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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° prev. doc.:	12982/23 REV3
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 Latvia

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

Latvia's written comments on the Proposal for a Directive of the European Parliament and of the Council amending
Directive 2009/21/EC on compliance with flag State requirements
(doc. 12982/3/23)

Latvia's suggestions and comments related to the PRES compromise proposal are described below.

Drafting proposal - recital (11)

- (11) The establishment and development of a database providing essential information, in an electronic format on ships flying the flag of a Member State **and ensuring the possibility of issuance of electronic certificates** should contribute to enhanced exchange of information among Member States. **Development of a common and uniform database for issuance of electronic certificates, including the tools for checking of 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.**

Drafting proposal - Article 6a (paragraphs 1 and 2)

Ships information database

1. The Commission shall develop, maintain and update a ships information database containing the information specified in Article 6 **and providing services for Member States on issuing and controlling of electronic certificates**. Member States may connect to that database. That database may be based on the ships information database database referred to in Article 24 of Directive 2009/16/EC and may have similar functionalities to that database.
2. Without prejudice to national data protection requirements, Member States opting to use the ships information database:
 - a) shall communicate the information contained in Article 6,
 - b) may transfer to the ships information database the information related to inspections carried out in accordance with this Directive, including information concerning deficiencies and certificates, **and**

c) may use this database to issue, sign, endorse, extend and withdraw electronic certificates for their ships,

ensuring that the information is compatible and interoperable.

Justification

In general, digitalization in maritime transport is the area where this Proposal for amendments in Flag state directive could bring added value. Development of a common and uniform database for issuance of electronic certificates, including the tools for checking of the validity of those certificates, would facilitate maritime digitalization within the Union. It would support operational needs of its actors, in particular those Member States that have not yet developed their own systems for electronic certificates, and also attend to a more efficient use of available limited resources.

As regards the initial proposal, it should be admitted that in order to have possibility to submit electronic statutory certificates firstly we must have database which is able to produce such certificates. Some Member States already have such IT solutions. However, many Member States does not have them. It may not be practicable to develop for every single country such interoperable database. It is stated in IA of the Proposal:

“[...]the e-certification registry and reporting of e-certificates provides the official inventory of merchant vessels under the jurisdiction of a flag State and the reporting of e-certificates. [...] Thus, this measure is relevant for 11 Member States [...]. The one-off capital costs are estimated by EMSA at EUR 300,000 per flag State administration in 2025 and the annual costs for maintenance at EUR 100,000 per flag State administration from 2026 onwards. At the EU level, the one-off capital costs in 2025 are estimated at EUR 3.3 million, and the maintenance costs at EUR 1.1 million per year from 2026 onwards. The total additional adjustment costs for flag State administrations relative to the baseline for e-certification registry and reporting of e-certificates are thus estimated at EUR 22.5 million expressed as present value over 2025-2050, of which EUR 3.3 million one-off costs.”

We find that requirement for each Member State to set up its own system for issuing electronic certificates would not be feasible, however the Proposal should foresee the possibility to set up such database at the Union level.