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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Shipping
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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 Greece

Delegations will find, in Annex, comments from Greece 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 requirements (COM (2023) 272 final)**

Comments by Greece on WK 10733/2023 INIT

General Comments

Greece fully shares the goals of the Maritime Safety Package as regards the modernization and further improvement of maritime safety rules and supports, in particular, the objectives of the proposal as regards maritime accident investigation.

We believe that the alignment of Directive 2009/21/EC with the international rules to provide better consistency and legal clarity, in particular as regards the III-Code, is necessary. In the same vein, we support in general the other objectives of the revision (i.e. enhancement of harmonized inspection levels and consistent oversight of ROs, higher uptake of digital solutions, and harmonized approach in the understanding, reporting, and measuring of the performance of flag States fleets and duties). However, towards achieving these objectives there are some concerns that were communicated by a joint position paper of Germany, Greece, Malta, and the Netherlands (see WK 11057/2023/06.09.2023) which remain valid.

In addition, we would like to express our appreciation to the Commission for sharing its view as regards the inclusion of the III Code to the Annex of the proposal at hand. However, we would like to align ourselves with the Presidency, the European Commission Legal Service, and all the delegations which, within the SWP of 13.09.2023, stated that there is no such need.

In view of the deliberations on the above-mentioned proposal of the European Commission within the Shipping Working Party and comments submitted by MS, Greece reiterates scrutiny reservation on the main elements proposed in the Directive (art. 4, 4a, 4b, 4c, 6, 6a, 8 and the respective new definitions as provided in article 3). In this respect at this stage, we would like to submit specific comments as follows.

We also wish to underline that we fully support the efforts of the Presidency, though we also share the concerns expressed by several MS that enough time should be provided for a thorough examination of the proposed Directive in the SWP.

Specific Comments

Article 7 - Monitoring of compliance and performance of Member States

Proposed Amendments:

*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 **consolidated audit summary reports** ~~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.~~*

~~2. Member States shall ensure that the Commission, assisted by EMSA, is allowed to participate as an observer in the IMO auditing process and, that any Audit report and the information on subsequent action taken is immediately made available to the Commission.~~

Justification - Comments: We believe that only the consolidated audit summary reports should be uploaded at the IMO/ GISIS database, in line with the practice that has been already established at IMO level. In addition, the publication of the executive summary reports, the corrective action plans and comments on the progress of implementation of the corrective action plan to the public as individual reports, remains a prerogative of the IMO member states and is arranged within the Memorandum of Cooperation between each IMO Member State and the IMO, before the audit. Finally, we cannot agree with the Commission's/ EMSA's participation in IMO audits since the Commission already has the optional possibility of participating in IMO audits.

Article 9a - High level group on flag state matters

Comments: Greece has no objection to the establishment of a high-level group on flag state matters. However, it should be defined its role in order to ensure there is no overlapping of mandates with existing groups and/ or doubling up the work already undertaken in terms of implementing the III Code.