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CONTRIBUTION

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

Delegations will find attached comments by **Denmark** on the above proposal.

DK written comments to the proposal for revision of Directive 2009/21/EC on compliance with flag State obligations – Document ST 16967/4/23 REV 4 + WK0142

DK accepts the proposed changes to lines 22, 28, 79, 84, 85, 90e and 134.

DK finds the model on **digitalization** presented by the Presidency a good proposal for a way forward on the matter. We agree that the proposal ensures facilitation of digitalization and in particular e-certificates while still taking into consideration the Member States' concerns regarding possible increased burdens that requirements for setting up new digital systems might cause.

However, regarding line 85, we would prefer to remove point (iv) from the list of information to be exchanged. Exemptions are already reported in GISIS and exceptions are not registered in a way that makes exchange possible. Point (iv) would thus introduce increased administrative burdens.

DK supports the proposed changes made to line 49 and in particular, that the EP's requirement that **new ships under a flag must be inspected by the flag State before being allowed to operate**, has been removed from the text. Flags may change quickly and often. Such a requirement might result in delays of ship operations while waiting for inspection.

Regarding the lines 17b and 65 on the requirement proposed by EP of a **yearly minimum inspection quota of at least 30% of ships flying its flag**, DK strongly opposes. DK finds, that the selection of ships for inspection should be based on the risk-based approach proposed in lines 57-57f instead of a requirement to inspect a specific percentage of the fleet. At least, that requirement should not apply to administrations choosing to operate on a risk-based approach. To DK, it is crucial, that the regulation provides an effective tool towards a goal oriented and risk based approach. It should be possible to adapt the most effective methods while also fostering a genuine safety culture with a strong understanding of safety and how it is achieved. It is questionable whether a minimum quota for yearly inspections will in fact increase the level of security on board ships effectively. It will however cause unnecessary burdens on administrations.