Code.

Or. en

Justification

The carrying out of inspections should be risk-based, as this is the best way to select the vessels that have the most problems in the light of historical data.

Amendment 42

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/21/EC

Article 4a – paragraph 2 – sub paragraph ca (new)

Text proposed by the Commission

Amendment

(c a) carrying out inspections on at least one third of all ships entitled to fly their flag per year.

Or. en

Amendment 43

Karima Delli

on behalf of the Verts/ALE Group

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 ***entirely*** rectified. ***In particular, inspections shall focus on the safety and environmental performance of ships and ensure that all necessary corrective measures are taken before the ship embarks.***

Or. en

Amendment 44

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/21/EC

Article 4b – paragraph 1

Text proposed by the Commission

1. Each Member States shall ensure that its administration relies on appropriate resources, commensurate with the size and type of its fleet, in particular for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article.

Amendment

1. Each Member States shall ensure that its administration relies on appropriate resources, commensurate with the size and type of its fleet ***and the minimum number of inspections it should undertake per year***, in particular for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article.

Or. en

Amendment 45

Johan Van Overtveldt

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/21/EC

Article 4b – paragraph 2

Text proposed by the Commission

2. Each Member State shall ensure the oversight of the activities of flag State surveyors, flag state inspectors and recognised organisations ***and participate in the EU Recognised Organisation oversight scheme specified by the high level group on flag State matters referred to in Article 9a(1).***

Amendment

2. Each Member State shall ensure the oversight of the activities of flag State surveyors, flag state inspectors and recognised organisations.

Or. en

Amendment 46

Ljudmila Novak, Marian-Jean Marinescu, Magdalena Adamowicz

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

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. ***To ensure the effectiveness of this Directive, these minimum requirements shall in particular include a yearly minimum inspection quota of at least 20% of ships flying its flag for every Member State, commensurate with the size and type of its fleet.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in

Article 10(2).'

Or. en

Amendment 47

Karima Delli

on behalf of the Verts/ALE Group

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

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 **delegated** acts to define the uniform measures to determine the minimum requirements for the implementation of the obligations provided for by paragraph 1, **and include within these requirements both the quantitative minimum target to be achieved on a yearly basis, as detailed in Article 4a, paragraph 2(b), and a qualitative element that would consider the risk profile of a ship**. Those **delegated** acts shall be adopted in accordance with the procedure referred to in Article 10(2).'

Or. en

Amendment 48

Johan Van Overtveldt

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2009/21/EC

Article 4c – title

Text proposed by the Commission

Common capacity building of flag State personnel

Amendment

Post-qualification training of flag State personnel

Or. en

Amendment 49
Johan Van Overtveldt

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

Text proposed by the Commission

1. Member States ***shall*** ensure ***that*** the personnel responsible for or performing surveys, inspections and audits on ships and companies undergo ***the harmonised scheme specified in paragraph 2.***

Amendment

1. Member States ***can*** ensure the personnel responsible for or performing surveys, inspections and audits on ships and companies undergo ***a voluntary post-qualification training provided by the EMSA Academy.***

Or. en

Amendment 50
Karima Delli
on behalf of the Verts/ALE Group

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

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.

additional obligations arising from the relevant international instruments, for Member States flag State surveyors and inspectors. ***Particular attention should be given to the implementation of the MLC 2006.***

Or. en

Amendment 51
Johan Van Overtveldt

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), ***can assist Member States where necessary in supporting a voluntary post-qualification training provided by EMSA Academy help*** 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.

Or. en

Amendment 52
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 3
2009/21/EC
Article 4c – paragraph 2a (new)

Text proposed by the Commission

Amendment

2 a. The Commission, with the involvement of EMSA, shall produce a guidance document offering advice on how to implement international Conventions, in particular the MLC 2006. EMSA shall also provide detailed information about the most frequent problems 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.

Or. en

Amendment 53
Pierre Karleskind

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2009/21/EC
Article 6 paragraph 1 – point (aa) (new)

Text proposed by the Commission

Amendment

(a a) shipboard working arrangements and records of seafarers' daily hours of work as defined in directive 1999/63/CE^{1a}.

^{1a} Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) - Annex: European Agreement on the organisation of working time of seafarers (paragraph 7 of clause 5 and paragraph 1 of clause 8 of annex 1)

Or. en

Justification

Shipboard working arrangements and records of seafarers should be accessible online.

Amendment 54

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2009/21/EC

Article 6 – paragraph 1– sub 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 further details as appropriate should there be deficiencies or detentions***);

Or. en

Amendment 55

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2009/21/EC

Article 6 – paragraph 1– sub point ea (new)

Text proposed by the Commission

Amendment

(e a) statutory certificates that confirm if any reported deficiencies uncovered through port state control inspections have been rectified;

Or. en

Amendment 56

Henna Virkkunen

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2009/21/EC

Article 6a– paragraph 1

Text proposed by the Commission

1. The Commission shall develop, maintain and update **an inspection** database containing the information specified in Article 6. **All** Member States **shall be connected** to that database. That database **shall** be based on the **inspection** database referred to in Article 24 of Directive 2009/16/EC and **shall** have similar functionalities to that database.

Amendment

1. The Commission shall develop, maintain and update **a ships information** database containing the information specified in Article 6. Member States **may connect** to that database. That database **may** be based on the **ships information** database referred to in Article 24 of Directive 2009/16/EC and **may** have similar functionalities to that database.

Or. en

Justification

The introduction of electronic documents and an inspection database should be made so that Member States can continue to use their national information systems in the future. This will make it possible to make better use of the data collected for national needs and to use the same system for other maritime surveillance.

Amendment 57

Cláudia Monteiro de Aguiar

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

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 Council³⁶.

Maritime Safety Agency (EMSA)
established by Regulation (EC) No
1406/2002 of the European Parliament and
of the Council³⁶.

³⁶ 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).

³⁶ 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).

Or. en

Amendment 58 **Pierre Karleskind**

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
24a of Directive 2009/16/EC.

Amendment

5. Member States shall ensure that
Statutory certificates, ***shipboard working
arrangements and records of seafarers'
daily hours of work or of their daily hours
of rest*** referred to in Article 6(1) paragraph
(aa) and (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
24a of Directive 2009/16/EC.

Or. en

Amendment 59 **Johan Van Overtveldt**

Proposal for a directive
Article 1 – paragraph 1 – point 6

Directive 2009/21/EC
Article 6a – paragraph 5a (new)

Text proposed by the Commission

Amendment

5 a. To give Member states sufficient time to ensure the interoperability and compatibility of its electronic information, the sharing and accessibility of this information shall be ensured 2 years after the entry into force of this Directive.

Or. en

Amendment 60
Johan Van Overtveldt

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2009/21/EC
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

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.**

1. Member States shall take the necessary measures to undergo the IMO audit of their administration at least once every seven years.

Or. en

Amendment 61
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 7

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 **three** 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.

Or. en

Amendment 62
Johan Van Overtveldt

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

deleted

Or. en

Amendment 63
Cláudia Monteiro de Aguiar

Proposal for a directive
Article 1 – paragraph 1 – point 7

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, 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.

Or. en

Amendment 64

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 7

2009/21/EC

Article 7 – paragraph 3

Text proposed by the Commission

3. In order to ensure the effective implementation of this Directive and to monitor the overall functioning of flag State compliance and the EU Recognised Organisation oversight scheme the Commission shall collect the necessary information and carry out visits to Member States, in accordance with Article xx of Regulation (EU) xx/xx of the European Parliament and of the Council³⁷ [EMSA Regulation to be adopted],

Amendment

3. In order to ensure the effective implementation of this Directive and to monitor the overall functioning of flag State compliance and the EU Recognised Organisation oversight scheme the Commission shall collect the necessary information and carry out visits to Member States, ***including ad-hoc and unannounced inspection***, in accordance with Article xx of Regulation (EU) xx/xx of the European Parliament and of the Council³⁷ [EMSA Regulation to be adopted],

³⁷ Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]

³⁷ Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]

Or. en

Amendment 65

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 7

2009/21/EC

Article 7 – paragraph 3a (new)

Text proposed by the Commission

Amendment

3 a. *Flag States shall continually revise the guidelines provided to their inspectors and to those authorised to act on their behalf so that they give clear direction on how to systematically verify the accuracy of records being inspected. Training provided by EMSA to flag State administrations shall also cover such verification procedures and be 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.*

Or. en

Amendment 66

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point b

2009/21/EC

Article 8 – paragraph –2a (new)

Text proposed by the Commission

Amendment

-2a. *Paragraph 2 is replaced by the following:*

Member States which appear on the black or grey list as published in the most recent annual report of the Paris Memorandum of Understanding on Port State Control

(hereinafter the Paris MOU) shall provide the Commission with a report on their flag State performance no later than three 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, and the corrective measures to be implemented.

Where the Member State does not take the necessary corrective measures to ensure compliance with the white list before the following annual report of the Paris MOU, the Commission shall take measures in respect of that Member State. The measures shall be proportionate, appropriate and in accordance with the Treaties.

Or. en

Amendment 67

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point b

Directive 2009/21/EC

Article 8 – paragraph 2b

Text proposed by the Commission

Measures to evaluate the performance of the flag States, shall take into consideration, inter alia, flag State inspection results, port State control detention rates, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses) and other performance indicators as may be appropriate, to determine whether staffing, resources and administrative procedures are adequate to fulfil the flag State

Amendment

Measures to evaluate the performance of the flag States, shall take into consideration, inter alia, flag State inspection results, ***the number of inspections undertaken, the extent to which the risk profile of ships has been taken into account***, port State control detention rates, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses) and other performance indicators as may be

obligations.

appropriate, to determine whether staffing, resources and administrative procedures are adequate to fulfil the flag State obligations.

Or. en

Amendment 68

Ljudmila Novak, Marian-Jean Marinescu, Magdalena Adamowicz

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

Reports and Review

Every five years from the date of entry into force of this Directive, the Commission shall present a report to the European Parliament and to the Council on the application of this Directive. This report shall contain an assessment of the performance of the Member States as flag States. This report shall be accompanied, where appropriate, with a proposal for review of this Directive.

Or. en

Amendment 69

Pierre Karleskind, Jan-Christoph Oetjen

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2009/21/EC

Article 9a – paragraph 1

Text proposed by the Commission

The Commission shall establish a high level group on flag State matters for

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, *including as appropriate those* from the private sector.

discussing flag State issues and facilitate exchanges of experience between the Member States' national authorities, flag State experts and inspectors, *European Community Shipowners' Associations (ECSA), the European Transport Workers' Federation (ETF) and all relevant stakeholder* from the private sector.

Or. en

Justification

social partners should be able to participate to the high level group on flag State matters.

Amendment 70

Cláudia Monteiro de Aguiar

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.

Or. en

Amendment 71

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2009/21/EC

Article 9a – paragraph 2 – point a

Text proposed by the Commission

(a) make recommendations for a

Amendment

(a) make recommendations for a

common approach to flag State inspections; procedures and guidelines for the control of ships;

common approach to flag State inspections; procedures and guidelines for the control of ships; ***the number of additional inspections to be undertaken for Member States with the largest registries;***

Or. en

Amendment 72

Karima Delli

on behalf of the Verts/ALE Group

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;

Or. en

Amendment 73

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2009/21/EC

Article 9a – paragraph 2 – point ja (new)

Text proposed by the Commission

Amendment

(j a) make recommendations for a common approach to ensuring a 'genuine link' between the real owner of a vessel and the flag the vessel flies, in accordance

with Article 91 (1) of UNCLOS^{37a}.

^{37a} *UN General Assembly, Convention on the Law of the Sea, 10 December 1982*

Or. en

Amendment 74
Pierre Karleskind

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:

Or. en

Amendment 75
Karima Delli
on behalf of the Verts/ALE Group

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

(iv a) the extent to which the risk profile of ships was factored into the surveys, inspections and audits carried out as flag States;

Amendment

Or. en

Amendment 76
Pierre Karleskind

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

***(iv a) working conditions, based on
records of seafarers daily hours of work
and daily hours of rest***

Or. en

Justification

The working conditions applicable by the flag of the Member State should be made public.

Amendment 77
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2009/21/EC
Article 9b – paragraph 2 (new)

Text proposed by the Commission

Amendment

***The Commission shall report to the
Council and the Parliament at least once
every two years on the information and
data gathered from Member States, as
outlined in paragraphs a, b and c of this
article.***

Or. en

Amendment 78
Pierre Karleskind, Jan-Christoph Oetjen

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2009/21/EC

Article 9b – paragraph 3 (new)

Text proposed by the Commission

Amendment

The Commission shall issue an annual report based on the information collected under paragraph 1 of this article which shall be published on official web site.

Or. en

Amendment 79

Johan Van Overtveldt

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2009/21/EC

Article 9b – paragraph 4 (new)

Text proposed by the Commission

Amendment

The sharing and accessibility of the required data by Member States shall be implemented 2 years after entry into force of this Directive.

Or. en

Amendment 80

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2009/21/EC

Article 10a – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 10b, concerning amendments to

The Commission shall be empowered to adopt delegated acts in accordance with Article 10b, concerning amendments to

Annex 1, in order to take account of new flag State related provisions and commitments developed at international level, in particular, in the IMO.

Annex 1, **and Articles 4 and 4b**, in order to take account of new flag State related provisions and commitments developed at international level, in particular, in the IMO.

Or. en

Amendment 81

Karima Delli

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish, by **[OP: Please insert a date: one year** from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive.

Amendment

Member States shall adopt and publish, by **nine months** from the date of entry into force of this amending Directive, the laws, regulations and administrative provisions necessary to comply with this Directive.

Or. en

Amendment 82

Johan Van Overtveldt

Proposal for a directive

Annex I

Directive 2009/21/EC

Annex

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Justification

Including the III-Code as an Annex to this directive creates the possibility of undermining Member State competence and a transfer of authority exclusively to the EU level. Member States have all signed the IMO Conventions, including the obligations and responsibilities in

the III-Code

Amendment 83
Johan Van Overtveldt

Proposal for a directive
Annex I
Directive 2009/21/EC
Annex

Text proposed by the Commission

Amendment

ANNEX

deleted

Or. en

Amendment 84
Johan Van Overtveldt

Proposal for a directive
Annex I
Directive 2009/21/EC
Annex

Text proposed by the Commission

Amendment

IMO INSTRUMENTS
IMPLEMENTATION CODE (III CODE)

deleted

Or. en

Amendment 85
Johan Van Overtveldt

Proposal for a directive
Annex I
Directive 2009/21/EC
Annex

Text proposed by the Commission

Amendment

PART 1 – COMMON AREAS

deleted

Amendment 86
Johan Van Overtveldt

Proposal for a directive
Annex I
Directive 2009/21/EC
Annex

Text proposed by the Commission

Amendment

PART 2 - FLAG STATES

deleted

Amendment 87
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Annex I
Directive 2009/21/EC
Annex – Part 2 – point 15

Text proposed by the Commission

Amendment

1. implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety ***and*** pollution prevention conventions and protocols to which they are parties; and

1. implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety, pollution prevention, ***environmental and social*** conventions and protocols to which they are parties; and

Amendment 88
Karima Delli
on behalf of the Verts/ALE Group

Proposal for a directive
Annex I

Text proposed by the Commission

43. Measures to evaluate the performance of flag States should include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.

Amendment

43. Measures to evaluate the performance of flag States should include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)), ***compliance with the mandatory minimum number of inspections per year***, and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.

Or. en