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## REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	16967/4/23 REV 4
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 – Preparation for the trilogue

## I. INTRODUCTION

1. The Commission submitted the above-mentioned proposal to the European Parliament and to the Council on 1 June 2023 as a part of the Maritime Safety Package<sup>1</sup>.
2. The proposal concerns a modification of Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements<sup>2</sup>.
3. Directive 2009/21/EC regulates the enforcement of rules applicable to flag State at the Union level. The responsibility for monitoring the compliance of ships with particular IMO conventions lies with the State where the ship is registered and whose nationality the ship holds: the flag State. The Directive aims to ensure that Member States effectively and consistently discharge their obligations as flag States.

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<sup>1</sup> 10160/23

<sup>2</sup> OJ L 131, 28.5.2009, p. 132.

4. The revision of the Directive has the following specific objectives:
- to update and align the Directive with the international rules, in particular as regards the IMO Instruments Implementation Code III Code;
  - to ensure adequate inspections of flagged ships and monitoring oversight of recognised organisations (ROs) working on behalf of the flag State;
  - to ensure a higher uptake of digital solutions and
  - to ensure a harmonised approach in the understanding, reporting and measuring of the performance of flag States fleets and duties.
5. The proposal was accompanied by an impact assessment and an evaluation report<sup>1</sup>. The impact assessment was presented and thoroughly examined at one working party meeting, and it did not raise any major concerns for delegations.

## II. STATE OF PLAY

1. The European Parliament designated the Committee on Transport and Tourism (TRAN) as the responsible committee on this proposal and Ms Vera Tax (S&D, Netherlands) as rapporteur. It adopted its position and a mandate for negotiations in plenary on 13 December 2023.
2. On 20 September 2023, the European Economic and Social Committee adopted its opinion on the proposal<sup>2</sup>. On 23 June 2023, the European Committee of the Regions decided not to give an opinion.
3. The Council agreed on a general approach on 4 December 2023.
4. The co-legislators agreed in writing, in the beginning of January 2024, to enter into negotiations and granted a broad mandate to the technical level. The co-legislators confirmed the objective of the Commission proposal.

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<sup>1</sup> 10103/23 ADD 2 + ADD 3 + ADD 4

<sup>2</sup> 13385/23

5. Between 9 January 2024 and 14 February there were 4 technical meetings organised to prepare the trilogue planned on 27 February. The Presidency presented in the Shipping Working Party on 15, 22 and 29 January as well as 5 and 12 February compromise proposals and drafting suggestions that were prepared in the technical meetings with the Parliament.
6. During the technical meetings the Presidency explained the work done in the Council and got support from the Parliament for most of the changes it presented in the general approach. After the last technical meeting, five main political issues remain to be resolved:
- Social provisions (*lines 11a, 25a, 49, 58, 69, 69a, 78a, 93, 139b*);
  - Genuine link (*line 21*)
  - Risk Based Approach (*lines 13d, 17, 17b, 18, 57-57f*);
  - Digitalisation (*lines 77-93a*)
  - Sharing of flag State inspection reports (*line 84*)

### **III. THE PROPOSED MANDATE**

7. The trilogue is scheduled on 27 February in the European Parliament in Strasbourg. It is the Presidency's intention to finalise the negotiations with a political agreement.
8. For the European Parliament, **the social element** is politically very important, and there are no less than 9 amendments on this topic. However, as many Member States noted, the Union already has a legal framework in force in this area<sup>1</sup>. For this reason, introducing such provisions in this directive could generate legal uncertainty, and the Presidency has pointed this out repeatedly during the interinstitutional technical meetings. Moreover, the 2006 Maritime Labour Convention is not within the scope of the III Code, and so there is no reason to include it in this directive.

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

This is, however, very important politically for the Parliament. At the same time, the general objective of improving the shipboard living and working conditions of seafarers is something that the Council can support. For this reason, the Presidency is suggesting several compromise proposals, which would not create any additional obligations or burdens for the Member States, in lines 11a, 25a, 36d, 49 and 58. In exchange, the Presidency will insist that the Parliament shows flexibility in respect to other elements which are important for the Council, such as digitalisation and the risk-based approach.

9. One of the most controversial amendments of the Parliament concerns the issue of ‘**genuine link**’ (*line 21*), included in recital (11), but without any correspondence in the articles. The concept is mentioned in Article 91(1) of UNCLOS<sup>1</sup>, which states that there must be a genuine link between a vessel and its flag State. The Parliament proposed that the Commission would develop guidelines to set out what constitutes a genuine link and its consequences. This is, however, a highly controversial issue, as there is currently no generally agreed legal understanding, at international level, of the meaning and limits of the concept. A restrictive interpretation at Union level could have an impact on several Member States with open registers. For this reason and having in mind the positions expressed by Member States during the discussions in the Shipping Working Party, the Presidency is suggesting to reject the EP amendment in its entirety.
10. The Presidency explained in detail the Council **risk-based approach** (*lines 57-57f*) and its advantages. While acknowledging the added value of prioritising ships with a higher risk for the flag State inspections, the EP remains concerned of the fact that, according to the data in the impact assessment, some Member States seem to be conducting a number of flag State inspections which is too low. Moreover, it noted that in the Council text the risk-based approach remains optional, which means that MS are free not to use such an approach in their inspection activities. For Member States who decide not to use this approach, there are no quantitative nor qualitative requirements in the general approach. For Member States who use the risk-based approach, there is also a risk that certain ships would not be inspected for extended periods of time. This is a major point for the EP, who seems convinced that flag States inspections are central to ensure a similar high quality of shipping in all Member States.

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<sup>1</sup> UNCLOS – The United Nations Convention on the Law of the Sea

The Presidency is now proposing a number of additional elements that would strengthen the risk-based approach and alleviate the concerns of the Parliament. During the interinstitutional technical meetings, the EP indicated it could agree with this revised risk based approach, with the exception of the 7 years time limit between inspections in lines 57e and 57f, where they propose 5 years. In view of a compromise, the Presidency would like to test the Member States' flexibility for a 6 years time limit (which, according to a simplistic estimation, could be equivalent to a 16,6 % yearly inspection quota).

11. One of the main objectives of the European Parliament is to stimulate the **digitalisation** of the sector at European level. They consider that electronic information sharing will facilitate the work of flag State (and port State) inspectors and improve overall efficiency, while at the same time reducing administrative burdens, both for authorities and for the shipping companies. In *line 79*, The Parliament strongly supports the Commission, considering that the *electronic availability of statutory certificates* is a minimal requirement; they do not share the Council concerns and consider that these certificates do not include any confidential information. The availability of statutory certificates in a digital form could facilitate inspections.

The Presidency is proposing, in *lines 77-93a* a compromise solution that takes into consideration the concerns of Member States (no additional administrative burden, no duplication of work and no additional cost), and also achieves the result sought by the Parliament and the Commission: that all the information listed in Article 6 (including the statutory certificates – *line 79*) is available online, in an up-to-date form, to all port State and flag State inspectors in the Union.

This compromise solution is based on a *digital interoperable portal*, which would be essentially a 'bridge' allowing port and flag State inspector to directly consult the information that is stored in national databases. This brings no new obligation for Member States, other than the one already in the general approach: to make the information available in an electronic format.

12. On a similar point linked to the digitalisation, the Parliament sees a strong added value in the **electronic sharing of flag State inspection reports** (*line 84*). This is based on three main arguments:

- better use of scarce resources / less need to inspect ships – for example: if a specific ship, which is certified by a certain Recognised Organisation (RO), is subject to a flag State inspection in another Member State and no issues are identified, this can be a good indication that similar ships, certified by the same RO, do not pose a substantial risk – this information (the outcome of the inspection report) can therefore be used in its own risk-based approach by another flag State;
- better monitoring of ROs and less chance of detentions by port State control – if several inspection reports indicate structural weaknesses in the activity of a certain RO, on certain ship-types, this information (the outcomes of inspection reports) could be used by another flag State to inspect with priority such ships, certified by the respective RO, and determine corrective actions which in turn would avoid possible deficiencies and detentions of those ships by port State control authorities in other Member States.
- coherent and harmonised implementation of the legislation by flag State inspectors - This sharing of inspection reports already happens for Ro-PAX ships. Without digitalizing and sharing inspection reports here, there would be two different regimes for flag State inspectors to follow, based on the type of ship.

The Presidency would like to know if Member States can show flexibility towards the idea of sharing at least some elements of the flag State inspection reports.

13. As regards other more technical issues, it should be noted that some adjusted compromises (with **green highlight** in the Annex) are proposed for:

- the scope (*line 36g*) – the Parliament has strong reservations to changing the scope of the proposal and they asked to limit changes to what is absolutely necessary; moreover, they were critical on the fact that the concept of international voyages, while essential for this directive, is not clearly defined. As a compromise, the Presidency is proposing to delete the part relative to certification (which is already included in the definition of ship) and to include one additional definition for the concept of ‘international voyage’. This proposed

definition will be included in Article 3 and is based on the definition in Article 2 point (8) of Regulation (EC) No 336/2006<sup>1</sup>. In addition, a new recital explaining the modification of the scope was included in *line 12a*; from a legal perspective, this does not change the substance of the general approach;

- remote inspections (*line 46*) – the Parliament indicated that it can accept the deletion of ‘on-board’ if the last sentence of the proposed definition is also deleted;
- HSSC (*line 56 and 16*) – even if at political level the text could be acceptable for the EP, the EP legal service has serious misgivings on the clarity of the reference to ‘flag State prerogatives’, considering this notion is not detailed in international law; in consultation with the CLS, the Presidency is proposing a redrafted text, in *lines 14 and 56*;
- reports on their flag State performance (*line 105c*) – after clarifying the correct terminology (‘medium’ instead of ‘standard’), the EP insisted to revert in substance to the text of the existing directive; if this would be agreed by the Council, the EP would accept the GA in *lines 107 and 109*;
- Delegation (*lines 62, 64*) – the EP has legal concerns on the wording “whether its own or delegated”; in consultation with the CLS, the Presidency is proposing a redrafted text to the effect that Member States shall ensure that ‘appropriate resources are available to their administrations’;
- Member States oversight (*line 69*) – the Presidency proposed to delete the last part of the sentence, which is redundant, since the concept of ‘Conventions’ is defined under Article 3(f) (*line 41*) and already includes the reference to the III Code.
- Derogation for landlocked States (*lines 30b and 136b*) – at the request of the Parliament, and in consultation with CLS, the Presidency is proposing changes to these two lines, to limit the derogation only to the mandatory provisions of Article 6 on electronic information and exchange.

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<sup>1</sup> Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community

#### IV. CONCLUSIONS

14. The Permanent Representatives Committee is invited to endorse the Presidency's strategy for a conclusive negotiation and the related compromise proposals as outlined in this note and its Annex, and to give the corresponding mandate for the trilogue on 27 February 2024.
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**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,	<i>A - identical</i>
Formula				
10	Whereas:	Whereas:	Whereas:	<i>A - identical</i>
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.	<i>A - identical</i>
Recital 1a				
11a		<u><i>(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</i></u>		<b>Trilogue – social</b>  (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 and Directive 2022/9932 of the European Parliament and of the Council, given that health, safety,

	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>		security and the human factor are closely interlinked and that it is of utmost importance to prevent any damage caused by human error.
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> <del>IMO</del> 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 <del>and complete</del> effect so as to ensure that, <del>from the point of view</del> <b>in terms</b> of safety of life at sea and <b>the</b> protection of the marine environment, a ship is fit for the service for which it is</p>	<b>A</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			intended.	
12a				<p>(2a) The provisions of the IMO Conventions and related international instruments relating to flag state requirements apply only in respect of ships engaged in international voyages. Therefore it should be clarified that Directive 2009/21/EC only applies to administrations of the Member State whose flag the ship is flying, for ships engaged in international voyages.</p> <p><i>New recital, to clarify the revised wording of Article 2 (Scope).</i></p>
Recital 3				
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	(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	(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</del> <b>should take the necessary measures</b> to discharge the obligations laid down in those conventions with respect to the ships flying their flag, <del>the mandatory provisions of those</del>	<b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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.	<del>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) (adopted on 4 December 2013) on the IMO Instruments Implementation Code (III CODE), <b>adopted on 4 December 2013</b> , which contains the mandatory provisions to be implemented by flag States.	
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 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.</b>	<b>Keep GA</b>
Recital 3b				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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 Convention on Tonnage Measurement of Ships, 1969; and the Convention on the International Regulations for Preventing Collisions at Sea, 1972.	Ok Cons text.
Recital 3c				
13c			(3c) Flag State surveyors are	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			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.	
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 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	Keep GA



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			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 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.	(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 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.	(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 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>	(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 survey by the flag State as laid down in the relevant procedures and guidelines annexed to IMO Resolution A. 1156(32) on survey guidelines under the harmonised system of survey and certification. <del>The annexes to the survey guidelines should be followed as far as is deemed necessary by flag State surveyors.</del> <b>However, in certain cases, it may not be</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
				possible for the flag state administration to follow entirely those guidelines. Therefore, Member States should only be required to apply those guidelines as far as possible.
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>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)</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>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)</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 the</b> <del>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>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</p>	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			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> (deleted)	Keep GA
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 of ships flying the flag of a	(7) The maritime administrations of the Member States should be able to rely on adequate resources, including technical decision-making capability, for the implementation of their flag State obligations, commensurate with the size and type of their fleet and based upon the relevant IMO requirements. In order to improve the overall qualitative performance of ships flying the flag of a	(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</del> <b>with according to</b> the size and type of their fleet and based upon the relevant IMO requirements. <del>In order to improve the overall qualitative performance of ships</del>	Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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>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, including development of rules and design review, of the recognised organisations performing flag State duties on behalf of Member States</b> <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 their independence.</b>	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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>		Keep GA
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.	<del>(8) Minimum criteria and inspection targets related to those resources should be established on the basis of the practical experience of the Member States, including the use of non-exclusive inspectors, via implementing measures. (deleted)</del>	Keep GA
Recital 9				
19	(9) The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State surveyors and inspectors, should	(9) The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State surveyors and inspectors, should	<del>(9) The fulfilment of a harmonised capacity building scheme, post-qualification, by flag State surveyors and inspectors, should</del>	<b>(9) Flag State inspectors, surveyors and other personnel assisting in the performance of surveys should have the</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	ensure a level playing field between maritime administrations and contribute to the qualitative performance of ships flying the flag of a Member State.	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>	<del>ensure a level playing field between maritime administrations and contribute to the qualitative performance of ships flying the flag of a Member State. (deleted)</del>	<p><b>education, training and supervision necessary to carry out the tasks they are authorised to perform. The Commission, assisted by the European Maritime Safety Agency (EMSA), and in cooperation with Member States should develop a voluntary training programme to support flag State administrations in this respect and should facilitate coordination and exchange of information and good practices.</b></p> <p>Such training programme should be kept updated and take into account new or additional obligations arising from the instruments and Conventions, and could consider issues such as new technologies, social matters, as well as other relevant developments.</p>
Recital 10				
20	(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	(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	(10) <del>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</del>	<b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>situational awareness at sea.</p> <p>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).</p>	<p>situational awareness at sea.</p> <p>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).</p>	<p><del>surveillance and situational awareness at sea.</del></p> <p><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></p>	
Recital 11				
21	<p>(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.</p>	<p>(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><a href="#">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</a></u></p>	<p>(11) The establishment and development of a database providing essential information, <del>in an</del> in 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> Member States. The development of a common and uniform database for issuance of electronic certificates, including</p>	<p><b>Trilogue – genuine link</b> <b>Keep GA</b></p>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u>registries, the Commission should facilitate the task of Member States in determining the existence of such a link by developing guidelines. Those guidelines should set out what constitutes a genuine link and its consequences. In drawing up those guidelines, the Commission should take into account the recommendation of the High Level Group on flag State matters and input from stakeholders, including those from the private sector, civil society and academia. Shipowners are obliged to pay social security contributions under the law of the State of the flag that they are flying, unless the employee pays them in accordance with the law of the State in which they reside. Those rules can have undesirable consequences when they are used to avoid high contribution levels.</u>	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 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	(12) Essential information, including electronic reports and ship certificates following flag State inspections, should be available for all concerned	(12) Essential information, including electronic reports and ship certificates following flag State inspections, should be available for all concerned	<b>Trilogue - digitalisation</b>  For monitoring <b>and inspection</b> purposes, essential information, such as the ship's particulars, registered owner and data relating



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	authorities and the Commission, for monitoring purposes and for the enhancement of efficiency in carrying out any type of inspection.	authorities and the Commission, for monitoring purposes and for the enhancement of efficiency in carrying out any type of inspection.	<del>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 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.</b>	<del>to the ship's certificates</del> <b>should</b> 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	(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	<del>(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</del>	Ok Cons Text

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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.	mandatory IMO instruments, as required by Resolution A 1067(28) <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.	
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>1. 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>1. 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><del>1. 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>	Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Recital 14a				
24a		<p><u>(14a) The involvement of the Commission and EMSA in the audits should make the auditing process more effective and comprehensive. It should also facilitate the introduction and implementation of simplified procedures, including incentives for compliance with environmental, social, public health and labour law standards and standards ensuring the safety on board ships calling at Union ports of seafarers, as well as possibilities for effective, proportionate and dissuasive sanctions, taking into account environmental, public health, tax and social law.</u></p>		Keep GA
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	(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	(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	(15) In order to further enhance the quality of the flagged ships and to ensure a level playing field between maritime administrations of the Member States, a quality certification of administrative procedures, included in the quality

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>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 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.</p>	<p>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 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.</p>	<p>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), <b>cover the operational parts of the maritime administration related to survey, inspection, audit, verification and certification</b> under the responsibility of the Member State as flag State. Furthermore, <b>all relevant</b> all-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 <b>assist in carrying out inspections; other than statutory surveys 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</b></p>	<p>management system in accordance with ISO or equivalent standards. <b>It</b> should cover the operational parts of the maritime administration related to survey, inspection, audit, verification and certification under the responsibility of the Member State as flag State, <b>whether national (first registers) or international (second or overseas registers).</b> Furthermore, all relevant 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 assist in carrying out inspections other than statutory surveys or flag State inspections, should be clarified. 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. In</p>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			<p><b>the necessary control measures in that respect.</b> In order to ensure their independence, <b>Member States should take appropriate measures to prevent conflicts of interest</b> – the absence of any conflict of interest of involved personnel should be documented in relation to the work they are to perform.</p>	<p>order to ensure their independence, Member States should take appropriate measures to prevent conflicts-of interest of involved personnel in relation to the work they are to perform.</p>
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-</u></p>		<p><b>Trilogue – social</b></p> <p>(15a) In coordination with the International Labour Organisation (ILO), the Commission and the Member States are encouraged to continue to advocate for the improvement of seafarers’ working and living conditions.</p>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u><a href="#">compliant recruitment and employment services.</a></u>		
Recital 16				
26	(16) An evaluation and review of 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.	(16) An evaluation and review of 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.	(16) <del>An evaluation and review of 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> (deleted)	Keep GA
Recital 16a				
26a		<u><a href="#">(16a) The Commission should issue a transparency report based on information from the mandatory database, which is accessible to all Member States.</a></u>		Keep GA
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	(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	(17) <del>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</del>	Keep GA Pcy: see line 30a

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Member States' national authorities, flag State experts and inspectors, as well as, as appropriate, experts from the private sector, should be established.	Member States' national authorities, flag State experts and inspectors, as well as, as appropriate, experts from the private sector, should be established.	<del>Member States' national authorities, flag State experts and inspectors, as well as, as appropriate, experts from the private sector, should be established.</del> (deleted)	
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.	<del>(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.</del> (deleted)	<b>Trilogue - digitalisation</b>  <b>(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.</b>
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	(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	<del>(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</del>	<b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>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 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>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 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>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 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> (deleted)</p> <p><del><sup>1</sup>. OJ L 123, 12.5.2016, p. 1.</del></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</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</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</p>	<b>Keep GA</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>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 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>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 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>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 harmonised scheme for measuring of flag State performance</del> 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. <del>13</del> <b>13</b>).</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</b></p>	<p>The Commission should <del>explore</del> <b>explore</b> the possibility of setting up a forum for Member State experts dealing with flag State matters, as well as</p>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			<p>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 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.</p>	<p>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 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.</p> <p><i>Pcy: in line with changes introduced in lines 113-116</i></p>
Recital 20b				
30b			<p>(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.</p>	<p>(20b) In order to avoid imposing a disproportionate administrative burden <b>as regards the sharing of information related to ships</b> 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 <b>Article 6 of</b> this Directive.</p>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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 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>	(21) The European Maritime Safety Agency (EMSA) should provide the necessary support to ensure the implementation of Directive 2009/21/EC. <del>(deleted)</del>	<b>The European Maritime Safety Agency (EMSA) should provide support for the implementation of Directive 2009/21/EC, where appropriate and based on Member States' demands for support.</b>  <i>PCY: EP can drop its AM, if the initial proposal by COM is maintained.</i>
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,</b> in accordance with the principle of proportionality, <b>subsidiarity</b> as set	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			out in Article 5 of the Treaty on <b>European Union. In accordance with the principle of proportionality, as set out in that Article</b> , this Directive does not go beyond what is necessary in order to achieve those objectives.	
Recital 23				
33	(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 <del>accordingly</del> ,	<b>A</b>
Formula				
34	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	<b>A - identical</b>
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	<b>A - identical</b>
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:	<b>A - identical</b>
Article 1, first paragraph a				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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
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>Trilogue – social</b>  (b) to enhance safety, <b>working and living conditions</b> , and to prevent pollution from ships flying the flag of a Member State.'

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, sixth paragraph				
36e			(0) Article 2 is replaced by the following:	Keep GA
Article 1, seventh paragraph				
36f			Article 2 Scope	Keep GA
Article 1, eighth paragraph				
36g			<b>This Directive shall apply to the administration of the State whose flag the ship is flying, for ships subject to certification and engaged in international voyages.’;</b>	<p>This Directive shall apply to the administration of the State whose flag the ship is flying, for ships <b>subject to certification and</b> engaged in international voyages.’;</p> <p><i>In addition, a new definition will then be included in Article 3 for the concept of “international voyage”:</i></p> <p><b>‘international voyage’ means a voyage by sea from a port of a Member State or any other State to a port outside that State, or vice versa;</b></p>
Article 1, eighth paragraph, point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
37	(1) Article 3 is amended as follows:	(1) Article 3 is amended as follows:	(1) Article 3 is amended as follows:	<i>A - identical</i>
Article 1, eighth paragraph, point (1a)				
37a			<b>(-a) point (a) is replaced by the following:</b>	<b>Keep GA</b>
Article 1, eighth paragraph, point (1b)				
37b			<b>(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>	<b>Keep GA</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:	<i>A - identical</i>
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	(e) ‘IMO audit’ means an audit conducted in accordance with the provisions of Resolution A 1067(28) (“Framework and	(e) ‘IMO audit’ means an audit conducted in accordance with the provisions of Resolution A 1067(28) (“Framework and	<i>A - identical</i>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Procedures for the IMO Member State Audit”), in its up-to-date version, adopted by the International Maritime Organisation (IMO);	Procedures for the IMO Member State Audit”), in its up-to-date version, adopted by the International Maritime Organisation (IMO);	Procedures for the IMO Member State Audit”), in its up-to-date version, adopted by the International Maritime Organisation (IMO);	
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	<p>‘</p> <p>(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 2006);</p> <p>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).</p>	<p>‘</p> <p>(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 2006);</p> <p>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).</p>	<p>‘</p> <p>(f) ‘Conventions’ means the Conventions, with the Protocols and amendments thereto, <del>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 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></p> <p><del>1. Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port</del></p>	<b>Keep GA</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			State control (OJ L 131, 28.5.2009, p. 57).	
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”)</del> , adopted by the International Maritime <del>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>	<b>Keep GA</b>
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 to the statutory certificates and fulfilling the independence requirement specified in Article 8(1);	(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 to the statutory certificates and fulfilling the independence requirement specified in Article 8(1);	(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 performing</b> <del>to carry out surveys, verifications and audits related to the statutory certificates of ships and companies covered by the relevant international mandatory instruments and fulfilling the independence requirement</del>	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			<del>specified</del> laid down 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>	Ok Cons text.
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (Ia)				
44a			<b>(i) a public sector employee, working exclusively for and duly authorised by the competent authority of a Member State; or</b>	Ok Cons text.
Article 1, eighth paragraph, point (1b)(b), amending provision, numbered paragraph (ib)				
44b			<b>(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</b>	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			with the competent authority of the Member State,	
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);	Ok Cons text.
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 fulfils the criteria of communication, qualification and independence specified in Article 8(1);	(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 fulfils the criteria of communication, qualification and independence specified in Article 8(1);	(j) ‘other personnel assisting in the performance of inspections <del>surveys</del> ’ means a <del>person not exclusively employed by, but in a contractual situation with</del> <b>persons duly authorised by</b> the competent authority of the Member State, <del>and duly authorised by the competent authority of the Member State</del> <b>or by a recognised organisation acting on its behalf,</b> who may <del>carry out certain inspections, other than statutory</del> <b>assist flag State surveyors when carrying out surveys, as</b> specified by the competent authority, and who <del>fulfils</del> <b>fulfil</b> the criteria of communication, qualification and	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			independence specified laid down in Article 8(1);	
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>	(k) ‘flag State inspection’ means an inspection, not leading to certification, conducted to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries; <b>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>
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), 2021, in its up-to-date version, adopted by the International Maritime Organisation (IMO);	(l) ‘HSSC’ means Resolution A. 1156(32) (“Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021, in its up-to-date version, adopted by the International Maritime Organisation (IMO);	(l) ‘HSSC’ means Resolution A. 1156(32) (“Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021, in its up-to-date version, adopted by the International Maritime Organisation (IMO);’;	<b>A</b>
Article 1, eighth paragraph, point (2)				
48				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	(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	<p>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.</p>	<p>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 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</u><sup>1</sup>. It shall, if necessary, consult with the</p>	<p>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 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</p>	<p><b>Trilogue – social</b></p> <p>Prior to allowing a ship which has been granted the right to fly its flag to operate, the Member State concerned shall ensure that the ship in question complies with the applicable international rules and regulations, <b>including safety, social and environmental standards</b>. Those measures may be taken by a recognized organisation, acting on behalf of the Member State, when duly authorised by the competent authority. In particular, it shall verify the safety records of the ship using, where available, the inspection reports and certificates contained in its own database or, as applicable, in the ship information database referred to in Article 6a for Member States that have opted for it. 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>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<p>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>	unresolved;	
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 4a to 4e are inserted:	A
Article 1, eighth paragraph, point (3), amending provision, first paragraph				
51	Article 4a	Article 4a	Article 4a	A - identical
Article 1, eighth paragraph, point (3), amending provision, second paragraph				
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	A - identical
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (1)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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>Keep GA.</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</b> take the following <b>measures:</b>	Ok Cons text.
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	(a) prohibiting ships from sailing until such ships can proceed to sea in compliance with international	(a) <del>prohibiting ships from sailing until such ships can proceed to sea in compliance with international</del>	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	rules and standards;	rules and standards;	<del>rules and standards;</del> (deleted);	
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); <del>and,</del> <b>and following its annexes as far as is deemed necessary;</b>	(b) ensuring that ships entitled to fly their flag have been surveyed, <b>as far as possible,</b> in accordance with the survey guidelines under the Harmonized System of Survey and Certification (HSSC) <del>and following its annexes as far as is deemed necessary;</del>
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>	Ok Cons text.
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (c)				
57	(c) carrying out supplementary flag State inspections of ships to verify that the actual condition of the ship is in conformity with the certificates it carries.	(c) carrying out supplementary flag State inspections of ships to verify that the actual condition of the ship is in conformity with the certificates it carries.	(c) carrying out <del>supplementary</del> flag State inspections <del>of ships</del> to verify that the actual condition of the ship is in conformity with the certificates it carries.; <b>such inspections may be carried out</b>	(c) carrying out flag State inspections to verify that the actual condition of the ship is in conformity with the certificates it carries; such inspections may be carried out using a risk-based



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			using a risk-based approach, which may include the following criteria:	approach, which <del>may</del> shall include the following criteria:
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;	(i) records of deficiencies and non-conformities from statutory surveys, audits and verifications performed by the flag;
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (cb)				
57b			(ii) reports of very serious accidents;	(ii) relevant accident investigation reports;
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;	(iii) <del>ships that have been detained or issued with a</del> detentions or prohibition of operation notices issued by a port State control authority;
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (2), point (cd)				
57d			(iv) ships that exceed a port State control deficiency ratio established by each Member State;	(iv) <del>ships that exceeding</del> a port State control deficiency ratio established by each Member State;

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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.	(v) records of deficiencies from inspections carried out according to national legislation as deemed appropriate by each Member State.
				(vi) other relevant information deemed necessary by the Member State.
				<b>Trilogue – risk-based approach</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 once every 16 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	<b>Trilogue – risk-based approach</b>  Member States may depart from the not using a risk-based approach and shall carry out flag State inspections using their own procedures, instructions and

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			compliance with the III Code.	relevant information in compliance with the III Code. <b>They shall ensure that every ship is inspected at least once every 16 years.</b>
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 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>	3. Member States shall ensure that any deficiencies confirmed or revealed by an inspection carried out in accordance with <b>point (c) of paragraph 2(e)2</b> are rectified <b>within an appropriate timeframe, as determined by the flag State.</b>	<b>Trilogue – social</b>  Member States shall ensure that any deficiencies, <b>including safety environmental and social concerns</b> , confirmed or revealed by an inspection carried out in accordance with paragraph 2(c) are rectified within an appropriate time-frame by the flag State.
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (4)				
59	4. On completion of any	4. On completion of any	4. On completion of <del>any</del>	<b>Keep GA.</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	inspection carried out, the flag State inspector shall draw up a report on the basis of Annex IX to Directive 2009/16/EC.	inspection carried out, the flag State inspector shall draw up a report on the basis of Annex IX to Directive 2009/16/EC.	<del>inspection carried out</del> <b>flag State inspection</b> , the flag State inspector shall draw up a report on the basis of Annex IX to Directive 2009/16/EC <b>Outcome of this task.</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 type of its fleet, in particular for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article.	1. Each Member States shall ensure that its administration relies on appropriate resources, commensurate with the size and type of its fleet, in particular for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article.	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 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.	Each Member State shall ensure that <del>its administration relies on</del> appropriate resources, <del>whether its own or delegated</del> , according to the size and type of its fleet and with respect to the implementation of the administrative processes, procedures and resources necessary, in particular, for meeting the obligations provided for in Article 4a and paragraphs 2 and 3 of this Article, <b>are available to its administration.</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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>	<b>Keep GA</b>
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 with the size and type of its fleet.	3. Each Member State shall develop or maintain a design review and technical decision-making capability commensurate with the size and type of its fleet.	3. Each Member State shall develop or maintain a design review and technical decision-making capability, <b>whether its own or delegated, according to</b> <del>commensurate with</del> the size and type of its fleet.	3. Each Member State shall <b>ensure that develop or maintain</b> a design review and technical decision-making capability, <del>whether its own or delegated,</del> according to the size and type of its fleet, <b>is available to its administration.</b>
Article 1, eighth paragraph, point (3), amending provision, numbered paragraph (4)				
65	4. In order to ensure harmonisation of the supplementary flag State	4. In order to ensure harmonisation of the supplementary flag State	4. <del>In order to ensure harmonisation of the supplementary flag State</del>	<b>Keep GA.</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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).’	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).’	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)</del>	
Article 1, eighth paragraph, point (3), amending provision, thirteenth paragraph				
66	‘Article 4c	‘Article 4c	‘Article 4c	A - identical
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>Keep GA.</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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 audits</b> on ships and companies <b>shall</b> undergo the harmonised scheme specified in paragraph 2 <b>training relevant to the specific activities carried out.</b>	<b>Keep GA.</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 in relation to new or additional obligations arising from the relevant international instruments, for Member States flag State surveyors and inspectors.	2. The Commission, seeking the advice of the high level group on flag State matters referred to in Article 9a(1), shall develop a common capacity building scheme (post-qualification at national level) and keep it updated, considering new technologies and in relation to new or additional obligations arising from the relevant international instruments, for Member States flag State surveyors and inspectors. <b>and paying particular attention to the implementation of Directive 2013/54/EU.</b>	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 flag State matters referred to in Article 9a(1), shall develop a common capacity building scheme (post-qualification at national level) inspectors and surveyors</b> and keep it updated, <del>considering new technologies and in relation to</del> <b>up to date, taking into account</b> new or additional obligations arising from the relevant international <b>Conventions and instruments, for Member States flag State surveyors and inspectors</b>	<b>Trilogue – social</b> 2. Member States may develop a capacity-building scheme for their flag State inspectors and surveyors and keep it up to date, taking into account new or additional obligations arising from the Conventions <b>and instruments referred to in the III Code.</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			referred to in the III Code.-;	
				(3) The Commission, with the assistance of EMSA and in cooperation with Member States, shall organise, where appropriate and based on Member States' demands for support, relevant training activities for flag State inspectors and surveyors.
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>		<b>Trilogue – social</b>  Keep GA
Article 1, eighth paragraph, point (4)				



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
70	(4) Article 5 is amended as follows:	(4) Article 5 is amended as follows:	(4) Article 5 is amended as follows:	<i>A - identical</i>
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	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	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 order to provide a timely response to the situations	Ok Cons text.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>pollution.</p> <p>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).</p>	<p>pollution.</p> <p>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).</p>	<p><b>referred to in paragraph 1 of this Article as well as safety incidents and alleged pollution.;</b></p> <p><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></p>	
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:	<i>A - identical</i>
Article 1, eighth paragraph, point (5), amending provision, first paragraph				
75	Article 6	Article 6	Article 6	<i>A - identical</i>
Article 1, eighth paragraph, point (5), amending provision, second paragraph				
76	Electronic information and exchange	Electronic information and exchange	Electronic information and exchange	<i>A - identical</i>
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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 electronic format compatible and interoperable with Union maritime safety databases:	1. <u>Electronic certificates shall be mandatory for all Members States from [three years from the date of entry into force of this amending Directive], at the latest.</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:	1. Member States shall ensure that at least the following information concerning ships flying their flag is kept and is made accessible in an <del>made available in</del> electronic format compatible and interoperable with Union maritime safety databases:	<b>Trilogue – digitalisation</b>  1. Member States shall ensure that <del>at least</del> the following information concerning ships flying their flag is made available in electronic format <b>in its up to date version at the latest six years after the entry into force of this amending Directive:</b>
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.);	<del>A – identical</del> <del>(a) particulars of the ship (name, IMO number, etc.);</del>
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>		<b>Trilogue – social</b>  Keep GA
Article 1, eighth paragraph, point (5), amending provision, numbered paragraph (1), point (b)				
79	(b) statutory certificates (full,	(b) statutory certificates (full,	(b) <b>date of validity of</b> statutory	<b>Trilogue - digitalisation</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	interim or temporary) including dates of surveys, additional and supplementary surveys, if any, and audits;	interim or temporary) including dates of surveys, additional and supplementary surveys, if any, and audits;	<del>certificates (full, interim or temporary or interim) including dates of surveys, additional and supplementary surveys, if any, and audits;</del>	<del>(a) date of validity of statutory certificates (full or interim)</del> <b>including dates of surveys, additional and supplementary surveys, if any, and audits;</b>
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>Trilogue - digitalisation</b> <del>(c) identification of the recognised organisations involved in the certification and classification of the ship;</del>
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;	<del>(d) identification of the competent authority which has inspected the ship under port State control provisions and the dates of the inspections</del> <del>(deleted);</del>	<b>Trilogue - digitalisation</b> <b>Keep GA</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> );	<del>(e) outcome of the port State control inspections (deficiencies: yes or no; detentions: yes or no</del> <del>(deleted);</del>	<b>Trilogue - digitalisation</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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>Trilogue - digitalisation</b>  Keep GA
	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;	<b>Trilogue - digitalisation</b> A – identical  (f <b>b</b> ) identification of ships which have ceased to fly the flag of the Member State concerned during the previous 12 months;
	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>Trilogue - digitalisation</b>  Keep GA
	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.	2. The information shall be communicated to the inspection database provided for in Article 6a.	2. <del>The information shall be communicated to the inspection database provided for in Article 6a.</del>	<b>Trilogue - digitalisation</b>  2. The Commission shall develop, maintain and update a digital

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>The master shall also be provided with a copy of the report.</p>	<p><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.</p>	<p>The master shall also be provided with a copy of the report.(deleted).</p>	<p><b>interoperable portal providing for a single point of access for the information in paragraph 1 and allowing Member States' flag and port State inspectors to access this information in the performance of their duties.</b></p> <p><b>The Commission shall make that portal electronically accessible and free of charge for Member States.</b></p> <p><b>That portal shall not contain personal data or confidential information.</b></p> <p><b>The Commission shall ensure the interoperability of the portal with the ship information database referred to in Article 6a.</b></p> <p><b>This digital portal shall be established [three] years from the date of entry into force of this amending Directive, at the latest.</b></p>
				<p><b>2a. The Commission shall adopt implementing acts to define the technical functioning of the digital portal referred to in</b></p>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
				<b>paragraph 2 of this Article.</b> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).
Article 1, eighth paragraph, point (6)				
86	(6) The following Article 6a is inserted:	(6) The following Article 6a is inserted:	(6) the following Article 6a is inserted:	<i>A - identical</i>
Article 1, eighth paragraph, point (6), amending provision, first paragraph				
87	Article 6a	Article 6a	Article 6a	<i>A - identical</i>
Article 1, eighth paragraph, point (6), amending provision, second paragraph				
88	Inspection database	Inspection database	<del>Inspection</del> Ships information database	<b>Keep GA</b>
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	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	1. The Commission shall develop, maintain and update an inspection <del>a</del> <b>ships information</b> database containing the information <del>specified</del> <b>referred to</b> in Article 6- <del>All and providing services for</del> Member States <del>shall be</del>	1. The Commission shall develop, maintain and update a ships information database containing the information referred to in Article 6 and providing services for Member States on issuing and controlling of electronic

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	inspection database referred to in Article 24 of Directive 2009/16/EC and shall have similar functionalities to that database.	inspection database referred to in Article 24 of Directive 2009/16/EC and shall have similar functionalities to that database.	<del>connected on issuing and controlling of electronic certificates. Member States may connect to that database.</del> That database <del>shall</del> may be based on the <del>inspection database referred to in Article 24 of Directive 2009/16/EC and shall</del> may have similar functionalities to that database.	certificates. <b>The ships information database shall be established [five] years from the date of entry into force of this amending Directive, at the latest.</b> Member States may connect to that database. That database may be based on the database referred to in Article 24 of Directive 2009/16/EC and may have similar 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.	<del>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.</del> <b>Without prejudice to national data protection requirements, Member States opting to use the ships information database:</b>	<b>Keep GA</b>
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2a)				
90a			<b>a) shall communicate the information contained in Article 6; and</b>	<b>a) shall communicate the information contained in Article 6; and</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2b)				
90b			b) may transfer to the ships information database information related to inspections carried out in accordance with this Directive, including information concerning deficiencies and certificates; and	Keep GA
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,	Keep GA
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (2d)				
90d			ensuring that the information is compatible and interoperable.	ensuring that the information is compatible and interoperable.
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	2a. Member States may use their own databases to collect the information referred to in Article 6. That information shall be

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			communicated to the Commission at least on a yearly basis. The Commission shall integrate the data into the ships information database.	communicated to the Commission at least on a yearly basis. The Commission shall integrate the data into the ships information database.
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (3)				
91	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> ships information database makes it possible to retrieve any relevant data concerning the implementation of this Directive based on inspection data provided by Member States.	Keep GA
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (4)				
92	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	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> and	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> ships information 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 that have opted to use the database shall have access to all the information recorded in the ships information database referred to in paragraph 1 <del>1</del> 2 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

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>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>1. 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>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>1. 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>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>1. 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>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>1. 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>
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (5)				
93	<p>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.</p>	<p>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.</p>	<p>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 Article 6(1) paragraph b, shall <b>be point (b) of Article 6(1) is</b> transmitted electronically to the <b>inspectionships information</b> database referred to in paragraph 1 of this Article, using the functional and technical specifications for <b>at the</b> harmonised electronic reporting interface provided for in Article 24a of Directive 2009/16/EC.</p>	<p><b>Trilogue – digitalisation</b></p> <p>5. Member States that have opted to use the database shall ensure that the date of validity of the statutory certificates referred to in point (b) of Article 6(1) is transmitted electronically to the ships information database referred to in paragraph 1 of this Article, using the functional and technical specifications for the harmonised electronic reporting interface provided for in Article 24a of Directive 2009/16/EC.</p>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (6), amending provision, numbered paragraph (5a)				
93a			<p><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 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).;</b></p>	<p>5a. The Commission shall adopt implementing acts to define the <b>technical</b> functioning <b>and the capacities</b> of the database referred to in Article 6a. Member States communicating <b>data information</b> in accordance with paragraph 2a of this Article shall have access to the database information submitted <b>in accordance with Article 6a(2)(a)</b>, 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).;</p>
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:	<i>A - identical</i>
Article 1, eighth paragraph, point (7), amending provision, first paragraph				
95	,	,	,	<i>A - identical</i>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Article 7	Article 7	Article 7	
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	<i>A - identical</i>
Article 1, eighth paragraph, point (7), amending provision, numbered paragraph (1)				
97	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> <i>five</i> 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</del> <b>by according to the cycle adopted at the IMO.</b> <del>Member States shall also make the same information available to the public, in accordance with relevant national legislation on confidentiality.</del>	1. Member States shall take the necessary measures to undergo the IMO audit of their administration according to the cycle adopted at the IMO. <b>Member States shall publish the outcome of the audit, in accordance with relevant national legislation on confidentiality.</b>  <i>Pcy: The EP can provisionally accept this wording, as it based on the existing directive.</i>
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	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	2. <del>Member States shall ensure that the Commission, assisted by EMSA, is allowed to participate as an observer in the IMO auditing</del>	<b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	process and, that any Audit report and the information on subsequent action taken is immediately made available to the Commission.	IMO auditing process and, that any Audit report and the information on subsequent action taken is immediately made available to the Commission.	process and, that any Audit report and the information on subsequent action taken is immediately made available to the Commission. <b>(deleted)</b>	
Article 1, eighth paragraph, point (7), amending provision, numbered paragraph (3)				
99	<p>3. In order to ensure the effective implementation of this Directive and to monitor the overall functioning of flag State compliance and the EU Recognised Organisation oversight scheme the Commission shall collect the necessary information and carry out visits to Member States, in accordance with Article xx of Regulation (EU) xx/xx of the European Parliament and of the Council<sup>1</sup> [EMSA Regulation to be adopted],</p> <p>1. Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]</p>	<p>3. In order to ensure the effective implementation of this Directive and to monitor the overall functioning of flag State compliance and the EU Recognised Organisation oversight scheme the Commission shall collect the necessary information and carry out visits to Member States, in accordance with Article xx of Regulation (EU) xx/xx of the European Parliament and of the Council<sup>1</sup> [EMSA Regulation to be adopted],</p> <p>1. Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]</p>	<p>3. In order to ensure the effective implementation of this Directive and to monitor the overall functioning of flag State compliance and the EU Recognised Organisation oversight scheme <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, <b>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];</b>;</p> <p>1. Regulation (EU) xx/xx of the European Parliament and of the Council ... [EMSA Regulation]</p>	<b>Keep GA</b>
Article 1, eighth paragraph, point (8)				
100				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	(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				
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 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 such as ISO 9001 standards.	<b>Keep GA</b> <i>Pcy: see changes proposed in line 25.</i>
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	The quality management system shall include defined responsibilities, authority and interrelation of all flag State personnel, including other	The quality management system shall include defined responsibilities, authority and interrelation of all flag State personnel, including other	The quality management system shall include defined responsibilities, authority and interrelation of personnel performing surveys, inspections,

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	<p>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 also specify how such personnel shall communicate and report.</p>	<p>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 also specify how such personnel shall communicate and report.</p>	<p><del>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 safety and pollution prevention  <b>the flag State obligations under the Conventions.</b> Such responsibilities shall be documented, specifying <del>what</del> the type and scope of inspection work that may <b>also</b> be performed by <del>other personnel assisting in the performance of inspections, and also specify non-</del>  <b>exclusively employed flag State inspectors, and</b> how such personnel shall communicate and report. <b>The quality management system shall indicate the tasks that can be carried out by other personnel assisting in the performance of surveys.</b></p>	<p>audits and verifications and the flag State personnel who manage, perform and verify work relating to and affecting the flag State obligations <del>under the Conventions.</del> Such responsibilities shall be documented, specifying the type and scope of inspection work that may also be performed by 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.</p>
Article 1, eighth paragraph, point (8)(a), amending provision, third paragraph				
104	<p>Each Member State shall ensure that other personnel assisting in the performance of inspections have education, training and supervision commensurate with the tasks they</p>	<p>Each Member State shall ensure that other personnel assisting in the performance of inspections have education, training and supervision commensurate with the tasks they</p>	<p>Each Member State shall ensure that <b>flag State inspectors non-exclusively employed and</b> other personnel assisting in the performance of <del>inspections</del><b>surveys</b></p>	<p>Each Member State shall ensure that flag State inspectors non-exclusively employed, and other personnel assisting in the performance of surveys, have</p>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	are authorized to perform.	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 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.</u>	have education, training and supervision commensurate with the tasks they are authorized to perform, <b>and that they are able to apply flag State instructions, procedures and criteria.</b>	education, training and supervision commensurate with the tasks they are authorised to perform, and that they are able to apply flag State instructions, procedures and criteria.  <i>Pcy: small editorial (2 commas), to make it clear that Non-exclusives cannot do Statutory surveys (+ second part of EP AM moved to line 19 – recital)</i>
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</b>	<b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			authority.	
Article 1, eighth paragraph, point (8)(a), amending provision, fourth paragraph a				
105a			Three years after the date of transposition of this Directive, the quality management system shall cover the aspects related to this Article.	Keep GA
Article 1, eighth paragraph, point (8)(a), amending provision, sixth paragraph				
105b			(a2) paragraph 2 is replaced by the following:	Keep GA
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.	Member States which appear on the low performance list or which appear, for two consecutive years, on the <b>standard medium performance list</b> 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

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
				report.  <i>Pcy: revert back to the text of the existing directive (black list or 2 consecutive years on the grey list – now with the new PMoU terminology)</i>
Article 1, eighth paragraph, point (8)(a), amending provision, eighth paragraph				
105d			<b>The report shall identify and analyse the main reasons that led to the detentions and the deficiencies resulting in a low performance status.;</b>	<b>Keep GA</b>
Article 1, eighth paragraph, point (8)(b)				
106	(b) the following paragraphs are added:	(b) the following paragraphs are added:	(b) <del>the following paragraphs are added:(deleted)</del>	<b>Keep GA</b>
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	‘ 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	‘ 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</del>	<b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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>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)	
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> 10.2.(deleted)	Keep GA
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	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	<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</del>	Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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>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>	
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.;	2c. <del>The Commission shall make available and maintain on a public website information about the performance of flag States.;</del> (deleted)	Keep GA
Article 1, eighth paragraph, point (9)				
111	(9) Article 9 is deleted.	(9) Article 9 is <del>deleted</del> <u>replaced by the following:</u>	(9) Article 9 is deleted.	
Article 1, first paragraph, point (9a)				
111a		<u>Article 9 Reports and Review</u>		EP proposal acceptable.
Article 1, first paragraph, point (9b)				
111b		<u>Every five years, and for the first</u>		EP proposal acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u>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>		
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>		Keep GA
Article 1, eighth paragraph, point (10)				
112	(10) The following new Articles are inserted:	(10) The following new Articles are inserted:	(10) The following new Articles are inserted: <b>(deleted)</b>	
Article 1, eighth paragraph, point (10), amending provision, first paragraph				
113	‘ Article 9a	‘ Article 9a	‘ <b>Article 9a(deleted)</b>	‘ <b>Article 9a</b>
Article 1, eighth paragraph, point (10), amending provision, second paragraph				
114				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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 <del>information</del> best practice 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.</del> <del>(deleted)</del>	<b>The Commission shall provide for the organisation of exchange of experiences and best practices between Member States' national authorities and flag State experts and inspectors, including, as appropriate, other relevant stakeholders, <del>those from the private sector, with a view to reach a common understanding and consider common practices</del> for the implementation of this Directive.</b>
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.</del> <del>(deleted)</del>	<b>Member States' national authorities and flag State experts and inspectors shall explore, together with the Commission, the possibility to develop <del>common</del> 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				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
117	It shall adopt its rules of procedure.	It shall adopt its rules of procedure.	It shall adopt its rules of procedure. <del>(deleted)</del>	Keep GA
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:	2. <del>The high level group on flag State matters shall have the following tasks, inter alia: (deleted)</del>	Keep GA
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;	(a) <del>make recommendations for a common approach to flag State inspections; procedures and guidelines for the control of ships; (deleted)</del>	Keep GA
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) <del>assist the Commission in the development of a common reporting format, including timing for flag State inspections/ Recognised Organisation RO monitoring; (deleted)</del>	Keep GA
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (c)				
121	(c) assist the Commission in the	(c) assist the Commission in the	(c) <del>assist the Commission in the</del>	Keep GA



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	development of the technical method for what constitutes appropriate resources, commensurate with the size and type of fleet, referred to in Article 4b;	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;	development of the technical method for what constitutes appropriate resources, commensurate with the size and type of fleet, referred to in Article 4b; <del>(deleted)</del>	
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 emanating due to new technologies;	(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 emanating due to new technologies;	(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 emanating due to new technologies; <del>(deleted)</del>	Keep GA
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;	(e) develop and implement the EU RO oversight and monitoring scheme referred to in Article 7; <del>(deleted)</del>	Keep GA
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	(f) provide guidance on how to use the information in the relevant	(f) provide guidance on how to use the information in the relevant	Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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;	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;	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)</del>	
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);	(g) assist the Commission in the technical development of the performance criteria referred to in Article 8(2b); <del>(deleted)</del>	Keep GA
Article 1, eighth paragraph, point (10), amending provision, numbered paragraph (2), point (h)				
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>	Keep GA
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>	Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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>establish:(deleted)</del>	Keep GA
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>Conventions:(deleted)</del>	Keep GA
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>Conventions:(deleted)</del>	Keep GA
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>Conventions:(deleted)</del>	Keep GA
Article 1, eighth paragraph, point (10), amending provision, fifth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
132	'Article 9b	'Article 9b	<del>'Article 9b(deleted)</del>	<b>Trilogue - digitalisation</b>  'Article 9b
Article 1, eighth paragraph, point (10), amending provision, sixth paragraph				
133	Information and data	Information and data	<del>Information and data(deleted)</del>	<b>Trilogue - digitalisation</b>  Information and data
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 Commission, about:	<u>1.</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 Commission, about:	<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 Commission, about:(deleted)</del>	<b>Trilogue - digitalisation</b>  <b>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.</b>  <i>Pcy: keep only first sentence of COM initial proposal, allowing DONA to continue to operate.</i>
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(deleted)</del>	<b>Trilogue - digitalisation</b>  <b>Keep GA</b>
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (a)(i)				
136				<b>Trilogue - digitalisation</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	(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;	(i) size and age of flagged fleet in terms of number and gross tonnes of conventional ships; <del>(deleted)</del>	Keep GA
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;	(ii) <del>the number of flag State inspectors/surveyors/auditors and other personnel assisting in the performance of inspections;</del> <del>(deleted)</del>	Trilogue - digitalisation Keep GA
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;	(iii) <del>the number of flag State surveys, inspections and audits carried out as flag States;</del> <del>(deleted)</del>	Trilogue - digitalisation Keep GA
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (a)(iv)				
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> <del>(deleted)</del>	Trilogue - digitalisation Keep GA
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</u>		Trilogue - digitalisation Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
		<u>audits carried out by flag States;</u>		
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>		<b>Trilogue - digitalisation</b>  Keep GA
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)	Keep GA
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (b)(i)				
141	(i) planned or confirmed dates for IMO Audit;	(i) planned or confirmed dates for IMO Audit;	(i) <del>planned or confirmed dates for IMO Audit;</del> (deleted)	<b>Trilogue - digitalisation</b>  Keep GA
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</del> (deleted)	<b>Trilogue - digitalisation</b>  Keep GA
Article 1, eighth paragraph, point (10), amending provision, seventh paragraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
143	(c) delegation of authority	(c) delegation of authority	(c) <del>delegation of authority</del> (deleted)	<b>Trilogue - digitalisation</b>  Keep GA
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</del> (deleted)	<b>Trilogue - digitalisation</b>  Keep GA
Article 1, first paragraph, point (10), amending provision, seventh paragraph, point (c)(i)(a)				
144a		<u><i>1a. The Commission shall issue an annual report based on the information collected under paragraph 1 of this Article, which shall be published on the official website. After its publication, the Commission shall present the results of that report to the European Parliament and to the Council.</i></u>		<b>Trilogue - digitalisation</b>  Keep GA
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:	<b>A - identical</b>
Article 1, eighth paragraph, point (11), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
146	Article 10	Article 10	Article 10	<i>A - identical</i>
Article 1, eighth paragraph, point (11), amending provision, second paragraph				
147	Committee procedure	Committee procedure	Committee procedure	<i>A - identical</i>
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.	<i>A - identical</i>
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.	<i>A - identical</i>
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:(deleted)</del>	<b>Keep GA</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Article 1, eighth paragraph, point (12), amending provision, first paragraph				
151	Article 10a	Article 10a	Article 10a(deleted)	Keep GA
Article 1, eighth paragraph, point (12), amending provision, second paragraph				
152	Delegated Acts	Delegated Acts	Delegated Acts(deleted)	Keep GA
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 flag State related provisions and commitments developed at international level, in particular, in the IMO.	The Commission shall be empowered to adopt delegated acts in accordance with Article 10b, concerning amendments to Annex 1, in order to take account of new flag State related provisions and commitments developed at international level, in particular, in the IMO.	The Commission shall be empowered to adopt delegated acts in accordance with Article 10b, concerning amendments to Annex 1, in order to take account of new flag State related provisions and commitments developed at international level, in particular, in the IMO.(deleted)	Keep GA
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)	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)	The amendments to the IMO Conventions and to the IMO Instruments Implementation Code (III CODE(deleted)) may be excluded from the scope of this Directive pursuant to Article 5(2)	Article XX - Amendments to the Conventions and III Code Amendments to the Conventions and III Code defined in Article XX of this Directive may be

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	No 2099/2002.	No 2099/2002.	of Regulation (EC) No 2099/2002.	excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.
Article 1, eighth paragraph, point (13)				
155	(13) The following Article 10b is inserted:	(13) The following Article 10b is inserted:	(13) The following Article 10b is inserted:(deleted)	Keep GA
Article 1, eighth paragraph, point (13), amending provision, first paragraph				
156	Article 10b	Article 10b	Article 10b(deleted)	Keep GA
Article 1, eighth paragraph, point (13), amending provision, second paragraph				
157	Exercise of the delegation	Exercise of the delegation	Exercise of the delegation(deleted)	Keep GA
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.(deleted)	Keep GA
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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>	Keep GA
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 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	3. The delegation of power referred to in Article 10a may be revoked at any time by the 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	3. The delegation of power referred to in Article 10a may be revoked at any time by the 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	Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. <del>(deleted)</del>	
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. <del>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.</del> <del>(deleted)</del>	Keep GA
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 Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. <del>As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</del> <del>(deleted)</del>	Keep GA
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	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	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</del>	Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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.	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.	<del>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.</del> (deleted)	
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (6a)				
163a			<b>(13a) in Article 11 the following paragraph is added:</b>	
Article 1, eighth paragraph, point (13), amending provision, numbered paragraph (6b)				
163b			<b>3. By derogation from the first 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</b>	3. By derogation from the first 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 <b>Article 6</b> of this Directive as long as the above mentioned condition is fulfilled. Any Member State that intends to avail itself of that derogation shall notify the

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			Commission by [date of transposition]. Any subsequent change shall also be communicated to the Commission.	Commission by [date of transposition]. 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.'	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 Article 6 of this Directive.
Article 1, eighth paragraph, point (14)				
164	(14) The text set out in the Annex to this Directive is added as Annex to Directive 2009/21/EC.	(14) The text set out in the Annex to this Directive is added as Annex to Directive 2009/21/EC.	(14) <del>The text set out in the Annex to this Directive is added as Annex to Directive 2009/21/EC.</del> (deleted)	Keep GA
Article 2				
165	Article 2 Transposition	Article 2 Transposition	Article 2 Transposition	A - identical
Article 2(1), first subparagraph				
166				Trilogue – transposition

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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 ... [OP: Please insert a date: <b>four years from the date of entry into force of this amending Directive</b> ] the laws, regulations and administrative provisions necessary to comply with this Directive. <b>They shall immediately inform the Commission thereof.</b>	1. Member States shall adopt and publish, by ... [OP: Please insert a date: <b>four years 30 months</b> from the date of entry into force of this amending Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.
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 be made.	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 be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or <b>shall</b> be accompanied by such reference on the occasion of their official publication. <b>The methods of making</b> such reference <b>is to be made</b> <b>shall be laid down by Member States.</b>	<b>Keep GA</b>
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	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in	2. <del>Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in</del>	<b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	the field covered by this Directive.	the field covered by this Directive.	the field covered by this Directive. (deleted)	
Article 3				
169	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	<i>A - identical</i>
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.	<i>A - identical</i>
Article 4				
171	Article 4 Addressees	Article 4 Addressees	Article 4 Addressees	<i>A - identical</i>
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>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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 <b>(deleted)</b>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, first paragraph				
179	‘ ANNEX	‘ ANNEX	‘ <b>ANNEX(deleted)</b>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, second paragraph				
180	Resolution A1.070(28)	Resolution A1.070(28)	<del>Resolution A1.070(28)</del> <b>(deleted)</b>	C

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
				<b>Keep GA</b>
Annex, amending provision, third paragraph				
181	(adopted on 4 December 2013)	(adopted on 4 December 2013)	(adopted on 4 December 2013 <del>deleted</del> )	<b>C</b> <b>Keep GA</b>
Annex, amending provision, fourth paragraph				
182	IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)	IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)	IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE <del>deleted</del> )	<b>C</b> <b>Keep GA</b>
Annex, amending provision, fifth paragraph				
183	PART 1 – COMMON AREAS	PART 1 – COMMON AREAS	PART 1 – COMMON AREAS <del>(deleted)</del>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, sixth paragraph				
184	Objective	Objective	Objective <del>(deleted)</del>	<b>C</b> <b>Keep GA</b>
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. 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 <del>Organization.</del>	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			Organization. (deleted)	
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> (deleted)	<b>C Keep GA</b>
Annex, amending provision, ninth paragraph				
187	Strategy	Strategy	Strategy (deleted)	<b>C Keep GA</b>
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> (deleted)	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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. develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met; (deleted)	C Keep GA
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. establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and (deleted)	C Keep GA
Annex, amending provision, numbered paragraph (3), point (3)				
191	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.	3. continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State. (deleted)	C Keep GA
Annex, amending provision, eleventh paragraph				
192	General	General	General (deleted)	C Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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.	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)</del>	C Keep GA
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 as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.	5. In taking measures to prevent, reduce and control pollution of the marine environment, States should act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.	5. In taking measures to prevent, reduce and control pollution of the marine environment, States should act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another. <del>(deleted)</del>	C Keep GA
Annex, amending provision, fourteenth paragraph				
195	Scope	Scope	Scope <del>(deleted)</del>	C Keep GA
Annex, amending provision, numbered paragraph (6)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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>	<b>C Keep GA</b>
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>	<b>C Keep GA</b>
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>	<b>C Keep GA</b>
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;	<del>3. standards of training, certification and watchkeeping for seafarers;(deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (6), point (4)				
200	4. load lines;	4. load lines;	<del>4. load lines;(deleted)</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (6), point (5)				
201	5. tonnage measurement of ships; and	5. tonnage measurement of ships; and	5. <del>tonnage measurement of ships; and</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (6), point (6)				
202	6. regulations for preventing collisions at sea.	6. regulations for preventing collisions at sea.	6. <del>regulations for preventing collisions at sea.</del> (deleted)	<b>C</b> <b>Keep GA</b>
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 implementation and enforcement of those obligations and responsibilities by the State:	7. The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the implementation and enforcement of those obligations and responsibilities by the State:	7. <del>The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the implementation and enforcement of those obligations and responsibilities by the State.</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (7), point (1)				
204	1. jurisdiction;	1. jurisdiction;	1. <del>jurisdiction;</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (7), point (2)				
205	2. organization and authority;	2. organization and authority;	2. <del>organization and</del>	<b>C</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			authority;(deleted)	Keep GA
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)	C Keep GA
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)	C Keep GA
Annex, amending provision, numbered paragraph (7), point (5)				
208	5. enforcement arrangements;	5. enforcement arrangements;	5. enforcement arrangements;(deleted)	C Keep GA
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. control, survey, inspection, audit, verification, approval and certification functions;(deleted)	C Keep GA
Annex, amending provision, numbered paragraph (7), point (7)				
210	7. selection, recognition,	7. selection, recognition,	7. selection, recognition,	C



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;	authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;	authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors; <del>(deleted)</del>	<b>Keep GA</b>
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. investigations required to be reported to the Organization; <del>and (deleted)</del>	<b>C Keep GA</b>
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. reporting to the Organization and other Administrations; <del>(deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, seventeenth paragraph				
213	Initial actions	Initial actions	<del>Initial actions (deleted)</del>	
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	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	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	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:	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>provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:(deleted)</del>	
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, the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;	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, the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;	<del>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, the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;(deleted)</del>	<b>C Keep GA</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; and(deleted)</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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> (deleted)	<b>C Keep GA</b>
Annex, amending provision, nineteenth paragraph				
218	Communication of information	Communication of information	<del>Communication of information</del> (deleted)	<b>C Keep GA</b>
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> (deleted)	<b>C Keep GA</b>
Annex, amending provision, twenty-first paragraph				
220				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	Records	Records	<del>Records (deleted)</del>	<b>C Keep GA</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. (deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, twenty-third paragraph				
222	Improvement	Improvement	<del>Improvement (deleted)</del>	<b>C Keep GA</b>
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	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	<del>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</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.	should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.	should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance. <del>(deleted)</del>	
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:(deleted)</del>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (12), point (1)				
225	1. continual training programmes relating to safety and pollution prevention;	1. continual training programmes relating to safety and pollution prevention;	1. <del>continual training programmes relating to safety and pollution prevention;(deleted)</del>	<b>C</b> <b>Keep GA</b>
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. <del>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;</del>	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			and(deleted)	
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. <del>using reward and incentive mechanisms for shipping companies and seafarers regarding improving safety and pollution prevention.(deleted)</del>	<b>C Keep GA</b>
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. <del>Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:(deleted)</del>	<b>C Keep GA</b>
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;(deleted)</del>	<b>C Keep GA</b>
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(deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (13), point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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)	C Keep GA
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)	C Keep GA
Annex, amending provision, twenty-eighth paragraph				
233	PART 2 - FLAG STATES	PART 2 - FLAG STATES	<del>PART 2 - FLAG STATES</del> (deleted)	C Keep GA
Annex, amending provision, numbered paragraph (15)				
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)	C Keep GA
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	1. implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement	1. <del>implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement</del>	C Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	of the requirements of all safety and pollution prevention conventions and protocols to which they are parties; and	of the requirements of all safety and pollution prevention conventions and protocols to which they are parties; and	of the requirements of all safety and pollution prevention conventions and protocols to which they are parties; and <del>(deleted)</del>	
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. assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary. <del>(deleted)</del>	<b>C Keep GA</b>
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, should consist of the following:	16. A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum, should consist of the following:	16. A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum, should consist of the following: <del>(deleted)</del>	<b>C Keep GA</b>
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	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	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	<b>C Keep GA</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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;	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>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> <b>(deleted)</b>	
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, 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;	2. compliance with the requirements of the applicable international instruments, using an audit and inspection programme, 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>2. compliance with the requirements of the applicable international instruments, using an audit and inspection programme, 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> <b>(deleted)</b>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (16), point (3)				
240	3. compliance with the	3. compliance with the	<del>3. compliance with the</del>	<b>C</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:	requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:	<del>requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:(deleted)</del>	<b>Keep GA</b>
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;	<del>1. training, assessment of competence and certification of seafarers;(deleted)</del>	<b>C Keep GA</b>
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 to those used in any safe manning document issued to the ship;	2. certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical to those used in any safe manning document issued to the ship;	<del>2. certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical to those used in any safe manning document issued to the ship;(deleted)</del>	<b>C Keep GA</b>
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	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	<del>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</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	of certificates or endorsements issued by the State;	of certificates or endorsements issued by the State;	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>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (16), point (3)(5)				
245	5. administrative arrangements, including those involving training, assessment and certification activities conducted under the 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;	5. administrative arrangements, including those involving training, assessment and certification activities conducted under the 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;	5. administrative arrangements, including those involving training, assessment and certification activities conducted under the 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>flag;(deleted)</del>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (16), point (4)				
246	4. the conduct of investigations into casualties and adequate and	4. the conduct of investigations into casualties and adequate and	4. the conduct of investigations into casualties and adequate and	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	timely handling of cases involving ships with identified deficiencies; and	timely handling of cases involving ships with identified deficiencies; and	timely handling of cases involving ships with identified deficiencies; and <del>(deleted)</del>	
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.	5. <del>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> <del>(deleted)</del>	C Keep GA
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, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organisation.	17. A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organisation.	17. <del>A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organisation.</del> <del>(deleted)</del>	C Keep GA
Annex, amending provision, thirty-second paragraph				
249	Delegation of authority	Delegation of authority	<del>Delegation of authority</del> <del>(deleted)</del>	C Keep GA
Annex, amending provision, numbered paragraph (18)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (18), point (1)				
251	1. determine that the recognized 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;	1. determine that the recognized 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;	1. <del>determine that the recognized 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)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (18), point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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;	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)</del>	<b>C Keep GA</b>
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 the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;	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 the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;	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 the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment; <del>(deleted)</del>	<b>C Keep GA</b>
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	4. provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the	4. provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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	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>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)	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (19)				
256	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> (deleted)	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (20)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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:(deleted)</del>	<b>C Keep GA</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:(deleted)</del>	<b>C Keep GA</b>
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	<del>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(deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (20), point (3)				



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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. <del>(deleted)</del>	<b>C Keep GA</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, in particular subparagraphs 3. and 4..	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, in particular subparagraphs 3. and 4..	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, in particular subparagraphs 3. and 4.. <del>(deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, thirty-seventh paragraph				
262	Enforcement	Enforcement	<del>Enforcement</del> <b>(deleted)</b>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (22)				
263	22. A flag State should take all necessary measures to secure observance of international rules	22. A flag State should take all necessary measures to secure observance of international rules	22. A flag State should take all necessary measures to secure observance of international rules	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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:	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>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> <b>(deleted)</b>	
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;	<del>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;</del> <b>(deleted)</b>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (22), point (2)				
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;	<del>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> <b>(deleted)</b>	<b>C Keep GA</b>
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	3. the surveyor to ensure, during the periodic inspection referred to in subparagraph 2., that seafarers assigned to the ships are familiar	<del>3. the surveyor to ensure, during the periodic inspection referred to in subparagraph 2., that seafarers assigned to the ships are familiar</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	with:	with:	<del>with:</del> (deleted)	
Annex, amending provision, numbered paragraph (22), point (3)(1)				
267	1. their specific duties; and	1. their specific duties; and	1. <del>their specific duties;</del> and(deleted)	<b>C</b> <b>Keep GA</b>
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. <del>ship arrangements, installations, equipment and procedures;</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (22), point (4)				
269	4. ensuring that the ship's complement, as a whole, can effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;	4. ensuring that the ship's complement, as a whole, can effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;	4. <del>ensuring that the ship's complement, as a whole, can 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)	<b>C</b> <b>Keep GA</b>
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	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	5. <del>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</del>	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	flag;	flag;	flag; <del>(deleted)</del>	
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;	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)</del>	<b>C</b> <b>Keep GA</b>
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 standards by individuals issued with certificates or endorsements under its authority; and	7. providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under its authority; and	7. providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under its authority; and <del>(deleted)</del>	<b>C</b> <b>Keep GA</b>
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.	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)</del>	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
			<del>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:	23. <del>A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:</del> (deleted)	<b>C</b> <b>Keep GA</b>
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;	1. <del>provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate:</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (23), point (2)				
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)	<b>C</b> <b>Keep GA</b>
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)	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (24)				
278	24. Furthermore, the flag State should:	24. Furthermore, the flag State should:	24. Furthermore, the flag State should; <del>(deleted)</del>	<b>C</b> <b>Keep GA</b>
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)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (24), point (2)				
280	2. provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 151., including personnel for performing investigations and surveys;	2. provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 151., including personnel for performing investigations and surveys;	2. <del>provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 151., including personnel for performing investigations and surveys;</del> (deleted)	<b>C</b> <b>Keep GA</b>
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	3. provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been	3. <del>provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been</del>	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	detained by port States;	detained by port States;	detained by port States;(deleted)	
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> (deleted)	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (24), point (5)				
283	5. ensure the training and oversight of the activities of flag State surveyors and investigators.	5. ensure the training and oversight of the activities of flag State surveyors and investigators.	5. <del>ensure the training and oversight of the activities of flag State surveyors and investigators.</del> (deleted)	<b>C Keep GA</b>
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	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	25. <del>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</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	instruments.	instruments.	instruments. <del>(deleted)</del>	
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.	26. <del>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. (deleted)</del>	<b>C Keep GA</b>
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 the person meets all applicable requirements.	27. A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that the person meets all applicable requirements.	27. <del>A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that the person meets all applicable requirements. (deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, forty-fourth paragraph				
287	Flag State surveyors	Flag State surveyors	Flag State surveyors <del>(deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (28)				
288	28. The flag State should define and document the responsibilities, authority and interrelation of all	28. The flag State should define and document the responsibilities, authority and interrelation of all	28. <del>The flag State should define and document the responsibilities, authority and interrelation of all</del>	<b>C Keep GA</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.	personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.	<del>personnel who manage, perform and verify work relating to and affecting safety and pollution prevention. (deleted)</del>	
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:	<del>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. (deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (29), point (1)				
290	1. appropriate qualifications from 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	1. appropriate qualifications from 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	<del>1. appropriate qualifications from 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 (deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (29), point (2)				
291				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	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; or (deleted)	C Keep GA
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. (deleted)	C Keep GA
Annex, amending provision, numbered paragraph (30)				
293	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. (deleted)	C Keep GA
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. (deleted)	C Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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.	<del>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> <b>(deleted)</b>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (33)				
296	33. Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized to perform.	33. Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized to perform.	<del>33. Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized to perform.</del> <b>(deleted)</b>	<b>C Keep GA</b>
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	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	<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</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	training.	training.	<del>training.</del> (deleted)	
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.</del> (deleted)	<b>C Keep GA</b>
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:</del> (deleted)	<b>C Keep GA</b>
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;	<del>1. knowledge of applicable, international and national, rules and regulations for ships, their companies, their crew, their cargo and their operation;</del> (deleted)	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (36), point (2)				
301	2. knowledge of the procedures to be applied in survey, certification,	2. knowledge of the procedures to be applied in survey, certification,	<del>2. knowledge of the procedures to be applied in survey, certification,</del>	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	control, investigative and oversight functions;	control, investigative and oversight functions;	<del>control, investigative and oversight functions;</del> (deleted)	
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;	<del>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)	<b>C Keep GA</b>
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;	<del>4. understanding of the processes both on board and ashore, internal as well as external;</del> (deleted)	<b>C Keep GA</b>
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;	<del>5. possession of professional competency necessary to perform the given tasks effectively and efficiently;</del> (deleted)	<b>C Keep GA</b>
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	<del>6. full safety awareness in all circumstances, also for one's own safety; and</del> (deleted)	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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)	C Keep GA
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)	C Keep GA
Annex, amending provision, fifty-fifth paragraph				
308	Flag State investigations	Flag State investigations	<del>Flag State investigations</del> (deleted)	C Keep GA
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	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	38. <del>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</del>	C Keep GA

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.	should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.	<del>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)	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (39), point (1)				
311	1. navigation and the Collision Regulations;	1. navigation and the Collision Regulations;	<del>1. navigation and the Collision Regulations;</del> (deleted)	<b>C Keep GA</b>
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;	<del>2. flag State regulations on certificates of competency;</del> (deleted)	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (39), point (4)				
314	4. interviewing techniques;	4. interviewing techniques;	4. <del>interviewing techniques;</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (39), point (5)				
315	5. evidence gathering; and	5. evidence gathering; and	5. <del>evidence gathering; and</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (39), point (6)				
316	6. evaluation of the effects of the human element.	6. evaluation of the effects of the human element.	6. <del>evaluation of the effects of the human element.</del> (deleted)	<b>C</b> <b>Keep GA</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	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	40. <del>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</del>	<b>C</b> <b>Keep GA</b>



	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	the flag State should be investigated, and the results of such investigations made public.	the flag State should be investigated, and the results of such investigations made public.	the flag State should be investigated, and the results of such investigations made public. <del>(deleted)</del>	
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 above. <del>(deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, sixtieth paragraph				
319	Evaluation and review	Evaluation and review	<del>Evaluation and review (deleted)</del>	<b>C Keep GA</b>
Annex, amending provision, numbered paragraph (42)				
320	42. A flag State should, on a periodic basis, evaluate its performance with respect to the	42. A flag State should, on a periodic basis, evaluate its performance with respect to the	42. A flag State should, on a periodic basis, evaluate its performance with respect to the	<b>C Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.	implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.	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>(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 whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.	43. Measures to evaluate the performance of flag States should include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.	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) <del>(deleted)</del> ) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.	<b>C</b> <b>Keep GA</b>
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. Areas recommended for regular review may include, inter alia: <del>(deleted)</del>	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (44), point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
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)	<b>C</b> <b>Keep GA</b>
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)	<b>C</b> <b>Keep GA</b>
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)	<b>C</b> <b>Keep GA</b>
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. <del>responses to port State deficiency reports or interventions;</del> (deleted)	<b>C</b> <b>Keep GA</b>
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. <del>investigations into very serious and serious casualties and lessons learned from them;</del> (deleted)	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
Annex, amending provision, numbered paragraph (44), point (6)				
328	6. technical and other resources committed;	6. technical and other resources committed;	6. <del>technical and other resources committed;</del> (deleted)	<b>C</b> <b>Keep GA</b>
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. <del>results of inspections, surveys and controls of the ships in the fleet;</del> (deleted)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (44), point (8)				
330	8. investigation of occupational accidents;	8. investigation of occupational accidents;	8. <del>investigation of occupational accidents;</del> (deleted)	<b>C</b> <b>Keep GA</b>
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)	<b>C</b> <b>Keep GA</b>
Annex, amending provision, numbered paragraph (44), point (10)				
332	10. the number of suspensions or withdrawals of certificates,	10. the number of suspensions or withdrawals of certificates,	10. <del>the number of suspensions or withdrawals of certificates;</del>	<b>C</b> <b>Keep GA</b>

	Commission Proposal	EP Mandate	Council Mandate	Suggestions
	endorsements, approvals, or similar.	endorsements, approvals, or similar.	endorsements, approvals, or similar. (deleted)	