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European Union

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2023/0172(COD)**

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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	10103/23
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/21/EC on compliance with flag State requirements – 4 column document

In view of the Shipping Working Party on 22 January 2024, delegations will find in Annex I a non-paper by the Presidency.

In the revised four-column document (Annex II), the Presidency included suggestions for compromise proposals in lines 19, 31, 57-57f, 113-116 and 166 (text with yellow highlight).

1. Following the initial discussions of the Shipping Working Party on 8 January and an examination of the written comments received following that meeting, the Presidency notes that Member States are generally very reluctant to accept changes to the text the general approach.
2. However, in order to continue negotiations with the European Parliament, it is necessary for the Council to identify some elements where concessions could be made, on topics that could be less problematic for Member States. The Presidency identified a few topics where some compromises could be explored.
3. The Presidency would therefore like to invite delegations to indicate whether they can provide flexibility as regards the following points:
  - a) Lines 57-57f – **the risk-based approach** – following the discussions last week, the Presidency is suggesting the following approach on this topic:
    - Member States remain free to chose if they use a risk-based approach or not;
    - Member States which do not use a risk-based approach, will have the obligation to ensure that every ship is inspected at least once every [7] years;
    - Member States which use a risk-based approach:
      - will have to use 7 criteria to design their risk-based approach; these criteria are formulated in a general way, so Member States could work them out more detailed at national level;
      - will have to ensure that ships for which there is no sufficient data available are inspected at least once every [7] years.

- b) Lines 113-116 - **the high-level expert group** – the Presidency is suggesting to reinstate Article 9a, with a new title and a new wording, which would focus on the exchange of information and best practices between national administrations. This cooperation framework would have the objective to reach a common understanding and consider common practices for the implementation of this Directive for the implementation of this Directive throughout the Union. It would also explore, together with the Commission, the possibility to develop common guidance in respect to certain topics. The text does not provide for any transfer of decision powers or competence, and only lays down an indicative list of topics that could be considered by the expert group.
- c) Lines 19, 31, 104 - **training provided by EMSA** – The Presidency is suggesting to open up the possibility for EMSA to provide voluntary training to flag State administrations. Changes are proposed in lines 19 and 31 (recitals 9 and 21), which also encourage EMSA to facilitate coordination and exchange of information and good practices between flag State administrations in respect to their training activities.
- d) Line 166 – **transposition** – could Member States accept a 3-year transposition deadline (which would then be similar for all directives in this package)?

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending  
Directive 2009/21/EC on compliance with flag State requirements (Text with EEA relevance)  
2023/0172(COD)**

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Formula				
1	2023/0172 (COD)	2023/0172 (COD)	2023/0172 (COD)	<i>A - identical</i>
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/21/EC on compliance with flag State requirements (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/21/EC on compliance with flag State requirements (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2009/21/EC on compliance with flag State requirements (Text with EEA relevance)	<i>A - identical</i>
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	<i>A - identical</i>
Citation 1				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	<i>A - identical</i>
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	<i>A - identical</i>
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	<i>A - identical</i>
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,  1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,  1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,  1. OJ C , , p. .	<i>A - identical</i>
Citation 5				
8	Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  _____	Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  _____	Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,  _____	<i>A - identical</i>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. .	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	A - identical
Formula				
10	Whereas:	Whereas:	Whereas:	A - identical
Recital 1				
11	(1) The safety of Union shipping and of citizens using it and the protection of the environment should be ensured at all times.	(1) The safety of Union shipping and of citizens using it and the protection of the environment should be ensured at all times.	(1) The safety of Union shipping and of citizens using it and the protection of the environment should be ensured at all times.	A - identical
Recital 1a				
11a		<u>(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>1</sup>, given that health, safety, security and the human factor are closely interlinked and that it is of</u>		C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<p><u>utmost importance to prevent any damage caused by human error.</u></p> <p><u>1. 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.</u></p>		
Recital 2				
12	<p>(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.</p>	<p>(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.</p>	<p>(2) Under the provisions of the <b>1982</b> United Nations Convention on the Law of the Sea <del>1982</del> (UNCLOS) and of the Conventions for which the <b>International Maritime Organization (IMO)</b> is the depository, the States which are party to those instruments are responsible for <del>promulgating</del> <b>adopting</b> laws and regulations and for taking all other <del>steps</del> <b>measures</b> which may be necessary to give those instruments full and complete effect so as to ensure that, <del>from the point of view</del> <b>in terms</b> of safety of life at sea and <del>the</del> protection of the marine environment, a ship is fit for the service for which it is intended.</p>	<b>A</b>
Recital 3				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
13	(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.	(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.	(3) To ensure the effectiveness of the IMO Conventions in the Union, <del>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.</del> <b>To that end,</b> Member States <del>have to</del> <b>should</b> discharge their obligations as flag States effectively and consistently in accordance with IMO Resolution A.1070(28) <del>(adopted on 4 December 2013)</del> <b>on the IMO Instruments Implementation Code (III CODE), adopted on 4 December 2013</b> , which contains the mandatory provisions to be implemented by flag States.	<b>B</b>
Recital 3a				
13a			<b>(3a) Without prejudice to provisions concerning force majeure laid down in the IMO Conventions, Member States should be able to, in crisis</b>	<b>C</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			situations that may endanger the physical integrity of personnel responsible for or performing surveys, inspections, audits and verifications, introduce restrictions on such activities, while allowing ships to continue to operate.	
Recital 3b				
13b			(3b) The following international instruments in their latest versions refer to the application of the III Code: the International Convention for the Safety of Life at Sea, 1974; the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; the International Convention on Standards of Training, Certification and Watchkeeping, 1978; the International Convention on Load Lines, 1966, and the Protocol of 1988 relating thereto; the International	C

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			Convention on Tonnage Measurement of Ships, 1969; and the Convention on the International Regulations for Preventing Collisions at Sea, 1972.	
Recital 3c				
13c			(3c) Flag State surveyors are those authorised by the competent authorities of the Member States to survey and certify ships. Such personnel may be assisted by other personnel, for instance those inspecting radio installations. However, such personnel should not include technicians involved in the servicing of life-saving appliances or surveyors that are not directly involved in the survey of the merchant shipping fleet.	C
Recital 3d				
13d			(3d) Section 22 of the III Code states that a flag State should take all necessary measures to ensure compliance with international rules and standards	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			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. The periodicity of such inspections should be established by the Member States either by using a risk-based approach or by using their own procedures and instructions, including quantitative or qualitative criteria. The aim of flag States' inspections referred to in this Directive should be to ensure compliance with the III Code and not with Union legislation stemming from IMO Conventions.	
Recital 4				
14	(4) As IMO Resolution A. 948 (23) has been revoked by IMO Resolution A. 1156(32), Member States should apply, to the ships flying their flag, harmonised requirements for certification and	(4) As IMO Resolution A. 948 (23) has been revoked by IMO Resolution A. 1156(32), Member States should apply, to the ships flying their flag, harmonised requirements for certification and	(4) As IMO Resolution A. 948 (23) has been revoked by IMO Resolution A. 1156(32), Member States should apply, to the ships flying their flag, harmonised requirements for certification and	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	survey by the flag State as laid down in the relevant procedures and guidelines annexed to IMO Assembly resolution A. 1156(32) on survey guidelines under the harmonised system of survey and certification.	survey by the flag State as laid down in the relevant procedures and guidelines annexed to IMO Assembly resolution A. 1156(32) on survey guidelines under the harmonised system of survey and certification.	survey by the flag State as laid down in the relevant procedures and guidelines annexed to IMO Assembly Resolution A. 1156(32) on survey guidelines under the harmonised system of survey and certification. <b>The annexes to the survey guidelines should be followed as far as is deemed necessary by flag State surveyors.</b>	
Recital 5				
15	<p>(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>1</sup>. This Directive should not affect Directive 2009/18/EC.</p> <p><small>1. 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)</small></p>	<p>(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>1</sup>. This Directive should not affect Directive 2009/18/EC.</p> <p><small>1. 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)</small></p>	<p>(5) At international level, the <del>function of investigating</del> <b>responsibility to investigate</b> maritime accidents is <del>part of</del> <b>falls on the</b> flag State responsibilities, while at <b>Union level the fundamental principles governing the investigation of maritime accidents, such as the independence of the investigative bodies in the Member States, are</b> <del>the Union level it is made independent and</del> regulated by Directive 2009/18/EC of the European Parliament and of the Council<sup>1</sup>. This Directive should not affect Directive 2009/18/EC.</p> <p><small>1. Directive 2009/18/EC of the European</small></p>	<b>B</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			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).	
Recital 6				
16	(6) Certain implementing acts that have been adopted following the entry into force of Directive 2009/21/EC, already in part implement aspects relating to delegation of authority to recognised organisations should be taken into account.	(6) Certain implementing acts that have been adopted following the entry into force of Directive 2009/21/EC, already in part implement aspects relating to delegation of authority to recognised organisations should be taken into account.	(6) <del>Certain implementing acts that have been adopted following the entry into force of Directive 2009/21/EC, already in part implement aspects relating to delegation of authority to recognised organisations should be taken into account.</del> <b>(deleted)</b>	C
Recital 7				
17	(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	(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	(7) The <del>maritime</del> administrations of the Member States should be able to rely on adequate resources, <del>including technical decision-making capability</del> , for the implementation of their flag State obligations, <del>commensurate with</del> <b>according to</b> the size and type of their fleet and based upon the relevant IMO requirements. <del>In order to improve the overall</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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.	<del>qualitative performance of ships flying the flag of a Member State it is also necessary to harmonise the strict and thorough monitoring</del> <b>Minimum criteria and inspection targets related to those resources should be established on the basis of the practical experience of the Member States</b> , including development of rules and design review, of the recognised organisations performing flag State duties on behalf of Member States <b>the use of non-exclusive inspectors, in accordance with the IMO Instruments Implementation Code (A.1070(28)) (IMO III Code).</b>	
Recital 7a				
17a			<b>(7a) Without prejudice to the relevant national legislation, Member States may allow that flag State surveyors and inspectors who work exclusively for the competent authority of a Member State may carry out other work, such as scientific or academic activities, provided that it does not give rise to conflict of interest or impede</b>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			their independence.	
Recital 7b				
17b		<u>(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.</u>		C
Recital 8				
18	(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.	(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.	(8) <del>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.</del> (deleted)	C
Recital 9				
19	(9) The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State	(9) The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State	(9) <del>The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State</del>	C (9) Flag State inspectors, surveyors and other personnel

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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. <u>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.</u>	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. (deleted)	assisting in the performance of surveys should have the education, training and supervision necessary to carry out the tasks they are authorised to perform. The European Maritime Safety Agency (EMSA) should develop a voluntary training programme to support flag State administrations in this respect.
Recital 10				
20	<p>(10) Member States should use the Union Maritime Information and Exchange System (SafeSeaNet) and services, established by Directive 2002/59/EC<sup>1</sup> for the purpose of monitoring flagged ships, maritime surveillance and situational awareness at sea.</p> <p><sup>1</sup>. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel</p>	<p>(10) Member States should use the Union Maritime Information and Exchange System (SafeSeaNet) and services, established by Directive 2002/59/EC<sup>1</sup> for the purpose of monitoring flagged ships, maritime surveillance and situational awareness at sea.</p> <p><sup>1</sup>. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel</p>	<p>(10) Member States should use the Union Maritime Information and Exchange System (SafeSeaNet<del>deleted</del>) and services, established by Directive 2002/59/EC<sup>1</sup> for the purpose of monitoring flagged ships, maritime surveillance and situational awareness at sea.</p> <p><sup>1</sup>. Directive 2002/59/EC of the European Parliament and of the Council of 27 June</p>	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208 5.8.2002, p. 10).	traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208 5.8.2002, p. 10).	2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208 5.8.2002, p. 10).	
Recital 11				
21	(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.	(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. <u><i>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</i></u>	(11) The establishment and development of a database providing essential information, <del>in an</del> <b>in</b> electronic format on ships flying the flag of a Member State <b>and ensuring the possibility of issuance of electronic certificates</b> should contribute to <del>an</del> enhanced exchange of information, <del>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 among</del> <b>Member States. The development of a common and uniform database for issuance of electronic certificates, including the tools for checking the validity of those certificates, would facilitate and contribute to a tangible breakthrough towards maritime digitalization within the Union. It would support operational needs of its actors, in</b>	<b>C</b>

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		<u>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.</u>	particular those Member States that have not been in a position to develop their own systems for electronic certificates, and also attend to a more efficient use of available limited resources.	
Recital 12				
22	(12) Essential information, including electronic reports and ship certificates following flag State inspections, should be available for all concerned authorities and the Commission, for monitoring purposes and for the enhancement of efficiency in carrying out any type of inspection.	(12) Essential information, including electronic reports and ship certificates following flag State inspections, should be available for all concerned authorities and the Commission, for monitoring purposes and for the enhancement of efficiency in carrying out any type of inspection.	<del>(12) Essential information, including electronic reports and ship certificates following flag State inspections, should be available for all concerned authorities and the Commission, for monitoring purposes and for the enhancement of efficiency in carrying out any type of inspection.</del> <b>For monitoring purposes, it is to be encouraged that essential information, such</b>	<b>C</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			as the ship's particulars, registered owner and data relating to the ship's certificates be available to all authorities concerned and to the Commission.	
Recital 13				
23	(13) The mandatory IMO Member State Audit Scheme follows the standard quality management approach, to determine to what extent Member States are implementing and enforcing the flag State obligations and responsibilities contained in mandatory IMO conventions to which they are parties and thus, ensure a consistent and effective implementation of applicable IMO instruments and to assist Member States to improve their capabilities. The Member States should therefore continue to demonstrate their compliance with the mandatory IMO instruments, as required by Resolution A 1067(28) on the framework and procedures for the IMO Member State Audit Scheme, adopted by the IMO Assembly on 4 December 2013.	(13) The mandatory IMO Member State Audit Scheme follows the standard quality management approach, to determine to what extent Member States are implementing and enforcing the flag State obligations and responsibilities contained in mandatory IMO conventions to which they are parties and thus, ensure a consistent and effective implementation of applicable IMO instruments and to assist Member States to improve their capabilities. The Member States should therefore continue to demonstrate their compliance with the mandatory IMO instruments, as required by Resolution A 1067(28) on the framework and procedures for the IMO Member State Audit Scheme, adopted by the IMO Assembly on 4 December 2013.	(13) <del>The mandatory IMO Member State Audit Scheme follows the standard quality management approach, to determine to what extent Member States are implementing and enforcing the flag State obligations and responsibilities contained in mandatory IMO conventions to which they are parties and thus, ensure a consistent and effective implementation of applicable IMO instruments and to assist Member States to improve their capabilities. The Member States should therefore continue to demonstrate their compliance with the mandatory IMO instruments, as required by Resolution A 1067(28)</del> <b>in its up-to-date version</b> on the framework and procedures for the IMO Member State Audit Scheme, adopted by the IMO Assembly on 4 December 2013.	C

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Recital 14				
24	<p>(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>1</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.</p> <p><sup>1</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).</p>	<p>(14) The Commission, <del>assisted by</del> <u>and</u> the European Maritime Safety Agency (EMSA) established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</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.</p> <p><sup>1</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).</p>	<p>(14) <del>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>1</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.</del> (deleted)</p> <p><sup>1</sup>. <del>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).</del></p>	C
Recital 14a				
24a		<p><u>(14a) The involvement of the Commission and EMSA in the audits should make the auditing process more effective and</u></p>		C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u>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.</u>		
Recital 15				
25	(15) In order to further enhance quality of the flagged ships and ensure a level playing field between maritime administrations a quality certification of administrative procedures, included in the quality management system in accordance with ISO or equivalent standards, should be clarified to cover all registers, whether national (first registers) or international (second or overseas), under the responsibility of the Member State as flag State. Furthermore all	(15) In order to further enhance quality of the flagged ships and ensure a level playing field between maritime administrations a quality certification of administrative procedures, included in the quality management system in accordance with ISO or equivalent standards, should be clarified to cover all registers, whether national (first registers) or international (second or overseas), under the responsibility of the Member State as flag State. Furthermore all	(15) In order to further enhance <b>the</b> quality of the flagged ships and <b>to</b> ensure a level playing field between maritime administrations <b>of the Member States</b> , a quality certification of administrative procedures, included in the quality management system in accordance with ISO or equivalent standards, should <del>be clarified to cover all registers, whether national (first registers) or international (second or overseas),</del> <b>cover the operational parts of the maritime administration related to survey,</b>	<b>B</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	related activities, including the responsibilities, authority, interrelation and, means of reporting and communication of all flag State personnel performing or involved in surveys or inspections, as well as other personnel assisting in the performance of inspections, not exclusively employed by the competent authority of the Member State, and who may carry out certain inspections, other than statutory surveys, should be clarified. In order to ensure independence the absence of any conflict of interest of involved personnel should be documented.	related activities, including the responsibilities, authority, interrelation and, means of reporting and communication of all flag State personnel performing or involved in surveys or inspections, as well as other personnel assisting in the performance of inspections, not exclusively employed by the competent authority of the Member State, and who may carry out certain inspections, other than statutory surveys, should be clarified. In order to ensure independence the absence of any conflict of interest of involved personnel should be documented.	<b>inspection, audit, verification and certification</b> under the responsibility of the Member State as flag State. Furthermore, <b>all relevant</b> <del>all related</del> activities, including the responsibilities, authority, interrelation, and, means of reporting and communication of all flag State personnel performing or involved in surveys or inspections, as well as other personnel assisting in the performance of inspections, not exclusively employed by the competent authority of the Member State, and who may <del>carry out</del> <b>assist in carrying out</b> inspections, other than statutory surveys <b>or flag State inspections</b> , should be clarified. <b>The quality management system should ensure that the tasks assigned to recognised organisations under the scope of this Directive should comply with the flag State's instructions, and should include the necessary control measures in that respect.</b> In order to ensure <b>their independence, Member States should take appropriate measures to prevent conflicts</b> <del>the absence of any conflict</del> of interest of involved personnel <del>should be</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			documented in relation to the work they are to perform.	
Recital 15a				
25a		<p><u>(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.</u></p>		C
Recital 16				
26	(16) An evaluation and review of	(16) An evaluation and review of	(16) <del>An evaluation and review of</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	the performance scheme for flag States, based on common transparent, reliable and objective key performance criteria and building on current such similar schemes should support all Member States in their continuous compliance and improvement.	the performance scheme for flag States, based on common transparent, reliable and objective key performance criteria and building on current such similar schemes should support all Member States in their continuous compliance and improvement.	<del>the performance scheme for flag States, based on common transparent, reliable and objective key performance criteria and building on current such similar schemes should support all Member States in their continuous compliance and improvement.(deleted)</del>	
Recital 16a				
26a		<u><i>(16a) The Commission should issue a transparency report based on information from the mandatory database, which is accessible to all Member States.</i></u>		C
Recital 17				
27	(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.	(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.	<del>(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.(deleted)</del>	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Recital 18				
28	(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.	(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.	(18) <del>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.</del> <b>(deleted)</b>	C
Recital 19				
29	(19) In order to allow for an up-to date application of the provisions of this Directive to allow Member States to fulfil their obligations under international law in compliance with the Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on	(19) In order to allow for an up-to date application of the provisions of this Directive to allow Member States to fulfil their obligations under international law in compliance with the Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on	(19) <del>In order to allow for an up to date application of the provisions of this Directive to allow Member States to fulfil their obligations under international law in compliance with the Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of updating the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p><sup>1</sup>. OJ L 123, 12.5.2016, p. 1.</p>	<p>Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p><sup>1</sup>. OJ L 123, 12.5.2016, p. 1.</p>	<p><del>Better Law Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</del><b>(deleted)</b></p> <p><sup>1</sup>. OJ L 123, 12.5.2016, p. 1.</p>	
Recital 20				
30	<p>(20) The measures necessary for the implementation of this Directive should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>. In order to ensure uniform conditions for the implementation Directive 2009/21/EC concerning uniform measures to determine the minimum requirements for appropriate resources, commensurate with the size and type of its fleet and for a common harmonised scheme for measuring of flag State performance, implementing powers should be</p>	<p>(20) The measures necessary for the implementation of this Directive should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>. In order to ensure uniform conditions for the implementation Directive 2009/21/EC concerning uniform measures to determine the minimum requirements for appropriate resources, commensurate with the size and type of its fleet and for a common harmonised scheme for measuring of flag State performance, implementing powers should be</p>	<p>(20) The measures necessary for the implementation of this Directive <del>should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup></del><b>with regard to the ships information database should be adopted.</b> In order to ensure uniform conditions for the implementation <del>Directive 2009/21/EC concerning uniform measures to determine the minimum requirements for appropriate resources, commensurate with the size and type of its fleet and for a common</del></p>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>of flag State performance of <b>Directive 2009/21/EC</b>, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	
Recital 20a				
30a			<p><b>(20a) The Commission should explore the possibility of setting up a forum for Member State experts dealing with flag State matters, as well as other stakeholders, when necessary, to regularly exchange information and best practices and to develop guidance on issues such as procedures for ship inspections, training resources for inspectors, risk-based criteria that can be used to improve the effectiveness of inspections, the possible</b></p>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			development of a common harmonised performance scheme, criteria for analysing flag State performance with a view to identifying best practices and any other issue relevant to the implementation of this Directive.	
Recital 20b				
30b			(20b) In order to avoid imposing a disproportionate administrative burden on Member States which do not have ships flying their flag that fall within the scope of this Directive, such Member States should not, as long as this condition is fulfilled, be obliged to transpose and implement this Directive.	C
Recital 21				
31	(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. <u>The training provided by EMSA to flag State administrations should be</u>	(21) <del>The European Maritime Safety Agency (EMSA) should provide the necessary support to ensure the implementation of Directive 2009/21/EC. (deleted)</del>	C The European Maritime Safety Agency (EMSA) should provide the necessary support to ensure for the implementation of Directive 2009/21/EC. Such support may include the provision of voluntary trainig for

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u>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.</u>		flag State administrations. <u>EMSA should facilitate coordination and exchange of information and good practices between flag State administrations in respect to their training activities.</u>
Recital 22				
32	(22) In accordance with the principle of proportionality, as set out in Article 5 of the Treaty, this Directive does not go beyond what is necessary in order to achieve those objectives.	(22) In accordance with the principle of proportionality, as set out in Article 5 of the Treaty, this Directive does not go beyond what is necessary in order to achieve those objectives.	(22) <b>Since the objectives of this Directive, namely to enhance maritime safety and prevent pollution from ships, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale or effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of proportionality, subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</b>	<b>B</b>
Recital 23				
33				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	(23) Directive 2009/21/EC should therefore be amended accordingly,	(23) Directive 2009/21/EC should therefore be amended accordingly,	(23) Directive 2009/21/EC should therefore be amended accordingly,	A
Formula				
34	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	A - identical
Article 1				
35	Article 1 Amendments to Directive 2009/21/EC	Article 1 Amendments to Directive 2009/21/EC	Article 1 Amendments to Directive 2009/21/EC	A - identical
Article 1, first paragraph				
36	Directive 2009/21/EC is amended as follows:	Directive 2009/21/EC is amended as follows:	Directive 2009/21/EC is amended as follows:	A - identical
Article 1, first paragraph a				
36a		<u>(-1) In Article 1, paragraph 1 is replaced by the following:</u>	(-1) in Article 1(1), points (a) and (b) are replaced by the following:	A
Article 1, third paragraph				
36b		<u>1. The purpose of this Directive is:</u>		A

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, fourth paragraph				
36c		<u>(a) to ensure that Member States effectively and consistently discharge their obligations as flag States; and</u>	(a) to ensure that Member States effectively and consistently discharge their responsibilities and obligations as flag States; and	A - identical
Article 1, fifth paragraph				
36d		<u>(b) to enhance safety, including safety onboard, and to prevent pollution from ships flying the flag of a Member State.'</u>	(b) to enhance safety and prevent pollution from ships flying the flag of a Member State.';	B
Article 1, sixth paragraph				
36e			(0) Article 2 is replaced by the following:	C
Article 1, seventh paragraph				
36f			Article 2 Scope	C
Article 1, eighth paragraph				
36g			This Directive shall apply to the	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			administration of the State whose flag the ship is flying, for ships subject to certification and engaged in international voyages.’;	
Article 1, eighth paragraph, point (1)				
37	(1) Article 3 is amended as follows:	(1) Article 3 is amended as follows:	(1) Article 3 is amended as follows:	A - identical
Article 1, eighth paragraph, point (1a)				
37a			(-a) point (a) is replaced by the following:	B
Article 1, eighth paragraph, point (1b)				
37b			(a) ‘ship’ means a ship or craft flying the flag of a Member State falling within the scope of the relevant IMO Conventions under the scope of the III Code, and for which a certificate is required;’	B
Article 1, eighth paragraph, point (1b)(a)				
38	(a) point (e) is replaced by the following:	(a) point (e) is replaced by the following:	(a) point (e) is replaced by the following:	A - identical



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (1b)(a), amending provision, numbered paragraph (e)				
39	(e) ‘IMO audit’ means an audit conducted in accordance with the provisions of Resolution A 1067(28) (“Framework and Procedures for the IMO Member State Audit”), in its up-to-date version, adopted by the International Maritime Organisation (IMO);	(e) ‘IMO audit’ means an audit conducted in accordance with the provisions of Resolution A 1067(28) (“Framework and Procedures for the IMO Member State Audit”), in its up-to-date version, adopted by the International Maritime Organisation (IMO);	(e) ‘IMO audit’ means an audit conducted in accordance with the provisions of Resolution A 1067(28) (“Framework and Procedures for the IMO Member State Audit”), in its up-to-date version, adopted by the International Maritime Organisation (IMO);	A - identical
Article 1, eighth paragraph, point (1b)(b)				
40	(b) the following points are added:	(b) the following points are added:	(b) the following points are added:	A - identical
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (f)				
41	(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 Council <sup>1</sup> , with the exception of the Maritime Labour Convention, 2006 (MLC	(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 Council <sup>1</sup> , with the exception of the Maritime Labour Convention, 2006 (MLC	(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 Council <sup>1</sup> , with the exception of the Maritime Labour Convention, 2006 (MLC	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	2006);  1. 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).	2006);  1. 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).	<del>2006)</del> <b>making the use of the III Code mandatory, and the related codes of mandatory status, in their up-to-date version;</b>  <del>1. 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).</del>	
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (g)				
42	(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 paragraphs 16.1, 18.1, 19, 29, 30, 31 and 32 of part 2;	(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 paragraphs 16.1, 18.1, 19, 29, 30, 31 and 32 of part 2;	(g) <del>‘III-Code’</del> <b>III Code</b> means <del>parts 1 and 2 of Resolution A.1070(28) (“IMO Instruments Implementation Code”), adopted by the International Maritime Organisation (IMO),</del> <b>Organization (IMO), Part 2</b> , with the exception of paragraphs <del>16.1, 18.1, 19, 20, 21, 29, 30, 31, 32, 34, 38, 39, 40 and 41, in its up to date version and 32 of part 2;</del>	C
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (h)				
43	(h) ‘flag State surveyor’ means a public-sector employee, duly authorised by and working exclusively for the competent authority of a Member State to carry out surveys and audits related	(h) ‘flag State surveyor’ means a public-sector employee, duly authorised by and working exclusively for the competent authority of a Member State to carry out surveys and audits related	(h) ‘flag State surveyor’ means a <del>public-sector</del> <b>public sector</b> employee, duly authorised by and working exclusively for the competent authority of a Member State, <b>responsible for or</b>	B

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	to the statutory certificates and fulfilling the independence requirement specified in Article 8(1);	to the statutory certificates and fulfilling the independence requirement specified in Article 8(1);	<del>performing to carry out surveys, verifications and audits related to the statutory certificates of ships and companies covered by the relevant international mandatory instruments</del> and fulfilling the independence requirement specified <del>laid down</del> in Article 8(1);	
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (i)				
44	(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;	(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;	(i) ‘flag State inspector’ means <del>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;</del>	<b>B</b>
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (1a)				
44a			(i) a public sector employee, working exclusively for and duly authorised by the competent authority of a Member State; or	<b>B</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (ib)				
44b			(ii) a person non-exclusively employed and duly authorised by the competent authority of a Member State, on an <i>ad hoc</i> basis or in a contractual situation with the competent authority of the Member State,	B
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (ic)				
44c			who may carry out flag State inspections, and fulfils the qualification and independence requirements laid down in Article 8(1);	B
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (j)				
45	(j) ‘other personnel assisting in the performance of inspections’ means a person not exclusively employed by, but in a contractual situation with the competent authority of the Member State, and duly authorised by the competent authority of the Member State who may carry out certain inspections, other than statutory surveys, specified by the competent authority, and who	(j) ‘other personnel assisting in the performance of inspections’ means a person not exclusively employed by, but in a contractual situation with the competent authority of the Member State, and duly authorised by the competent authority of the Member State who may carry out certain inspections, other than statutory surveys, specified by the competent authority, and who	(j) ‘other personnel assisting in the performance of <del>inspections</del> surveys’ means a <del>person not exclusively employed by, but in a contractual situation with</del> persons duly authorised by the competent authority of the Member State, and duly authorised <del>by the competent authority of the Member State</del> or by a recognised organisation acting on its behalf,	B

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	fulfils the criteria of communication, qualification and independence specified in Article 8(1);	fulfils the criteria of communication, qualification and independence specified in Article 8(1);	who may carry out certain inspections, other than statutory, <b>assist flag State surveyors when carrying out surveys, as specified by the competent authority, and who fulfils fulfil the criteria of communication, qualification and independence specified laid down in Article 8(1);</b>	
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (k)				
46	(k) ‘Supplementary flag State inspection’ means an on-board inspection not leading to certification;	(k) ‘Supplementary flag State inspection’ means an on-board inspection not leading to certification;	(k) ‘ <del>Supplementary</del> flag State inspection’ means an <del>on-board</del> inspection, not leading to certification, <b>conducted to 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;</b>	<b>B</b>
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (l)				
47	(l) ‘HSSC’ means Resolution A. 1156(32) (“Survey Guidelines under the Harmonized System of Survey and Certification (HSSC),	(l) ‘HSSC’ means Resolution A. 1156(32) (“Survey Guidelines under the Harmonized System of Survey and Certification (HSSC),	(l) ‘HSSC’ means Resolution A. 1156(32) (“Survey Guidelines under the Harmonized System of Survey and Certification <del>(HSSC),</del>	<b>A</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	2021, in its up-to-date version, adopted by the International Maritime Organisation (IMO);	2021, in its up-to-date version, adopted by the International Maritime Organisation (IMO);	2021, in its up-to-date version, adopted by the International Maritime Organisation (IMO);’;	
Article 1, eighth paragraph, point (2)				
48	(2) In article 4, paragraph 1 is replaced by the following:	(2) In article 4, paragraph 1 is replaced by the following:	(2) in Article 4, paragraph 1 is replaced by the following:	A - identical
Article 1, eighth paragraph, point (2), amending provision, numbered paragraph (1)				
49	‘ 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.’	‘ 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 <u>carry out on-board inspections and</u> verify <u>both</u> the safety records of the ship <u>and documentation the purpose of which is to ensure that the ship meets international environmental and social standards</u> , using the inspection reports and certificates contained in <u>the inspection</u> database referred to in article 6a. <u>It shall also verify that the operation of the ship complies with</u>	‘ 1. Prior to allowing a ship to <del>operate</del> , which has been granted the right to fly its flag <b>to operate</b> , the Member State concerned shall <b>take the measures it deems appropriate to</b> ensure that the ship in question complies with the applicable international rules and regulations. <b>Those measures may be taken by a recognised organisation, acting on behalf of the Member State, when duly authorised by the competent authority.</b> In particular, it shall verify the safety records of the ship using, <b>where available</b> , the inspection reports and certificates contained in <b>its own database or, as applicable, in the ship</b>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<p><u><a href="#">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>1</sup></a></u>. 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.</p> <p><u><a href="#">1. 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).</a></u></p>	<p><b>information</b> database referred to in Article 6a <b>for Member States that have opted for it</b>. 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-;</p>	
Article 1, eighth paragraph, point (3)				
50	(3) The following Articles 4a to 4c are inserted:	(3) The following Articles 4a to 4c are inserted:	(3) the following Articles <del>4a to 4e</del> are inserted:	<b>A</b>
Article 1, eighth paragraph, point (3), amending provision, first paragraph				
51	Article 4a	Article 4a	Article 4a	<b>A - identical</b>
Article 1, eighth paragraph, point (3), amending provision, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
52	Safety of ships flying the flag of a Member State	Safety of ships flying the flag of a Member State	Safety of ships flying the flag of a Member State	<i>A - identical</i>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (1)				
53	1. In respect of international shipping Member States shall apply in full the mandatory flag State related provisions laid down in the IMO Conventions in accordance with the conditions and in respect of the ships referred to therein and shall apply the III-Code in Annex to this Directive, with the exception of paragraphs 16.1, 18.1, 19, 29, 30, 31 and 32 of part 2.	1. In respect of international shipping Member States shall apply in full the mandatory flag State related provisions laid down in the IMO Conventions in accordance with the conditions and in respect of the ships referred to therein and shall apply the III-Code in Annex to this Directive, with the exception of paragraphs 16.1, 18.1, 19, 29, 30, 31 and 32 of part 2.	1. In respect of international shipping, Member States shall apply in full the mandatory flag <del>State-related</del> <b>State-related</b> provisions laid down in the <del>IMO</del> Conventions in accordance with the conditions <b>laid down</b> , and in respect of the ships referred to <del>therein and shall apply the III-Code in Annex to this Directive, with the exception of paragraphs 16.1, 18.1, 19, 29, 30, 31 and 32 of part 2,</del> <b>therein.</b>	<b>C</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2)				
54	2. Member States shall take all necessary measures to ensure compliance with international rules and standards by ships entitled to fly their flag. Those measures shall include the following:	2. Member States shall take all necessary measures to ensure compliance with international rules and standards by ships entitled to fly their flag. Those measures shall include the following:	2. Member States shall take all necessary measures to ensure compliance with international rules, <b>regulations</b> and standards <b>related to the Conventions</b> by ships entitled to fly their flag. <del>Those measures</del> <b>In addition, Member States shall include take</b> the following <b>measures:</b>	<b>B</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (a)				
55	(a) prohibiting ships from sailing until such ships can proceed to sea in compliance with international rules and standards;	(a) prohibiting ships from sailing until such ships can proceed to sea in compliance with international rules and standards;	<del>(a) prohibiting ships from sailing until such ships can proceed to sea in compliance with international rules and standards;</del> <del>(deleted);</del>	<b>B</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (b)				
56	(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,	(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,	(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); <b>and, and following its annexes as far as is deemed necessary;</b>	<b>B</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (ba)				
56a			<b>(ba) ensuring that a surveyor employed by a recognised organisation may perform the same tasks as flag State surveyors when so authorised by the competent authority of the Member State; and</b>	<b>B</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (c)				
57	(c) carrying out supplementary	(c) carrying out supplementary	(c) carrying out supplementary	(c) carrying out supplementary

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	flag State inspections of ships to verify that the actual condition of the ship is in conformity with the certificates it carries.	flag State inspections of ships to verify that the actual condition of the ship is in conformity with the certificates it carries.	flag State inspections of ships to verify that the actual condition of the ship is in conformity with the certificates it carries-; <b>such inspections may be carried out using a risk-based approach, which may include the following criteria:</b>	flag State inspections of ships to verify that the actual condition of the ship is in conformity with the certificates it carries-; <b>such inspections may be carried out using a risk-based approach, which <u>may shall</u> include the following criteria:</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (ca)				
57a			(i) records of deficiencies and non-conformities from statutory surveys, audits and verifications performed by the flag State;	C (i) records of deficiencies and non-conformities from statutory surveys, audits and verifications performed by the flag State <b><u>or the Recognised Organisation acting on its behalf</u></b> ;
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (cb)				
57b			(ii) reports of very serious accidents;	C (ii) reports of very serious accidents;
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (cc)				
57c			(iii) ships that have been detained or issued with a prohibition of operation notice by a port State control authority;	C (iii) ships that have been detained or issued with a prohibition of operation notice by a port State control authority;
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (cd)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
57d			(iv) ships that exceed a port State control deficiency ratio established by each Member State;	C (iv) ships that exceed a port State control deficiency ratio <b>of [...] established by each Member State;</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (ce)				
57e			(v) records of deficiencies from inspections carried out according to national legislation as deemed appropriate by each Member State.	C (v) records of deficiencies from inspections carried out according to national legislation as deemed appropriate by each Member State.
				<b>(vi) Member States shall, on a rolling 3 year period, perform inspections on at least 30 percent of the 40 % lowest performing ships according to the risk profile it established;</b>
				<b>(vii) other relevant information deemed necessary by the Member State.</b>
				<b>Member States using a risk-based approach shall ensure that ships for which there is no sufficient data available for the calculation of the risk rating are inspected at least</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
				once every [7] years.
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (cf)				
57f			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.	C Member States <del>may depart from the</del> not using a risk-based approach and shall carry out flag State inspections using their own procedures, instructions and relevant information in compliance with the III Code. They shall ensure that every ship is inspected at least once every [7] years.
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (3)				
58	3. Member States shall ensure that any deficiencies confirmed or revealed by an inspection carried out in accordance with paragraph 2(c) are rectified.	3. Member States shall ensure that any deficiencies confirmed or revealed by an inspection carried out in accordance with paragraph 2(c) are rectified <u>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</u>	3. Member States shall ensure that any deficiencies confirmed or revealed by an inspection carried out in accordance with <b>point (c) of</b> paragraph 2(e)2 are rectified <b>within an appropriate timeframe, as determined by the flag State.</b>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u>the accuracy of data on working and resting hours in line with Directive 2013/54/EU of the European Parliament and of the Council.</u>		
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (4)				
59	4. On completion of any inspection carried out, the flag State inspector shall draw up a report on the basis of Annex IX to Directive 2009/16/EC.	4. On completion of any inspection carried out, the flag State inspector shall draw up a report on the basis of Annex IX to Directive 2009/16/EC.	4. On completion of <del>any inspection carried out</del> <b>a flag State inspection</b> , the flag State inspector shall draw up a report on the <del>basis of Annex IX to Directive 2009/16/EC</del> <b>outcome of this task.</b>	<b>C</b>
Article 1, eighth paragraph, point (3), amending provision, seventh paragraph				
60	‘Article 4b	‘Article 4b	‘Article 4b	<i>A - identical</i>
Article 1, eighth paragraph, point (3), amending provision, eighth paragraph				
61	Safety and pollution prevention requirements	Safety and pollution prevention requirements	Safety and pollution prevention requirements	<i>A - identical</i>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (1)				
62	1. Each Member States shall ensure that its administration relies on appropriate resources, commensurate with the size and	1. Each Member States shall ensure that its administration relies on appropriate resources, commensurate with the size and	1. Each Member <del>States</del> <b>State</b> shall ensure that its administration relies on appropriate resources, <del>commensurate with</del> <b>whether its</b>	<b>C</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	type of its fleet, in particular for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article.	type of its fleet, in particular for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article.	<b>own or delegated, according to the size and type of its fleet and with respect to the implementation of the administrative processes, procedures and resources necessary</b> , in particular, for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article.	
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2)				
63	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).	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).	2. Each Member State shall ensure the oversight of the activities of flag State surveyors, flag State inspectors and <del>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)</del> <b>other personnel assisting in the EU performance of surveys, and recognised organisations.</b>	C
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (3)				
64	3. Each Member State shall develop or maintain a design review and technical decision-making capability commensurate	3. Each Member State shall develop or maintain a design review and technical decision-making capability commensurate	3. Each Member State shall develop or maintain a design review and technical decision-making capability, <b>whether its</b>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	with the size and type of its fleet.	with the size and type of its fleet.	<del>own or delegated, according to commensurate with the size and type of its fleet.</del>	
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (4)				
65	<p>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).'</p>	<p>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. <u>These minimum requirements shall in particular 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.</u> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).'</p>	<p>4. <del>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).'</del> (deleted)</p>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (3), amending provision, thirteenth paragraph				
66	'Article 4c	'Article 4c	'Article 4c	<i>A - identical</i>
Article 1, eighth paragraph, point (3), amending provision, fourteenth paragraph				
67	Common capacity building of flag State personnel	Common capacity building of flag State personnel	<del>Common</del> <b>Training and</b> capacity building of flag State personnel	<b>C</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (1)				
68	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.	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.	1. <del>Member States shall ensure that</del> The personnel responsible for or performing surveys, inspections, <b>audits and verifications of and</b> <del>audits on ships and companies</del> <b>shall</b> undergo the harmonised scheme specified in paragraph 2 <b>training relevant to the specific activities carried out.</b>	<b>C</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2)				
69	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	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	2. <del>The Commission, seeking the advice of the high level group on</del> <b>Member States may develop a capacity-building scheme for their</b> flag State matters referred to in Article 9a(1), <del>shall develop a common capacity building scheme (post-qualification at national</del>	<b>C</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	in relation to new or additional obligations arising from the relevant international instruments, for Member States flag State surveyors and inspectors.	in relation to new or additional obligations arising from the relevant international instruments, for Member States flag State surveyors and inspectors, <u>and paying particular attention to the implementation of Directive 2013/54/EU.</u>	level) <del>inspectors and surveyors and keep it updated, considering new technologies and in relation to up to date, taking into account</del> new or additional obligations arising from the relevant international Conventions and instruments, for Member States flag State surveyors and inspectors referred to in the III Code.;	
Article 1, first paragraph, point (3), amending provision, numbered paragraph (2a)				
69a		<u>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.</u>		C
Article 1, eighth paragraph, point (4)				
70	(4) Article 5 is amended as	(4) Article 5 is amended as	(4) Article 5 is amended as	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	follows:	follows:	follows:	
Article 1, eighth paragraph, point (4)(a)				
71	(a) the sole paragraph is numbered as paragraph 1.	(a) the sole paragraph is numbered as paragraph 1.	(a) the sole paragraph is numbered as paragraph 1.	<i>A - identical</i>
Article 1, eighth paragraph, point (4)(b)				
72	(b) the following paragraph 2 is added:	(b) the following paragraph 2 is added:	(b) the following paragraph 2 is added:	<i>A - identical</i>
Article 1, eighth paragraph, point (4)(b), amending provision, numbered paragraph (2)				
73	‘ 2. Member States shall develop and implement an appropriate control and monitoring programme, using, as appropriate, the Union Maritime Information and Exchange System (‘SafeSeaNet’) referred to in Article 22a(3) of Directive 2002/59/EC of the European Parliament and of the Council <sup>1</sup> and Annex III thereto, for providing a timely response to situations in paragraph 1 of this Article as well as safety incidents and alleged pollution. ’	‘ 2. Member States shall develop and implement an appropriate control and monitoring programme, using, as appropriate, the Union Maritime Information and Exchange System (‘SafeSeaNet’) referred to in Article 22a(3) of Directive 2002/59/EC of the European Parliament and of the Council <sup>1</sup> and Annex III thereto, for providing a timely response to situations in paragraph 1 of this Article as well as safety incidents and alleged pollution. ’	‘ 2. . Member States shall develop and implement an appropriate control and monitoring programme, <del>using, as appropriate, the Union Maritime Information and Exchange System (‘SafeSeaNet’) referred to in Article 22a(3) of Directive 2002/59/EC of the European Parliament and of the Council<sup>1</sup> and Annex III thereto, for providing a</del> <b>timely response to situations in order to provide a timely response to the situations referred to in paragraph 1 of this Article as well as safety incidents</b> ’	<b>C</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	1. 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 (OJ L 208 5.8.2002, p. 10).	1. 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 (OJ L 208 5.8.2002, p. 10).	and alleged pollution.;  <del>1. 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 (OJ L 208 5.8.2002, p. 10).</del>	
Article 1, eighth paragraph, point (5)				
74	(5) Article 6 is replaced by the following:	(5) Article 6 is replaced by the following:	(5) Article 6 is replaced by the following:	A - identical
Article 1, eighth paragraph, point (5), amending provision, first paragraph				
75	Article 6	Article 6	Article 6	A - identical
Article 1, eighth paragraph, point (5), amending provision, second paragraph				
76	Electronic information and exchange	Electronic information and exchange	Electronic information and exchange	A - identical
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1)				
77	1. Member States shall ensure that at least the following information concerning ships flying their flag is kept and is made accessible in an	1. <u>Electronic certificates shall be mandatory for all Members States from [three years from the date of entry into force of this amending</u>	1. Member States shall ensure that at least the following information concerning ships flying their flag is kept and is made accessible in	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	electronic format compatible and interoperable with Union maritime safety databases:	<u>Directive], at the latest.</u> 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:	<del>made available in</del> electronic format compatible and interoperable with Union maritime safety databases:	
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (a)				
78	(a) particulars of the ship (name, IMO number, etc.);	(a) particulars of the ship (name, IMO number, etc.);	(a) particulars of the ship (name, IMO number, etc.);	A - identical
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (aa)				
78a		<u>(aa) particulars of shipboard working arrangements and records of seafarers' daily hours of work as defined in Directive 1999/63/CE.</u>		C
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (b)				
79	(b) statutory certificates (full, interim or temporary) including dates of surveys, additional and supplementary surveys, if any, and audits;	(b) statutory certificates (full, interim or temporary) including dates of surveys, additional and supplementary surveys, if any, and audits;	(b) <b>date of validity of</b> statutory certificates (full, <del>interim or temporary or interim</del> ) including <del>dates of surveys, additional and supplementary surveys, if any, and audits;</del>	B

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (c)				
80	(c) identification of the recognised organisations involved in the certification and classification of the ship;	(c) identification of the recognised organisations involved in the certification and classification of the ship;	(c) identification of the recognised organisations involved in the certification and classification of the ship;	<b>B</b>
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (d)				
81	(d) identification of the competent authority which has inspected the ship under port State control provisions and the dates of the inspections;	(d) identification of the competent authority which has inspected the ship under port State control provisions and the dates of the inspections;	(d) <del>identification of the competent authority which has inspected the ship under port State control provisions and the dates of the inspections</del> (deleted);	<b>B</b>
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (e)				
82	(e) outcome of the port State control inspections (deficiencies: yes or no; detentions: yes or no);	(e) outcome of the port State control inspections (deficiencies: yes or no; detentions: yes or no; <u>and, if there are deficiencies or detentions, further details as appropriate</u> );	(e) <del>outcome of the port State control inspections (deficiencies: yes or no; detentions: yes or no)</del> (deleted);	<b>B</b>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (ea)				
82a		<u>(ea) statutory certificates that confirm if any reported deficiencies identified through port State control inspections have been rectified;</u>		<b>B</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (f)				
83	(f) identification of ships which have ceased to fly the flag of the Member State concerned during the previous 12 months	(f) identification of ships which have ceased to fly the flag of the Member State concerned during the previous 12 months	(f) identification of ships which have ceased to fly the flag of the Member State concerned during the previous 12 months;	A - identical
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (g)				
84	(g) report(s) following a flag State survey or inspection carried out in accordance with Article 4a(2) paragraphs (b) or (c).	(g) report(s) following a flag State survey or inspection carried out in accordance with Article 4a(2) paragraphs (b) or (c).	(g) <del>report(s) following a flag State survey or inspection carried out in accordance with Article 4a(2) paragraphs (b) or (c).</del> (deleted).	B
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (2)				
85	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. <u>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.</u> The master shall also be provided with a copy of the report.	2. <del>The information shall be communicated to the inspection database provided for in Article 6a.</del> The master shall also be provided with a copy of the report. <del>(deleted).</del>	C
Article 1, eighth paragraph, point (6)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
86	(6) The following Article 6a is inserted:	(6) The following Article 6a is inserted:	(6) the following Article 6a-is inserted:	A - identical
Article 1, eighth paragraph, point (6), amending provision, first paragraph				
87	Article 6a	Article 6a	Article 6a	A - identical
Article 1, eighth paragraph, point (6), amending provision, second paragraph				
88	Inspection database	Inspection database	<del>Inspection database</del> <b>Ships information</b>	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (1)				
89	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.	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.	1. The Commission shall develop, maintain and update <del>an inspection</del> <b>ships information</b> database containing the information <del>specified</del> <b>referred to</b> in Article 6- <del>All</del> <b>and providing services for</b> Member States <del>shall be connected</del> <b>on issuing and controlling of electronic certificates. Member States may connect</b> to that database. That database <del>shall</del> <b>may</b> be based on the <del>inspection</del> database referred to in Article 24 of Directive 2009/16/EC and <del>shall</del> <b>may</b> have similar	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			functionalities to that database.	
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2)				
90	2. Member States shall ensure that the information related to inspections carried out in accordance with this Directive, including information concerning deficiencies, is transferred without delay to the inspection database as soon as the report(s) according to Article 4a(4) is completed.	2. Member States shall ensure that the information related to inspections carried out in accordance with this Directive, including information concerning deficiencies, is transferred without delay to the inspection database as soon as the report(s) according to Article 4a(4) is completed.	2. <del>Member States shall ensure that the information related to inspections carried out in accordance with this Directive, including information concerning deficiencies, is transferred without delay to the inspection database as soon as the report(s) according to Article 4a(4) is completed.</del> <b>Without prejudice to national data protection requirements, Member States opting to use the ships information database:</b>	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2a)				
90a			<b>a) shall communicate the information contained in Article 6; and</b>	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2b)				
90b			<b>b) may transfer to the ships information database information related to inspections carried out in accordance with this Directive,</b>	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			including information concerning deficiencies and certificates; and	
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2c)				
90c			c) may use this database to issue, sign, endorse, extend and withdraw electronic certificates for their ships,	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2d)				
90d			ensuring that the information is compatible and interoperable.	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2e)				
90e			2a. Member States may use their own databases to collect the information referred to in Article 6. That information shall be communicated to the Commission at least on a yearly basis. The Commission shall integrate the data into the ships information database.	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (3)				
91				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	3. The Commission shall ensure that the inspection database makes it possible to retrieve any relevant data concerning the implementation of this Directive based on inspection data provided by Member States.	3. The Commission shall ensure that the inspection database makes it possible to retrieve any relevant data concerning the implementation of this Directive based on inspection data provided by Member States.	3. The Commission shall ensure that the <del>inspection</del> <b>ships information</b> database makes it possible to retrieve any relevant data concerning the implementation of this Directive based on inspection data provided by Member States.	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (4)				
92	<p>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>1</sup>.</p> <p><sup>1</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</p>	<p>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 <del>or</del> <b>and</b> with the European Maritime Safety Agency (EMSA) established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</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</p>	<p>4. Member States <b>that have opted to use the database</b> shall have access to all the information recorded in the <del>inspection</del> <b>ships information</b> 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>1</sup>.</p> <p><sup>1</sup>. Regulation (EC) 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European</p>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	5.8.2002, p. 1).	5.8.2002, p. 1).	Maritime Safety Agency (OJ L 208 5.8.2002, p. 1).	
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (5)				
93	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.	5. Member States shall ensure that <u>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</u> Statutory certificates, referred to in Article 6(1), <u>points (aa) and (b),</u> <del>are paragraph b, shall be</del> 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.	5. Member States <b>that have opted to use the database</b> shall ensure that <b>the date of validity of the</b> statutory certificates referred to in <del>Article 6(1) paragraph b, shall be</del> <b>point (b) of Article 6(1) is</b> transmitted electronically to the <del>inspection</del> <b>ships information</b> database referred to in paragraph 1 of this Article, using the functional and technical specifications for <del>at</del> the harmonised electronic reporting interface provided for in Article 24a of Directive 2009/16/EC.	C
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (5a)				
93a			<b>5a. The Commission shall adopt implementing acts to define the functioning and the capacities of the database referred to in Article 6a(2)(a). Member States communicating data in</b>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			accordance with paragraph 2a of this Article shall have access to the database information submitted in accordance with Article 6a(2)(a), under the conditions defined in those implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).;	
Article 1, eighth paragraph, point (7)				
94	(7) Article 7 is replaced by the following:	(7) Article 7 is replaced by the following:	(7) Article 7 is replaced by the following:	A - identical
Article 1, eighth paragraph, point (7), amending provision, first paragraph				
95	Article 7	Article 7	Article 7	A - identical
Article 1, eighth paragraph, point (7), amending provision, second paragraph				
96	Monitoring of compliance and performance of Member States	Monitoring of compliance and performance of Member States	Monitoring of compliance and performance of Member States	A - identical
Article 1, eighth paragraph, point (7), amending provision, numbered paragraph (1)				
97				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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 <del>seven</del> <b>five</b> 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 <del>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</del> <b>according to the cycle adopted at the IMO.</b> Member States shall also make the same information available to the public, in accordance with relevant national legislation on confidentiality.	C
Article 1, eighth paragraph, point (7), amending provision, numbered paragraph (2)				
98	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.	2. Member States shall ensure that the Commission, <del>assisted by EMSA, is</del> <b>and EMSA are</b> 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.	2. <del>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.</del> <b>(deleted)</b>	C
Article 1, eighth paragraph, point (7), amending provision, numbered paragraph (3)				
99	3. In order to ensure the effective implementation of this Directive	3. In order to ensure the effective implementation of this Directive	3. In order to ensure the effective implementation of this Directive	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>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 Council<sup>1</sup> [EMSA Regulation to be adopted],</p> <p><sup>1</sup>. Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]</p>	<p>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 Council<sup>1</sup> [EMSA Regulation to be adopted],</p> <p><sup>1</sup>. Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]</p>	<p>and to monitor the overall functioning of flag State compliance and the EU Recognised Organisation oversight scheme <b>with the Administration legal duties pursuant to this Directive</b>, the Commission shall collect the necessary information <b>and carry when carrying</b> out visits to Member States, <del>in accordance with Article xx of Regulation (EU) xx/xx of the European Parliament and of the Council<sup>1</sup> [EMSA Regulation to be adopted],</del>;</p> <p><sup>1</sup>. Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]</p>	
Article 1, eighth paragraph, point (8)				
100	(8) Article 8 is amended as follows:	(8) Article 8 is amended as follows:	(8) Article 8 is amended as follows:	<i>A - identical</i>
Article 1, eighth paragraph, point (8)(a)				
101	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	<i>A - identical</i>
Article 1, eighth paragraph, point (8)(a), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
102	Each Member State shall implement and maintain a quality management system covering all registers under its authority for all the flag State-related activities of its administration. Such quality management system shall be certified in accordance with the applicable international quality standards.	Each Member State shall implement and maintain a quality management system covering all registers under its authority for all the flag State-related activities of its administration. Such quality management system shall be certified in accordance with the applicable international quality standards.	Each Member State shall implement and maintain a quality management system covering <del>all registers under its authority for</del> <b>all the operational parts of</b> the flag State-related activities of its administration. Such quality management system shall be certified in accordance with <del>the</del> applicable international quality <b>standards such as ISO 9001</b> standards.	C
Article 1, eighth paragraph, point (8)(a), amending provision, second paragraph				
103	The quality management system shall include defined responsibilities, authority and interrelation of all flag State personnel, including other personnel assisting in the performance of inspections who manage, perform and verify work relating to and affecting safety and pollution prevention. Such responsibilities shall be documented, specifying what type and scope of inspection work that may be performed by other personnel assisting in the performance of inspections, and	The quality management system shall include defined responsibilities, authority and interrelation of all flag State personnel, including other personnel assisting in the performance of inspections who manage, perform and verify work relating to and affecting safety and pollution prevention. Such responsibilities shall be documented, specifying what type and scope of inspection work that may be performed by other personnel assisting in the performance of inspections, and	The quality management system shall include defined responsibilities, authority and interrelation of <del>all flag State personnel, including other personnel assisting in the performance of inspections</del> <b>personnel performing surveys, inspections, audits and verifications and the flag State personnel</b> who manage, perform and verify work relating to and affecting <del>safety and pollution prevention</del> <b>the flag State obligations under the Conventions</b> . Such responsibilities	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	also specify how such personnel shall communicate and report.	also specify how such personnel shall communicate and report.	shall be documented, specifying what the type and scope of inspection work that may also be performed by other personnel assisting in the performance of inspections, and also specify non-exclusively employed flag State inspectors, and how such personnel shall communicate and report. The quality management system shall indicate the tasks that can be carried out by other personnel assisting in the performance of surveys.	
Article 1, eighth paragraph, point (8)(a), amending provision, third paragraph				
104	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.	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. <u>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</u>	Each Member State shall ensure that <b>flag State inspectors non-exclusively employed</b> and other personnel assisting in the performance of inspections surveys have education, training and supervision commensurate with the tasks they are authorized authorised to perform, and that they are able to apply flag State instructions, procedures and criteria.	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u><i>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.</i></u>		
Article 1, eighth paragraph, point (8)(a), amending provision, fourth paragraph				
105	All personnel performing a survey or an inspection shall sign a declaration of absence of conflict of interest attesting to their independence in relation to the work to be performed, which shall be kept by the Member State responsible authority.	All personnel performing a survey or an inspection shall sign a declaration of absence of conflict of interest attesting to their independence in relation to the work to be performed, which shall be kept by the Member State responsible authority.	<del>All personnel performing a survey or an inspection shall sign a declaration of absence of conflict of interest attesting to their</del> <b>Member States shall take appropriate measures to prevent conflicts of interests of all personnel performing a survey, verification or inspection and regarding independence in relation to the work to be performed, which shall be kept by the Member State responsible authority.</b>	C
Article 1, eighth paragraph, point (8)(a), amending provision, fourth paragraph a				
105a			<b>Three years after the date of transposition of this Directive, the quality management system shall cover the aspects related to this Article.</b>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (8)(a), amending provision, sixth paragraph				
105b			(a2) paragraph 2 is replaced by the following:	C
Article 1, eighth paragraph, point (8)(a), amending provision, seventh paragraph				
105c			Member States which appear on the low performance 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 four months after the publication of the Paris MOU report.	C
Article 1, eighth paragraph, point (8)(a), amending provision, eighth paragraph				
105d			The report shall identify and analyse the main reasons that led to the detentions and the deficiencies resulting in a low performance status.;	C
Article 1, eighth paragraph, point (8)(b)				
106				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	(b) the following paragraphs are added:	(b) the following paragraphs are added:	(b) the following paragraphs are added: <del>(deleted)</del>	C
Article 1, eighth paragraph, point (8)(b), amending provision, numbered paragraph (2a)				
107	‘ 2a. Member States shall evaluate their performance annually and identify areas for possible improvement, based on results of the activities performed in the framework of the quality management system referred to in paragraph 1 of this Article and the flag State performance referred to in paragraph 2b of this Article, as well as Article 7.	‘ 2a. Member States shall evaluate their performance annually and identify areas for possible improvement, based on results of the activities performed in the framework of the quality management system referred to in paragraph 1 of this Article and the flag State performance referred to in paragraph 2b of this Article, as well as Article 7.	‘ 2a. <del>Member States shall evaluate their performance annually and identify areas for possible improvement, based on results of the activities performed in the framework of the quality management system referred to in paragraph 1 of this Article and the flag State performance referred to in paragraph 2b of this Article, as well as Article 7.</del> (deleted)	C
Article 1, eighth paragraph, point (8)(b), amending provision, numbered paragraph (2aa), first subparagraph				
108	2b. In order to ensure a common harmonised performance scheme for the purposes of paragraph 2a, 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 details for a revised performance scheme in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with Article 10.2.	2b. In order to ensure a common harmonised performance scheme for the purposes of paragraph 2a, 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 details for a revised performance scheme in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with Article 10.2.	2b. <del>In order to ensure a common harmonised performance scheme for the purposes of paragraph 2a, 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 details for a revised performance scheme in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with Article</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			10.2. (deleted)	
Article 1, eighth paragraph, point (8)(b), amending provision, numbered paragraph (2aa), second subparagraph				
109	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 obligations.	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 obligations.	<del>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 obligations.</del>	C
Article 1, eighth paragraph, point (8)(b), amending provision, numbered paragraph (2c)				
110	2c. The Commission shall make available and maintain on a public website information about the performance of flag States.;	2c. The Commission shall make available and maintain on a public website information about the performance of flag States.;	<del>2c. The Commission shall make available and maintain on a public website information about the performance of flag States.;</del> (deleted)	C
Article 1, eighth paragraph, point (9)				
111				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	(9) Article 9 is deleted.	(9) Article 9 is <del>deleted</del> <u>replaced by the following:</u>	(9) Article 9 is deleted.	C
Article 1, first paragraph, point (9a)				
111a		<u>Article 9</u> <u>Reports and Review</u>		C
Article 1, first paragraph, point (9b)				
111b		<u>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.</u>		C
Article 1, first paragraph, point (9c)				
111c		<u>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.</u>		C
Article 1, eighth paragraph, point (10)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
112	(10) The following new Articles are inserted:	(10) The following new Articles are inserted:	(10) The following new Articles are inserted: <del>(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, first paragraph				
113	Article 9a	Article 9a	Article 9a <del>(deleted)</del>	Article 9a
Article 1, eighth paragraph, point (10), amending provision, second paragraph				
114	High level group on flag State matters	High level group on flag State matters	High level group on flag State matters <del>(deleted)</del>	Exchange of information and experience
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (-1), first subparagraph				
115	1. 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.	1. 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, <del>including as appropriate those</del> <u>and all relevant stakeholders</u> from the private sector, <u>civil society and academia</u> .	1. <del>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. (deleted)</del>	The Commission shall provide for the organisation of exchange of experiences between Member States' national authorities and experts, including, as appropriate, those from the private sector, with a view to reach a common understanding and consider common practices for the implementation of this Directive.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (-1), second subparagraph				
116	The high level group on flag State matters shall be composed of representatives of the Member States and of the Commission, assisted by EMSA.	The high level group on flag State matters shall be composed of representatives of the Member States and of the Commission; <del>assisted by</del> <u>and</u> EMSA.	<del>The high level group on flag State matters shall be composed of representatives of the Member States and of the Commission, assisted by EMSA. (deleted)</del>	<b>Member States' national authorities and experts shall explore, together with the Commission, the possibility to develop common guidance on elements such as the methodology to perform flag State inspections, content and format of reporting or capacity building.</b>
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (-1), third subparagraph				
117	It shall adopt its rules of procedure.	It shall adopt its rules of procedure.	<del>It shall adopt its rules of procedure. (deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2)				
118	2. The high level group on flag State matters shall have the following tasks, inter alia:	2. The high level group on flag State matters shall have the following tasks, inter alia:	<del>2. The high level group on flag State matters shall have the following tasks, inter alia: (deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (a)				
119	(a) make recommendations for a common approach to flag State inspections; procedures and guidelines for the control of ships;	(a) make recommendations for a common approach to flag State inspections; procedures and guidelines for the control of ships;	<del>(a) make recommendations for a common approach to flag State inspections; procedures and guidelines for the control of</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			ships; (deleted)	
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (b)				
120	(b) assist the Commission in the development of a common reporting format, including timing for flag State inspections/ Recognised Organisation (RO) monitoring;	(b) assist the Commission in the development of a common reporting format, including timing for flag State inspections/ Recognised Organisation (RO) monitoring;	(b) assist the Commission in the development of a common reporting format, including timing for flag State inspections/ Recognised Organisation RO monitoring; (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (c)				
121	(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;	(c) assist the Commission in the development of the technical method for what constitutes appropriate resources, commensurate with the size and type of fleet <u>and the number of inspections to be undertaken</u> , referred to in Article 4b;	(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; (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (d)				
122	(d) assist the Commission in identifying measures that may be developed in order to improve the capacity building referred to in Article 4c, in particular as regards keeping up-to-date knowledge about changes in conventions and	(d) assist the Commission in identifying measures that may be developed in order to improve the capacity building referred to in Article 4c, in particular as regards keeping up-to-date knowledge about changes in conventions and	(d) assist the Commission in identifying measures that may be developed in order to improve the capacity building referred to in Article 4c, in particular as regards keeping up-to-date knowledge about changes in conventions and	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	emanating due to new technologies;	emanating due to new technologies;	<del>emanating due to new technologies;</del> (deleted)	
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (e)				
123	(e) develop and implement the EU RO oversight and monitoring scheme referred to in Article 7;	(e) develop and implement the EU RO oversight and monitoring scheme referred to in Article 7;	<del>(e) develop and implement the EU RO oversight and monitoring scheme referred to in Article 7;</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (f)				
124	(f) provide guidance on how to use the information in the relevant Union maritime databases for preparation of flag State inspections/RO monitoring, with a view to increase efficiency in the use/pooling of resources for ROs monitoring e.g. by focus areas;	(f) provide guidance on how to use the information in the relevant Union maritime databases for preparation of flag State inspections/RO monitoring, with a view to increase efficiency in the use/pooling of resources for ROs monitoring e.g. by focus areas;	<del>(f) provide guidance on how to use the information in the relevant Union maritime databases for preparation of flag State inspections/RO monitoring, with a view to increase efficiency in the use/pooling of resources for ROs monitoring e.g. by focus areas;</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (g)				
125	(g) assist the Commission in the technical development of the performance criteria referred to in Article 8(2b);	(g) assist the Commission in the technical development of the performance criteria referred to in Article 8(2b);	<del>(g) assist the Commission in the technical development of the performance criteria referred to in Article 8(2b);</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
126	(h) assist the Commission in developing guidance, templates and similar for the reporting obligations referred to in Article 9b;	(h) assist the Commission in developing guidance, templates and similar for the reporting obligations referred to in Article 9b;	(h) assist the Commission in developing guidance, templates and similar for the reporting obligations referred to in Article 9b; <del>(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (i)				
127	(i) assist in analysing flag State performance, QMS audits and, IMO Audits comparing findings and follow-up action, with a view to identifying best practices;	(i) assist in analysing flag State performance, QMS audits and, IMO Audits comparing findings and follow-up action, with a view to identifying best practices;	(i) assist in analysing flag State performance, QMS audits and, IMO Audits comparing findings and follow-up action, with a view to identifying best practices; <del>(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (j)				
128	(j) assist the Commission in identifying measures that may be developed in order to establish:	(j) assist the Commission in identifying measures that may be developed in order to establish:	(j) assist the Commission in identifying measures that may be developed in order to establish; <del>(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (j)(i)				
129	(i) harmonised procedures for the application of exemptions and equivalents applied in accordance with the IMO Conventions;	(i) harmonised procedures for the application of exemptions and equivalents applied in accordance with the IMO Conventions;	(i) harmonised procedures for the application of exemptions and equivalents applied in accordance with the IMO Conventions; <del>(deleted)</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (j)(ii)				
130	(ii) harmonised interpretations of issues left to the discretion of the administrations in the Conventions;	(ii) harmonised interpretations of issues left to the discretion of the administrations in the Conventions;	(ii) harmonised interpretations of issues left to the discretion of the administrations in the Conventions; <del>(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (j)(iii)				
131	(iii) apply unified interpretations for provisions laid down in the Conventions.	(iii) apply unified interpretations for provisions laid down in the Conventions.	(iii) apply unified interpretations for provisions laid down in the Conventions. <del>(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, fifth paragraph				
132	‘Article 9b	‘Article 9b	<del>‘Article 9b(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, sixth paragraph				
133	Information and data	Information and data	<del>Information and data(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph				
134	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	<u>L</u> . 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	<del>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</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Commission, about:	Commission, about:	<del>Commission, about:</del> (deleted)	
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (a)				
135	(a) administering safety and pollution prevention requirements	(a) administering safety and pollution prevention requirements	<del>(a) administering safety and pollution prevention requirements</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (a)(i)				
136	(i) size and age of flagged fleet in terms of number and gross tonnes of conventional ships;	(i) size and age of flagged fleet in terms of number and gross tonnes of conventional ships;	<del>(i) size and age of flagged fleet in terms of number and gross tonnes of conventional ships;</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (a)(ii)				
137	(ii) the number of flag State inspectors/surveyors/auditors and other personnel assisting in the performance of inspections;	(ii) the number of flag State inspectors/surveyors/auditors and other personnel assisting in the performance of inspections;	<del>(ii) the number of flag State inspectors/surveyors/auditors and other personnel assisting in the performance of inspections;</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (a)(iii)				
138	(iii) the number of flag State surveys, inspections and audits carried out as flag States;	(iii) the number of flag State surveys, inspections and audits carried out as flag States;	<del>(iii) the number of flag State surveys, inspections and audits carried out as flag States;</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (a)(iv)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
139	(iv) the number of ships flagging-in and flagging-out by type of ship and by originating country or destination country;	(iv) the number of ships flagging-in and flagging-out by type of ship and by originating country or destination country;	(iv) <del>the number of ships flagging-in and flagging-out by type of ship and by originating country or destination country;</del> (deleted)	C
Article 1, first paragraph, point (10), amending provision, seventh paragraph, point (a)(iva)				
139a		<u>(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;</u>		C
Article 1, first paragraph, point (10), amending provision, seventh paragraph, point (a)(ivb)				
139b		<u>(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;</u>		C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (b)				
140	(b) quality management and audits	(b) quality management and audits	(b) <del>quality management and audits</del> (deleted)	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (b)(i)				
141	(i) planned or confirmed dates for	(i) planned or confirmed dates for	(i) <del>planned or confirmed dates for</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	IMO Audit;	IMO Audit;	IMO Audit;(deleted)	
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (b)(ii)				
142	(ii) planned or confirmed dates for Quality Management System audit as well as cope of quality management system certification	(ii) planned or confirmed dates for Quality Management System audit as well as cope of quality management system certification	(ii) <del>planned or confirmed dates for Quality Management System audit as well as cope of quality management system certification(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (c)				
143	(c) delegation of authority	(c) delegation of authority	(c) <del>delegation of authority(deleted)</del>	C
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (c)(i)				
144	(i) Recognised Organisations authorised, functions delegated and certificates issued on behalf of the Member State	(i) Recognised Organisations authorised, functions delegated and certificates issued on behalf of the Member State	(i) <del>Recognised Organisations authorised, functions delegated and certificates issued on behalf of the Member State(deleted)</del>	C
Article 1, first paragraph, point (10), amending provision, seventh paragraph, point (c)(i)(a)				
144a		<u>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</u>		C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<a href="#"><u>website. After its publication, the Commission shall present the results of that report to the European Parliament and to the Council.</u></a>		
Article 1, eighth paragraph, point (11)				
145	(11) Article 10 is replaced by the following:	(11) Article 10 is replaced by the following:	(11) Article 10 is replaced by the following:	A - identical
Article 1, eighth paragraph, point (11), amending provision, first paragraph				
146	Article 10	Article 10	Article 10	A - identical
Article 1, eighth paragraph, point (11), amending provision, second paragraph				
147	Committee procedure	Committee procedure	Committee procedure	A - identical
Article 1, eighth paragraph, point (11), amending provision, numbered paragraph (1)				
148	1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (11), amending provision, numbered paragraph (2)				
149	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	A - identical
Article 1, eighth paragraph, point (12)				
150	(12) The following Article 10a is inserted:	(12) The following Article 10a is inserted:	(12) <del>The following Article 10a is inserted:</del> <b>(deleted)</b>	C
Article 1, eighth paragraph, point (12), amending provision, first paragraph				
151	Article 10a	Article 10a	<del>Article 10a</del> <b>(deleted)</b>	C
Article 1, eighth paragraph, point (12), amending provision, second paragraph				
152	Delegated Acts	Delegated Acts	<del>Delegated Acts</del> <b>(deleted)</b>	C
Article 1, eighth paragraph, point (12), amending provision, third paragraph				
153	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	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	<del>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</del>	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	flag State related provisions and commitments developed at international level, in particular, in the IMO.	flag State related provisions and commitments developed at international level, in particular, in the IMO.	flag State related provisions and commitments developed at international level, in particular, in the IMO. <del>(deleted)</del>	
Article 1, eighth paragraph, point (12), amending provision, fourth paragraph				
154	The amendments to the IMO Conventions and to the IMO Instruments Implementation Code (III CODE) may be excluded from the scope of this Directive pursuant to Article 5(2) of Regulation (EC) No 2099/2002.	The amendments to the IMO Conventions and to the IMO Instruments Implementation Code (III CODE) may be excluded from the scope of this Directive pursuant to Article 5(2) of Regulation (EC) No 2099/2002.	The amendments to the IMO Conventions and to the IMO Instruments Implementation Code <del>(III CODE deleted)</del> may be excluded from the scope of this Directive pursuant to Article 5(2) of Regulation (EC) No 2099/2002.	C
Article 1, eighth paragraph, point (13)				
155	(13) The following Article 10b is inserted:	(13) The following Article 10b is inserted:	(13) <del>The following Article 10b is inserted. (deleted)</del>	C
Article 1, eighth paragraph, point (13), amending provision, first paragraph				
156	Article 10b	Article 10b	<del>Article 10b (deleted)</del>	C
Article 1, eighth paragraph, point (13), amending provision, second paragraph				
157	Exercise of the delegation	Exercise of the delegation	<del>Exercise of the delegation (deleted)</del>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (1)				
158	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. <del>(deleted)</del>	C
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (2)				
159	2. The power to adopt delegated acts referred to in Article 10a shall be conferred on the Commission for a period of five years from [xx] 202X. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 10a shall be conferred on the Commission for a period of five years from [xx] 202X. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 10a shall be conferred on the Commission for a period of five years from [xx] 202X. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. <del>(deleted)</del>	C
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (3)				
160	3. The delegation of power referred to in Article 10a may be revoked at any time by the	3. The delegation of power referred to in Article 10a may be revoked at any time by the	3. The delegation of power referred to in Article 10a may be revoked at any time by the	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. <b>(deleted)</b>	
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (4)				
161	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. <b>(deleted)</b>	C
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (5)				
162	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Parliament and to the Council.	Parliament and to the Council.	Parliament and to the Council. <del>(deleted)</del>	
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (6)				
163	6. A delegated act adopted pursuant to Article 10a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 10a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. <del>A delegated act adopted pursuant to Article 10a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. (deleted)</del>	C
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (6a)				
163a			(13a) in Article 11 the following paragraph is added:	C
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (6b)				
163b			3. By derogation from the first	C

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			subparagraph of paragraph 1, the Member States which do not have ships flying their flag that fall within the scope of this Directive may derogate from the obligation to transpose and implement this Directive as long as the abovementioned condition is fulfilled. Any Member State that intends to avail itself of that derogation shall notify the Commission by <i>[date of transposition]</i> . Any subsequent change shall also be communicated to the Commission.	
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (6c)				
163c			Those Member States may not allow ships falling within the scope of this Directive to fly their flag nor register such ships in their national registry until they have transposed and implemented this Directive.'	C
Article 1, eighth paragraph, point (14)				
164	(14) The text set out in the Annex to this Directive is added as Annex	(14) The text set out in the Annex to this Directive is added as Annex	(14) The text set out in the Annex to this Directive is added as Annex	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	to Directive 2009/21/EC.	to Directive 2009/21/EC.	to Directive 2009/21/EC.(deleted)	
Article 2				
165	Article 2 Transposition	Article 2 Transposition	Article 2 Transposition	A - identical
Article 2(1), first subparagraph				
166	1. 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.	1. 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.	1. Member States shall adopt and publish, by ... <b>[OP: Please insert a date: four years from the date of entry into force of this amending Directive]</b> <del>OP: Please insert a date: one year from the date of entry into force of this amending Directive]</del> the laws, regulations and administrative provisions necessary to comply with this Directive. <b>They shall immediately inform the Commission thereof.</b>	<b>C</b> Member States shall adopt and publish, by ... [OP: Please insert a date: <b>three</b> years] from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. <b>They shall immediately inform the Commission thereof.</b>
Article 2(1), second subparagraph				
167	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to	When Member States adopt those <del>provisions</del> <b>measures</b> , they shall contain a reference to this Directive or <b>shall</b> be accompanied by such reference on the occasion of their official publication. <del>Member States shall determine how</del> <b>The methods</b>	<b>C</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	be made.	be made.	<del>of making</del> such reference is to be made <del>shall be laid down by</del> Member States.	
Article 2(2)				
168	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. <del>Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</del> (deleted)	C
Article 3				
169	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	A - identical
Article 3, first paragraph				
170	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	A - identical
Article 4				
171	Article 4 Addressees	Article 4 Addressees	Article 4 Addressees	A - identical

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 4, first paragraph				
172	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	<i>A - identical</i>
Formula				
173	Done at Brussels,	Done at Brussels,	Done at Brussels...	<i>A - identical</i>
Formula				
174	For the European Parliament	For the European Parliament	For the European Parliament	<i>A - identical</i>
Formula				
175	The President	The President	The President	<i>A - identical</i>
Formula				
176	For the Council	For the Council	For the Council	<i>A - identical</i>
Formula				
177	The President	The President	The President	<i>A - identical</i>
Annex				
178	Annex	Annex	Annex (deleted)	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, first paragraph				
179	‘ ANNEX	‘ ANNEX	‘ <del>ANNEX(deleted)</del>	C
Annex, amending provision, second paragraph				
180	Resolution A1.070(28)	Resolution A1.070(28)	<del>Resolution A1.070(28deleted)</del>	C
Annex, amending provision, third paragraph				
181	(adopted on 4 December 2013)	(adopted on 4 December 2013)	<del>(adopted on 4 December 2013deleted)</del>	C
Annex, amending provision, fourth paragraph				
182	IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)	IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)	<del>IMO INSTRUMENTS IMPLEMENTATION CODE (III CODEdeleted)</del>	C
Annex, amending provision, fifth paragraph				
183	PART 1 – COMMON AREAS	PART 1 – COMMON AREAS	<del>PART 1 – COMMON AREAS(deleted)</del>	C
Annex, amending provision, sixth paragraph				
184				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Objective	Objective	Objective( <del>deleted</del> )	
Annex, amending provision, numbered paragraph (1)				
185	1. The objective of this Code is to enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments of the Organization.	1. The objective of this Code is to enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments of the Organization.	1. <del>The objective of this Code is to enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments of the Organization.</del> ( <del>deleted</del> )	
Annex, amending provision, numbered paragraph (2)				
186	2. Different States will view this Code according to their own circumstances and should be bound only for the implementation of those instruments to which they are Contracting Governments or Parties. By virtue of geography and circumstance, some States may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or a port State than as a flag State.	2. Different States will view this Code according to their own circumstances and should be bound only for the implementation of those instruments to which they are Contracting Governments or Parties. By virtue of geography and circumstance, some States may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or a port State than as a flag State.	2. <del>Different States will view this Code according to their own circumstances and should be bound only for the implementation of those instruments to which they are Contracting Governments or Parties. By virtue of geography and circumstance, some States may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or a port State than as a flag State.</del> ( <del>deleted</del> )	

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Annex, amending provision, ninth paragraph				
187	Strategy	Strategy	Strategy( <del>deleted</del> )	
Annex, amending provision, numbered paragraph (3)				
188	3. In order to meet the objective of this Code, a State is recommended to:	3. In order to meet the objective of this Code, a State is recommended to:	3. <del>In order to meet the objective of this Code, a State is recommended to:</del> ( <del>deleted</del> )	
Annex, amending provision, numbered paragraph (3), point (1)				
189	1. develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;	1. develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;	1. <del>develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;</del> ( <del>deleted</del> )	
Annex, amending provision, numbered paragraph (3), point (2)				
190	2. establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and	2. establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and	2. <del>establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and</del> ( <del>deleted</del> )	
Annex, amending provision, numbered paragraph (3), point (3)				
191				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	3. continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.	3. continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.	<del>3. continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.</del> (deleted)	
Annex, amending provision, eleventh paragraph				
192	General	General	<del>General</del> (deleted)	
Annex, amending provision, numbered paragraph (4)				
193	4. Under the general provisions of treaty law and of IMO conventions, States should be 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 safety of life at sea and protection of the marine environment.	4. Under the general provisions of treaty law and of IMO conventions, States should be 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 safety of life at sea and protection of the marine environment.	<del>4. Under the general provisions of treaty law and of IMO conventions, States should be 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 safety of life at sea and protection of the marine environment.</del> (deleted)	
Annex, amending provision, numbered paragraph (5)				
194	5. In taking measures to prevent, reduce and control pollution of the marine environment, States should act so	5. In taking measures to prevent, reduce and control pollution of the marine environment, States should act so	<del>5. In taking measures to prevent, reduce and control pollution of the marine environment, States should act so</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.	as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.	<del>as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another. (deleted)</del>	
Annex, amending provision, fourteenth paragraph				
195	Scope	Scope	Scope(deleted)	
Annex, amending provision, numbered paragraph (6)				
196	6. The Code seeks to address those aspects necessary for a Contracting Government or Party to give full and complete effect to the provisions of the applicable international instruments to which it is a Contracting Government or Party, pertaining to:	6. The Code seeks to address those aspects necessary for a Contracting Government or Party to give full and complete effect to the provisions of the applicable international instruments to which it is a Contracting Government or Party, pertaining to:	<del>6. The Code seeks to address those aspects necessary for a Contracting Government or Party to give full and complete effect to the provisions of the applicable international instruments to which it is a Contracting Government or Party, pertaining to:(deleted)</del>	
Annex, amending provision, numbered paragraph (6), point (1)				
197	1. safety of life at sea;	1. safety of life at sea;	<del>1. safety of life at sea;(deleted)</del>	
Annex, amending provision, numbered paragraph (6), point (2)				
198	2. prevention of pollution from ships;	2. prevention of pollution from ships;	<del>2. prevention of pollution from ships;(deleted)</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Annex, amending provision, numbered paragraph (6), point (3)			
199	3. standards of training, certification and watchkeeping for seafarers;	3. standards of training, certification and watchkeeping for seafarers;	3. standards of training, certification and watchkeeping for seafarers; <del>(deleted)</del>	
	Annex, amending provision, numbered paragraph (6), point (4)			
200	4. load lines;	4. load lines;	4. load lines; <del>(deleted)</del>	
	Annex, amending provision, numbered paragraph (6), point (5)			
201	5. tonnage measurement of ships; and	5. tonnage measurement of ships; and	5. tonnage measurement of ships; and <del>(deleted)</del>	
	Annex, amending provision, numbered paragraph (6), point (6)			
202	6. regulations for preventing collisions at sea.	6. regulations for preventing collisions at sea.	6. regulations for preventing collisions at sea. <del>(deleted)</del>	
	Annex, amending provision, numbered paragraph (7)			
203	7. The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the	7. The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the	7. The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	implementation and enforcement of those obligations and responsibilities by the State:	implementation and enforcement of those obligations and responsibilities by the State:	implementation and enforcement of those obligations and responsibilities by the State:(deleted)	
Annex, amending provision, numbered paragraph (7), point (1)				
204	1. jurisdiction;	1. jurisdiction;	1. jurisdiction;(deleted)	
Annex, amending provision, numbered paragraph (7), point (2)				
205	2. organization and authority;	2. organization and authority;	2. organization and authority;(deleted)	
Annex, amending provision, numbered paragraph (7), point (3)				
206	3. legislation, rules and regulations;	3. legislation, rules and regulations;	3. legislation, rules and regulations;(deleted)	
Annex, amending provision, numbered paragraph (7), point (4)				
207	4. promulgation of the applicable international mandatory instruments, rules and regulations;	4. promulgation of the applicable international mandatory instruments, rules and regulations;	4. promulgation of the applicable international mandatory instruments, rules and regulations;(deleted)	
Annex, amending provision, numbered paragraph (7), point (5)				
208	5. enforcement arrangements;	5. enforcement arrangements;	5. enforcement	

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			arrangements;(deleted)	
Annex, amending provision, numbered paragraph (7), point (6)				
209	6. control, survey, inspection, audit, verification, approval and certification functions;	6. control, survey, inspection, audit, verification, approval and certification functions;	6. <del>control, survey, inspection, audit, verification, approval and certification functions;</del> (deleted)	
Annex, amending provision, numbered paragraph (7), point (7)				
210	7. selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;	7. selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;	7. <del>selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;</del> (deleted)	
Annex, amending provision, numbered paragraph (7), point (8)				
211	8. investigations required to be reported to the Organization; and	8. investigations required to be reported to the Organization; and	8. <del>investigations required to be reported to the Organization; and</del> (deleted)	
Annex, amending provision, numbered paragraph (7), point (9)				
212	9. reporting to the Organization and other Administrations.	9. reporting to the Organization and other Administrations.	9. <del>reporting to the Organization and other Administrations.</del> (deleted)	



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, seventeenth paragraph				
213	Initial actions	Initial actions	<del>Initial actions</del> (deleted)	
Annex, amending provision, numbered paragraph (8)				
214	8. When a new or amended instrument of the Organization enters into force for a State, the Government of that State should be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:	8. When a new or amended instrument of the Organization enters into force for a State, the Government of that State should be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:	8. <del>When a new or amended instrument of the Organization enters into force for a State, the Government of that State should be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:</del> (deleted)	
Annex, amending provision, numbered paragraph (8), point (1)				
215	1. the ability to promulgate laws, which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries,	1. the ability to promulgate laws, which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries,	1. <del>the ability to promulgate laws, which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries,</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;	the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;	<del>the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;</del> <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (8), point (2)				
216	2. a legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes; and	2. a legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes; and	<del>2. a legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes;</del> <b>and(deleted)</b>	
Annex, amending provision, numbered paragraph (8), point (3)				
217	3. the availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.	3. the availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.	<del>3. the availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.</del> <b>(deleted)</b>	
Annex, amending provision, nineteenth paragraph				
218	Communication of information	Communication of information	<del>Communication of information</del> <b>(deleted)</b>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (9)				
219	9. The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned.	9. The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned.	<del>9. The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned.</del> <b>(deleted)</b>	
Annex, amending provision, twenty-first paragraph				
220	Records	Records	<del>Records</del> <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (10)				
221	10. Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.	10. Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.	<del>10. Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.</del> <b>(deleted)</b>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, twenty-third paragraph				
222	Improvement	Improvement	<del>Improvement (deleted)</del>	
Annex, amending provision, numbered paragraph (11)				
223	11. States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.	11. States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.	11. <del>States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.</del> (deleted)	
Annex, amending provision, numbered paragraph (12)				
224	12. The State should stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, which may include, inter alia:	12. The State should stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, which may include, inter alia:	12. <del>The State should stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, which may include, inter alia:</del> (deleted)	
Annex, amending provision, numbered paragraph (12), point (1)				
225				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	1. continual training programmes relating to safety and pollution prevention;	1. continual training programmes relating to safety and pollution prevention;	1. continual training programmes relating to safety and pollution prevention; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (12), point (2)				
226	2. regional and national drills on safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional and international organizations, companies and seafarers; and	2. regional and national drills on safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional and international organizations, companies and seafarers; and	2. regional and national drills on safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional and international organizations, companies and seafarers; and <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (12), point (3)				
227	3. using reward and incentive mechanisms for shipping companies and seafarers regarding improving safety and pollution prevention.	3. using reward and incentive mechanisms for shipping companies and seafarers regarding improving safety and pollution prevention.	3. using reward and incentive mechanisms for shipping companies and seafarers regarding improving safety and pollution prevention. <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (13)				
228	13. Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:	13. Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:	13. Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including: <del>(deleted)</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (13), point (1)				
229	1. review and analysis of non-conformities;	1. review and analysis of non-conformities;	1. <del>review and analysis of non-conformities;</del> (deleted)	
Annex, amending provision, numbered paragraph (13), point (2)				
230	2. implementation of necessary corrective action; and	2. implementation of necessary corrective action; and	2. <del>implementation of necessary corrective action; and</del> (deleted)	
Annex, amending provision, numbered paragraph (13), point (3)				
231	3. review of the corrective action taken.	3. review of the corrective action taken.	3. <del>review of the corrective action taken.</del> (deleted)	
Annex, amending provision, numbered paragraph (14)				
232	14. The State should determine action needed to eliminate the causes of potential non-conformities in order to prevent their occurrence.	14. The State should determine action needed to eliminate the causes of potential non-conformities in order to prevent their occurrence.	14. <del>The State should determine action needed to eliminate the causes of potential non-conformities in order to prevent their occurrence.</del> (deleted)	
Annex, amending provision, twenty-eighth paragraph				
233	PART 2 - FLAG STATES	PART 2 - FLAG STATES	<del>PART 2 - FLAG STATES</del> (deleted)	
Annex, amending provision, numbered paragraph (15)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
234	15. In order to effectively discharge their responsibilities and obligations, flag States should:	15. In order to effectively discharge their responsibilities and obligations, flag States should:	15. <del>In order to effectively discharge their responsibilities and obligations, flag States should:</del> (deleted)	
Annex, amending provision, numbered paragraph (15), point (1)				
235	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 and pollution prevention conventions and protocols to which they are parties; and	1. <del>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</del> (deleted)	
Annex, amending provision, numbered paragraph (15), point (2)				
236	2. assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary.	2. assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary.	2. <del>assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary.</del> (deleted)	
Annex, amending provision, numbered paragraph (16)				
237	16. A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum,	16. A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum,	16. <del>A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum,</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	should consist of the following:	should consist of the following:	should consist of the following: <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (1)				
238	1. administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulations;	1. administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulations;	1. <del>administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulations;</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (2)				
239	2. compliance with the requirements of the applicable international instruments, using an audit and inspection programme,	2. compliance with the requirements of the applicable international instruments, using an audit and inspection programme,	2. <del>compliance with the requirements of the applicable international instruments, using an audit and inspection programme,</del>	



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation;	independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation;	independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (3)				
240	3. compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:	3. compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:	3. <del>compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (3)(1)				
241	1. training, assessment of competence and certification of seafarers;	1. training, assessment of competence and certification of seafarers;	1. <del>training, assessment of competence and certification of seafarers;</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (3)(2)				
242	2. certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical	2. certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical	2. <del>certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	to those used in any safe manning document issued to the ship;	to those used in any safe manning document issued to the ship;	to those used in any safe manning document issued to the ship; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (3)(3)				
243	3. impartial investigation to be held of any reported failure, whether by act or omission that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by the State;	3. impartial investigation to be held of any reported failure, whether by act or omission that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by the State;	3. impartial investigation to be held of any reported failure, whether by act or omission that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by the State; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (3)(4)				
244	4. arrangements for the withdrawal, suspension or cancellation of certificates or endorsements issued by the State when warranted and when necessary to prevent fraud; and	4. arrangements for the withdrawal, suspension or cancellation of certificates or endorsements issued by the State when warranted and when necessary to prevent fraud; and	4. arrangements for the withdrawal, suspension or cancellation of certificates or endorsements issued by the State when warranted and when necessary to prevent fraud; <del>and(deleted)</del>	
Annex, amending provision, numbered paragraph (16), point (3)(5)				
245	5. administrative arrangements, including those involving training, assessment and certification activities conducted under the	5. administrative arrangements, including those involving training, assessment and certification activities conducted under the	5. administrative arrangements, including those involving training, assessment and certification activities conducted under the	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	purview of another State, which are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag;	purview of another State, which are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag;	<del>purview of another State, which are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag;</del> <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (16), point (4)				
246	4. the conduct of investigations into casualties and adequate and timely handling of cases involving ships with identified deficiencies; and	4. the conduct of investigations into casualties and adequate and timely handling of cases involving ships with identified deficiencies; and	<del>4. the conduct of investigations into casualties and adequate and timely handling of cases involving ships with identified deficiencies;</del> <b>and(deleted)</b>	
Annex, amending provision, numbered paragraph (16), point (5)				
247	5. the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration.	5. the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration.	<del>5. the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration.</del> <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (17)				
248	17. A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned,	17. A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned,	<del>17. A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned,</del>	

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	taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organisation.	taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organisation.	taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organisation-(deleted)	
Annex, amending provision, thirty-second paragraph				
249	Delegation of authority	Delegation of authority	Delegation of authority (deleted)	
Annex, amending provision, numbered paragraph (18)				
250	18. With regard only to ships entitled to fly its flag a flag State authorizing a recognized organization to act on its behalf, in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under its national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to:	18. With regard only to ships entitled to fly its flag a flag State authorizing a recognized organization to act on its behalf, in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under its national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to:	18. <del>With regard only to ships entitled to fly its flag a flag State authorizing a recognized organization to act on its behalf, in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under its national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to:</del> (deleted)	
Annex, amending provision, numbered paragraph (18), point (1)				
251	1. determine that the recognized	1. determine that the recognized	1. <del>determine that the recognized</del>	

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	organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the required standards for recognized organizations acting on behalf of the Administration set out in the relevant instruments of the Organization;	organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the required standards for recognized organizations acting on behalf of the Administration set out in the relevant instruments of the Organization;	<del>organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the required standards for recognized organizations acting on behalf of the Administration set out in the relevant instruments of the Organization;</del> (deleted)	
Annex, amending provision, numbered paragraph (18), point (2)				
252	2. have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant instruments of the Organization, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration;	2. have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant instruments of the Organization, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration;	<del>2. have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant instruments of the Organization, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration;</del> (deleted)	
Annex, amending provision, numbered paragraph (18), point (3)				
253	3. issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to	3. issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to	<del>3. issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to</del>	

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	the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;	the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;	<del>the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;</del> (deleted)	
Annex, amending provision, numbered paragraph (18), point (4)				
254	4. provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions and specify, only for application to ships entitled to fly its flag, whether any additional standards of the Administration go beyond convention requirements in any respect; and	4. provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions and specify, only for application to ships entitled to fly its flag, whether any additional standards of the Administration go beyond convention requirements in any respect; and	<del>4. provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions and specify, only for application to ships entitled to fly its flag, whether any additional standards of the Administration go beyond convention requirements in any respect; and</del> (deleted)	
Annex, amending provision, numbered paragraph (18), point (5)				
255	5. require that the recognized organization maintain records, which will provide the Administration with data to assist in interpretation of requirements contained in the applicable international instruments.	5. require that the recognized organization maintain records, which will provide the Administration with data to assist in interpretation of requirements contained in the applicable international instruments.	<del>5. require that the recognized organization maintain records, which will provide the Administration with data to assist in interpretation of requirements contained in the applicable international instruments.</del> (deleted)	
Annex, amending provision, numbered paragraph (19)				
256				

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	19. No flag State should mandate its recognized organizations to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the Organization.	19. No flag State should mandate its recognized organizations to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the Organization.	<del>19. No flag State should mandate its recognized organizations to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the Organization.</del> <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (20)				
257	20. The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by:	20. The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by:	<del>20. The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by:</del> <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (20), point (1)				
258	1. exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag effectively comply with the requirements of the applicable international instruments;	1. exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag effectively comply with the requirements of the applicable international instruments;	<del>1. exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag effectively comply with the requirements of the applicable international instruments;</del> <b>(deleted)</b>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (20), point (2)				
259	2. conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and	2. conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and	2. conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (20), point (3)				
260	3. providing staff who have a good knowledge of the rules and regulations of the flag State and those of the recognized organizations and who are available to carry out effective oversight of the recognized organizations.	3. providing staff who have a good knowledge of the rules and regulations of the flag State and those of the recognized organizations and who are available to carry out effective oversight of the recognized organizations.	3. providing staff who have a good knowledge of the rules and regulations of the flag State and those of the recognized organizations and who are available to carry out effective oversight of the recognized organizations. <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (21)				
261	21. A flag State nominating surveyor(s) for the purpose of carrying out surveys, audits and inspections on its behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18,	21. A flag State nominating surveyor(s) for the purpose of carrying out surveys, audits and inspections on its behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18,	21. A flag State nominating surveyor(s) for the purpose of carrying out surveys, audits and inspections on its behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18,	



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	in particular subparagraphs 3. and 4..	in particular subparagraphs 3. and 4..	in particular subparagraphs 3. and 4.. <del>(deleted)</del>	
Annex, amending provision, thirty-seventh paragraph				
262	Enforcement	Enforcement	<del>Enforcement</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (22)				
263	22. 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. Such measures should include, inter alia:	22. 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. Such measures should include, inter alia:	22. A flag State should take all <del>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. Such measures should include, inter alia:</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (22), point (1)				
264	1. prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;	1. prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;	1. <del>prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (22), point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
265	2. the periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries;	2. the periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries;	2. the periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (22), point (3)				
266	3. the surveyor to ensure, during the periodic inspection referred to in subparagraph 2., that seafarers assigned to the ships are familiar with:	3. the surveyor to ensure, during the periodic inspection referred to in subparagraph 2., that seafarers assigned to the ships are familiar with:	3. the surveyor to ensure, during the periodic inspection referred to in subparagraph 2., that seafarers assigned to the ships are familiar with; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (22), point (3)(1)				
267	1. their specific duties; and	1. their specific duties; and	1. their specific duties; <del>and (deleted)</del>	
Annex, amending provision, numbered paragraph (22), point (3)(2)				
268	2. ship arrangements, installations, equipment and procedures;	2. ship arrangements, installations, equipment and procedures;	2. ship arrangements, installations, equipment and procedures; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (22), point (4)				
269	4. ensuring that the ship's complement, as a whole, can	4. ensuring that the ship's complement, as a whole, can	4. ensuring that the ship's complement, as a whole, can	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;	effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;	<del>effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;</del> (deleted)	
Annex, amending provision, numbered paragraph (22), point (5)				
270	5. providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly its flag;	5. providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly its flag;	<del>5. providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly its flag;</del> (deleted)	
Annex, amending provision, numbered paragraph (22), point (6)				
271	6. instituting proceedings, after an investigation has been conducted, against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;	6. instituting proceedings, after an investigation has been conducted, against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;	<del>6. instituting proceedings, after an investigation has been conducted, against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;</del> (deleted)	
Annex, amending provision, numbered paragraph (22), point (7)				
272	7. providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and	7. providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and	<del>7. providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	standards by individuals issued with certificates or endorsements under its authority; and	standards by individuals issued with certificates or endorsements under its authority; and	<del>standards by individuals issued with certificates or endorsements under its authority; and</del> (deleted)	
Annex, amending provision, numbered paragraph (22), point (8)				
273	8. instituting proceedings, after an investigation has been conducted, against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred.	8. instituting proceedings, after an investigation has been conducted, against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred.	<del>8. instituting proceedings, after an investigation has been conducted, against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred.</del> (deleted)	
Annex, amending provision, numbered paragraph (23)				
274	23. A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:	23. A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:	<del>23. A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:</del> (deleted)	
Annex, amending provision, numbered paragraph (23), point (1)				
275	1. provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate;	1. provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate;	<del>1. provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate;</del> (deleted)	
Annex, amending provision, numbered paragraph (23), point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
276	2. provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and	2. provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and	2. <del>provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and</del> (deleted)	
Annex, amending provision, numbered paragraph (23), point (3)				
277	3. provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.	3. provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.	3. <del>provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.</del> (deleted)	
Annex, amending provision, numbered paragraph (24)				
278	24. Furthermore, the flag State should:	24. Furthermore, the flag State should:	24. <del>Furthermore, the flag State should:</del> (deleted)	
Annex, amending provision, numbered paragraph (24), point (1)				
279	1. ensure compliance with the applicable international instruments through national legislation;	1. ensure compliance with the applicable international instruments through national legislation;	1. <del>ensure compliance with the applicable international instruments through national legislation;</del> (deleted)	
Annex, amending provision, numbered paragraph (24), point (2)				
280	2. provide an appropriate number of qualified personnel to	2. provide an appropriate number of qualified personnel to	2. <del>provide an appropriate number of qualified personnel to</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	implement and enforce the national legislation referred to in subparagraph 151., including personnel for performing investigations and surveys;	implement and enforce the national legislation referred to in subparagraph 151., including personnel for performing investigations and surveys;	implement and enforce the national legislation referred to in subparagraph 151., including personnel for performing investigations and surveys; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (24), point (3)				
281	3. provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;	3. provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;	3. <del>provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (24), point (4)				
282	4. provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or of the competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and	4. provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or of the competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and	4. <del>provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or of the competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and</del> <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (24), point (5)				
283	5. ensure the training and oversight of the activities of flag	5. ensure the training and oversight of the activities of flag	5. <del>ensure the training and oversight of the activities of flag</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	State surveyors and investigators.	State surveyors and investigators.	<del>State surveyors and investigators.</del> (deleted)	
Annex, amending provision, numbered paragraph (25)				
284	25. When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments.	25. When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments.	<del>25. When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments.</del> (deleted)	
Annex, amending provision, numbered paragraph (26)				
285	26. A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.	26. A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.	<del>26. A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.</del> (deleted)	
Annex, amending provision, numbered paragraph (27)				
286	27. A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that	27. A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that	<del>27. A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	the person meets all applicable requirements.	the person meets all applicable requirements.	the person meets all applicable requirements. <b>(deleted)</b>	
Annex, amending provision, forty-fourth paragraph				
287	Flag State surveyors	Flag State surveyors	Flag State surveyors <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (28)				
288	28. The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.	28. The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.	28. The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention. <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (29)				
289	29. Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments should have as a minimum the following:	29. Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments should have as a minimum the following:	29. Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments should have as a minimum the following. <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (29), point (1)				
290	1. appropriate qualifications from	1. appropriate qualifications from	1. appropriate qualifications from	



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency and having maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or	a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency and having maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or	a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency and having maintained their technical knowledge of ships and their operation since gaining their certificate of competency; <del>or</del> (deleted)	
Annex, amending provision, numbered paragraph (29), point (2)				
291	2. a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the flag State; or	2. a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the flag State; or	2. a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the flag State; <del>or</del> (deleted)	
Annex, amending provision, numbered paragraph (29), point (3)				
292	3. accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 291., 292. and 32.	3. accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 291., 292. and 32.	3. accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 291., 292. and 32. <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (30)				
293				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	30. Personnel qualified under paragraph 291. should have served for a period of not less than three years at sea as an officer in the deck or engine department.	30. Personnel qualified under paragraph 291. should have served for a period of not less than three years at sea as an officer in the deck or engine department.	30. Personnel qualified under paragraph 291. should have served for a period of not less than three years at sea as an officer in the deck or engine department. <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (31)				
294	31. Personnel qualified under paragraph 292. should have worked in a relevant capacity for at least three years.	31. Personnel qualified under paragraph 292. should have worked in a relevant capacity for at least three years.	31. Personnel qualified under paragraph 292. should have worked in a relevant capacity for at least three years. <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (32)				
295	32. In addition, such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes.	32. In addition, such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes.	32. In addition, such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes. <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (33)				
296	33. Other personnel assisting in the performance of such work	33. Other personnel assisting in the performance of such work	33. Other personnel assisting in the performance of such work	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	should have education, training and supervision commensurate with the tasks they are authorized to perform.	should have education, training and supervision commensurate with the tasks they are authorized to perform.	<del>should have education, training and supervision commensurate with the tasks they are authorized to perform. (deleted)</del>	
Annex, amending provision, numbered paragraph (34)				
297	34. Previous relevant experience in the field of expertise is recommended to be considered an advantage; in case of no previous experience, the Administration should provide appropriate field training.	34. Previous relevant experience in the field of expertise is recommended to be considered an advantage; in case of no previous experience, the Administration should provide appropriate field training.	<del>34. Previous relevant experience in the field of expertise is recommended to be considered an advantage; in case of no previous experience, the Administration should provide appropriate field training. (deleted)</del>	
Annex, amending provision, numbered paragraph (35)				
298	35. The flag State should implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.	35. The flag State should implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.	<del>35. The flag State should implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake. (deleted)</del>	
Annex, amending provision, numbered paragraph (36)				
299	36. Depending on the function(s) to be performed, the qualifications should encompass:	36. Depending on the function(s) to be performed, the qualifications should encompass:	<del>36. Depending on the function(s) to be performed, the qualifications should encompass: (deleted)</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (36), point (1)				
300	1. knowledge of applicable, international and national, rules and regulations for ships, their companies, their crew, their cargo and their operation;	1. knowledge of applicable, international and national, rules and regulations for ships, their companies, their crew, their cargo and their operation;	1. knowledge of applicable, international and national, rules and regulations for ships, their companies, their crew, their cargo and their operation; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (36), point (2)				
301	2. knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions;	2. knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions;	2. knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (36), point (3)				
302	3. understanding of the goals and objectives of the international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes;	3. understanding of the goals and objectives of the international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes;	3. understanding of the goals and objectives of the international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes; <del>(deleted)</del>	
Annex, amending provision, numbered paragraph (36), point (4)				
303	4. understanding of the processes both on board and ashore, internal as well as external;	4. understanding of the processes both on board and ashore, internal as well as external;	4. understanding of the processes both on board and ashore, internal as well as external; <del>(deleted)</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (36), point (5)				
304	5. possession of professional competency necessary to perform the given tasks effectively and efficiently;	5. possession of professional competency necessary to perform the given tasks effectively and efficiently;	5. <del>possession of professional competency necessary to perform the given tasks effectively and efficiently;</del> (deleted)	
Annex, amending provision, numbered paragraph (36), point (6)				
305	6. full safety awareness in all circumstances, also for one's own safety; and	6. full safety awareness in all circumstances, also for one's own safety; and	6. <del>full safety awareness in all circumstances, also for one's own safety; and</del> (deleted)	
Annex, amending provision, numbered paragraph (36), point (7)				
306	7. training or experience in the various tasks to be performed and preferably also in the functions to be assessed.	7. training or experience in the various tasks to be performed and preferably also in the functions to be assessed.	7. <del>training or experience in the various tasks to be performed and preferably also in the functions to be assessed.</del> (deleted)	
Annex, amending provision, numbered paragraph (37)				
307	37. The flag State should issue an identification document for the surveyor to carry when performing his/her tasks.	37. The flag State should issue an identification document for the surveyor to carry when performing his/her tasks.	37. <del>The flag State should issue an identification document for the surveyor to carry when performing his/her tasks.</del> (deleted)	
Annex, amending provision, fifty-fifth paragraph				
308	Flag State investigations	Flag State investigations	Flag State investigations (deleted)	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (38)				
309	38. Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. Subject to any agreement on which State or States will be the marine safety investigating State(s), the flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.	38. Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. Subject to any agreement on which State or States will be the marine safety investigating State(s), the flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.	<del>38. Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. Subject to any agreement on which State or States will be the marine safety investigating State(s), the flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.</del> (deleted)	
Annex, amending provision, numbered paragraph (39)				
310	39. The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary:	39. The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary:	<del>39. The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary.</del> (deleted)	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (39), point (1)				
311	1. navigation and the Collision Regulations;	1. navigation and the Collision Regulations;	1. <del>navigation and the Collision Regulations;</del> (deleted)	
Annex, amending provision, numbered paragraph (39), point (2)				
312	2. flag State regulations on certificates of competency;	2. flag State regulations on certificates of competency;	2. <del>flag State regulations on certificates of competency;</del> (deleted)	
Annex, amending provision, numbered paragraph (39), point (3)				
313	3. causes of marine pollution;	3. causes of marine pollution;	3. <del>causes of marine pollution;</del> (deleted)	
Annex, amending provision, numbered paragraph (39), point (4)				
314	4. interviewing techniques;	4. interviewing techniques;	4. <del>interviewing techniques;</del> (deleted)	
Annex, amending provision, numbered paragraph (39), point (5)				
315	5. evidence gathering; and	5. evidence gathering; and	5. <del>evidence gathering; and</del> (deleted)	
Annex, amending provision, numbered paragraph (39), point (6)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
316	6. evaluation of the effects of the human element.	6. evaluation of the effects of the human element.	6. evaluation of the effects of the human element. <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (40)				
317	40. It is recommended that any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public.	40. It is recommended that any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public.	40. It is recommended that any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public. <b>(deleted)</b>	
Annex, amending provision, numbered paragraph (41)				
318	41. Ship casualties should be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization. The report on the investigation should be forwarded to the Organization together with the flag State's observations, in accordance with the guidelines referred to above.	41. Ship casualties should be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization. The report on the investigation should be forwarded to the Organization together with the flag State's observations, in accordance with the guidelines referred to above.	41. Ship casualties should be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization. The report on the investigation should be forwarded to the Organization together with the flag State's observations, in accordance with the guidelines referred to	



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			above. <del>(deleted)</del>	
Annex, amending provision, sixtieth paragraph				
319	Evaluation and review	Evaluation and review	<del>Evaluation and review (deleted)</del>	
Annex, amending provision, numbered paragraph (42)				
320	42. A flag State should, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.	42. A flag State should, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.	<del>42. A flag State should, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party. (deleted)</del>	
Annex, amending provision, numbered paragraph (43)				
321	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	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	<del>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 deleted)) and other performance indicators as may be appropriate, in order to</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.	whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.	<del>determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.</del>	
Annex, amending provision, numbered paragraph (44)				
322	44. Areas recommended for regular review may include, inter alia:	44. Areas recommended for regular review may include, inter alia:	44. <del>Areas recommended for regular review may include, inter alia;</del> (deleted)	
Annex, amending provision, numbered paragraph (44), point (1)				
323	1. fleet loss and accident ratios to identify trends over selected time periods;	1. fleet loss and accident ratios to identify trends over selected time periods;	1. <del>fleet loss and accident ratios to identify trends over selected time periods;</del> (deleted)	
Annex, amending provision, numbered paragraph (44), point (2)				
324	2. the number of verified cases of detained ships in relation to the size of the fleet;	2. the number of verified cases of detained ships in relation to the size of the fleet;	2. <del>the number of verified cases of detained ships in relation to the size of the fleet;</del> (deleted)	
Annex, amending provision, numbered paragraph (44), point (3)				
325	3. the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under the flag State's authority;	3. the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under the flag State's authority;	3. <del>the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under the flag State's authority;</del> (deleted)	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (44), point (4)				
326	4. responses to port State deficiency reports or interventions;	4. responses to port State deficiency reports or interventions;	4. responses to port State deficiency reports or interventions; <del>interventions;(deleted)</del>	
Annex, amending provision, numbered paragraph (44), point (5)				
327	5. investigations into very serious and serious casualties and lessons learned from them;	5. investigations into very serious and serious casualties and lessons learned from them;	5. investigations into very serious and serious casualties and lessons learned from them; <del>learned from them;(deleted)</del>	
Annex, amending provision, numbered paragraph (44), point (6)				
328	6. technical and other resources committed;	6. technical and other resources committed;	6. technical and other resources committed; <del>committed;(deleted)</del>	
Annex, amending provision, numbered paragraph (44), point (7)				
329	7. results of inspections, surveys and controls of the ships in the fleet;	7. results of inspections, surveys and controls of the ships in the fleet;	7. results of inspections, surveys and controls of the ships in the fleet; <del>fleet;(deleted)</del>	
Annex, amending provision, numbered paragraph (44), point (8)				
330	8. investigation of occupational accidents;	8. investigation of occupational accidents;	8. investigation of occupational accidents; <del>accidents;(deleted)</del>	

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (44), point (9)				
331	9. the number of incidents and violations that occur under the applicable international maritime pollution prevention regulations; and	9. the number of incidents and violations that occur under the applicable international maritime pollution prevention regulations; and	9. <del>the number of incidents and violations that occur under the applicable international maritime pollution prevention regulations; and</del> (deleted)	
Annex, amending provision, numbered paragraph (44), point (10)				
332	10. the number of suspensions or withdrawals of certificates, endorsements, approvals, or similar.	10. the number of suspensions or withdrawals of certificates, endorsements, approvals, or similar.	10. <del>the number of suspensions or withdrawals of certificates, endorsements, approvals, or similar.</del> (deleted)	