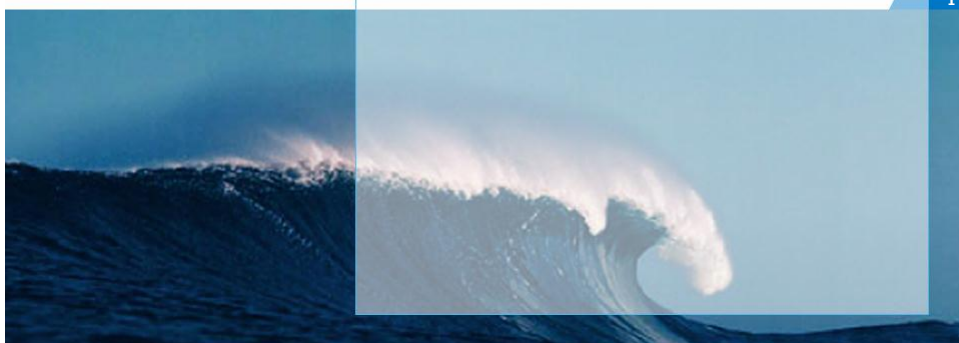


Flag State Directive 2009/21/EC

1



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- Background
- Main principles
- Final remarks

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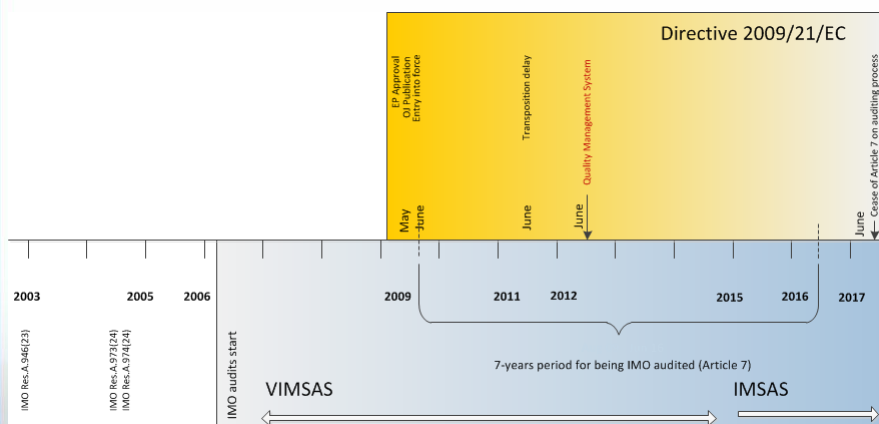


Directive 2009/21/EC on compliance with Flag State requirements

- 3rd Maritime Safety Package
- 12 articles (vs. 20 articles originally foreseen)
- Statement by the Member States (08/10/2008)
- Transposition Seminar (29-30/09/2009)
- Prior developments at IMO:
 - VIMSAS [Res. A.946(23)]
 - IMO Code for the implementation of IMO mandatory instruments [Res. A.996(25) former A.973(24)]
- VIMSAS may become IMSAS by 2015 [Res.A.1018(25)]

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Directive 2009/21/EC – Important dates



4

Directive 2009/21/EC – Application

- 'The Directive shall apply to the **administration** of the State whose flag the ship is flying' (Art.2)
- '**Ship**' means a ship or craft flying the flag of a Member State falling within the scope of the relevant IMO Conventions, and for which a certificate is required (Art.3)
- '**operational parts**' of the administration cover activities related to inspection, survey and certification of ships and staff (Transposition Seminar)

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Directive 2009/21/EC – Transfer between flags (Art.4)

- Enhanced control upon registration
- Prior allowing to fly the flag, ship must comply with international rules
- Principle of cooperation between losing and winning flag State: **exchange of safety records**
- IMO MSC/Circ.1140/MEPC/Circ.424

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Directive 2009/21/EC – Detention of a ship (Art.5)

- Flag must oversee the ship back in compliance with IMO Conventions
- Detentions **by any MoU**, not only Paris MoU
- **Procedures** and records should be established
- Requires appropriate monitoring of the fleet

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Directive 2009/21/EC – Accompanying measures (Art.6)

- MSs to keep information about fleet:
 - Particulars of ship
 - Dates of **surveys/audits**
 - **ROs**
 - PSC inspections: **authority**, dates and outcome
 - **Marine casualties**
 - Ships no longer under the flag
- Electronic format is desirable

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Directive 2009/21/EC – Audits (Art. 7)

- IMO audits **once every 7 years** (latest by 17/06/2016)
- **Results** of the audits must be **published**
- Audits prior entry into force do not count
- This requirement expires on 17/06/2017 (or earlier if VIMSAS becomes IMSAS prior to that)

9

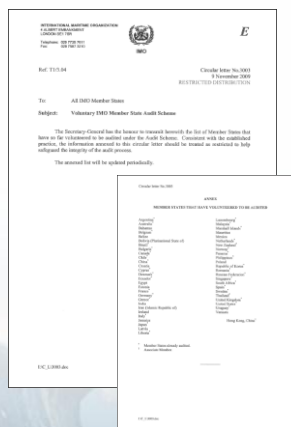
Directive 2009/21/EC – Quality system (Art. 8)

- **By 17/06/2012**, MSs must have a quality management system in place
- At least **ISO 9001:2008** certified
- MSs in Paris MoU **black/grey list**, must report to the European Commission
- **Ultimate goal: All in the PMoU White List by 2012**
Currently on GREY LIST: Slovakia, Bulgaria, Latvia

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How to know which Flags have been IMO-Audited?

- IMO publishes periodically a Circular letter with the list
Voluntary IMO Member State Audit Scheme
- The Circular is Restricted Distributed to IMO MS
- Each Flag is responsible to publish it's status



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MSs that have volunteered or been IMO-audited

- | | | |
|------------|---------------|------------------|
| • Belgium | • Germany | • Poland |
| • Bulgaria | • Greece | • Romania |
| • Cyprus | • Ireland | • Spain |
| • Denmark | • Italy | • Sweden |
| • Estonia | • Netherlands | • United Kingdom |
| • France | • Norway | • Finland |
| • Malta | • Luxembourg | |

■ Already Audited

■ Already Volunteered

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Final remarks

- MSs already audited even prior entry into force, benefit for the PSC Inspection Regime
- By 2012, all MSs to be in the PMoU White List
- IMO audits also include Coastal and Port State responsibilities
- COM must periodically report to the EP/Council

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Thank you

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