



Council of the European Union
General Secretariat

Brussels, 15 September 2023

WK 11652/2023 INIT

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° prev. doc.:	WK 10733/23
N° Cion doc.:	10115/23 INIT + ADD1-3
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/21/EC on compliance with flag State requirements - Comments by Croatia

Delegations will find, in Annex, comments from Croatia on the above mentioned subject.

Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/21/EC on compliance with flag State requirement – Comments by Croatia based on the Commissions original proposal

1. Article 3 point (h) - Definitions

In regard to the definition of **h) 'flag State surveyor'** Croatia believes that the definition overlooks the rights of flag States to delegate authority to recognized organisation to carry out surveys related to the statutory certificates according to the international Conventions. Therefore, we propose to amend the definition of **'flag State surveyor'** accordingly in terms of supervision over the work of the recognised organisations (*This consideration should be taken into the account in other Articles throughout the proposal*).

2. Article 3 point (k) - Definitions

In point (k) to Article 3, the current wording of **'supplementary flag state inspection'** definition contradicts the III Code. Namely, the III Code clearly prescribes the obligation of flag States to carry out additional technical inspections of ships (supplementary survey) in the sense of supervision over recognised organisation (points 20.1 and 20.2 of the III Code – Designation of authority), while the obligation of periodic inspection of ships is clearly prescribed in point 22.2. III of the Code – Enforcement). Consequently, we suggest to delete term "supplementary" and keep the term **'flag state inspection'**. Furthermore, we suggest adding another definition **'supplementary survey'**.

3. Article 4b para. 3 - Safety and pollution prevention requirements

A new Article 4.b para. 3 defines the obligation of flag states to develop or maintain the ability to review shipbuilding projects (**design review**) and make technical decisions, in proportion to the size and type of its fleet. With this in regards, each Member State should hire additional experts to maintain the ability to review shipbuilding projects (design review). However, Croatia considers that the above does not depend on the size of the fleet but on a case-by-case basis. It depends on the size of the project that involves hiring 10 to 12 experts of various profiles who should hold and maintain competencies in accordance IMO Resolution MSC 349 (92), for which it is unrealistic to define employment in State administration bodies. Accordingly, it follows that the Member State can hire only recognised organisation staff, given the fact that other staff (e.g. project houses etc.) have no obligation or possibility to acquire and maintain competencies according to IMO Resolution.

Even though the State could establish a system that includes developing or maintaining the ability to review shipbuilding projects (design review) and make technical decisions, Croatia emphasizes that establishment of such system would require a period of time of at least 10 years, enormously high costs of procurement and maintenance of information solutions. **Following the above, this provision is not acceptable and we suggest deletion.**

4. Article 4b para. 4 - Safety and pollution prevention requirements

In relation to para. 4. Croatia does not support adoption of implementing acts to define the uniform measures, but suggests resolving via amending Directive.

5. Article 6 – Electronic information and exchange

Article 6 para. 1 point c) defines the obligation of electronic exchange of information related to identification of recognised organisations involved in the certification, classification of the ship, which is already, ensured via the IMO database GISIS (Global Integrated Shipping Information System), hence we suggest deletion.

6. Article 6 – Electronic information and exchange para

Article 6 para. 1 point c) defines the obligation to submit the inspection records of the inspection by the port state, which in our opinion can provide the THETIS administrator.

7. Article 8 – Quality management system and internal evaluation

In point (2a), Croatia considers not necessary to emphasize the need for an annual assessment of the quality management system, as this is an obligation of norm 9001 or equivalent anyway. Equally, Croatia is of the opinion that the efficiency measurement criteria should be an integral part of the Directive, and for that reason we do not support the appointment the high-level group nor there is a need to adopt implementing acts (2b).

8. Article 9a - High level group on flag State matters

We suggest deletion for the reason explain in point 7.

9. Article 9b - Information and data

Croatia suggest deletion of point **b) quality management and audits** and point **c) delegation of authority**. The introduction of Article 9b requires the Member States to deliver certain information, which, among other things, includes planned or confirmed dates for IMO Audit, planned or confirmed dates for Quality Management System audit as well as cope of quality-management system certification. Croatia considers such provision unnecessary and additional administrative burden taking into account that the Member States do not plan the date of the IMO's judgment or the planning of the quality-management system judgments, which are carried-out on an annual basis and depending on the date of certification. Furthermore, data on the authorisation of the recognised organisations flags States share via GISIS database.