



**Ex-post evaluations of Directive
2009/21/EC on compliance with
flag State requirements and
Directive 2009/18/EC establishing
the fundamental principles
governing the investigation of
accidents in the maritime transport
sector**

Final Report

July – 2017



EUROPEAN COMMISSION

Directorate-General for Mobility and Transport
Directorate D – Waterborne
Unit Directorate D.2 – Maritime Safety

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TABLE OF CONTENTS

GLOSSARY	7
EXECUTIVE SUMMARY	9
RÉSUMÉ.....	17
PART I – INTRODUCTION, METHODOLOGY AND CONTEXT	27
1. INTRODUCTION	29
1.1. Background	29
1.2. Objective of this report	29
1.3. Contents of this report	29
2. METHODOLOGY.....	31
2.1. Evaluation criteria, questions and evaluation framework.....	31
2.2. Design of the evaluation.....	32
2.3. Limitations of the evaluation.....	35
3. CONTEXT.....	37
3.1. Maritime safety	37
3.2. Directive 2009/21/EC on compliance with flag State requirements.....	42
3.3. Directive 2009/18/EC on Accident Investigation	45
3.4. Counterfactual	47
PART II – ANALYSIS	51
4. RELEVANCE	53
4.1. Q1: Needs still relevant today	53
4.2. Conclusion on Relevance	56
5. EFFECTIVENESS	59
5.1. EQ 2: Scope & Coverage of IMO audits	59
5.2. EQ 3: IMO audits, transparency and availability	62
5.3. EQ4: Transfer of flag register.....	67
5.4. EQ5: To what extent EU MS have ratified International Conventions	71
5.5. EQ 6: Port State Control and Flag States	74
5.6. EQ 7: Investigation bodies and accident investigations.....	77
5.7. EQ 8: MS resources to implement directives	80
5.8. EQ 9: EMSA effects.....	87
5.9. Conclusion on Effectiveness	89
6. EFFICIENCY	91
6.1. EQ 10: AI record keeping and reporting system	91
6.2. EQ 11: Areas of administrative burden reduction and simplification	92
6.3. Conclusion on Efficiency	94
7. COHERENCE	95
7.1. Q12: Coherence with EU maritime safety	95
7.2. Conclusion on Coherence	102
8. EU ADDED VALUE.....	105
8.1. Q13: EU added value compared to national and international regimes	105
8.2. Conclusion on EU added value	111
PART III – CONCLUSIONS AND RECOMMENDATIONS	113
9. CONCLUSIONS.....	115
10. RECOMMENDATIONS	121

ANNEX 1: EVALUATION FRAMEWORK	123
ANNEX 2: REFERENCES	125
ANNEX 3: INTERVIEW OVERVIEW	127
ANNEX 4: INTERVIEW MINUTES	129
ANNEX 5: RATIFICATION INTERNATIONAL CONVENTIONS	131
ANNEX 6: COHERENCE FSD, PSC AND AID	137
ANNEX 7: COHERENCE BETWEEN FSD AND OTHER EU MARITIME LEGISLATION	139
ANNEX 8: COUNTRY PROFILES	143

GLOSSARY

AIB	Accident Investigation Body
AID	Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector
CC	Container Carrier
COSS	Committee on Safe Seas and the Prevention of Pollution from Ships
DG MOVE	Directorate-General for Mobility and Transport
EC	European Commission
EMSA	European Maritime Safety Agency
EMCIP	European Marine Casualty Information Platform
EU	European Union
FS	Flag State
FSD	Directive 2009/21/EC on compliance with flag State requirements
GC	General Cargo Carrier
GISIS	Global Integrated Shipping Information System
IMO	International Maritime Organization
III-Code	Implementation of IMO Instruments Code
MS	Member State
NGO	Non-governmental Organisation
OPC	Open Public Consultation
PCF	Permanent Cooperation Framework
PMoU	Paris Memorandum of Understanding
PSC	Port State Control
PSCO	Port State Control Officer
QMS	Quality Management System
RO	Recognised Organisation
TMoU	Tokyo Memorandum of Understanding
VIMSAS	Voluntary IMO Member State Audit Scheme

EXECUTIVE SUMMARY

Background

The European Commission commissioned [ex-post evaluations of Directive 2009/21/EC on compliance with flag State requirements and Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector \(DG MOVE/D2/2016-24\)](#). The objective is to provide answers to all the Roadmap questions related to the five evaluation criteria. The answers are sought via desk research, open public consultation (OPC) as well as targeted stakeholder consultations. Against this background, conclusions can be drawn as to how the Directives have met their objectives as established by the co-legislators both individually and taken in a maritime safety policy context, and some recommendations are put forward for further consideration. It is to be noted that this ex-post evaluation forms part of the overall Maritime Fitness Check.

Evaluation objectives and methods

The evaluation concentrates on the following five evaluation criteria:

- The [relevance](#) of FSD and AID, i.e. the extent to which intervention's objectives are pertinent to the needs, problems and issues to be addressed;
- The [effectiveness](#) of FSD and AID, i.e. the extent to which set objectives are achieved;
- The [efficiency](#) of FSD and AID, i.e. the extent to which desired effects are achieved at a reasonable cost;
- The [coherence](#) of FSD and AID, i.e. the extent to which the intervention logic is non-contradictory and/or FSD and AID do not contradict other EU legislation on maritime safety;
- The [EU added value](#) of FSD and AID, i.e. the value resulting from FSD and AID which is additional to the value that would have been otherwise created by Member State action alone.

Based on these evaluation criteria, thirteen evaluation questions are defined, as presented below. An evaluation framework has been created to provide well-founded, evidence-based answers for each of the evaluation questions. The evaluation framework defines indicators for the evaluation questions and identifies the sources of information, forming the basis for data collection and analysis.

Conclusions

The conclusions are linked to the thirteen evaluation questions, which are provided below, grouped per evaluation criterion.

Relevance

EQ 1: To what extent are the framework requirements in the FS Directive, including the safety investigations required by the AI Directive, relevant and appropriate to the current needs?

Respondents indicated that the [flag State Directive](#) largely is relevant towards achieving cleaner, safer and harmonised shipping in the EU. The FSD's main relevance is related to the transposition of international Conventions/Instruments into EU legislation. It thereby provides consistency in the regulatory framework across Member States and the effective application of international obligations.

The main development since the FSD came into force is that the IMO audit became mandatory for all IMO Members and that, as a result, Article 7 of the FSD has expired. The FSD in its current form is therefore not fully aligned with changes in IMO legislation.

In the opinion of some stakeholders, with the IMO Audit becoming mandatory, the added value of the FSD reduced. Stakeholders also remarked that with the introduction of the IMO III Code, which is broader and more detailed than the FSD, the FSD concerns a duplication of international legal efforts. At the same time it was noted that the key relevance of the FSD is that it transposes international regulation and even though this, to some extent, is considered a duplication of international regulation, it provides for real enforcement possibilities.

The *Accident Investigation Directive* still corresponds to the needs of today's society. This view is also confirmed by the stakeholder consultation. The AID proved to be successful in reaching its original objectives, especially with regard to improving maritime safety. In addition, the Directive provides a consistent framework for conducting maritime accident investigations and ensures that accident investigations are conducted in a uniform and harmonised way throughout the EU. No changes, e.g. legal or technological, have been identified that affect the relevance of the Directive. It forms part of obligations incumbent on a flag State, also so established in the III-code, the difference being that in the EU context it requires a truly independent AI body to be established by Law.

Effectiveness

EQ2: To what extent have MSs undergone IMO Flag State audits? What was the scope and coverage?

By 2016¹ all MS (bar two landlocked MS with no ships on their registers) had undergone the voluntary IMO Flag State audit, as required and made mandatory by the FSD.

A total of 18 MS underwent an IMO audit before the FSD had come into force. Seven more were audited between 2011 and 2015.

It is believed that Article 7 FSD incentivised some MS to volunteer for an audit. Without the provision stakeholders considered it probable that some MS would have postponed the audit or not even volunteered for one. The example of Portugal that requested an audit only after EC action, and that of Belgium receiving two audits following the seven year provision in the FSD, are indicative of the Directive's impact.

EQ3:

a) Have MSs ensured follow up actions to the IMO audit?

b) Have MSs made the outcome of the audit available and to whom?

c) Does the requirements to publish the outcome of the audit ('peer review') play a role?

d) Transparency and availability of relevant information about ships registered under EU flag registers has been achieved?

According to the IMO VIMSAS framework, audited IMO Member States are required to draw a corrective action plan to address the findings of the audit. The corrective actions are typically implemented in close coordination with the IMO audit team leader. EU MS reportedly are committed to the implementation of the identified action points, as part of their continuous improvement in maritime safety.

The EU MS have not been equally willing to publish the results of the IMO audits. Only nine MS disclosed some information on the audit outcomes. Reasons for not doing so have been either the consideration that the general public is perceived as uninterested

¹ PT was the last EU MS to undergo the IMO Audit (in fact already under the mandatory scheme) in 2016.

to access the reports, or follows from concerns regarding possible negative implications. Such include potential (internal) administrative or political consequences, as well as decreased confidence in the quality of the flag, which may have commercial consequences.

While most MS acknowledge the value of sharing audit information amongst IMO MS, only about half of them consider the public disclosure to be necessary. In that view, the FSD had little impact on the disclosure intention of MS.

Finally, regarding facilitating the sharing of vessel safety information, in cases of transfer of flag between EU MS, MS did and do store the minimally required information as per the FSD. The exchange of this information is found to be unproblematic as alternative and more popular exchange channels exist, like through the systems of ROs.

EQ4: To what extent the Directive has helped to avoid changes of flag register?

The impact of the FSD on flag transfers has been minimal because it does not directly target the drivers that inform ship owners to transfer a vessel to a different EU MS or third country flag. These drivers are today related more to the quality of service and the flag's fiscal regime, than to avoid a strictly applied safety regime.

Respondents indicated that today transfers between EU MS flag registers to evade environmental or safety regulation are practically unheard of. While such dynamics are acknowledged, they mostly concern transfers from the EU to non-EU registers. These transfers are not affected by the FSD.

An analysis of flag transfers between 2011 and 2015 shows that the number of intra-EU flag changes increased, whilst the number of changes from EU MS flags to third countries dropped. At the same time, the number of flag changes from third countries to EU flag States increased. Such may be indicative of an improved attractiveness of EU MS flags.

EQ5: To what extent EU MS have ratified International Conventions?

A comprehensive analysis on the ratification of International Conventions is provided in Annex 5, which illustrates a high ratification rate for EU MS.

It is not possible to conclude that the FSD or the declaration of 9 December 2008 on the ratification of IMO conventions directly led to an increased number of ratifications. However, a speeding up of the number of ratifications is observed and the declared intent is in line with the main objectives of the FSD; to enhance safety and prevent pollution from ships flying the flag of a Member State as well as to fulfil one's international obligations as a flag state are clear. The impact of Directive 2009/21/EC on the number of ratifications is therefore more indirect.

EQ6: To what extent MSs follow up on detentions under port State control (PSC) regimes of their flagged ships? How has MS PSC performance evolved since the introduction of the Directive?

EU MS as flag States have to a large extent standardised their follow-up procedures for when a ship is detained by a port State. The procedures are moreover consistently applied according to the interviewees and survey respondents. In addition, detention and deficiency analyses are commonly conducted by maritime administrations to proactively support shipowners to identify weak spots and prevent a detention from happening.

The FSD did not have a strong effect on follow up procedures after an EU MS flagged vessel is detained. Stakeholders indicated that these procedures were established prior to the FSD came into force and alterations to the procedures are not specifically linked to the FSD. The FSD however importantly puts the responsibility for taking action following a PSC detention of their flagged vessel firmly with the FS in question, and ensure that all EU MS as FS actually do take action. The fact that several flag State administrations perform additional analyses on the flag performance, and communicate the findings with shipowners, highlights that many MS take their responsibilities as flag State serious.

Nevertheless, the flag performance of EU MS has slightly deteriorated in the PMoU PSC regime, both in absolute and relative terms. This has led to an increase in grey listings of one MS in 2011 to three in 2015.

EQ7: To what extent the requirement that all MSs create an accident investigation body led to the expeditious holding of unbiased safety investigation?

After the AID came into force, the majority of MS had to (re-)establish their AIBs. Also, AIBs that were operational prior to 2011 have since seen a change in their reporting lines to comply with AID requirements. The grand majority of stakeholders responded that the AID has generally led to the strengthening of the AIBs' independence and their ability to conduct expeditious and unbiased investigations.

EQ8: To what extent are all Member States adequately resourced, including for their independent investigation body? Does this have an impact on effectiveness? Are there any gaps in coverage?

In most EU MS ROs are acting on a maritime administration's behalf for a large number of functions. The number of ROs active per MS differs between 1 and 11. By plotting the number of ROs against the employed FS inspectors, two models for FS administrations were identified. The dominant model in the EU entails few FS inspectors and a large role for ROs. The other model - as applied by France, Italy and Spain - suggests a higher number of FS inspectors and a smaller role for ROs.

On the whole, stakeholders indicated that FS administrations experience resource constraints in terms of staff and financial means. Whether this has an impact on RO monitoring could not be conclusively stated due to the limited availability of data, but would be a reasonable assumption given that the responsibility as a FS cannot be delegated away.

AIBs were found to depend to a large extent on external expert support to perform for accident investigations. Many AIBs face staffing and financial constraints. Respondents do generally consider that this does not yet prevent them from fulfilling their obligations according to the AID. It was nevertheless reported that resource availability is considered when deciding to investigate accidents that are not classified as very serious. Consequently gaps in coverage do occur in some MS.

EQ9: What are the effects, if any, on the work of EMSA, both as regards the visits and inspections programme they carry out and as regards the support to MS in particular in the area of AI?

Across a range of topics stakeholders responded positively on the effects, that EMSA has on maritime safety and the quality of maritime administrations. From interviews in EMSA (with staff qualified also as IMO auditors of FS) it appears that there is no duplication on the IMO audit and the visits and inspection programme by EMSA, they rather complement each other; both having the same objective of continuous improvement and help the auditee to help themselves in improving by providing an

objective audit on their organisation and work as Flag, Port or Coastal State. Particularly positive responses were received on the trainings on accident investigation that are provided by EMSA and regarding its support of the Permanent Cooperation Framework. The added value of operational support on marine incidents and data analysis were recognised to a lesser extent.

The administrative burden of the inspections was also commented on, which was especially hard felt by ROs. At the same time, it was acknowledged that efficiency gains were achieved, as ROs are no longer inspected by each individual MS.

Efficiency

EQ10: Is the system for record keeping and reporting (AI reports) established by the AI directive efficient?

The AIBs responding to the survey and interviews largely indicated that reporting through EMCIP brings a significant workload and is inefficient. The difficulties of using the database combined with the reporting requirements that are regarded as strict, makes that the usage of EMCIP is considered by many to be disproportionate to the added value. As such, the introduction of the updated more user-friendly version of EMCIP in 2018 is welcomed by stakeholders.

EQ11: Are there any potential areas of administrative burden reduction (for example regarding the EMCIP database) and simplification?

The FSD is experienced as relatively simple and does not impose a substantial administrative burden on maritime administrations. This follows logically from the few provisions and because the requirements also follow from other (inter)national regulation. Burdens are therefore not necessarily associated with the FSD.

The AID is also not perceived as burdensome and complex, in strong contrast to the EMCIP database, which follows from the Directive. An explanation for this finding is that the AIBs are highly professionalised and that the respondents are well informed on the provisions and benefits of the AID. Stakeholders did indicate however that some definitions of incidents need to be clarified and, ideally, be harmonised amongst various modes. Such would particularly benefit multi-modal accident investigation bodies.

Coherence

EQ12: To what extent are the Directives internally coherent and complementary to the other maritime safety legislation such as port state control inspections and flag state surveys (delegated to RO or not) which provide for systems of regularly scheduled and/or targeted ex ante inspections? Are there any gaps or overlaps?

The evaluation question asks whether or not the two Directives (FSD and AID) are internally coherent. As the Port State Control Directive is important, as the so-called second line of defence, the PSC is included in this analysis as well. The analysis showed that on a high level the three directives are internally coherent. On minor points, the directives deviate; however, this can be explained by their individual rationales and objectives, which ask for different approaches.

Based on the research no clear signals have been encountered that indicate that the FSD and AID are not coherent with the other Directives and Regulations included in the Third Maritime Safety Package. With regard to other EU (maritime) legislation, it should be noted that stakeholders identified an overlap between the FSD and Regulation 789/2004. However, it became clear that opinions on whether or not those two instruments should be integrated into one instrument differ substantially between stakeholders.

In relation to IMO legislation, some stakeholders see a duplication of regulatory efforts. The FSD is regulating more or less the same topics as IMO; however, as legislation comes from two sources (EU and IMO), it puts a regulatory burden on Member States; i.e. they have to implement both IMO and EU legislation. In addition, several stakeholders indicated that the FSD is no longer fully in line with the IMO III-Code and the IMO RO-related legislation. Similar views regarding the coherence between the AID and the IMO III-Code were identified, for instance because the different definitions of incidents, casualties and injuries lead to differences in the scope of application of the two instruments.

For both directives, it can be concluded that the national legal system are fully coherent with the FSD and AID. As a result, no legal efforts at a national level are required to bring the national systems in line with the EU system.

EU Added value

EQ13: What has the EU interventions added to the work being done by MSs either individually or within the context of the IMO?

Flag State Directive

The overarching added value of the Flag State Directive is that it brings consistency between the maritime authorities in all EU Member States by providing common base and set common obligations. Importantly, it ensures the effective implementation of IMO instruments and limits in some ways the high degree of discretion that MS may apply when implementing IMO conventions. Consistency in the way of working is important and the Flag State Directive contributes to this objective.

Besides this overarching value added, several specific obligations have been pointed out as areas of value added, notably the mandating of the IMO audit and the implementation of a quality management system.

The FSD contributed to the fact that all the EU MS underwent an IMO audit (bar two MS without a flag register). Stakeholders expressed the importance of the FSD to ensure that (1) MS actually will undergo an audit; (2) for the sake of a level playing field and, (3) to enhance the quality of the maritime administration and improve the flag performance.

With regard to the implementation of quality management systems, stakeholders indicate that having such a system in place generates value added as the quality of the flag State control is better ensured. Yet, they also note that such a system would likely be put in place prior to the next, now mandatory, IMO audit.

As the voluntary IMO audit became mandatory for all IMO members and EU Member States do have a quality management system in place, many stakeholders suggested that the FSD seems as a legal duplication of international efforts, causing some to argue in favour of the expiration of the FSD in its entirety. Notwithstanding the mentioned added value, it is acknowledged that the FSD could be altered in light of recent developments regarding the IMO Member State Audit Scheme.

Accident Investigation Directive

The main added value of the AID is that it effectively brings EU legislation and national legislation in line with IMO regulation. Not all Member States effectively implemented the IMO guidelines, which led to a wide variety in accident investigation practices. The AID mandates all Member States to take their responsibility in maritime accident investigations and led to the creation of AIBs in all MS.

The introduction of the EMCIP database resulted in an increasingly comprehensive reporting on marine incidents and contributes to a more insightful analyses and improvement of maritime safety. EMCIP also replaced several national databases, resulting in cost-savings too.

Since the adoption of the AID, accident investigation has become more streamlined between the EU MS, although some MS still have too few resources and capabilities to effectively perform the requirements as laid down in the AID. In that sense there is a lack of compliance noted.

Overall, stakeholders agree that the AID contributed to the professionalization and harmonisation of accident investigation practices. This is perceived as a considerable added value.

Recommendations

Based on the ex-post evaluation of the FSD and AID, a number of recommendations can be made regarding the future implementation of the Directives and a possible revision thereof.

IMO Audit disclosure

The expiration of Article 7 FSD as of January 2016, mandating the IMO audit for MS, nullifies what was seen by some as the strongest added value of the FSD. With the mandatory IMO Member State Audit Scheme, coming into force it is also noted that the new scheme is more detailed and provides IMO with additional instruments to promote the effective implementation of IMO conventions. Still, the IMO does not have enforcement powers similar to those as laid down in the FSD.

It is noted for instance that the requirements regarding the public disclosure of the (full) audit report is not mandated, nor is the sharing of other audit outcomes. The Commission could consider whether the disclosure mechanisms as advanced by the mandatory IMO Audit Scheme suffice. Novel approaches to improve the collection and dissemination of knowledge, like the involvement of EMSA as an observer to MS IMO audits, can be considered.

Clarity FSD

It should be noted that stakeholders are not always fully informed on the exact scope of the FSD. Several stakeholders indicated that, according to their opinion, the FSD does not apply to secondary registries and to registries of overseas territories. This confusion may lead to a less efficient and effective implementation of the provisions of the Directive. Guidance from the Commission on the scope of the FSD could solve the misinterpretation amongst MS.

EMCIP

Stakeholders generally supported the use of EMCIP and understood its potential value. At the same time, it was emphasized that using the database was cumbersome and the benefits do currently not outweigh the required investment in time. As such the need for a more user-friendly and optimised EMCIP version, of which the launch is foreseen in 2018, is identified as particularly relevant and therefore endorsed by the study.

Training provided by EMSA

MS were positive about the training provided by EMSA. In the understanding that the EMSA trainings contribute to the professionalization of maritime administrations, the need was expressed to also have trainings for flag State inspectors. Such would

enable maritime administrations to more effectively implement IMO conventions and at the same time ensure a higher level of harmonisation of flag State inspections across Europe.

Coherence with Regulation (EC) 789/2004

The overlap between Regulation (EC) 789/2004 on transfer between registers and the FSD was addressed by several stakeholders. Both the FSD and the Regulation require more or less the same type of information exchange, although the two pieces of legislation have different objectives; FSD –safety and, the Regulation primarily internal market (and safety), but not for all vessel types. This overlap was already addressed in the Staff working document on the implementation of Regulation 789/2004. The Commission may therefore want to consider whether further alignment between the Regulation and Directive can be achieved.

Resources and staffing maritime administration and AIB

Resource constraints were identified that limit some MS in implementing the IMO conventions, limiting their effectiveness as a flag and coastal State. The stakeholder consultation highlighted that constraints are particularly felt in terms of financial means and staffing. With regards to accident investigations this results by time in underreporting of incidents, whereas for flag States this leads to fewer inspections.

The collected figures on staffing, the involvement of inspectors in other maritime functions, and the general profile of maritime administrations provides a first indication on the ability of MS to successfully implement the IMO conventions and perform effective oversight of the ROs.

Monitoring of the evolution of the staffing and resources is advised to identify and anticipate on resource constraints. While doing so it remains important to consider the various models that MS apply to organise their maritime administration, specifically with regard to the role of ROs.

RÉSUMÉ

Contexte

La Commission européenne a commandé des [évaluations ex-post de la directive 2009/21/CE concernant le respect des obligations par les États du pavillon \(DEP\)](#) et de [la directive 2009/18/CE établissant les principes fondamentaux régissant les enquêtes sur les accidents dans le secteur des transports maritimes \(DG MOVE/D2/2016-24\)](#). L'objectif est de fournir des réponses à toutes les questions de la feuille de route concernant les cinq critères d'évaluation. Les évaluations s'effectuent par recherche documentaire, consultation publique ouverte (OPC) et consultations avec les intervenants. Dans ce contexte, des conclusions sont établies quant à la façon dont les directives ont atteint leurs objectifs tels qu'établis par les co-législateurs, à la fois individuellement et dans un contexte politique de sécurité maritime ; certaines recommandations sont ensuite formulées pour la poursuite de l'examen. Il est à noter que la présente évaluation ex post fait partie du Bilan qualité de la législation maritime.

Objectifs et méthodes d'évaluation

L'évaluation est axée sur les cinq critères suivants :

- La [pertinence](#) de la DEP et de la DEA, c.-à-d. la mesure dans laquelle les objectifs d'intervention sont pertinents par rapport aux besoins, problèmes et questions à traiter;
- L'[efficacité](#) de la DEP et de la DEA, c.-à-d. la mesure dans laquelle elles atteignent les objectifs fixés;
- L'[efficacité](#) de la DEP et de la DEA, c.-à-d. la mesure dans laquelle les effets souhaités sont obtenus à un coût raisonnable;
- La [cohérence](#) de la DEP et de la DEA, c.-à-d. la mesure dans laquelle la logique d'intervention est non contradictoire et/ou la DEP et la DEA ne sont pas en contradiction avec la législation de l'UE sur la sécurité maritime;
- La [valeur ajoutée de l'UE](#) de la DEP et de la DEA, c.-à-d. la valeur résultant des directives et venant s'ajouter à celle qui aurait été autrement générée par l'action des États membres seuls.

Sur la base de ces critères d'évaluation, treize questions d'évaluation sont définies, telles que présentées ci-dessous dans les conclusions. Un cadre d'évaluation a été créé pour fournir des réponses fondées sur des preuves tangibles à chacune des questions d'évaluation. Le cadre d'évaluation définit des indicateurs pour les questions d'évaluation et relève les informations, formant ainsi la base de la collecte et de l'analyse des données.

Conclusions

Les conclusions sont liées aux treize questions d'évaluation reprises ci-dessous et groupées par critère d'évaluation.

Pertinence

QE 1 : dans quelle mesure les exigences cadre de la DEP, y compris les enquêtes de sécurité requises par la DEA, sont-elles pertinentes et appropriées aux besoins actuels ?

Les répondants ont indiqué que la DEP est largement pertinente pour atteindre un transport maritime plus propre, plus sûr et harmonisé en UE. Le critère principal de pertinence de la DEP est lié à la transposition de conventions internationales/d'instruments internationaux dans la législation de l'UE. Elle assure

ainsi la cohérence du cadre réglementaire dans tous les États membres et l'application effective des obligations internationales.

La principale évolution depuis l'entrée en vigueur de la DEP est l'obligation de l'audit de l'OMI pour tous ses membres, entraînant de ce fait l'expiration de l'article 7 de la DEP. La DEP dans sa forme actuelle n'est donc pas entièrement cohérente avec les changements dans la législation de l'OMI.

De l'avis de certains intervenants, l'obligation de l'audit de l'OMI réduit la valeur ajoutée de la DEP. Les intervenants ont également fait remarquer qu'avec l'introduction du Code III de l'OMI, qui est plus large et plus détaillé que la DEP, cette dernière constitue une duplication des efforts juridiques internationaux. Parallèlement, il a été noté que le principal élément de pertinence de la DEP est sa transposition de la réglementation internationale qui, même si elle est dans une certaine mesure considérée comme un dédoublement de la réglementation internationale, prévoit de réelles possibilités de mise en application.

La DEA correspond toujours aux besoins de la société d'aujourd'hui. Ce point de vue est également confirmé par la consultation des intervenants. La DEA a réussi à atteindre ses objectifs initiaux, notamment en ce qui concerne l'amélioration de la sécurité maritime. Elle fournit par ailleurs un cadre cohérent pour mener des enquêtes sur les accidents maritimes et assure que les enquêtes sont menées de façon uniforme et harmonisée dans toute l'UE. Aucun changement, notamment juridique ou technologique n'a été identifié comme ayant une incidence sur la pertinence de la directive. Elle fait partie des obligations incombant à l'État du pavillon, également établies comme telles dans le Code III, à la différence que le contexte de l'Union européenne exige d'établir juridiquement un organe véritablement indépendant pour les enquêtes sur les accidents maritimes.

Efficacité

QE 2 : dans quelle mesure les États membres se sont-ils soumis aux audits sur les États du pavillon ? Quelles en étaient la portée et la couverture ?

En 2016² tous les EM (à l'exception de deux États enclavés ne possédant aucun navire dans leurs registres) se sont soumis volontairement à l'audit sur les États du pavillon par l'OMI, conformément aux exigences et obligations liées à la DEP.

Au total 18 États membres se sont soumis à l'audit de l'OMI avant l'entrée en vigueur de la DEP. Sept autres États ont été audités entre 2011 et 2015.

Il semble que l'article 7 de la DEP a incité certains États membres à se porter volontaires pour l'audit. Sans cette disposition, les parties prenantes estiment que certains États membres auraient probablement retardé l'audit ou ne s'y seraient pas soumis volontairement. L'exemple du Portugal, qui n'a demandé l'audit qu'après l'action de la CE, et celui de la Belgique, qui subit deux audits suite à la disposition de sept ans de la DEP, sont révélateurs de l'impact de la directive.

² Le Portugal a été le dernier membre de l'UE à se soumettre à l'audit de l'OMI (en fait, déjà sous le régime obligatoire) en 2016.

QE 3 :

a) Les États membres ont-ils assuré les mesures de suivi après l'audit de l'OMI ?

b) Les États membres ont-ils rendu disponibles les résultats de l'audit et pour qui ?

c) L'obligation de publier les résultats de l'audit (« examen par les pairs ») joue-t-elle un rôle ?

d) La transparence et la disponibilité des informations pertinentes sur les navires enregistrés sous pavillon de l'UE ont-elles été atteintes ?

Selon le cadre d'audit volontaire de l'OMI (VIMSAS), les États membres audités sont tenus d'établir un plan d'actions correctives pour corriger les résultats de l'audit. Les actions correctives sont généralement mises en œuvre en étroite coordination avec le responsable de l'équipe d'audit de l'OMI. Les États membres de l'UE sont tenus de mettre en œuvre les points d'action identifiés dans le cadre de l'amélioration continue de la sécurité maritime.

Les États membres n'ont pas tous montré les mêmes dispositions à publier les résultats des audits de l'OMI. Seuls 9 États membres ont publié certaines informations sur les résultats de l'audit. Cette réticence s'explique soit par la perception d'un manque d'intérêt du public en général à accéder aux rapports, soit par l'inquiétude des incidences négatives que cette publication pourrait entraîner. Citons notamment de potentielles conséquences (internes) administratives ou politiques, ainsi qu'une diminution de la confiance dans la qualité du pavillon, qui pourrait entraîner des conséquences commerciales.

Bien que la plupart des États membres reconnaissent la valeur du partage des informations liées à l'audit de l'OMI, seule la moitié d'entre eux environ considèrent la publication comme nécessaire. Dans cette optique, la DEP a eu peu d'impact sur l'intention de publication des informations par les États membres.

Enfin, en ce qui concerne la facilitation de l'échange d'information sur la sécurité des navires en cas de transfert de pavillon entre les États membres, ces derniers ont toujours stocké uniquement un minimum d'informations requises par la DEP. L'échange de ces informations est considéré comme non-problématique car des canaux alternatifs plus populaires existent, comme l'échange via un organisme habilités.

QE 4 : dans quelle mesure la directive a-t-elle contribué à éviter les changements d'enregistrement de pavillon ?

L'impact de la DEP sur les transferts de pavillons a été minime car elle ne cible pas directement les transporteurs qui informent les armateurs d'effectuer un transfert de pavillon vers un autre État membre de l'UE ou un pays tiers. Ces transporteurs sont aujourd'hui davantage liés à la qualité du service et au régime fiscal du pavillon, qu'au fait d'éviter un régime de sécurité appliqué strictement.

Les répondants ont indiqué qu'aujourd'hui on n'entend plus parler des transferts de pavillons entre membres de l'UE pour échapper à la réglementation environnementale ou de sécurité. Bien que ces types de dynamiques soient reconnus, ils concernent principalement les transferts des registres de l'UE vers les registres hors de l'UE. Ces transferts ne sont pas affectés par la DEP.

Une analyse des transferts de pavillon entre 2011 et 2015 indique que le nombre de changements de pavillon à l'intérieur de l'UE a augmenté, alors que le nombre de changements de pavillons de l'UE vers les pays tiers a diminué. Parallèlement, le nombre de changements de pavillon des pays tiers vers l'UE a augmenté. Il s'agit peut-être d'un signe d'amélioration de l'attractivité des pavillons des États membres de l'UE

QE 5 : dans quelle mesure les États membres ont-ils ratifié les conventions internationales ?

Une analyse complète sur la ratification des conventions internationales est fournie à l'annexe 5 et témoigne d'un taux de ratification élevé.

Il n'est pas possible de conclure que la DEP ou la déclaration du 9 décembre 2008 sur la ratification de conventions de l'OMI a conduit directement à une augmentation du nombre de ratifications. On observe toutefois une accélération du nombre de ratifications et l'intention clairement déclarée - en accord avec les principaux objectifs de la DEP - d'améliorer la sécurité et d'éviter la pollution par les navires battant pavillon d'un État membre ainsi que de respecter les obligations internationales en tant qu'État pavillon. L'impact de la directive 2009/21/CE sur le nombre de ratifications est donc plus indirect.

QE 6 : dans quelle mesure les États membres ont-ils assuré le suivi des immobilisations des navires battant leurs pavillons en vertu des régimes de contrôle par l'État du port ? Comment a évolué la performance du Contrôle des États membres par l'État du port depuis l'introduction de la Directive ?

Les États pavillons de l'UE ont, dans une large mesure uniformisé leurs procédures de suivi lorsqu'un navire est immobilisé par l'État du port. Les répondants estiment par ailleurs que les procédures sont systématiquement appliquées. En outre, des analyses des immobilisations et des anomalies sont souvent menées pour aider proactivement les armateurs à identifier les faiblesses et empêcher l'immobilisation.

La DEP a eu un effet limité sur les procédures de suivi après l'immobilisation d'un navire battant pavillon d'un État membre de l'UE. Les intervenants ont indiqué que ces procédures ont été établies avant l'entrée en vigueur de la DEP et que les modifications apportées aux procédures ne sont pas spécifiquement liées à la DEP. Cependant la DEP place sur l'État pavillon l'importante responsabilité de prendre les mesures nécessaires suite à l'immobilisation d'un navire battant son pavillon après un contrôle par l'État du port, et d'assurer que tous les États pavillons membres de l'UE prennent réellement ces mesures. Le fait que plusieurs administrations d'États du pavillon effectuent des analyses supplémentaires sur l'indicateur de performance et en communiquent les résultats aux armateurs, souligne que de nombreux États membres prennent leurs responsabilités en tant qu'État du pavillon.

Néanmoins, les performances des États pavillons membres de l'UE se sont légèrement dégradées dans le régime de contrôle par l'État du port du mémorandum d'entente de Paris, tant en termes absolus que relatifs. Cela a conduit à une augmentation des listes grises, d'un État membre en 2011 à trois en 2015.

QE 7 : dans quelle mesure l'exigence pour tous les États membres de créer une commission d'enquête sur les accidents a-t-elle conduit à la réalisation diligente d'enquêtes de sécurité impartiales ?

Après l'entrée en vigueur de la DEA, la majorité des États membres ont dû (r)établir leurs commissions d'enquête sur les accidents. Les commissions d'enquête sur les accidents qui étaient opérationnelles avant 2011 ont par ailleurs connu lors depuis un changement dans leurs lignes hiérarchiques pour une mise en conformité par rapport aux exigences de la DEA. Selon la grande majorité des intervenants, la DEA a généralement conduit au renforcement de l'indépendance des commissions d'enquête sur les accidents et de leur capacité à mener des enquêtes rapides et impartiales.

QE 8 : dans quelle mesure tous les États membres disposent-ils de ressources adéquates, y compris pour leur commission d'enquête indépendante ? Cela a-t-il une incidence sur l'efficacité ? La couverture comporte-t-elle des lacunes ?

Dans la plupart des États membres de l'UE, les OH (organismes habilités) agissent au nom d'une administration maritime pour grand nombre de fonctions. Le nombre d'OH actifs par État membre varie entre 1 et 11. En comparant le nombre d'OH au nombre d'inspecteurs de l'État du pavillon, deux modèles d'administrations de l'État du pavillon ont été identifiés. Le modèle dominant dans l'UE comporte peu d'inspecteurs de l'État du pavillon accorde un grand rôle aux OH. L'autre modèle - tel qu'appliqué par la France, l'Italie et l'Espagne - suggère un nombre plus élevé de d'inspecteurs de l'État du pavillon et accorde un moindre rôle aux OH.

Dans l'ensemble, les intervenants ont indiqué que les administrations de l'État du pavillon doivent faire face à des contraintes en termes de ressources en personnel et de moyens financiers. Il n'a pas été possible de déterminer avec certitude si cela impacte le contrôle des OH, en raison de la disponibilité limitée des données, mais il s'agirait d'une hypothèse raisonnable étant donné l'impossibilité de déléguer la responsabilité d'OH.

Il a été déterminé que les commissions d'enquête sur les accidents dépendent dans une large mesure du soutien d'experts externes pour la conduite des enquêtes sur les accidents. De nombreuses commissions d'enquête sur les accidents font face à des contraintes financières et de personnel. Les répondants considèrent généralement que cela ne les empêche pas encore de s'acquitter de leurs obligations en vertu de la DEA. Il a néanmoins été signalé que la disponibilité des ressources est prise en compte lorsqu'il s'agit d'enquêter sur des accidents qui ne sont pas considérés comme très graves. Il existe par conséquent des lacunes en termes de couverture.

QE 9 : quels sont les effets, le cas échéant, de l'activité de l'AESM, tant en ce qui concerne son programme de visites et d'inspections qu'en ce qui concerne le soutien aux États membres en particulier dans le domaine des enquêtes sur les accidents ?

Pour un éventail de sujets, les intervenants ont réagi favorablement quant aux effets de l'AESM sur la sécurité maritime et la qualité des administrations maritimes. Il ressort des entretiens menés à l'AESM (avec du personnel également qualifié en tant qu'auditeurs de l'État du pavillon) qu'il n'existe pas de redondance entre l'audit de l'OMI et le programme de visites et d'inspection de l'AESM, mais que ces deux programmes se complètent respectivement ; dans les deux cas, l'objectif est l'amélioration continue et le soutien apporté aux audités afin qu'ils contribuent eux-mêmes à s'améliorer en auditant objectivement leur organisation et leur travail en tant qu'État du pavillon, du port ou État côtier. Des réponses particulièrement positives ont été formulées concernant les formations sur les enquêtes sur les accidents assurées par l'AESM et sur le soutien qu'elle apporte au Cadre de coopération permanente. La valeur ajoutée de l'aide opérationnelle sur les incidents maritimes et l'analyse des données a été reconnue dans une moindre mesure.

Le fardeau administratif des inspections, particulièrement ressenti par les OH, a également fait l'objet de commentaires. Parallèlement, des gains ont été reconnus en termes d'efficacité puisqu'il n'y a plus d'inspection des OH par chaque État membre.

Efficience

QE 10 : le système de tenue des dossiers et de rapports (d'enquête) établi par la directive est-il efficace ?

Les commissions d'enquête sur les accidents participant à l'enquête et aux entrevues ont, dans une large mesure, indiqué que les rapports via la Plateforme d'information européenne sur les accidents de mer engendrent une charge de travail importante et sont inefficaces. En raison des difficultés liées à l'utilisation de la base de données et des exigences de reporting considérées comme strictes, beaucoup considèrent l'utilisation de la Plateforme d'information européenne sur les accidents de mer comme disproportionnée par rapport à la valeur ajoutée. À ce titre, les intervenants se disent favorables à l'introduction en 2018 de la mise à jour plus conviviale de la Plateforme d'information européenne sur les accidents de mer.

QE 11 : y a-t-il des domaines potentiels de réduction des charges administratives (par exemple en ce qui concerne la base de données de la Plateforme d'information européenne sur les accidents de mer) et de simplification ?

La DEP est considérée comme relativement simple et n'impose pas de fardeau administratif trop lourd sur les administrations maritimes. C'est la conséquence logique du petit nombre de dispositions et du fait que les exigences découlent également d'une autre réglementation (inter)nationale. Les lourdeurs ne sont donc pas nécessairement associées à la DEP.

La DEA n'est pas non plus perçue comme lourde et complexe, ce qui constitue un fort contraste avec la base de données de la Plateforme d'information européenne sur les accidents de mer qui découle de la directive. Une explication à cette conclusion est que les commissions d'enquête sur les accidents sont hautement professionnalisées et que les répondants sont bien informés sur les dispositions et les avantages de la DEA. Les intervenants indiquent cependant que certaines définitions d'incidents doivent être clarifiées et, idéalement, harmonisées dans les divers modes. Cela bénéficierait tout particulièrement aux organismes d'enquête sur les accidents de transport multi-modaux.

Cohérence

QE 12 : dans quelle mesure les directives sont-elles cohérentes et complémentaires au reste de la législation sur la sécurité maritime, comme les inspections de contrôle de l'État du port et les enquêtes sur l'État du pavillon (déléguées aux OH ou non) qui assurent systèmes d'inspections programmées régulièrement et/ou ciblées ex ante ? Existe-t-il des lacunes ou des chevauchements ?

Cette question d'évaluation vise à déterminer si les deux directives (DEP et DEA) sont cohérentes. Comme la directive du contrôle par l'État du port est importante, comme « deuxième ligne de défense », le Contrôle par l'État du port est inclus dans cette analyse. L'analyse a déterminé que les trois directives sont largement cohérentes. Les directives s'écartent sur des points mineurs, ce qui s'explique toutefois par leurs motifs et objectifs qui nécessitent des approches différentes.

Sur la base de la recherche, aucun signal clair n'indique que la DEP et la DEA ne sont pas cohérentes avec les autres directives et règlements du troisième train de mesures sur la sécurité maritime. En ce qui concerne les autres lois (maritimes) de l'UE, il convient de noter que les intervenants ont mis en évidence un chevauchement entre la DEP et le règlement 789/2004. Il s'est toutefois clairement avéré que les opinions sur l'intégration ou non de ces deux instruments en un seul divergent sensiblement entre les intervenants.

En ce qui concerne la législation de l'OMI, certains intervenants voient un doublement des efforts de réglementation. La DEP réglemente plus ou moins les mêmes questions que l'OMI ; cependant, comme la législation provient de deux sources (UE et OMI) elle constitue un fardeau réglementaire pour les États membres qui doivent mettre en œuvre la législation de l'UE et celle de l'OMI. En outre, plusieurs intervenants ont indiqué que la DEP n'est plus tout à fait conforme au Code III de l'OMI et à la législation de l'OMI liée aux OH. Des points de vue similaires ont été identifiés sur la cohérence entre la DEA et le Code III de l'OMI, notamment en raison des différentes définitions des termes incident, accident, blessures et victimes, qui entraînent des différences dans le champ d'application des deux instruments.

Pour les deux directives, on peut conclure que le système juridique national est pleinement cohérent avec la DEP et la DEA. Par conséquent, aucun effort juridique n'est nécessaire au niveau national pour harmoniser les systèmes nationaux avec le système de l'UE.

Valeur ajoutée de l'UE

EQ13 : qu'ont apporté les interventions de l'UE en termes de valeur ajoutée au travail des États membres, individuellement ou dans le cadre de l'OMI ?

DEP

La valeur ajoutée de la directive sur les États du pavillon est la cohérence qu'elle apporte entre les autorités maritimes dans tous les États membres de l'UE grâce à une base commune et à la définition d'obligations communes. Élément important : elle assure l'application effective des instruments de l'OMI et limite dans une certaine mesure le haut degré de discrétion que les États membres pourraient appliquer lors de la mise en œuvre de conventions de l'OMI. La cohérence dans la façon de travailler est importante et la Directive sur les États du pavillon s'inscrit dans cet objectif.

En plus de cette valeur ajoutée générale, plusieurs obligations particulières ont été signalées comme des domaines de valeur ajoutée, notamment le mandat de l'audit de l'OMI et la mise en œuvre d'un système de gestion de la qualité.

La DEP a contribué au fait que tous les États membres de l'UE se sont soumis à l'audit de l'OMI (à l'exception de deux États membres sans pavillon). Les intervenants ont exprimé l'importance de la DEP pour assurer (1) que les États membres se soumettent à l'audit ; (2) le principe de l'égalité et, (3) l'amélioration de la qualité de l'administration maritime et des performances du pavillon.

En ce qui concerne la mise en œuvre de systèmes de gestion de la qualité, les intervenants indiquent qu'un tel système génère de la valeur ajoutée car la qualité du contrôle de l'État du pavillon est mieux assurée. Cependant, ils notent également qu'un tel système devrait idéalement être mis en place avant le prochain audit désormais obligatoire de l'OMI.

Comme l'audit volontaire de l'OMI est devenu obligatoire pour tous les membres de l'OMI et comme les États membres de l'UE disposent d'un système de gestion de la

qualité, de nombreux intervenants ont suggéré que la DEP semble dupliquer les efforts internationaux, poussant certains à argumenter en faveur de sa suppression totale. Malgré la valeur ajoutée mentionnée, il est reconnu que la DEP pourrait être modifiée à la lumière de la récente évolution concernant le programme d'audit de l'IMO pour les États membres.

DEA

La principale valeur ajoutée de la DEA est l'harmonisation effective de la législation européenne et de la législation par rapport au règlement de l'OMI. Tous les États membres n'ont effectivement pas mis en œuvre les directives de l'OMI, ce qui a conduit à une grande variété dans les enquêtes sur les accidents. La DEA invite tous les États Membres à prendre leurs responsabilités dans les enquêtes sur les accidents maritimes et a conduit à la création des commissions d'enquête sur les accidents dans tous les États membres.

L'introduction de la base de données de la Plateforme d'information européenne sur les accidents de mer a permis d'établir des rapports de plus en plus complets sur les incidents maritimes et contribue à des analyses plus éclairées et à l'amélioration de la sécurité maritime. La Plateforme d'information européenne sur les accidents de mer a également remplacé plusieurs bases de données nationales, ce qui a permis de réaliser des économies.

Depuis l'adoption de la DEA, les enquêtes sur les accidents sont plus cohérentes entre les États membres de l'UE, bien que certains États membres disposent encore de trop peu de ressources et de capacités pour exécuter efficacement les exigences définies dans la directive. Dans cette perspective, on relève donc un manque de conformité.

Dans l'ensemble, les intervenants conviennent que la DEA a contribué à la professionnalisation et à l'harmonisation des pratiques d'enquête sur les accidents, ce qui est perçu comme une valeur ajoutée considérable.

Recommandations

Sur la base de l'évaluation ex-post de la DEP et de la DEA, un certain nombre de recommandations peuvent être énoncées au sujet de la future mise en œuvre des directives et de leur révision éventuelle.

Publication des audits de l'OMI

L'expiration de l'article 7 de la DEP en janvier 2016, qui mandate les États membres pour l'exécution des audits de l'OMI, annule ce qui était considéré par certains comme le facteur de valeur ajoutée le plus important de la directive. Avec l'entrée en vigueur du système d'audit obligatoire des États membres de l'OMI, il est également noté que le nouveau régime est plus détaillé et fournit à l'OMI des instruments supplémentaires pour promouvoir la mise en œuvre effective des conventions de l'OMI. Pourtant, l'OMI ne dispose pas de pouvoirs d'application semblables à ceux fixés dans la DEP.

Il est par exemple noté que les exigences concernant la divulgation publique du rapport d'audit (complet) ne sont pas mandatées, pas plus que le partage des autres résultats d'audit. La Commission pourrait tenter de déterminer si les mécanismes de publication tels qu'avancés par le système d'audit de l'OMI sont suffisants. Il est possible d'envisager de nouvelles approches pour améliorer la collecte et la diffusion des connaissances, par exemple l'implication de l'AESM en tant qu'observateur des audits de l'OMI dans les États membres.

Clarté de la DEP

Il convient de noter que les intervenants ne sont pas toujours pleinement informés de la portée exacte de la DEP. Plusieurs intervenants ont indiqué que, selon leur opinion, la DEP ne s'applique pas aux registres secondaires et aux registres des territoires d'outre-mer. Cette confusion peut conduire à une mise en œuvre moins performante et moins efficace des dispositions de la Directive. L'aide de la Commission sur la portée de la DEP pourrait résoudre les erreurs d'interprétation entre les États membres.

Plateforme d'information européenne sur les accidents de mer

Les intervenants étaient généralement en faveur de l'utilisation de la Plateforme d'information européenne sur les accidents de mer et en comprenaient la valeur potentielle. Parallèlement, il a été souligné que l'utilisation de la base de données est lourde et que, dans l'état actuel des choses, les avantages ne l'emportent pas sur l'investissement en temps. À ce titre, la nécessité d'une version plus conviviale et optimisée de la Plateforme d'information européenne sur les accidents de mer, dont le lancement est prévu en 2018, est identifiée comme particulièrement pertinente et donc approuvée par l'étude.

Formation offerte par l'AESM

Les États membres se sont déclarés positifs sur la formation offerte par l'AESM. Si l'on considère que les formations de l'AESM contribuent à la professionnalisation des administrations maritimes, le besoin de bénéficier également de formations pour les inspecteurs de l'Etat du pavillon a été exprimé. Ces formations permettraient aux administrations maritimes d'appliquer plus efficacement les conventions de l'OMI et d'assurer parallèlement un meilleur niveau d'harmonisation des inspections de l'État du pavillon à travers l'Europe.

Cohérence avec le règlement (CE) 789/2004

Plusieurs intervenants ont abordé la question du chevauchement entre la DEP et le règlement (CE) 789/2004 concernant le transfert entre les registres. La DEP et le règlement exigent plus ou moins le même type d'échange d'informations, même si les deux textes de loi ont différents objectifs ; la sécurité pour la DEP et le marché interne (et la sécurité) pour le règlement, mais pas pour tous les types de bâtiments. Ce chevauchement était déjà traité dans le document de travail des services sur la mise en œuvre du règlement 789/2004. La Commission pourrait donc étudier la possibilité d'un l'alignement complémentaire entre le règlement et la directive.

Ressources et effectifs de l'administration maritime et de la commission d'enquête sur les accidents

Des contraintes en termes de ressources ont été identifiées, qui limitent certains États membres dans la mise en œuvre de la convention de l'OMI, restreignant ainsi leur efficacité d'États pavillons et d'États côtiers. La consultation des intervenants a permis de souligner que les contraintes se font particulièrement ressentir en termes de moyens financiers et de personnel. En ce qui concerne les enquêtes sur les accidents, ces contraintes limitent le reporting sur les incidents ; pour les États du pavillon, elles limitent le nombre d'inspections.

Les chiffres recueillis sur le personnel, l'implication des inspecteurs dans d'autres fonctions maritimes et le profil général des administrations maritimes fournissent une première indication sur la capacité des États membres à réussir la mise en œuvre des conventions de l'OMI et à effectuer une surveillance efficace des OH.

Le suivi de l'évolution en termes de personnel et de ressources est conseillé afin d'identifier et d'anticiper les contraintes à ce niveau. Parallèlement, il demeure important de tenir compte des différents modèles que les États membres appliquent pour organiser leur administration maritime, notamment en ce qui concerne le rôle des OH.

PART I – INTRODUCTION, METHODOLOGY AND CONTEXT

1. INTRODUCTION

1.1. Background

The present report forms part of the study mandated by the European Commission on *Ex-post evaluations of Directive 2009/21/EC on compliance with flag State requirements and Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector (DG MOVE/D2/2016-24)*. The European Commission has granted a contract to carry out the evaluation to the consortium consisting of Ecorys (leading partner), COWI and CRUP (i.e. dr. Vlado Frančić).

The combined ex-post evaluation was initiated as a part of the Maritime Fitness Check under the Commission Work Programme 2016 (see Text box 1.1). Hence, the evaluation forms part of the Commission's REFIT programme and pays particular attention to potential areas for administrative burden reduction and simplification.

The evaluation was initiated in October 2016 and finalised in June 2017. Its purpose is to assess the relevance, effectiveness, efficiency, coherence and EU added value of the Directives.

Text box 1.1 Maritime Fitness Check

The overall justification of the maritime fitness check is to look more closely at the interaction between the concerned legislative acts and their implementation – including the supportive role the European Maritime Safety Agency (EMSA) can play – to check whether and how the objectives of competitiveness and quality shipping can be better supported and mutually reinforced, while also considering the international rules and conventions on which they are based and that they enforce.

The maritime fitness check encompasses the following legislative acts:

1. Directive 2010/65/EC dealing with reporting formalities for ships arriving and/or departing from ports (RFD);
2. Directive 2002/59/EC dealing with vessel traffic monitoring and information system (VTMIS);
3. Directive 2009/16/EC dealing with port State control (PSC);
4. **Directive 2009/21/EC dealing with compliance with flag State requirements (FS);**
5. **Directive 2009/18/EC dealing with accident investigation (AI).**

1.2. Objective of this report

The objective of this report is to provide answers to all the Roadmap questions related to the five evaluation criteria. The answers are sought via desk research, open public consultation (OPC) as well as targeted stakeholder consultations. Against this background conclusions can be drawn as to how the Directives have met their objectives as established by the co-legislators both individually and taken in a maritime safety policy context, and some recommendations put forward for further consideration. It is to be noted that this ex-post evaluation forms part of the overall Maritime Fitness Check.

1.3. Contents of this report

The final report consists of the following parts:

- *Part I*: A methodological chapter, and information on the relevant context, with emphasis on the international regulatory framework, the state of play concerning the European fleets;

- *Part II*: Answers to the 13 evaluation questions, building on the facts collected through desk research, survey questionnaire and interviews on the evaluation questions;
- *Part III*: Conclusions and recommendations, summarising the lessons learned and providing suggestions for future action.

The evaluation framework is presented in Annex 1. Annex 2 presents the references. Annex 3 present an overview of interviewed stakeholders and Annex 4 the minutes hereof. Annex 5 provides an overview of the IMO conventions and their ratification status. Annex 6 discusses the coherence between FSD, AID and the PSC Directive, and Annex 7 the coherence with other relevant maritime safety legislation, particularly that on Recognised Organisations. Annex 8, finally, provides the country profiles that were developed for this study.

2. METHODOLOGY

This chapter presents the methodological aspects of the evaluation study. *Section 2.1* presents the scope of the evaluation by listing the five evaluation criteria and the associated 13 evaluation questions. These form the basis for the evaluation framework, which is presented in Annex 1. *Section 2.2* presents the design of the evaluation, including the evaluation's objective and the tasks carried out to deliver the project objectives. *Section 2.3* elaborates on the process of data collection and analysis, including the limitations of the evaluation.

2.1. Evaluation criteria, questions and evaluation framework

Evaluation criteria

The evaluation concentrates on the following six evaluation criteria:

- The *relevance* of FSD and AID, i.e. the extent to which the intervention's objectives are pertinent to the needs, problems and issues to be addressed;
- The *effectiveness* of FSD and AID, i.e. the extent to which set objectives are achieved;
- The *efficiency* of FSD and AID, i.e. the extent to which desired effects are achieved at a reasonable cost;
- The *coherence* of FSD and AID, i.e. the extent to which the intervention logic is non-contradictory and/or FSD and AID do not contradict other interventions with similar objectives;
- The *EU added value* of FSD and AID, i.e. the value resulting from FSD and AID which is additional to the value that would have been otherwise created by Member State or international action alone.

Evaluation questions

Based on the aforementioned evaluation criteria thirteen (13) evaluation questions are defined, as presented below (grouped per evaluation criteria). The evaluation questions are addressed in Chapters 4-8, forming the analytical part of this report.

Relevance

1. To what extent are the framework requirements in the FS Directive, including the safety investigations required by the AI Directive, relevant and appropriate to the current needs?

Effectiveness

2. To what extent have MS undergone IMO Flag State audits? What was the scope and coverage?
3. a) Have MSs ensured follow up actions to the IMO audit?
b) Have MSs made the outcome of the audit available and to whom?
c) Does the requirements to publish the outcome of the audit ('peer review') play a role?
d) Transparency and availability of relevant information about ships registered under EU flag registers has been achieved?
4. To what extent the Directive has helped to avoid changes of flag register?
5. To what extent EU MS have ratified International Conventions?
6. To what extent MSs follow up on detentions under port State control (PSC) regimes of their flagged ships? How has MS PSC performance evolved since the introduction of the Directive?
7. To what extent the requirement that all MSs create an accident investigation body led to the expeditious holding of unbiased safety investigation?

8. To what extent are all Member States adequately resourced, including for their independent investigation body? Does this have an impact on effectiveness? Are there any gaps in coverage?
9. What are the effects, if any, on the work of EMSA, both as regards the visits and inspections programme they carry out and as regards the support to MS in particular in the area of AI?

Efficiency

10. Is the system for record keeping and reporting (AI reports) established by the AI directive efficient?
11. Are there any potential areas of administrative burden reduction (for example regarding the EMCIP database) and simplification?

Coherence

12. To what extent are the Directives internally coherent and complementary to the other maritime safety legislation such as port state control inspections and flag state surveys (delegated to RO or not) which provide for systems of regularly scheduled and/or targeted ex ante inspections? Are there any gaps or overlaps?

EU Added value

13. What has the EU interventions added to the work being done by MSs either individually or within the context of the IMO?

Evaluation framework

An evaluation framework was developed as an aid for the assessment of the Directives. It ensures a pragmatic and structured approach for answering each evaluation question, while detailing data needs and data collection tools.

The purpose of the evaluation framework is to assist in reaching well-founded, evidence-based answers for each of the evaluation questions. In practical terms, the framework assists in linking the questions to indicators, as well as in defining approaches on data collection, sources, and methodology for analysis of the tasks to follow.

Annex 1 includes the evaluation framework. This framework has been fine-tuned on the basis of literature review and exploratory interviews, as well as comments received from the Commission. It has been used in the analytical work and the formulation of responses to the evaluation questions.

2.2. Design of the evaluation

The evaluation was conducted simultaneously with the evaluation of the Port State Control Directive (2009/16/EC). Frequent interaction with the responsible consultant occurred to optimize data collection efforts and to minimize stakeholder fatigue. Internal workshops were also organised at the inception and interim stage to share insights that are relevant for the respective evaluations.

Objective of the evaluation

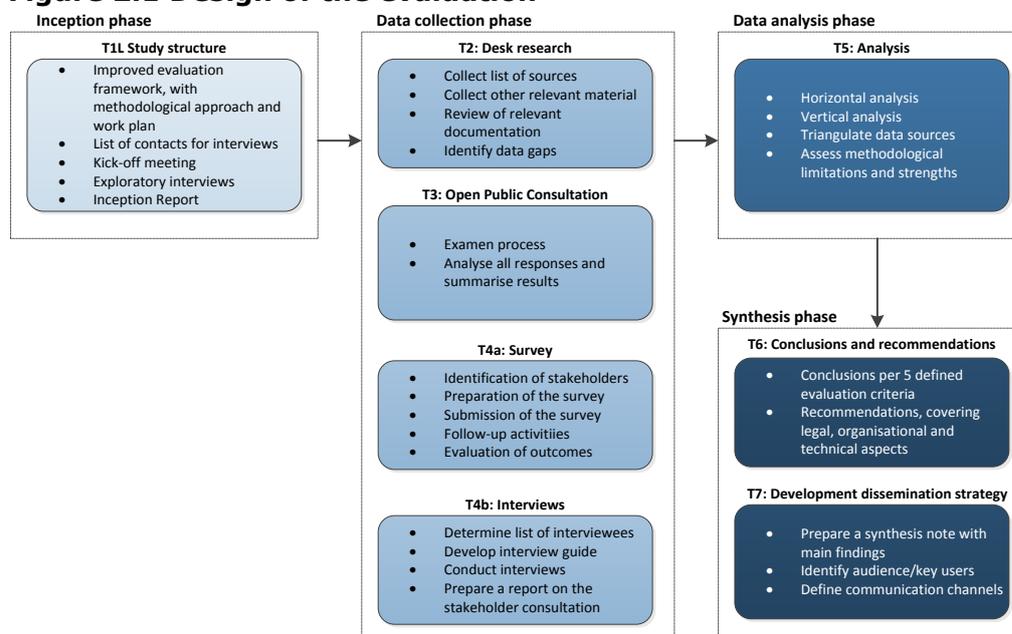
The general objective is to support the Commission with the evaluation of the flag State (2009/21/EC) and Accident Investigation Directives (2009/18/EC). More specifically, this support study provides the Commission with input for an independent evidence-based assessment of the application of the legislation on flag State and Accident Investigation between 2011 and 2015, according to its effects and the needs

it aims to satisfy, examining specific aspects thereof, as described in the Terms of Reference.

Tasks

The project's methodological approach is illustrated in the figure below, presenting the seven tasks that are described in the subsequent section.

Figure 2.1 Design of the evaluation



Source: Ecorys.

Task 1: Study structure

The task, part of the inception phase, was carried out in order to establish the foundation for implementing the project. An evaluation framework was developed at the beginning of the project to facilitate the evaluation. Exploratory interviews were carried out and the kick-off meeting with the Commission took place.

The evaluation team also visited the European Maritime Safety Agency on 29 and 30 November 2016. The team spoke to several officers who are involved in EMSA activities in the fields of accident investigation, Port State Control, as well as Member State visits and RO inspections. Information was shared on the experiences with the Directives and their implementation across the EU. The use and application of the relevant data platforms, notably THETIS and EMCIP, were moreover discussed. All activities resulted in the submission and approval of the Inception Report.

Task 2: Desk research

Literature was collected in line with the information needs coming from the evaluation framework, mainly concentrating on questions related to effectiveness and coherence. A list of documents reviewed is presented in Annex 2. Results from desk research have been linked to the evaluation questions.

In addition to the literature, several databases on shipping and accidents were leveraged. These include MarInfo, THETIS, and UNCTADstat. Relevant figures were incorporated in the country profiles, as found in Annex 8. Consequent data analyses provided additional input towards answering the evaluation questions.

Task 3: Open Public Consultation

The Open Public Consultation (OPC) under consideration concerns the 'Public consultation on the fitness of EU legislation for maritime transport safety and efficiency'. The consultation period lasted from 7 October 2016 until 20 January 2017 and covered the following topics:

- Fitness check of maritime transport legislation for better safety and efficiency;
- Flag State responsibilities;
- Accident investigation;
- Port State Control;
- Reporting formalities;
- VTMIS;
- Maritime transport legislation for the training and mutual recognition of seafarers.

The aim of the OPC was to collect views on the identified maritime topics from various stakeholders (national authorities, shipowners, ports, seafarers, associations etc.). The consultation was open to all entities and citizens. Respondents were given the opportunity to reply on closed and open questions related to the aforementioned areas. The OPC collected 53 responses in total.

Task 4a: Targeted survey

An invitation to participate to the survey was sent to 308 stakeholders from all relevant stakeholder groups. Questions on Port State Control were included so that only one survey had to be sent out on this related field.

The survey was opened from 11 January till 16 February 2017. Reminders were sent to boost participation. Maritime administrations and accident investigation bodies were moreover contacted directly to remind them of the survey. A total of 79 responses were collected. To avoid stakeholder fatigue and boost participation, the questions were tailored per stakeholder group. Consequently, not all questions are answered by all 79 respondents.

Task 4b: Targeted interviews

In-depth interviews were introduced to collect more detailed inputs. This tool proved especially useful in receiving elaborate views on the functioning of the Directives. Anonymising the responses was offered to ensure openness in responses. Stakeholders that were considered for interviews were identified in consultation with the Commission and through the evaluation team's professional networks. A total of 33 in-depth stakeholder consultations are categorised under exploratory interviews (4), targeted and case study interviews (27), and written input received from stakeholders (2).

Task 5: Analysis

The analysis entails a comprehensive comparison and triangulation of data as obtained through the various collection methods. Based on this, answers to the evaluation questions are formulated. Additionally, an assessment is provided on the extent to which the questions can be conclusively answered. Section 2.3 will provide an overview on the more general limitations that were encountered.

Task 6: Conclusions and recommendations

In this task, conclusions are drafted, mainly in the form of responses to the evaluation questions, and recommendations. Each evaluation question will be provided with a brief conclusion response. Conclusions on the evaluation criteria will be provided separately. The conclusions and recommendations are presented in *Part III*.

Task 7: Dissemination strategy

In this task, a dissemination strategy is developed to stimulate the use and uptake of the evaluation results. To this end, a synthesis note will be made, summarising the conclusions and recommendations of the evaluation. This synthesis note will be distributed to a large audience, making use of contacts established during the stakeholder consultation process and the wider audience, to be reached in collaboration with the Commission.

Overview of stakeholder consultation activities

The table below provides an overview of the number of stakeholders that were consulted per group and consultation method. A small number of stakeholders used the opportunity to provide input through multiple channels. This resulted in a total number of 171 responses by stakeholders.

Table 2.1 Overview of responses per stakeholder group and method

Stakeholder group	Interviews	Survey (rate)	OPC*	EMSA visit	Total
1.a) Maritime Administrations	7	14	61%	13	34
1.b) AI Bodies	7	15	60%	0	23
1.c) Ministry (Maritime affairs)	4	3	38%	0	7
2) Ship owners	6	5	10%	11	22
3) Ports and ship agents	0	16	17%	5	21
4) Third (non-EU) States	1	2	18%	0	3
5) Recognised organisations	2	3	27%	0	5
6) Seafarers and their organisations	1	9	20%	0	10
7) Other actors	5	12	21%	24	46
Total	33	79		53	171

Source: Ecorys.

The Stakeholder Consultation Report, that is delivered separate to this report, elaborates in greater detail on the positions and contributions of the various stakeholder groups.

2.3. Limitations of the evaluation

The data collection process has been driven to meet the information needs as defined in the evaluation framework. This section points out data limitations and draws conclusions on the ability to respond to the evaluation questions. Table 2.2 presents an overview of difficulties in data collection and mitigating measures, organised per evaluation question.

Table 2.2 Overview of limitations and mitigation measures

Evaluation aspect	Limitation	Mitigation measure/solution
<i>Unbalanced stakeholder representation</i>	Limited interest amongst several stakeholder groups (notably ship owners and non-EU flags) to participate in the evaluation study.	Identified underlying reasons, namely: 1) limited perceived relevance of Directives, and 2) limited understanding of the Directives. Through repeated efforts sufficient involvement was guaranteed nevertheless.
<i>Unequal response rates to survey</i>	In line with the previous limitation, some stakeholder groups responded below expectations to the targeted survey.	Follow-up mails were sent directly to the relevant contact persons, and several calls were made to request AI bodies and FS administrations to fill in the survey.
<i>Country profiles</i>	Limited responsiveness by MS to submit information on staffing and FS inspections.	Several reminders and direct calls with the relevant bodies.
<i>Stakeholder fatigue</i>	Several evaluation studies took place in the recent time, limiting the willingness to participate in the stakeholder consultation.	A strong collaboration between the consultants on the PSC and this evaluation was established, to ensure that stakeholders were contacted one and insights could be shared efficiently.
<i>Regional differences regarding the implementation of the Directives</i>	The performance of EU MS flags and AI bodies varies strongly, leading to different perspectives on the Directives.	Deliberate efforts were taken to query both high and low performers in terms of flag performance and non-conformities.

Source: Ecorys.

Conclusion on limitations and robustness of the conclusions

Following repeated efforts to involve stakeholders, the evaluation gathered sufficient inputs to answer the evaluation questions. Moreover, sufficient secondary material (i.e. databases, literature) could be accessed to provide additional inputs and quantify several effects. On the whole, the conclusions are therefore found to be sufficiently robust and comprehensive.

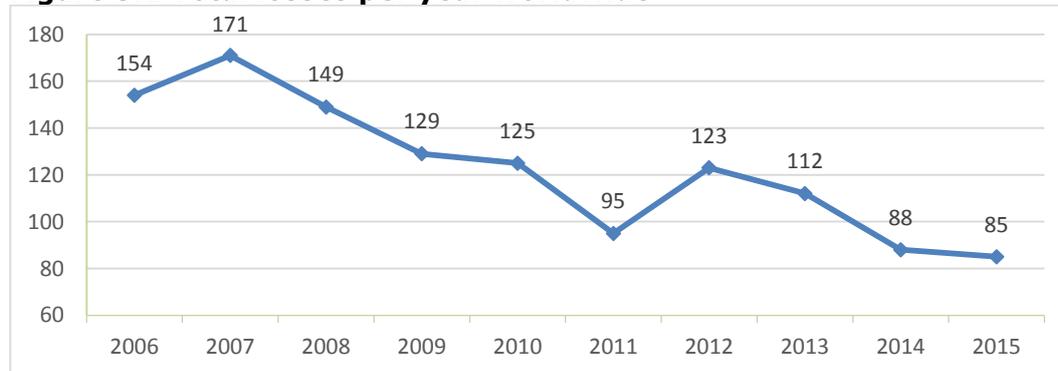
3. CONTEXT

This section presents information on the context within which the Directives are applied. A brief introduction is provided on the need for maritime safety legislation, followed by statistics on European shipping and its safety performance. Then, for the FSD and AID separately, the international regulatory framework is discussed, followed by relevant European and national legislation. The chapter ends by providing the counterfactual, meaning the situation that likely would be the case today if the two Directives had not come into force.

3.1. Maritime safety

Maritime transport plays a critical role in the EU and internationally in several ways. About 80%/50% of EU trade by volume/value with third countries is carried by sea³. Beyond trade, shipping enables various economic and recreational activities. Shipping unfortunately also results by times in incidents with large environmental, social and economic impacts. Figure 3.1 shows the number of annual losses, of which approximately 30% occurs in European waters, most of them being fishing vessels.

Figure 3.1 Total losses per year worldwide



Source: Lloyd's List Intelligence Casualty Statistics (2016).

The number of incidents and injuries is logically much larger. As shall be discussed further down, estimates are that about 4.000 incidents occur in EU waters annually. In 2015, this resulted in 115 lives being lost at sea and over 975 people being injured. Also, 65 cases of environmental pollution were observed in EU waters⁴. The economic and environmental consequences of these incidents are substantial.

Based on this understanding several legislative initiatives are undertaken on international, regional and national levels to promote safe shipping. The European Union contributes to safer shipping in several ways as well. For one, it established the European Maritime Safety Agency (EMSA) in 2002. The agency provides technical assistance to EU Member States and supports the Commission in developing maritime safety legislation. Also, the European Institutions and EU MS worked on legislative initiatives that culminated in the Third Maritime Safety Package.

The package was adopted in 2009 with the aim to create a stricter maritime safety regime in and around EU waters, to further enhance quality shipping, and to improve the competitiveness of EU shipping. The package puts obligations on Member States to fulfil their responsibilities as flag, port and coastal states, in line with the ratified IMO conventions.

³ <http://ec.europa.eu/eurostat/documents/2995521/7667714/6-28092016-AP-EN.pdf>.

⁴ EMSA (2017) Summary Overview of Marine Casualties and Incidents 2011-2015.

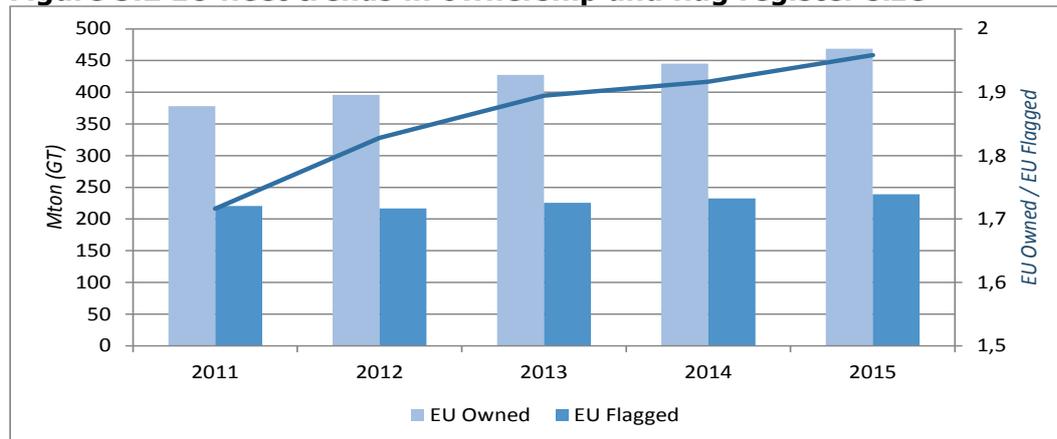
In 2016, the Commission decided to undertake a fitness check to reflect on the achievements and limitations of some of the key European legislative initiatives. Although considerable progress is made in maritime safety over the past decades, as illustrated by Figure 3.1, improvements still need to be made as concerns on implementation remain. A brief description of the fitness check is provided here below.

This ex-post evaluation focuses on two Directives, namely Directive 2009/21/EC dealing with compliance with flag State requirements and, as part of a flag State responsibility, Directive 2009/18/EC dealing with accident investigation (AI). The following sections first provide figures on the EU fleet and marine incidents to contextualise the relevance of the Directives. Afterwards the legislative context of these Directives is discussed. Finally, a section is dedicated to developing a counterfactual: a situation in which the Directives would not have come into force. The counterfactual forms the basis for evaluating the effects of the directive in the consequent chapters.

3.1.1. Trends in the European Fleet

The EU flagged fleet in 2015 consisted of 239 M GT, covering about 20% of the world fleet. The EU owned fleet was considerably larger with 469 M GT, representing approximately 36% of the world fleet. Figure 3.2 shows the evolution of EU owned and flagged fleet. It provides moreover the ratio of EU ownership to the EU flagged fleet. This ratio evolved from 1,72 in 2011 towards 1,96 in 2015. The development is driven by a considerably stronger growth of the EU owned fleet compared to the fleet that carries an EU flag.

Figure 3.2 EU fleet trends in ownership and flag register size



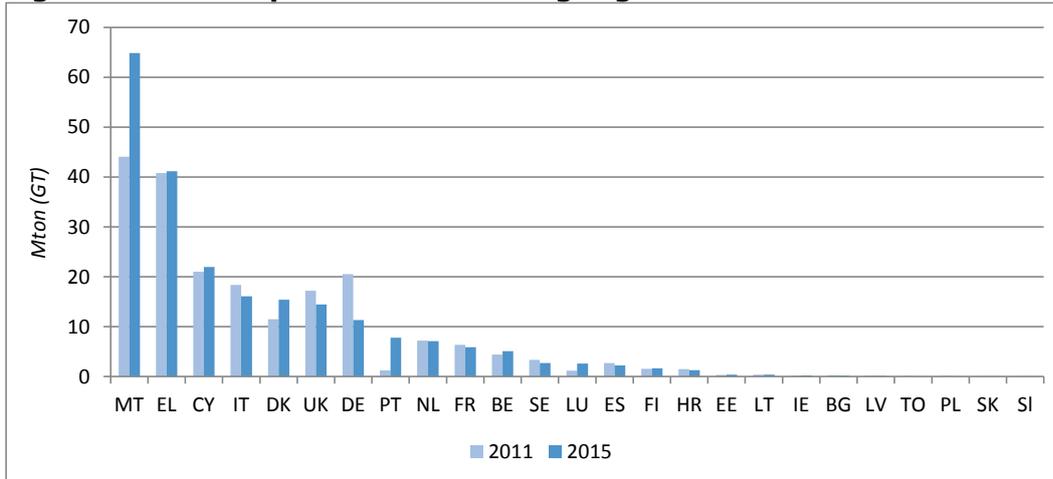
Source: MarInfo, elaborations by Ecorys.

Strong differences between ownership and flag registers pertain nevertheless between EU MS. The next sections highlight these variations.

3.1.2. European registers

Figure 3.3 provides an overview of the size of the European flag registers (in GT), clearly showing the big disparities between the various flags. Malta, Greece, Cyprus and Italy are the biggest European flags, whilst several MS do not have an active register any longer.

Figure 3.3 Development of EU MS flag register size



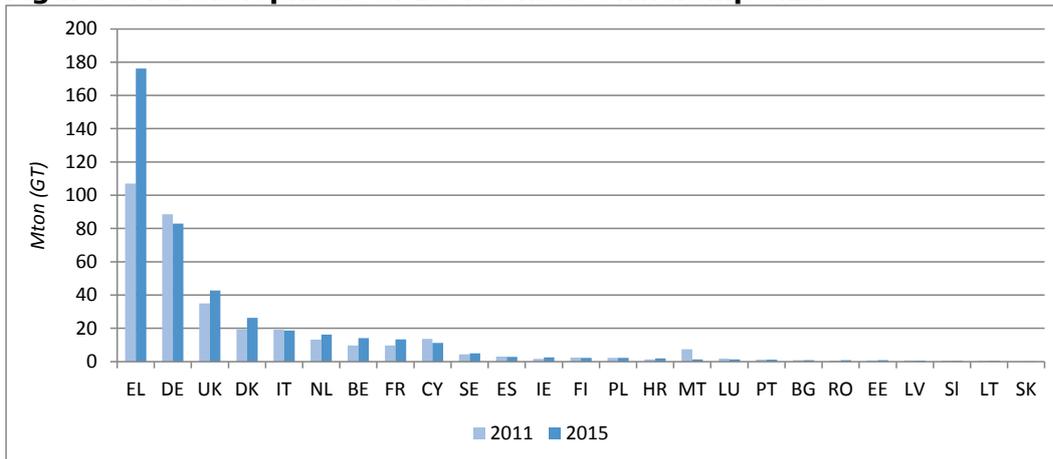
Source: MarInfo, elaborations by Ecorys.

Interestingly, between 2011 and 2015 the Maltese flag attracted tonnage (ships) to its flag and became considerably more popular. Similarly, Portugal attracted ships and grew quite rapidly as a flag State. This development can be largely attributed to the success of the Madeira register, which acts as the second register of Portugal. Section 5.3 discusses to what extent this growth is influenced by changes between registers within the EU.

3.1.3. European fleet ownership

An insight into the fleet owned by European beneficiaries is provided by Figure 3.4. EU MS are sorted based on the fleet ownership size in 2015. It shows that Greece is the largest fleet owner, followed by Germany and the UK. The strong increase of Greek ownership is particularly noteworthy and can be partially explained by the conducive fiscal regime. The status of Malta as a ship owning nation is small, in contrast to its role as a flag State.

Figure 3.4 Development of EU MS fleet ownership size



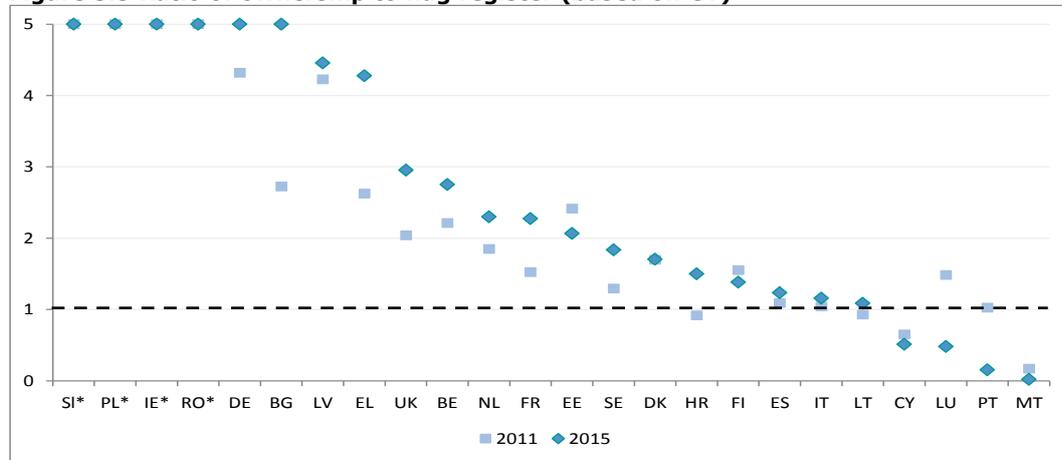
Source: MarInfo, elaborations by Ecorys.

3.1.4. Ratio of ownership to flag

The ratio of fleet ownership to flag register size as shown in Figure 3.2 is disaggregated in the figure below for each of the EU MS. The figure shows ratios for 2011 and 2015. The marks above the dotted line indicate that for an EU MS the owned fleet is larger than the flagged fleet. For marks below the line, the opposite applies.

The ratio is influenced by both evolutions in ownership and register size. Analysis shows that for most EU MS, ownership grew stronger than the register: a finding that aligns with the observation in Figure 3.2.

Figure 3.5 Ratio of ownership to flag register (based on GT)



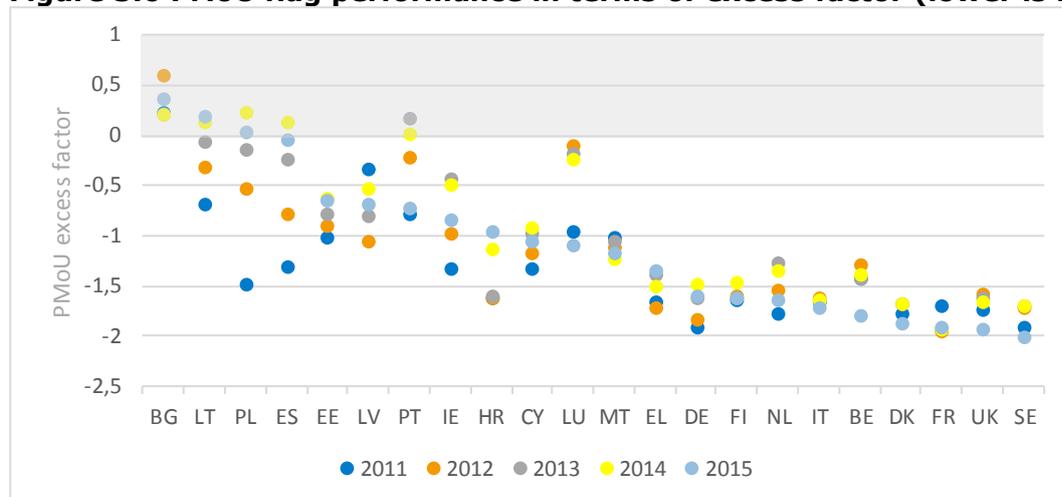
Source: MarInfo, elaborations by Ecorys - *Owned to Flagged ratio larger than 5.

A noteworthy observation is that 20 MS were larger ship owning nations than flag States. The difference became more profound between 2011 and 2015. The figure equally shows that just four MS are considerably larger as flag States than as owners, namely Cyprus, Luxembourg, Portugal and Malta. So in conclusion there is a very strong interest throughout the EU in maintaining ownership, but not necessarily under an EU MS flag.

3.1.5. Flag performance

A common way to assess whether a flag State effectively enforces international rules on maritime safety is through the examination of the port state control records of ships flying a certain flag. The PMoU keeps track of flag performance and puts flag States with poor performance on the so-called grey or black list. The PMoU applies an excess factor formula, which is based on the total number of inspections and detentions over a 3-year rolling period⁵. Flags with an excess factor between 0 and 1 are put on the grey list, and those above 1 on the black list. The figure below shows the performance of EU flags between 2011 and 2015.

Figure 3.6 PMoU flag performance in terms of excess factor (lower is better)



Source: PMoU, elaborations by Ecorys - sorted on 2015 flag performance.

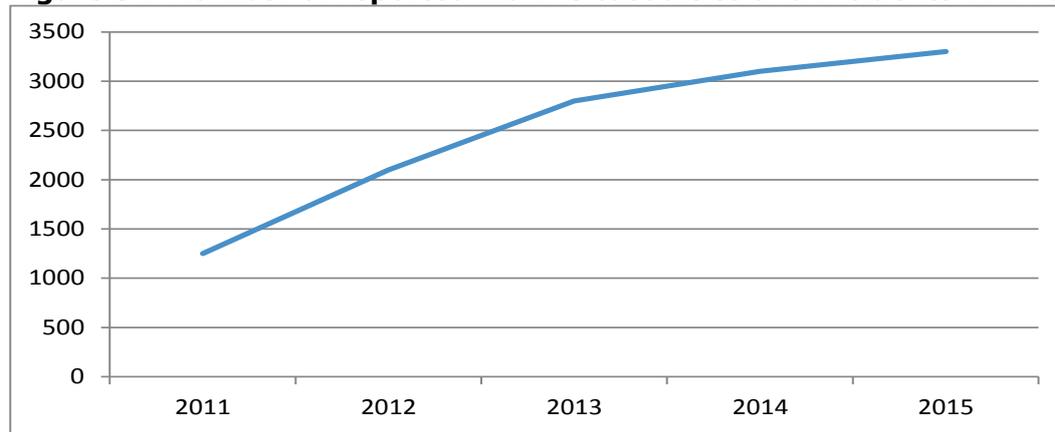
⁵ <https://www.parismou.org/detentions-banning/white-grey-and-black-list>.

The spread of the flag performance in different years may be indicative of how consistently quality inspections and surveys are performed. The differences between flag performance of EU MS remains moreover large. Also, the figure shows that, while the large majority of EU flag States are on the white list, in 2015 still 3 EU flag States were grey listed. The flag performance of MS are discussed in greater detail in section 5.5.

3.1.6. Marine casualties and incidents

EU MS accident Investigation bodies (AIBs) report marine incident investigations to the European Marine Casualty Information Platform (EMCIP). The platform provides the most comprehensive overview on marine casualties and incidents across Europe. Figure 3.7 shows a considerable growth of reported incidents between 2011 and 2015.

Figure 3.7 Number of reported marine casualties and incidents in EMCIP

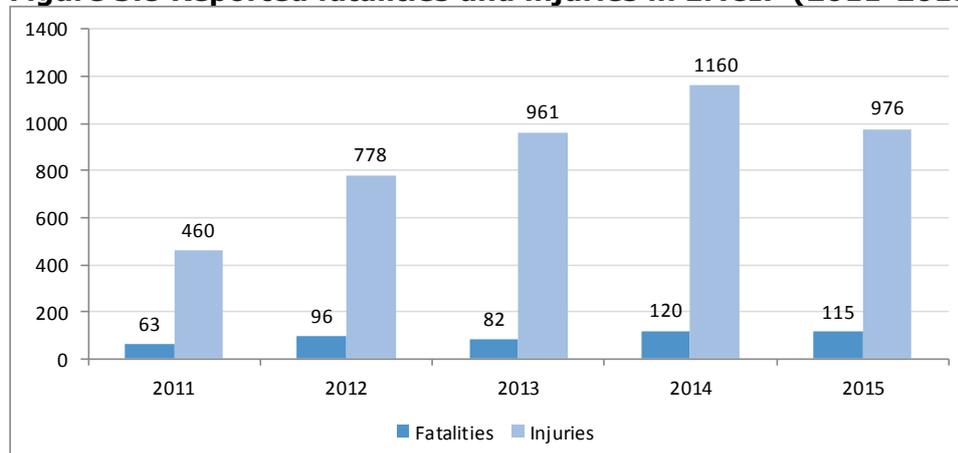


Source: EMSA Annual overview of marine casualties and incidents 2016.

The numbers are mostly indicative of the greater involvement of EU MS in reporting on marine casualties and incidents. EMSA approximates that 4.000 reports should be submitted annually. This suggests a reporting rate of 80-85% in 2015. The underreporting can be partially explained by the varying levels of development across the different accident investigation bodies and due to different interpretations that they apply to label an event as an incident that needs to be reported. These differences need to be acknowledged to better understand the responses by AI bodies to the survey and interviews.

Based on the reports the total number of injuries and fatalities that follow from the marine incidents was determined. As shown in the figure below the number of fatalities and injuries grow, which can be partially explained by the aforementioned growing number of reported incidents.

Figure 3.8 Reported fatalities and injuries in EMCIP (2011-2015)



Source: EMSA Marine Casualties and Incidents Summary Overview 2011-2015.

Regardless of the mentioned methodological considerations, it is fair to say that the effects of marine incidents on human life are still considerable. Progress in maritime safety remains highly relevant, and it is in this perspective that the FSD and AID should be understood.

3.2. Directive 2009/21/EC on compliance with flag State requirements

3.2.1. Flag State responsibility from an international perspective

The international basis for flag State responsibility is embedded in the United Nations Convention on the Law of the Sea⁶ (UNCLOS), in particular in articles 94 (duties of the flag State) and 217 (enforcement by flag States). Article 94 lays down the obligation for each flag State to *effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag*. This includes, among others, regular surveys conducted by a qualified surveyor to assess the seaworthiness of the ship as well as on-board safety (94 (4) (a)). It also includes ensuring compliance of master and crew with applicable international regulations regarding safety of life at sea, prevention of collisions and prevention, reduction and control of marine pollution (94 (4)(c)).

Article 217 lays down the requirements of enforcement for flag States. In sub-article 1 it is stated that flag States need to ensure that ships flying their flag comply with the applicable international rules and standards (e.g. maritime safety and pollution prevention). The rules and standards referred to are the ones adopted by the *competent international organisation* (i.e. IMO)⁷. In addition, flag States are under the obligation to adopt auxiliary national legislation and other measures which are required for implementation of IMO rules and standards.

The IMO Instruments Implementation Code

As indicated above the IMO has adopted multiple conventions and protocols, which require certain actions from the State Parties. In order to assist States in the implementation of the IMO conventions and protocols, the IMO has adopted the *IMO instruments implementation Code* (III-Code). The Code recognises that the role of individual States can be different. Some State will have a larger role as flag State than as port and coastal State (e.g. landlocked countries or countries with a very small coastline); while other States will have a larger role as port and coastal State rather than as flag State (second paragraph III Code).

In order to facilitate the differences between the roles of an individual State, the III-Code indicates for each of the three different roles (flag, port and coastal State) how the IMO conventions and protocols need to be implemented, enforced and evaluated. It also highlights what the minimum requirements for each of the three different roles are, i.e. what is required from a state in each role.

As most of the conventions and protocols are based on the flag State principle, the III-Code is mostly elaborating on the obligations of flag States. The Code for example highlights what needs to be done to delegate inspection obligations to recognised organisations (paragraph 18) and what is needed for marine safety investigations from a flag State perspective (paragraph 39). For the other two roles, fewer requirements are

⁶ It is in this context important to note that the European Union also is a contracting party to UNCLOS.

⁷ UNCLOS only mentions the competent international organization. With the adoption of the Convention on the International Maritime Organization (IMO Convention) the IMO became the competent international organization. Since then, flag States party to IMO Conventions need to ensure that ships flying their flags comply with the rules and standards laid down in the conventions to which they are Party.

included in the Code. The Code provides in its Annexes 2 - 4 non-explicit lists of specific obligations that further indicate what States have to do.⁸

3.2.2. Flag state responsibility from an EU perspective

On an EU level, the main piece of legislation focusing on flag State responsibility is the 2009 Directive 2009/21/EC on compliance with flag State responsibilities (FSD). This Directive re-iterates the responsibility created under international law and urges EU Member States to carry out their duties as flag States. The Directive came into force when the negotiations on what became the III-Code were ongoing.

The Directive as a framework Directive applies, in accordance with article 2, to the administration of the State whose flag the ship is flying, i.e. the respective flags in the EU-28. The Directive has two objectives (article 1 (a) and (b)):

1. To ensure that Member States efficiently and consistently discharge their obligations as flag States; and
2. To enhance safety and prevent pollution from ships flying the flag of a Member State.

The rationale by the co-legislators behind adopting a framework Directive was - while awaiting the outcome of the III-Code negotiations within IMO - to (i) lay down at least a legal frame for Member State as Flag States and (ii) ensure that all Member States were legally bound to take the appropriate action to guarantee respect for the International rules applicable to their flagged vessels as part of the safety policy as well as part of the first line of defence against an un-level playing field in international maritime transport.

By choosing a Directive as a legal instrument the rights and obligations of States as flag States are respected. Nevertheless, a Directive also ensures that Member States as flag States apply the international rules in a more harmonised way in order to avoid distortions on the EU internal market and to ensure effective enforcement when a Member State or a Member State flagged vessel does not adhere. At the same time, the Directive made the - at the time - voluntary IMO Audit mandatory by law for all EU Member States. In the absence of such an audit it was made possible to resort to the European Court of Justice (such enforcement powers is not available under the IMO system).

Hence, the **first objective** focuses on ensuring that EU Member States as flag States respect their obligations as flag States, meet the requirements incumbent on a flag State under international law and as required by the International Conventions to which it is a party, as well as, where required, improve the performance of flag State administrations. Within the Directive two mechanisms have been established which aim to supervise the flag State performance; an audit procedure led by the IMO (article 7 FSD) and an internal quality management system (article 8 FSD).

The **second objective** of the FSD is to increase control by Member States over their fleet in terms of safety, security, environmental protection and social rights. In order to increase the control over one's fleet, several actions need to be taken:

- Article 4.1 FSD states that Member States shall take all measures it deems appropriate to ensure that a ship flying its flag complies with all applicable international rules and regulations. In addition, the Member State shall, before granting the ship to fly its flag, verify the safety records of the ship. If necessary the losing flag State can be consulted. If this losing flag State is an EU Member State, the Member State is under the obligation to provide the requested information. An EU Member State is obliged to provide information both to EU and non-EU flag States;

⁸ (Annex 2 for flag State obligations, Annex 3 for coastal State obligations and Annex 4 for port State obligations).

- Each EU Member State is required to keep certain information of ships flying their flag. This information should be readily accessible. In article 6 FSD an overview of the required information is presented;
- Ships, flying the flag of an EU Member State, which do not comply with the international rules and regulations, may be detained in a port following a port State control inspection. The responsible Member State as a flag State, once informed, shall oversee that the ship is brought in compliance with the relevant IMO Conventions (article 5 FSD);
- If the flag of an EU Member State appears on the grey or black list of the Paris MoU regarding the performance of a flag State in port State control, that Member State needs to report to the Commission what the reasons are for their flag ending up on that list (article 8 FSD). In case the flag appears on the black list, the Member State needs to report in that same year. In case the flag appears on the grey list for two consecutive years, the Member State needs to provide the Commission with a report, indicating what actions it foresees to take to improve the quality of the fleet and the timeframe for result (appearing on the white list again). If the flag ends for only one year on the grey list, the Member State does not have to submit a report.

Besides Directive 2009/21/EC several other flag State related Regulations and Directives have been adopted. Most important are those relating to the Recognised Organisations (ROs), who can, on behalf of a flag State, conduct some of the necessary flag State related inspections, (e.g. statutory work). The most important Regulations and Directives are:

- Regulation (EC) 391/2009 introduces common rules for ship inspection and survey organisations aim to ensure that safety at sea is increased and pollution is prevented;
- Directive 2009/15/EC also introduces common rules for ship inspections, survey organisation and relevant activities of maritime administrations and in particular article 3.1 thereof;
- Commission Regulation (EU) 788/2014 lays down rules on penalties and fines in order to implement articles 6 and 7 of Regulation 391/2009. It also lays down rules on the withdrawal of recognition of ship inspection;
- Commission Decision 2009/491/EC lies down criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment.

In the Commission Communication (2015/C 162/06) a list of organisations recognised on the basis of Regulation (EC) 391/2009 is presented. The list is an exclusive list, which means that Member States can only authorise and use ROs on that list, if they choose to delegate to ROs.

As said, the FSD introduces flag State obligations on Member States when acting as a flag State. This means that each Member State needs to fulfil the obligations as presented above. More practically, Member States need to ensure that ships are surveyed with regard to technical standards, internationally required certificates are issued and a general safety level is achieved. Regulation 391/2009 provides Member States the possibility to outsource some of the flag State related activities to qualified Recognised Organisations (ROs). Doing so is a deliberate choice of MS, and not an obligation.

As the country profiles show (please refer to Annex 8), most countries make use of the possibility provided by Regulation 391/2009 and use the services of ROs to conduct several of their flag State obligations. Given this situation, it has become a fact that Regulation 391/2009 can be seen as an operationalisation of the FSD. Nevertheless, a flag State is not obliged to use any ROs. It is perfectly legit for a flag State to carry out all obligations and technical aspects as well as surveys themselves with directly employed surveyors and technical staff, as a flag State never can delegate away its

responsibility. This is also the starting point in the RO Directive where article 3(1) clearly sets out that an EU Member State as flag State in assuming their responsibilities and obligations shall ensure that their competent administrations can ensure enforcement. When doing so they shall act in accordance with the relevant IMO Resolution (today the III-Code).

In addition to the RO-related Regulations and Directives, other pieces of EU legislation are of importance by implying a role for the flag State administrations:

- Directive 2013/54/EU aims to ensure that Member States as flag States discharge their obligations laid down in the Maritime Labour Convention 2006;
- Regulation (EC) 789/2004 deals with the transfer of cargo and passenger ships from one Community register to another;
- Directive 2012/33/EU amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels;
- Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues;
- Regulation (EU) No 1257/2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC;
- Regulation (EU) 2015/757 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC;
- Directive 2009/45/EC on safety rules and standards for passenger ships;
- Regulation 782/2003 (EC) on the prohibition of organotin compounds on ships;
- Directive 97/70/EC on setting up a harmonised safety regime for fishing vessels of 24 metres in length and over;
- Directive 99/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services;
- Directive 2009/45/EC on safety rules and standards for passenger ships.

3.2.3. Flag State responsibility from a national perspective

As indicated in the previous paragraphs many obligations regarding flag State responsibility are based on international and EU law. By ratifying the international Conventions and being member to the EU, the rules and standards laid down in those legal instruments, do directly apply to the Member State as a flag State. Whenever needed the flag State is obliged to adopt auxiliary legislation in order to ensure that the international and EU laws are effectively implemented.

In addition, the flag States can impose stricter rules on ships flying its flag. If a flag State wishes to adopt stricter rules, the flag State is entitled to do so. However, such rules need to be non-discriminatory and non-distortive respecting fundamental EU Treaty rules, otherwise they are not allowed. It is possible that in some flag States, for instance, rules on preventing pollution may be stricter than internationally required. Several areas are not regulated by international Conventions nor EU legislation. In such areas, the flag State retains its sovereign right to regulate as necessary.

A better understanding on how EU MS organise their responsibility as a flag State can be derived from the country profiles in Annex 8. It provides insights into the size and nature of the MS flag registers, the level of staffing, flag performance, and the level of RO involvement. The profiles give away that EU MS have developed various approaches to enact their flag State responsibilities. In the subsequent sections, aggregate analyses are provided that are based on the country profiles.

3.3. Directive 2009/18/EC on Accident Investigation

3.3.1. Accident investigation from an international perspective

The obligation to investigate marine casualties or incidents of navigation also finds its origin in international law. Article 94 (7) UNCLOS is the main article imposing the obligation on the flag State to conduct an investigation. However, the scope of this

obligation is limited to (i) accidents happening at the high seas, (ii) accidents which result in loss of life or serious injury to nationals of another State and/or (iii) accidents involving a ship or installation of another State. This implies that the obligation of the flag State under international law is with regard to accident investigation limited to a smaller set of requirements.

Besides the rather general obligation for flag, States to investigate serious casualties at the high seas or incidents involving nationals and/or ships of another States under UNCLOS, several IMO Conventions also introduced an obligation for flag States to start an investigation and thereby extended the responsibility of the flag State. Both under SOLAS and MARPOL obligations are introduced. However, these obligations only apply once a State is Party to the specific convention and protocols.

3.3.2. Accident investigation from an European perspective

On the EU level, the Directive related to accident investigation is Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector (AID). This Directive deepens one of the flag State obligations, namely the independent investigation of accidents with ships flying their flag (article 2.1.a AID). This obligation is in line with article 94 (7) UNCLOS). In addition to the flag requirements, Member States are also obliged to investigate accidents that occur in their territorial seas, their internal waters or if a substantial interest of the Member State is involved (article 2.1.b AID). This is in line with the investigation right granted under article 2 UNCLOS. On top of these two obligations, also Member States with a substantial interest can start an investigation. Based on the above, it can be concluded that the scope of the AID combines the investigation obligations laid down under the different international Conventions (especially UNCLOS). Besides, the AID raises up the obligations of EU States, by for example requiring investigative bodies to carry out a preliminary assessment in case of a serious accident (see below).

It should be noted that the scope of the IMO legislation differs from the scope of AID. Under IMO, mainly SOLAS ships fall under the scope. Under the AID, the scope is broader and also includes fishing vessels equal or above 15 metres and vessels which have a professional function.

Member States only have the obligation to investigate all 'very serious casualties' (see article 5.1 AID). Accidents qualified as 'serious casualties' require the investigative body to carry out a preliminary assessment. Aim of this assessment is to decide whether or not a safety investigation will be undertaken (article 5.2). An accident qualified as a 'less serious casualty' or a 'marine incident' can be investigated, however, based on the AID, Member States are not obliged to (such investigations would be voluntarily). The definition of severity occurrence is in line with the terminology adopted in the IMO Casualties Investigation Code⁹ when the Directive was adopted¹⁰.

Objectives of the AI Directive 2009/18/EC

The main objective of the AI Directive is to improve maritime safety and the prevention of pollution by ships. By doing so, the risk of future marine casualties could be reduced. In order to achieve these objectives the AI Directive (article 1.1) specifically focuses on:

1. Facilitating safety investigations and proper analysis of marine casualties and incidents in order to determine their causes;
2. Ensuring timely and accurate reporting on safety investigations as well as proposals for remedied actions.

⁹ RESOLUTION MSC.255(84) (adopted on 16 May 2008) adoption of the Code of the International Standards and Recommendations Practices for a safety investigation into a marine casualty or marine incident (Casualty Investigation Code).

¹⁰ The IMO reporting obligations have been revised in 2013 (IMO MSC-MEPC.3Circ.4).

It is important to note that the investigations only consider the technical investigation aiming to, ex-post, examine how the ship was equipped and how it was performing before, during and after the accident. The investigations cannot determine liability or apportioning blame. (article 1.2 AID).

In order to ensure that the objectives of the Directive are fulfilled, the Directive introduces the obligation to establish an investigation body (article 8.1) that independently¹¹ can conduct accident investigation and reporting. The investigation body shall be independent in its organisation, legal structure and decision-making of any party whose interests could conflict with the task entrusted to it. The accident investigation should lead to a report within 12 months after the accident. In case the investigation is not yet finalised, the body has the obligation to present an interim report. These reports are collected in the EMCIP database, managed by EMSA. As the reports are structured in a similar way, it becomes possible to increase the comparability of accident data. The main aim of the reports is to learn and to ensure that the reoccurrence of casualties is prevented.

In order to lead the AID function, two pieces of secondary legislation were adopted as well:

- One to establish a common methodology for investigating marine casualties and incidents¹²;
- One to create a permanent cooperation framework of national investigative bodies to enhance cooperation amongst them¹³.

3.3.3. Accident investigation from a national perspective

The international and EU regulations create the obligation for flag States to conduct accident investigations on certain conditions. They mainly regulate which accidents need to be investigated. Commission Regulation 1286/2011 provides guidance on how the investigation should be conducted. Evidently the national legislation needs to be in line with the international and EU framework. However, it is possible for Member States to adopt national legislation, which is wider than the EU framework, for example, depending on the composition of the fleet, the scope can be broadened.

An important topic with regard to accidents involving two or more countries is the sharing of information. The AID requires that the investigation is done by investigators from the involved countries. This means that the investigators need to share relevant investigations. However, in each country different rules for information sharing exist. This may lead to problems and less effective accident investigations as some countries might not be able to share certain information with other countries. The pertinence of this becomes more important when it concerns arrangement with third (non-EU) countries.

3.4. Counterfactual

Departing from the context as provided above and building on the information collected during the evaluation¹⁴ a counterfactual can be developed. The counterfactual draws a picture on the likely situation without the Directives coming into force and thus enables a more accurate evaluation of the impact of the Directives.

¹¹ While AI is a Flag State responsibility at IMO level, the EU Directive makes it explicit for EU Member States that any such body needs to be independent (article 8 AID).

¹² Commission Regulation (EU) NO 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council.

¹³ Commission Implementing Regulation (EU) No 651/2011 of 5 July 2011 adopting rules of procedure of the permanent cooperation framework established by Member States in cooperation with the Commission pursuant to Article 10 of Directive 2009/18/EC of the European Parliament and of the Council.

¹⁴ The consequent chapters will discuss this in greater detail.

At this point, it should be emphasised that linking specific impacts to the FSD and AID is a tremendously complicated task. The reason being that maritime safety is influenced not only by the two Directives, but by a comprehensive framework of international, European and national legislation. In addition, the work by ROs together with technical improvements and advancements in seafarer training contribute to greater safety at sea.

Whilst acknowledging these complexities it remains important to understand how the Directives impacted the MS and maritime safety as a basis for assessing and potentially improving legislative efforts. For this, a counterfactual is developed per Directive that focuses on measureable factors, as described in the tables below.

Table 3.1 Counterfactual Flag State Directive

Factor	Situation without the FSD
Exchange of ship safety records between EU MS	Safety records are still mostly transferred by ROs and shipowners. Flag State administrations are rarely in contact with each other on this. Without the Directive, it is likely that the safety records would be transferred by ROs to an even greater extent.
Detention of a ship flying an EU MS flag	Maritime administrations indicate that the procedures to bring a ship into compliance with the relevant IMO conventions after detention are longstanding and continuously adjusted. Without the FSD, the procedures would be largely similar as they are today – but not enforceable. It is not known to what extent flag States do their own flag State inspections or use ROs.
Availability of fleet information	Maritime administrations guarantee that the minimum information requirements as posed by Art.6 FSD are available. Most administrations maintain this information themselves, whereas one MS indicated that it cooperates with ROs on this. Without the FSD, the information availability would probably not be very different.
IMO audits	19 EU MS were voluntarily audited by IMO prior to the FSD coming into force. One MS underwent the audit twice (Belgium), in line with the audit guidelines. All other EU MS with an operational flag register completed the FSD by 2016. Without the FSD, it is very likely that several EU MS would not have undergone the IMO Audit. Additionally, without the FSD it is likely that EU MS would be less willing to make the audit outcomes available, either to the general public or selected stakeholders. These conclusions can be drawn as the IMO cannot and will not be able to enforce MS to publish.
Quality management system (QMS)	Most maritime administration had a QMS in place prior to the FSD coming into force. Several have introduced a QMS and have certified their system because of the FSD. Without the FSD, it would not have been likely that some MS would have introduced a certified QMS even though they consider this relevant in light of the (now mandatory) IMO audits.
Internal evaluation	Between 2011 and 2015, a total number of twelve MS were grey listed by the PMoU. This resulted in a report to the Commission identifying the causes for the status. Beyond this MS frequently identified actions to improve their flag performance. Without the FSD, it is unlikely that the relevant maritime administrations would have conducted a similar internal evaluation, nor would such be enforced by other institutions.
Resources and staffing	Over the past decades, flag State responsibilities have been largely

Factor	Situation without the FSD
	delegated to ROs, as evidenced by the annexed country profiles. On average, one dedicated FS officer is employed per 11,6 flagged ships, although great variance is observed. Also, FS officers can also be involved in RO monitoring and other maritime safety fields. The FSD did not impact the level of staffing of EU MS maritime administrations, as it does not contain any such obligations (unlike the RO legislation).

Source: Ecorys.

Table 3.2 Counterfactual Accident Investigation Directive

Factor	Situation without the AID
Independent Accident Investigation Bodies (AIB)	Since 2011, 13 AIBs were founded and several MS changed the governance structure of the Body to ensure its independence. It is certain that without the AID, there would be far fewer AIBs and their legal position would have been less independent from other public bodies.
Technical investigation and lessons learned from accidents and incidents	Most of the countries with no AIB used to conduct investigations primarily for criminal prosecution purposes. The creation of AIBs has given a boost to accident investigations for technical reasons with an emphasis on continuous learning. Without the AIB, there would be less technical investigations of accidents.
Harmonisation of accident investigation reporting	The creation of AIBs has produced a harmonised reporting system for accidents and incidents as a standard set of requirements needs to be met. In the absence of the AID, this would not have been the case.
Report sharing	The creation of EMCIP has facilitated AI report sharing as it has provided a common window for publication of reports from all AIBs that can now look into the reports of their colleagues and learn from investigations others have performed. In the absence of the AID, AI report sharing would have been limited and depended on the existing (national) publication platforms, were available.
Resources and staffing	Currently, an accident investigator employed by an AIB submits on average around 24 reports in the EMCIP database. The harmonised AI reporting format is more demanding than the reporting formats used before the introduction of the AID. This means that without the Directive, the workload of AIBs (were already existent) would have been significantly lower with a consequent lower demand for staff. Also, without the AIB it is plausible that at least 28 accident investigators would not have been employed. This would likely result in underreporting and an incomplete view on maritime safety in European waters and for the EU MS flagged fleet.

Source: Ecorys.

PART II – ANALYSIS

4. RELEVANCE

This section presents the conclusions of the analysis related to the defined relevance evaluation question, based on the results of desk research, interviews, stakeholder survey and the open public consultation. The evaluation question is scored on its underlying evaluation criterion.

4.1. Q1: Needs still relevant today

Q1: To what extent are the framework requirements in the FS Directive, including the safety investigations required by the AI Directive, relevant and appropriate to the current needs?

This question is broken down in two sub-questions:

1. *Are objectives and underlying problems and drivers still relevant and appropriate?*
This sub-question considers (i) whether needs, on which the respective Directives and their objectives are based, still correspond to the needs of today's society; and (ii) to what extent objectives have proven to be appropriate for the intervention?
2. *To what extent has the environment changed (technological, legal, policy) and if so, is there a need to adapt either Directive to the changing environment?*

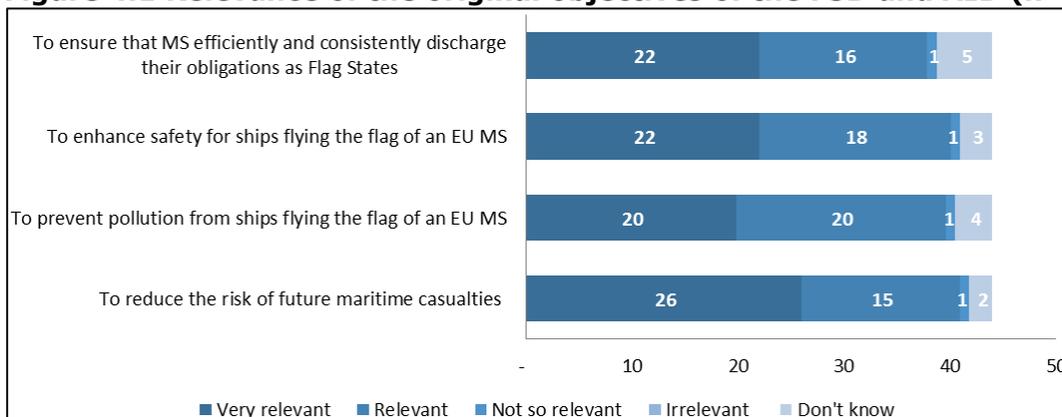
Are objectives and underlying problems and drivers still relevant and appropriate?

The FSD and AID share the same set of objectives. The Directives both aim to contribute to the following objectives:

- To ensure that MS efficiently and consistently discharge their obligations as flag states;
- To enhance safety for ships flying the flag of an EU MS;
- To prevent pollution from ships flying the flag of an EU MS;
- To reduce the risk of future maritime casualties.

Stakeholders were asked whether they think the two Directives still contribute to the objectives mentioned. As can be seen below, the majority of stakeholders think the FSD and the AID are still (very) relevant in relation to the original objectives. None of the stakeholders considers the Directives to be irrelevant.

Figure 4.1 Relevance of the original objectives of the FSD and AID (n = 44)



Source: Survey.

When zooming in on the responses from the various stakeholder groups the following conclusions can be drawn:

- On ensuring that Member States efficiently and consistently discharge their obligations as flag states: stakeholder groups where the majority of stakeholders are of the opinion that the Directives are very relevant are: 'accident investigation

bodies' (9 out of 15) and 'seafarers' (4 out of 5). In the other stakeholder groups opinions are more balanced;

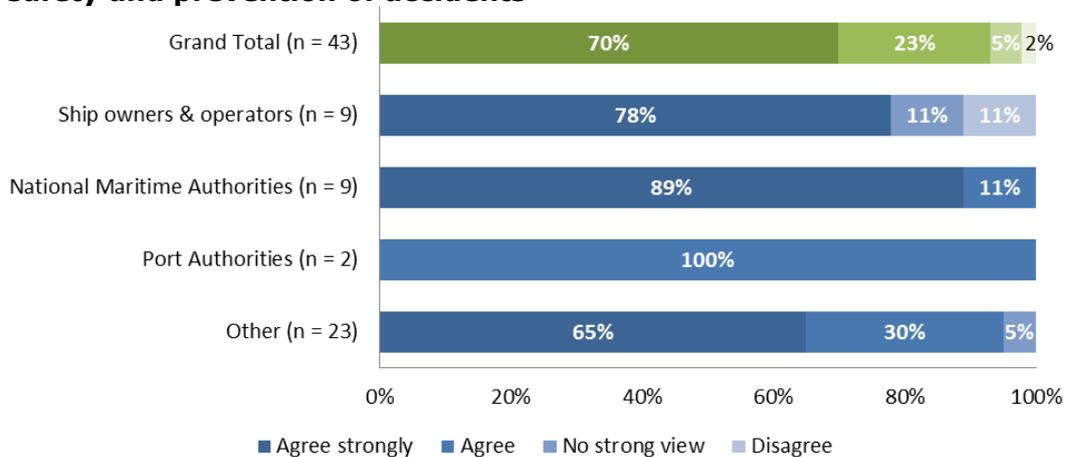
- On enhancing safety for ships flying an EU flag: in all stakeholder groups the opinions are mostly divided equally between very relevant and relevant;
- On preventing pollution from ships flying an EU flag: the majority of stakeholders per individual category indicated that they are of the opinion that the Directives are very relevant;
- On reducing the risk of further maritime casualties: in most stakeholder groups the respondents indicated that the Directives are relevant or very relevant. Only within the category, 'ports and ship agents' 1 stakeholder indicated that the Directives are not so relevant.

Overall, stakeholders deem the Directives most relevant for the objective to reduce the risk on future maritime casualties (26 out of the 44 respondents). With regard to the remaining three objectives views are more balanced, nevertheless the majority indicated that the objectives of the Directives are relevant.

Flag State Directive

The view that the Flag State Control Directive is still relevant to reach the above-mentioned objectives was confirmed by the results of the OPC. In the OPC, stakeholders were asked whether or not they think that flag State inspections are essential for the enhancement of maritime safety and the prevention of maritime accidents and pollution. Out of the 43 responses, a total of 70% of the respondents (30 in total) strongly agrees with this view, while an additional 23% (10 respondents in total) agrees with this statement. Only one respondent - a ship owner / operator - indicated to disagree with the statement, while two respondents did not have a strong view¹⁵.

Figure 4.2 Views on relevance of flag State inspections in relation to maritime safety and prevention of accidents



Source: OPC.

The views held by interviewees, however, are more mixed. Some of the interviewees agree that the Flag State Control Directive is relevant. For example, ECSA indicated that a flag State should be the first line of defence in maritime safety and that the FSD does contribute to this goal. This view is shared by the Croatian Ministry of Maritime Affairs, who indicated that the FSD is relevant to reach the original objectives. Also, the Maritime Administration of the Cook Islands shares this view, but the administration remarks that the FSD is formulated in rather general terms.

¹⁵ One ship owner / operator and one 'other'.

A slightly different view is held by both the Dutch Ministry of Infrastructure and Environment and the UK Maritime Coastguard Agency. Both stakeholders remarked that the Directive is especially relevant for administrations that are still in the process of establishing and implementing procedures on Flag State Control. For longer established administrations, the relevance of the FSD is limited as most provisions also follow from IMO or national regulation. Nevertheless, they acknowledge that the FSD brings consistency between the maritime authorities in all EU Member States by providing common base and set common obligations.

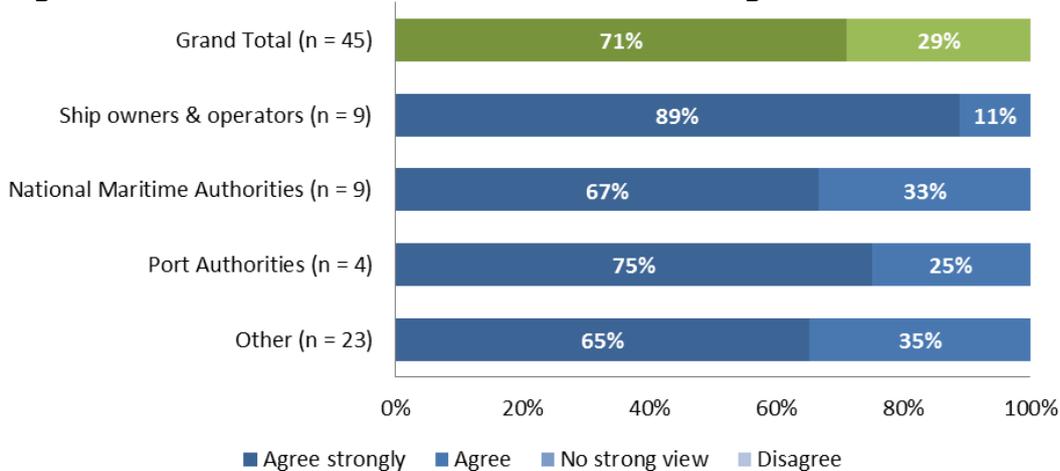
An important topic of discussion, which influences the stakeholders' opinion regarding the relevance of the FSD, is the lack of clarity on whether or not the FSD applies to secondary and overseas registries. Although the FSD itself states in article 2 that: *'this Directive shall apply to the administration of the State whose flag the ship is flying'*, and that administration *'means the competent authorities of the Member State whose flag the ship is flying'* (article 3(b)) several stakeholders reflect that the FSD does not at all or only partially applies to secondary and overseas registries. One stakeholder also indicated that this is, in his/her opinion, not a problem as those registries are already sufficiently covered by international law.

Accident Investigation Directive

The view that AID is still relevant for reaching the objectives is also confirmed by other stakeholders than the ones responding to the targeted survey. Interviewees indicated that the AID so far proved appropriate for reaching its original goals, especially with regard to improving maritime safety. In addition, stakeholders indicated that the Directive provides a good legal framework for conducting maritime accident investigations and ensures that accident investigations are conducted in a uniform and harmonised way throughout the EU.

Also in the OPC, stakeholders stated that the AID is still relevant. Stakeholders were asked whether or not they think that investigation of maritime accidents and incidents is essential to effectively establish the circumstances and causes. All stakeholders that answered the question (45 in total) agree that the AID is relevant. 71% of them strongly agree (equalling 32 respondents), while the remaining 29% (equalling 13 respondents) agrees with the statement.

Figure 4.3 Views on relevance of accident investigation



Source: OPC.

4.1.1. To what extent has the environment changed and is there a need to adapt the Regulation accordingly?

Flag State Control Directive

Most stakeholders in the target survey are of the opinion that no major developments have occurred that influence the relevance of the FSD or they do not know the answers. Nevertheless, 25% of the respondents indicated that developments have taken place, which may influence the relevance of the Flag State Control Directive. Main developments highlighted are:

- Strong increase in digitalisation;
- Adaptation of new IMO and ILO Conventions;
- Shift from voluntary IMO audits to mandatory audits.

Especially this latter development leads to much debate among stakeholders. During the interviews, several maritime administrations remarked that the FSD lost its importance as a consequence of the expiration of Article 7 – the voluntary IMO audit. According to these stakeholders, the voluntary audit was the main provision and added value of the Directive and by its annulment the value of having the FSD in place is further reduced. Some even plead that the FSD should expire in its entirety.

Stakeholders also remarked that with the introduction of the IMO III-Code, which is broader and more detailed than the FSD, the FSD is (i) no longer in line with international legislation and (ii) is a mere duplication of legal efforts. Some stakeholders are of the believe that with the IMO III-Code in place, there is no need for a separate EU initiative on flag State.

Accident Investigation Directive

Although 28% of the stakeholders indicate that developments took place, which influence the functioning of this Directive, they mainly refer to changes in national law. For example, they indicate that the Directive has been transposed into national law, that internal reforms within the relevant Ministry took place or that an independent investigation body was created.

On a higher level, i.e. EU or international, no significant developments have been identified that influence the relevance of the AID.

4.2. Conclusion on Relevance

Respondents largely indicated that the *flag State Directive* largely is relevant towards achieving cleaner, safer and harmonised shipping in the EU. The FSD's main relevance is related to transposition of international regulation into EU legislation. It thereby provides consistency in the regulatory framework across Member States and the effective application of international obligations.

The main development since the FSD came into force is that the IMO audit became mandatory for all IMO Members and that, as a result, Article 7 of the FSD has expired. The FSD in its current form is therefore not fully aligned with changes in IMO legislation.

In the opinion of some stakeholders, with the IMO Audit becoming mandatory, the added value of the FSD reduced. Stakeholders also remarked that with the introduction of the IMO III Code, which is broader and more detailed than the FSD, the FSD concerns a duplication of international legal efforts. At the same time it was noted that the key relevance of the FSD is that it transposes international regulation and even though this, to some extent, is considered a duplication of international regulation, it provides for real enforcement possibilities.

The *Accident Investigation Directive* still corresponds to the needs of today's society. This view is also confirmed by the stakeholder consultation. The AID proved appropriate for

reaching its original objectives, especially with regard to improving maritime safety. In addition, the Directive provides a consistent framework for conducting maritime accident investigations and ensures that accident investigations are conducted in a uniform and harmonised way throughout the EU. No changes, e.g. legal or technological, have been identified that affect the relevance of the Directive.

5. EFFECTIVENESS

This section presents the conclusions of the analysis related to the defined effectiveness evaluation questions. For each question, the main indicators, as identified in the Evaluation Framework (see Annex 1) are discussed based on the results of desk research, interviews, stakeholder survey and open public consultation. Then, for each evaluation question, a short conclusion is provided.

5.1. EQ 2: Scope & Coverage of IMO audits

EQ2: To what extent have MS undergone IMO Flag State audits? What was the scope and coverage?

This question is broken down in two sub-questions:

1. *How many Member States have undergone an IMO audit before and how many after the introduction of the FSD?*
2. *What have been the aspects addressed by the IMO audits?*

5.1.1. How many Member States have undergone an IMO audit before and how many after the introduction of the FSD?

The FSD mandates all MS to undergo an IMO audit. Based on IMO information¹⁶, 23 out of the 28 EU MS had received an IMO audit by the end of 2015 (see Table 5.1). Additionally, Portugal¹⁷ and Hungary¹⁸ were audited in 2016, while two more (the Czech Republic¹⁹ and Slovakia²⁰) shall receive an audit in 2017. This leaves landlocked Austria as the only MS that has neither undergone nor planned an audit. It should be noted though that Austria has closed its registry and has no fleet flying its flag.

Table 5.1 Member States receiving IMO audits per year (in bold audit reports available on-line)

Date of completion of IMO audit	
2006	Denmark , Cyprus, United Kingdom, Spain
2007	Sweden, Germany , Netherlands , Greece, Italy
2008	Luxembourg, Bulgaria , Belgium
2009	France, Romania
2010	Estonia , Latvia, Poland , Ireland
2011	Finland , Malta, Lithuania
2012	-
2013	Slovenia
2014	Croatia, Belgium ²¹
2015	-
2016	Portugal, Hungary
2017 (planned)	Czech Republic, Slovakia

Source: IMO GISIS Member States Audits (edited by Ecorys).

As seen in Figure 5.1, most MS (18) had already received an IMO audit before the Flag State Control Directive came into force (17 June 2011), while the majority of the remaining MS (7) received an audit after that date, this includes the coastal states of

¹⁶ <https://gisis.imo.org/Public/MSA/ReportsOverview.aspx>.

¹⁷ Under the mandatory IMO Audit Scheme.

¹⁸ But has no registered fleet.

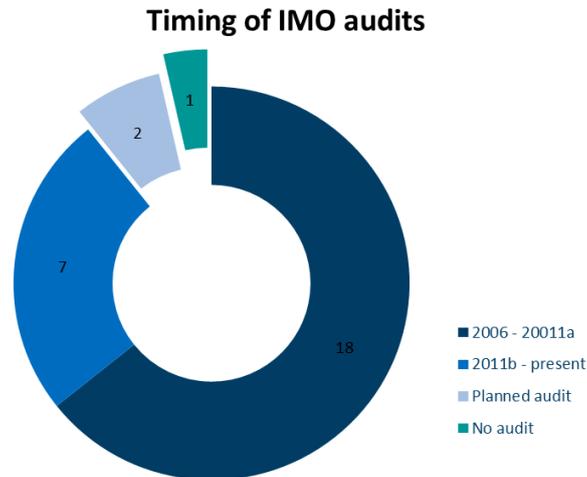
¹⁹ Idem.

²⁰ Idem.

²¹ Belgium has received 2 IMO audits. One in 2008 and one in 2014.

Slovenia, Croatia and Portugal. Additionally Belgium requested a second audit to be performed within seven years of the first in accordance with the provisions of the FSD.²²

Figure 5.1 IMO audits performed before and after the entry into force of the Flag State Directive



Source: IMO GISIS Member States Audits (edited by Ecorys).

Interviewees indicated that MS with a relatively large fleet or with a strong involvement in IMO are more likely to request a voluntary IMO audit. This is because the performance of an audit is considered to be a sign of quality for a Flag State that can be leveraged as a marketing factor to attract vessels to their register. Nine EU MS requested an audit within the first two years of existence of the VISMAS²³. On the other hand, MS with a smaller maritime profile generally had less interest in the IMO audit, with some considering an audit of the maritime administration to be an issue of national sovereignty.

On the whole, the FSD contributed to the IMO audit actually being conducted in all MS with a fleet.

5.1.2. What have been the aspects addressed by the IMO audits?

The IMO instruments and areas that are to be covered by the audit are stated in the VIMSAS procedures²⁴. The scope of the audits performed is in principle governed by the International Conventions ratified by each Member States at the time of the audit. The exact scope of the audit is finally agreed on in the Memorandum of Cooperation between IMO and the Member State, prior to the audit. The ultimate scope can differ per MS as not all International Conventions are ratified by all MS as can be seen in Annex 5. Audit exemptions need to be explicitly requested by the Member State along with a justification.

From a review of the audit reports that were retrieved²⁵, in all cases encountered, the IMO audit report scope is wider than the provisions of the FSD and AID alone, as it is based on the III-Code and covers the relevant conventions applicable to the State in question as Port and Coastal State in addition to that as a Flag²⁶. However, it is to be

²² In doing so, Belgium is the only MS to have requested a second audit.

²³ Denmark, Cyprus, the UK, Spain, Sweden, Germany, the Netherlands, Greece and Italy.

²⁴ IMO, Resolution A.974(24), Framework and Procedures for the voluntary IMO Member State Audit Scheme.

²⁵ Overall, 7 audit reports have been found to be publically available (Bulgaria, Germany, Denmark, Estonia, Finland, the Netherlands and Poland).

²⁶ The IMO audit report also addresses the application of aspects related to Port State Control and Coastal State Activities.

noted that these responsibilities are covered in EU law via the Port State Control Directive and the VTMIS Directive, respectively.

As seen in Annex 5, eight out of nine of the instruments included in the audits, have already been ratified by all 28 MS. The only exception being MARPOL Protocol 1997, which has not been ratified yet by Austria and Hungary²⁷. Potential additional instruments ratified by audited MS seem to fall outside the scope of the audits, as there is no examination in the available audit reports relevant to the implementation of alternative instruments.

Based on the available reports it is concluded that the audit follows a uniform approach. When comparing the report structure for the audits performed before and after adoption of the FSD, it can be observed that after the initial pilot audits the rest of the available reports (audit reports conducted mostly after the FSD was issued), provide a more detailed breakdown on the available resources and strategy of the maritime authorities²⁸. Under the section relevant to Flag State Activities, the following topics are discussed:

- Implementation;
- Delegation of authority;
- Enforcement;
- Flag State surveyors;
- Evaluation and review tasks;
- Investigation of maritime accidents.

For each of these elements non-conformities and observations are recorded followed by corrective actions suggestions and identification of root causes.

Since 1 January 2016, the IMO Member State Audit Scheme introduced a mandatory status to the IMO audits. This brings into effect Art. 7 of the FSD, which abolishes the requirement of MS to request voluntary IMO audits as these, are now regulated through the IMO mandatory Audit Scheme. The scheme foresees an audit every seven years.

Another change brought by the implementation of the mandatory IMO audit scheme is that a follow-up audit, two years after the main audit, will be performed to check on the implementation of the follow-up actions as agreed by the MS in the corrective action plan. By doing so, IMO has an additional instrument to control and monitor that observations and non-conformities are followed-up, as been introduced.

5.1.3. Conclusion on the scope and coverage of the IMO audits

By 2016, all MS (bar two landlocked MS with no ships on their registers) had undergone the voluntary IMO Flag State audit, as required by the FSD.

A total of 18 MS underwent an IMO audit before the FSD had come into force. Seven more were audited between 2011 and 2015.

It is believed that Article 7 FSD incentivised some MS to volunteer for an audit. Without the provision, stakeholders considered it probable that some MS would have postponed the audit or not even volunteered for one. The example of Portugal that requested an audit only after EC action, and that of Belgium receiving two audits following the seven year provision in the FSD, are indicative of the Directive's impact.

²⁷ Both being landlocked countries.

²⁸ This is the case with the audit reports retrieved for Estonia, Finland, Poland and Bulgaria, with all but the last being conducted after the issuing of the FSD in 2009.

5.2. EQ 3: IMO audits, transparency and availability

EQ3: To what extent and how has the FSD contributed to transparency on IMO audit results and availability of information on ships registered under EU flags

This question is broken down in four sub-questions:

1. Have MSs ensured follow-up actions to the IMO audit?
2. Have MSs made the outcome of the audit available and to whom?
3. Does the requirement to publish the outcome of the audit ('peer review') play a role?
4. Has transparency and availability of relevant information about ships registered under EU flag registers has been achieved?

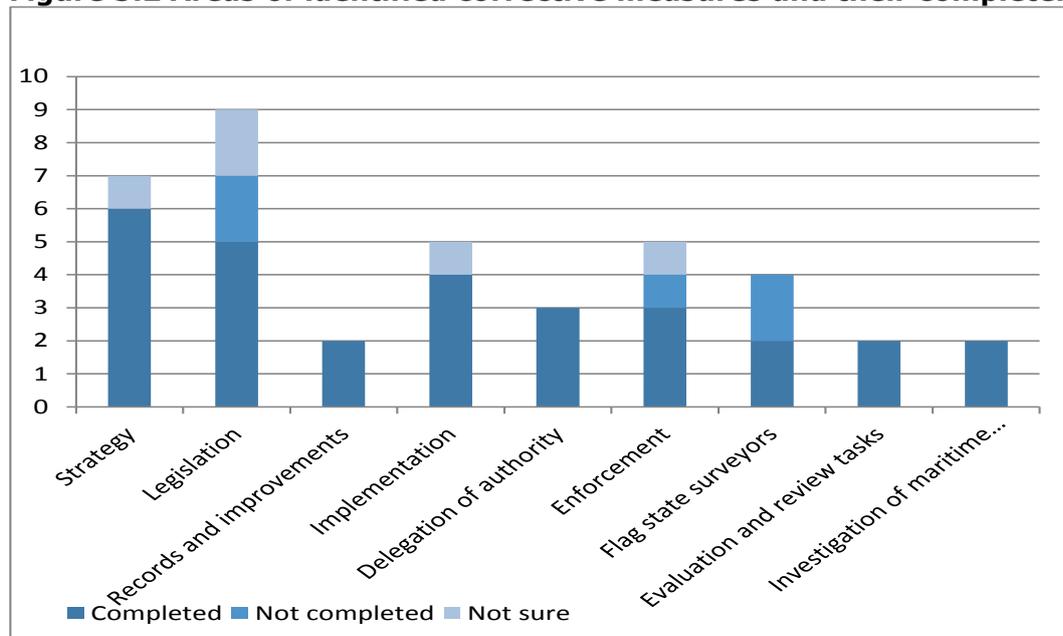
5.2.1. Have MSs ensured follow-up actions to the IMO audit?

Within the initial voluntary arrangements, along with the preparation of the IMO audit report, MS had three months after the IMO Audit to propose a corrective action plan. Informal communication was maintained mostly through the Audit Team Leader regarding the status of the follow-up actions.

With the advent of the mandatory scheme, a follow-up audit is foreseen to take place two years after the initial audit. Additionally, alongside the already existing informal communication, a formal reporting procedure is foreseen.

Flag State Authorities indicated that they followed-up on most recommendations and maintained communication with the audit team. Such was confirmed through interviews with IMO auditors. Figure 5.2 shows the survey responses of 17 MS on follow-up actions in all of the fields examined in the audits. Most often, follow-up actions have been drawn for "legislation" (9) and "strategy" (7) issues. Also, "implementation" and "enforcement" are attracting a moderate number of follow-up actions (five each). In at least five cases, the actions are reported as not completed yet, while for an additional five, respondents were not sure of the action status. Additionally, 74% (29 out of 39) of the identified follow-up actions have been marked as complete.

Figure 5.2 Areas of identified corrective measures and their completeness



Source: Survey.

5.2.2. Have MSs made the outcome of the audit available and to whom?

The FSD (Art. 7) requires MS to " ... *publish the outcomes of the audit in accordance with relevant national legislation on confidentiality*". In line with IMO Resolution A.1067, the IMO Secretary-General and the Member State decide prior to the audit whether the executive summary report will be released to the public. Without the written consent, the audit reports will not be publicly shared by the IMO. Also, the IMO auditors sign non-disclosure agreements concerning the audit results, prior to the auditing process.

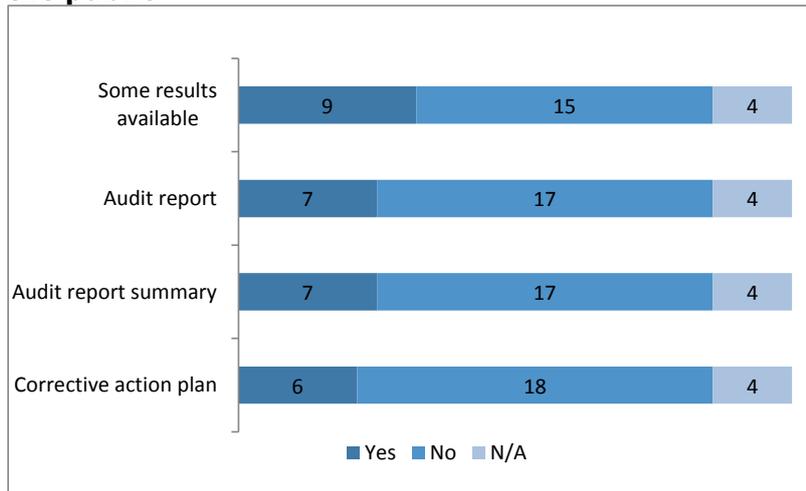
The Member State has the liberty to publish IMO audit reports after the audit is completed, even if prior to the audit the Member State and IMO Secretary-General decided that the executive summary report will not be released. Such initiatives are supported by both the EC and IMO.

The IMO website provides information regarding the status of audits to MS and the availability of audit reports, report summaries and corrective action plans. These reports can be made available to other IMO Member States in an original or anonymised form. Most of these audit reports are however not available to the public through this website. Only five MS reports are available on the IMO website (Denmark, Finland, Germany, the Netherlands and Poland) while another two could be publicly accessed on-line at other websites (Bulgaria and Estonia).

The MS that have made their audit report available to the public via the IMO website have also disclosed the report summaries and the corrective action plans. These documents were not available for the two MS that disclosed the audit results on their own portals.

Apart from the full audit reports, the audit report summary and corrective action plan was obtained for Croatia, while for Luxembourg an audit summary could be publicly obtained. The number of MS, which have been identified to have published, in some form, the results of their IMO audits in the public domain, total nine.

Figure 5.3 Availability of IMO audit reports and corrective action plans EU28 to the public



Source: IMO GISIS and other sources (elaborated by Ecorys).

Further to the limited publication of corrective action plans, the IMO does not disclose information on the state of the implementation, nor could any implementation report be found on-line.

Based on this analysis it becomes clear that despite the obligation for disclosure of the IMO audit reports, Member States seem to adopt different approaches to the issue. Three distinct lines of thinking become clear.

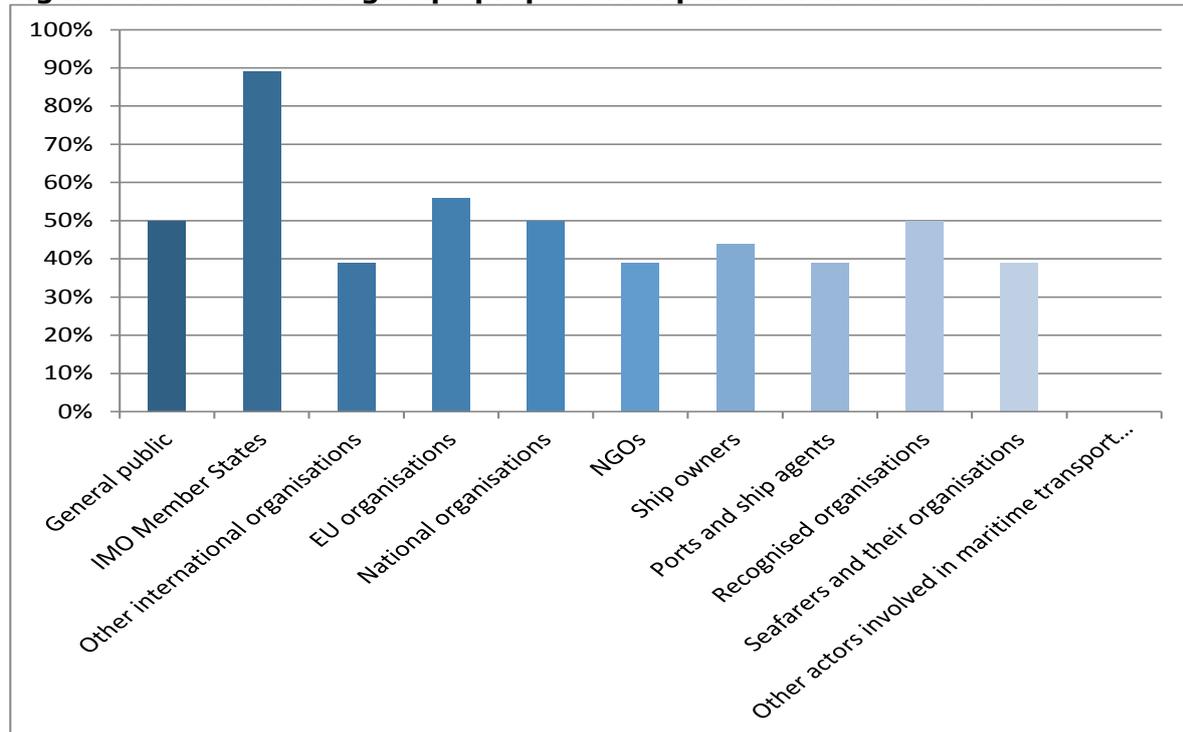
One line concerns the support for full transparency of relevant information as a means of promoting improvements in the maritime sector. Such countries usually cannot mention a reason to refrain from publishing IMO reports. An argument supporting the publication of IMO audit results has been that a good IMO audit can be seen as a means to show to external observers that MS operate a quality flag. Also, those MS believe that they should provide a positive example towards other IMO MS.

Another line of thinking considers that there is limited interest in the audit reports for stakeholders beyond other flag State administration. Therefore, it is believed by some that sharing the audit report with other administrations and the IMO suffices. This is partially confirmed by the majority of survey respondents (17 out of 18) that mentioned that no comments were received on the IMO audit outcomes other than from IMO itself. This does not imply that the results are not used, as shown later, but rather that limited interaction between MS concerning the IMO audit outcomes occurs.

Finally, the third approach goes one-step further by considering that disclosure of the audit findings potentially negatively impacts the flag State administration (and their employees). Potential implications that were mentioned are:

- i) administrative or political reprimands if deficiencies become public; or
- ii) a loss of trust from ship owners to the quality of the Flag State Authority, potentially resulting in transfers of vessels to other registries; or
- iii) a negative impact on the Flag's status within one or more PSC MoUs;
- iv) the outcomes may lead to a bias towards the maritime administration during future audits.

The mentioned lines of thinking are supported by the survey findings. Flag State Authorities have been questioned which stakeholder groups they see added value in disclosing the results of the IMO audit inspections. The 18 respondents to this question see added value in communicating the results to more stakeholder groups. Most of them (89%) see added value in communicating the results to other IMO Member States as seen in Figure 5.4. But only about half of the respondents indicated a preference to communicating the audit results to the general public, EU organisations, other national organisations and Recognised Organisations. Eventually, more than a third of the survey respondents supported sharing the audit reports to nearly any of the other stakeholder groups identified which roughly coincides with the fact that audit information has been publicly published for approximately a third of the Member States (9 out of 28).

Figure 5.4 Stakeholder groups proposed for publication of audit results

Source: Survey.

Interviews with IMO auditors and non-EU MS reconfirm the cautious approach in which authorities wait for the IMO audit to be completed before deciding to publish the results of the IMO audit. Such follows both from a certain scepticism towards the IMO audit team and an understanding of the potentially far-reaching impacts.

Concerns linked to fears of change of flag seem to be justified in view of comments received from a limited number of ship owners indicating they would be very interested to be able to review results from audits of other flags regarding the proper implementation of Conventions and judge the capacity and infrastructure of flags to support their registry.

5.2.3. Does the requirement to publish the outcome of the audit ('peer review') play a role?

MS were found to be well aware of the provision to publish the audit outcomes in accordance with relevant national legislation on confidentiality. The invocation of legislation on confidentiality was however not mentioned. Instead, MS indicated that the results were disclosed to other MS, stating that no requirement exists to make the audit outcomes available to the general public.

Another MS stated that the audit was conducted prior to the FSD came into force, so that no obligation existed to disclose the audit outcomes. At the same time, it was mentioned that the future audits will be disclosed to a broader audience, in line with the intention of the FSD. Hence, the provision is contribute to the greater disclosure of audit results in the future.

It also should be mentioned that IMO publishes publicly available consolidated audit summary reports (CASR) and reviews, in which the anonymised and aggregated outcomes of all IMO audits are disclosed. The reports are published on an annual basis (to the IMO III sub-group).

Member States have indicated that they value these reports. The summary reports as well as the reports that are made public are used for the training of IMO auditors. IMO also indicates that actions and responses they receive from MS indicate that MS study

the reports of other MS audits. Specific MS have also cited the usefulness of such reports being available to other MS towards preparing for IMO audits or to professionalise the maritime administration.

The entry into force of the mandatory IMO audit regime has brought stricter requirements for publishing the executive summary report to all MS audited in 2016 and onwards. While this constitutes a great leap forward in terms of transparency, it remains contestable whether the MS are sufficiently incentivised by the IMO to also publish the full audit reports.

5.2.4. Has transparency and availability of relevant information about ships registered under EU flag registers has been achieved?

The FSD aims to enhance the transparent flow of a ship's safety record between flag state authorities when vessels change registries. The losing member states should provide such information to the prospective new flag authority when requested.

Most respondents agreed that the safety track record of a vessel is an important factor to consider before accepting a vessel into their register²⁹. In connection to this, the FSD would be expected to act as a facilitating instrument for the exchange of information as it foresees the obligation of MS to share information regarding vessels safety records. However, less than half of the survey respondents agree to this conclusion (19% fully agree and 28% mostly agree). In practice, there has been little or no change to the way Flag State authorities collect data as reported by most interviewees.

The reason is that flag state administrations rarely requested a ship's safety records from other MS. They typically acquire information on safety records through shipping companies themselves or ROs. One MS indicated however that after the FSD came into force a limited number of such requests were received. That being said, no MS recalled that safety record information was withheld from sharing in the past³⁰ by other MS, which makes that the added value of the FSD to warrant this remains limited.

Conclusion response to the evaluation question

According to the IMO VIMSAS framework, audited Member States are required to draw a corrective action plan to address the findings of the audit. The corrective actions are typically implemented in close coordination with the IMO audit team leader. EU MS reportedly are committed to the implementation of the identified action points, as part of continuous improvement in maritime safety.

The MS have not been equally willing to publish the results of the IMO audits. Only nine MS disclosed some information on the audit outcomes. Reasons for not doing so have been either the consideration that the general public is perceived as uninterested to access the reports, or follows from concerns regarding possible negative implications. Such include potential (internal) administrative or political consequences, as well as decreased confidence in the quality of the flag, which may have commercial consequences.

While most MS acknowledge the value of sharing audit information amongst IMO MS, only about half of them consider the public disclosure to be necessary. In that view, the FSD had little impact on the disclosure intention of MS.

Finally, regarding facilitating the sharing of vessel safety information, in cases of transfer of flag between EU MS, MS did and do store the minimally required information as per

²⁹ 11 out of 16 respondents to the survey either mostly or fully agree with this statement.

³⁰ Even before the adoption of the FSD.

the FSD. The exchange of this information is found to be unproblematic as alternative and more popular exchange channels exist, like through the systems of ROs.

5.3. EQ4: Transfer of flag register

Q4: To what extent the Directive helped to avoid flag transfers?

As established by Regulation 789/2004 on the transfer of ships between EU registers³¹, the EU aims to decrease the costs and administrative barriers to transfer vessels between EU registers to improve the competitiveness of Community shipping, hence this instrument is more internal market related. At the same time, the goal of maintaining the level of quality shipping should be safeguarded across the EU. The result should be that ship owners do not flag out to bypass ship safety and environmental protection requirements of a current flag. Hence, differences in applying safety provisions between EU administrations should gradually be diminishing.

The FSD aims to support this objective in several ways. On a higher level, it does so by fostering a safety and quality culture within all EU maritime administration. Instruments through which this is achieved are the follow-up on detentions (Art 5 FSD), the mandated IMO audit (Art 7 FSD), as well as the quality management system and internal evaluation requirements (Art 8 FSD).

A more specific instrument concerns the sharing of safety records by flag administrations of a vessel that transfers from one EU register to another (Art 4 FSD). Greater transparency on a vessel's safety record should prevent transfers that are motivated by avoiding safety enforcement. The simple principle is that, like when changing RO, all the requirements of the 'loosing' FS should be fulfilled before the vessel can be accepted by the 'gaining' new FS (as also underlined in the relevant IMO guidance). The required information and historical data ensures this. In turn, this is an important aspect for maintaining a competitive level playing field (a flag should not be attractive due to lax application/enforcement of safety rules).

Reasons to transfer flags

During the targeted stakeholder, consultation maritime administrations and ship owners were asked for the reasons to change flag. Respondents uniformly underlined that the flag's fiscal regime is a main determinant for selecting it. Another driver is the service that is provided by the flag State administration. Recurrent service-related arguments include:

- Client-focused and flexible (e.g. 24-hour service);
- Provide ancillary services such as briefings on changes in international shipping regulations;
- Offer assistance and technical support across the globe.

Flag registers that provide an attractive fiscally regime and perform strong in terms of service enjoy growing popularity amongst ship owners. This includes both EU flags (e.g. Malta) and non-EU flags (e.g. Panama, Marshall Islands). The FSD does not impact flags on these points and from that perspective the Directive did not impact flag transfers. The argument that the evasion of environmental and safety regulation is typically not a prime reason is in some ways confirmed by some registers high performance under the PMoU and TMoU PSC regimes³².

Interviewees added that transfers between EU flags are rarely informed by the need to evade safety and environmental legislation. The reason is that the quality standards

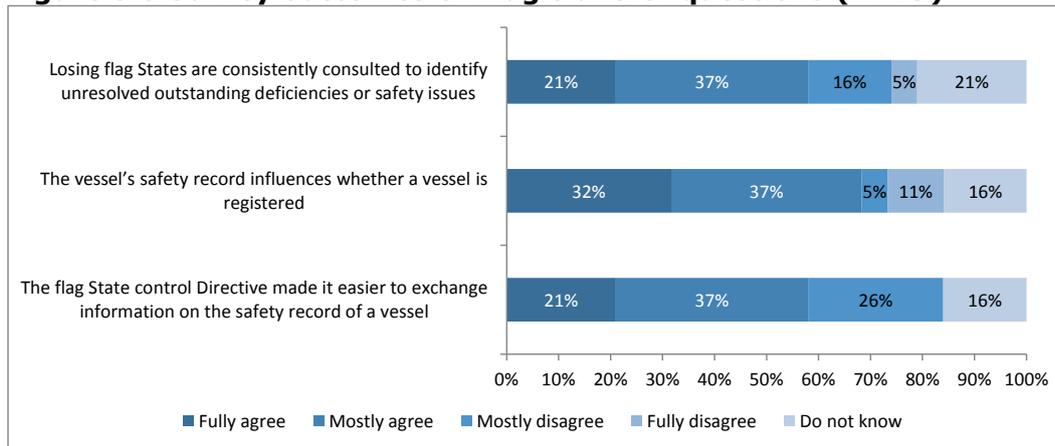
³¹ REGULATION (EC) No 789/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91.

³² For instance, the open registers of Panama, Marshall Islands, Singapore and Liberia.

between EU flag registers today are highly harmonised. The broader European maritime safety framework may be considered as supportive to this. Also, the fact that almost no cases go to the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) are indicative of this.

The provision (Art 4 FSD) that safety records need to be shared by maritime administrations is, according to interviewees, of less relevance. The reason is that safety related information is commonly shared through other channels, for instance by ROs. Yet several survey respondents did indicate that flag administrations are consulted (see figure below), and emphasised the positive impact of the FSD on data exchange. Regional differences may therefore exist on how information is obtained.

Figure 5.5 Survey outcomes on flag transfer questions (n=19)



Source: Targeted stakeholder survey, Ecorys (2017).

Transfers from EU to non-EU flags to evade regulation do nevertheless still occur. The most telling example concerns the existence of so-called end-of-life registries (non-EU) that offer special arrangements for ships that are about to be scrapped. A transfer to such a register results in less oversight on the safe and clean recycling of ships³³. Such also was observed in the recent EC commissioned study safe and sound ship recycling³⁴. The FSD, however, does not contain any provisions that influence these flows.

Size of EU flag transfers

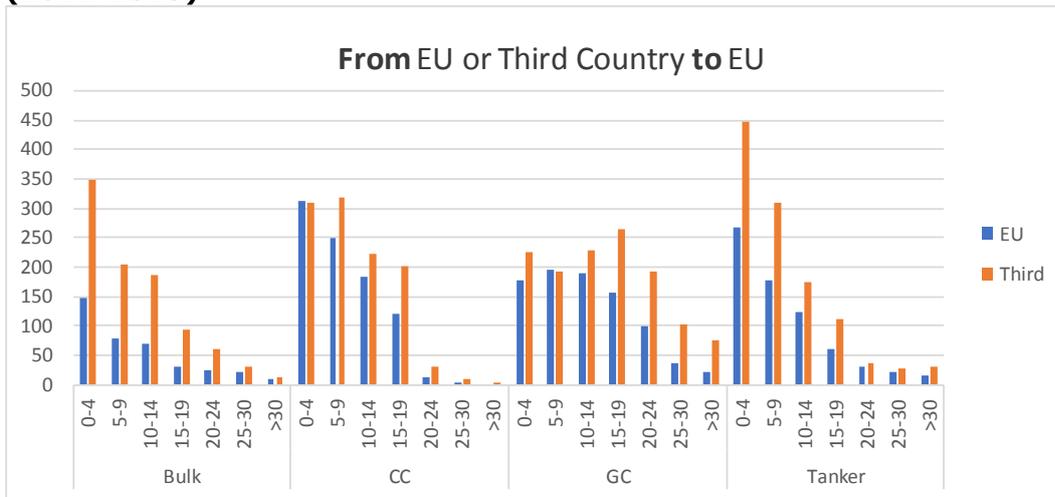
Flag transfer data was consulted to assess whether changes occurred since the entry into force of the FSD³⁵. The figures below provide an overview per vessel type and age category.

³³ NGO Shipbreaking Platform (2015), 'What a difference a flag makes'.

³⁴ ECORYS-DNVGL-Erasmus University of Rotterdam (2016), 'Financial instrument to facilitate safe and sound ship recycling'.

³⁵ MARINFO data 2006-2015, including bareboat register transfers.

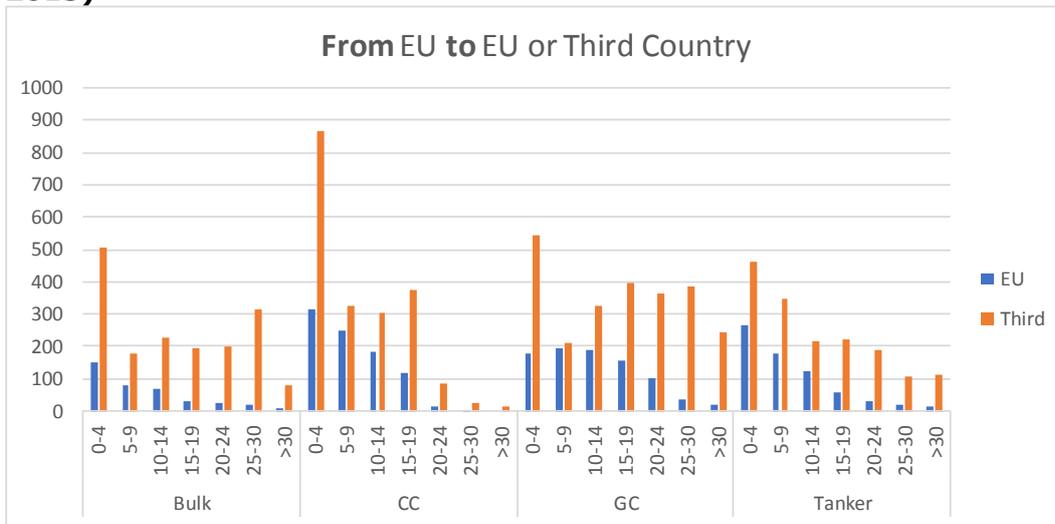
Figure 5.6 Transfers from EU or third country register to EU register (2011-2015)



Source: MarInfo, elaborations by Ecorys.

Figure 5.6 highlights that flag transfer from an EU flag to another EU flag mostly occur in the younger age categories. Intra EU flag transfers occur mostly for container carriers (CC) and general cargo carriers (GC). Transfers from third countries to the EU also occur for younger vessels, but mostly for bulkers and tankers.

Figure 5.7 Transfers from EU register to EU or third country register (2011-2015)



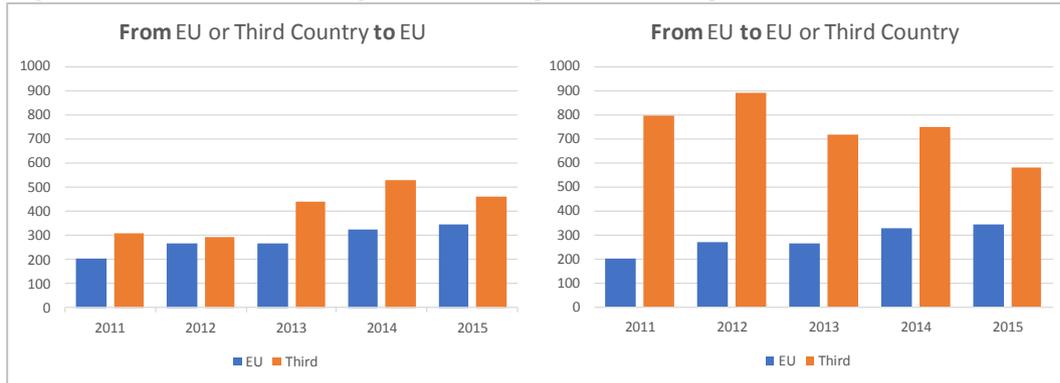
Source: MarInfo, elaborations by Ecorys.

When looking at the transfers from the EU to either an EU or third country flag (in Figure 5.7) we observe that comparatively more transfers to third countries occur for older vessels. That observation is in line with previous research³⁶ and is indicative of the more stringent EU regulations on safety and ship recycling.

The figure below highlights the evolution of the transfers since the FSD came into force. Transfers to EU registers increased, both from other EU registers and from third countries. Transfers from EU countries to third countries experiences moreover a downward trend. This may be indicative of the relative improved attractiveness of several EU flags.

³⁶ ECORYS-DNVGL-Erasmus University of Rotterdam (2016), 'Financial instrument to facilitate safe and sound ship recycling'.

Figure 5.8 Trends in flag transfers (2011-2015)

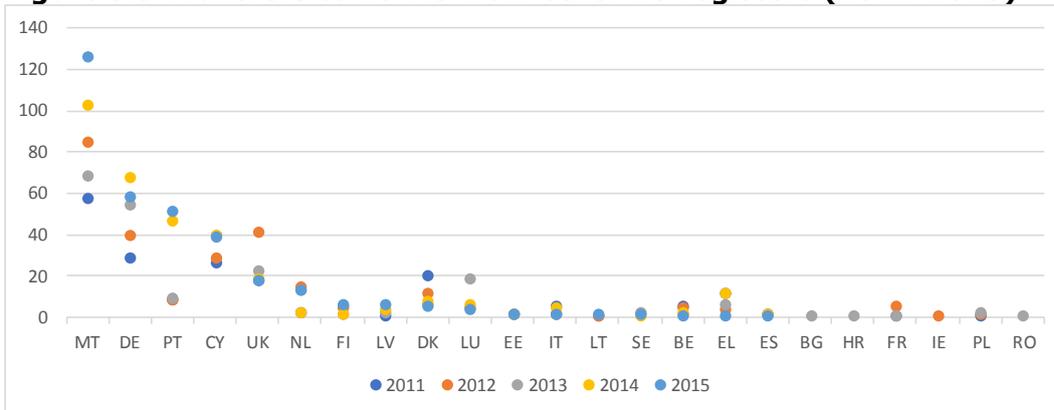


Source: MarInfo, elaborations by Ecorys.

The country profiles provide information on flag transfer per MS. A summary of these statistics is provided in Figure 5.9 and Figure 5.10. A noteworthy observation is the structural attractiveness of the Maltese and German registers. For Malta this follows from the register's competitive pricing and service orientation, whereas the German transfers mostly can be explained because of movements between its bareboat register.

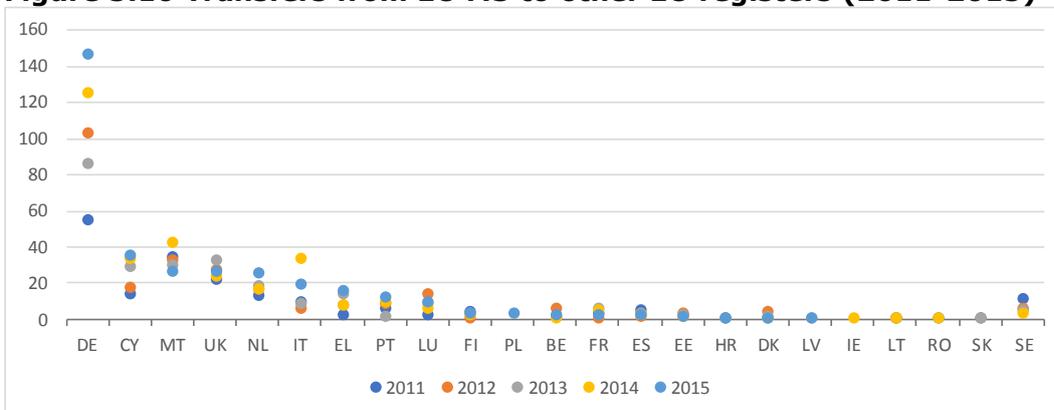
Interestingly, Portugal attracted considerably more vessels in 2014 and 2015. The reason for this is the Madeira registry that recently changed strategy and actively promotes itself to shipowners. The figures also indicate that the majority of MS do not experience large fluctuations in their registry size because of intra EU flag transfers.

Figure 5.9 Transfers to EU MS from other EU registers (2011-2015)



Source: MarInfo, elaborations by Ecorys.

Figure 5.10 Transfers from EU MS to other EU registers (2011-2015)



Source: MarInfo, elaborations by Ecorys.

The figures presented in this section showcase that more flag transfers occurred after the FSD entered into force. Yet based on the comments made during the targeted stakeholder consultation, these transfers are not believed to be affected by the FSD to a large extent.

Conclusion response to the evaluation question

The impact of the FSD on flag transfers has been minimal because it does not aim to target the main drivers that inform shipowners to transfer to a different EU MS or third country flag. This driver is mainly the flag's fiscal regime, and linked to that the quality of service provided.

Respondents indicated moreover that transfers between EU MS flag registers to evade environmental or safety regulation are rare today. While the existence of such dynamics are acknowledged, they mostly concern transfers from the EU to non-EU registers. These transfer are not affected by the FSD as they concern non-EU flags (outside the scope). They are concerned with the IMO rules and should be concerned with the IMO audit.

5.4. EQ5: To what extent EU Member States have ratified International Conventions

EQ5: To what extent EU MSs have ratified International Conventions?

Part of the flag State requirements is to ensure that ships fulfil requirements set out in international conventions, which aim to increase ship safety and environmental protection. Most of these conventions are concluded by the IMO, but ratification goes slow. In order to speed up ratification of the conventions, EU Member States signed a declaration in which they expressed their intention to ratify several conventions and be bound by them. This declaration was signed on 9 December 2008 and Member States declared that they consent to be bound to certain International Conventions, no later than 1 January 2012. Main conventions referred to, amongst others, are the SOLAS Convention 1974 and its 1978 and 1988 Protocols, the MARPOL Annexes I – VI, the Load Lines Convention 1966 and its 1988 Protocol and the LLMC Convention 1976 and the 1996 Protocol. Member States also declared to be bound, no later than 1 January 2013, by the Nairobi International Convention on the Removal of Wrecks 2007.

In addition to this earlier declaration, Member States declared they would consent to be bound to the Hazardous and Noxious Substances (HNS) Convention 1996 and its 2010 Protocol, as well as the ILO Maritime Labour Convention (MLC) 2006. Besides the joint declaration, several Member States expressed that they will ratify other relevant international Conventions as well, e.g. the 2009 Hong Kong Ship Recycling Convention.

The table below shows the number of ratifications per Convention. The table also indicates whether or not a specific Convention was already ratified by all EU Member States before the start of the evaluation period (17 June 2011) and in case the Convention is not ratified by all EU Member States, which countries have not yet ratified the Convention. For a full overview of the dates of entry into force of each IMO Convention per Member State, please refer to Annex 5.

Table 5.2 Summary overview of ratification status IMO and ILO Conventions

Conventions	Entry into force of the Convention	Ratification per 28-10-2016	Ratification status before 17-6-2011	Missing countries
SOLAS Convention 74	25 May 1980	28	Yes	-
SOLAS Protocol 78	1 May 1981	28	Yes	-
SOLAS Protocol 88	3 February 2000	25		Austria, Czech Republic, Hungary
Load Lines Convention 66	21 July 1968	28	Yes	-
Load Lines Protocol 88	3 February 2000	26		Austria, Czech Republic
Tonnage Convention 69	18 July 1982	28	Yes	-
COLREG Convention 72	15 July 1977	28	Yes	-
STCW Convention 78	28 April 1984	28	Yes	-
MARPOL 73/78 (Annex I/II)	2 October 1983	28	Yes	-
MARPOL 73/78 (Annex III)	2 October 1983	28	Yes	-
MARPOL 73/78 (Annex IV)	2 October 1983	28		-
MARPOL 73/78 (Annex V)	2 October 1983	28	Yes	-
MARPOL Protocol 97 (Annex VI)	1 May 2005	26		Austria, Hungary
CLC Protocol 92	30 May 1996	26		Austria, Czech Republic
FUND Protocol 92	30 May 1996	25		Austria, Czech Republic, Romania
FUND Protocol 2003	3 March 2005	21		Austria, Bulgaria, Cyprus, Czech Republic, Luxembourg, Malta, Romania
LLMC Convention 76	1 December 1986	13 + 8d		Austria, Czech Republic, Italy, Malta, Portugal, Slovakia, Slovenia
LLMC Protocol 96	13 May 2004	23		Austria, Czech Republic, Italy, Portugal, Slovakia
HNS Convention 96	Not entered into force	4		All, minus Cyprus, Hungary, Lithuania, Slovenia
HNS PROT 2010	Not entered into force	0		All EU-28
Bunkers Convention 01	21 November 2008	28		-
Nairobi WRC 2007	14 April 2015	11		Austria, Croatia, Czech Republic, Estonia,

Conventions	Entry into force of the Convention	Ratification per 28-10-2016	Ratification status before 17-6-2011	Missing countries
				Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden
Maritime Labour Convention*	20 august 2013	22 (3)		Austria, Czech Republic, Slovakia

* Three countries have ratified the Maritime Labour Convention, but the Convention awaits entry into force. This applies to the following countries (+ date of entry into force): Slovenia (15 April 2017), Estonia (5 May 2017) and Portugal (12 May 2017).

As can be seen in the table, the older IMO Conventions (SOLAS, MARPOL, Load Lines, Tonnage, COLREG and STCW) are ratified by all EU Member States (except for some of the protocols). These Conventions were also ratified before the start of the evaluation period. Before the signing of the declaration, a total of 466 ratifications was already in place. This equals 72% of all required ratifications.³⁷

Since the adoption of the declaration, the following ratifications took place:

- Ratifications before 9 December 2008 *466 in total*
- Ratifications between 9-12-2008 and 17-6-2011 *19 in total*
- Ratifications between 17-6-2011 and 31-12-2015 *40 in total*
- Ratifications since 1-1-2016 *3 in total*
- Planned ratifications for 2017 *5 in total*

Overall, this leads to a total of 533 ratifications, equalling a ratification ratio of almost 83%. The remaining 111 ratifications have not taken place yet.

Since the signing of the declaration, an additional 67 ratifications took place. The majority of these 67 ratifications refers to the ratification of new international legislation; i.e. FUND Protocol, LLMC Protocol 96, Bunker Convention, Nairobi Wreck Removal Convention and the Maritime Labour Convention.³⁸ The number of 67 additional declarations since the signing of the declaration is not a significant increase in the total number of ratifications (equalling 10% of all required ratifications).

Main reason found for the slow ratification of international conventions, is the explanation that countries are in general very slow in ratifying international law. According to stakeholders, there seems to be a general reluctance in quickly ratifying new international legislation. Besides this general reluctance, some more specific problems were addressed of which a summary is presented below. For more detailed information, please refer to Annex 5.

- *HNS Convention and HNS Protocol*: general lack of political urgency to ratify. Countries seem to be hesitant as the convention contains many practicalities, e.g. reporting on chemicals transported on a yearly basis. These practicalities are perceived as burdensome;

³⁷ The 28 Member States declared to sign 23 declarations, which should have led to a total of $28 * 23 = 644$ ratifications, As can be seen in Annex 5, before the declaration was signed a total of 466 ratifications was already conducted, resulting in a ratification ratio of 72%.

³⁸ The conventions do have the following dates of entry into force; FUND Protocol (3-3-2005), LLMC Protocol 96 (13-5-2004), Bunker Convention (21-11-2008), Nairobi Wreck Removal Convention (14-4-2015) and Maritime Labour Convention (20-8-2013).

- *Nairobi Wreck Removal Convention*: convention is mainly beneficial for coastal states with shallow waters. Main reasons for not ratifying the convention for some countries has been the hassle it creates (e.g. issuing certificates) and many countries already have national legislation regarding wreck removal in place;
- *LLMC Convention and Protocol*: some countries seem to be reluctant to ratify this convention and/or protocol as it introduces liability limits for maritime claims. Especially the Protocol introduces considerably higher limits than the ones laid down in the conventions. As the limits are mutually exclusive either the limits of the convention or the protocol do apply;
- *FUND Protocols*: the protocols concern the establishment of an oil pollution compensation fund to which contributions have to be made. In principle, all oil importing industries need to pay the contributions. However, State parties without an oil importing industry are requested to make a minimum contribution in return for the increased protection they enjoy as a result of the Convention. Nevertheless, it seems that some countries are reluctant to do this and have as a result not ratified the protocols.

5.4.1. Conclusion response to the evaluation question

A comprehensive analysis on the ratification of International Conventions is provided in Annex 5, which illustrates a high ratification rate.

It is not possible to conclude that the FSD or the declaration of 9 December 2008 on the ratification of IMO conventions directly led to an increased number of ratifications. However, a speeding up of the number of ratifications is observed and the declared intent in line with the main objectives of the FSD; to enhance safety and prevent pollution from ships flying the flag of a Member State as well as to fulfil one's international obligations as a flag state are clear. The impact of Directive 2009/21/EC on the number of ratifications is therefore more indirect.

5.5. EQ 6: Port State Control and Flag States

EQ 6: To what extent MSs follow up on detentions under port State control (PSC) regimes of their flagged ships? How has MS PSC performance evolved since the introduction of the Directive?

To what extent MSs follow up on detentions under port State control (PSC) regimes of their flagged ships?

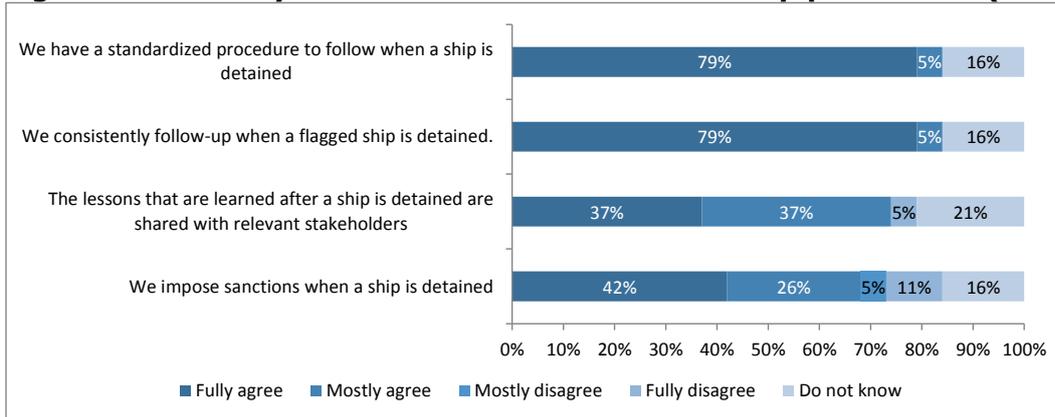
In line with Art 5 FSD, maritime administrations carry the responsibility to oversee a detained ship being brought into compliance with the applicable IMO conventions. The procedures through which this is reached are not further specified.

The targeted interviews with Maritime administrations showed that the follow up actions on detained ships are derived from long-standing, formalized guidelines. Some administrations indicated that ROs are involved in the follow up procedure if a ship is detained in a port that is distant from the flag State.

All interviewed administrations shared that after a notification is received that a ship flying its flag was detained by a port State, the ship owner is contacted to discuss the underlying causes for detention and to agree on actions to prevent future detentions from happening. Most flag States also impose some form of sanctions on the ship owner, like calling the ship back for a flag State inspection.

These comments align with the survey results provided by maritime administrations. The majority of stakeholders fully agree that standardised procedures are in place to handle detained ships. The follow-up procedure is moreover consistently performed. While the majority confirms that lessons are shared and sanctions are imposed, these are not confirmed to the same full extent.

Figure 5.11 Survey outcomes on detention follow-up procedures (n=19)



Source: Survey.

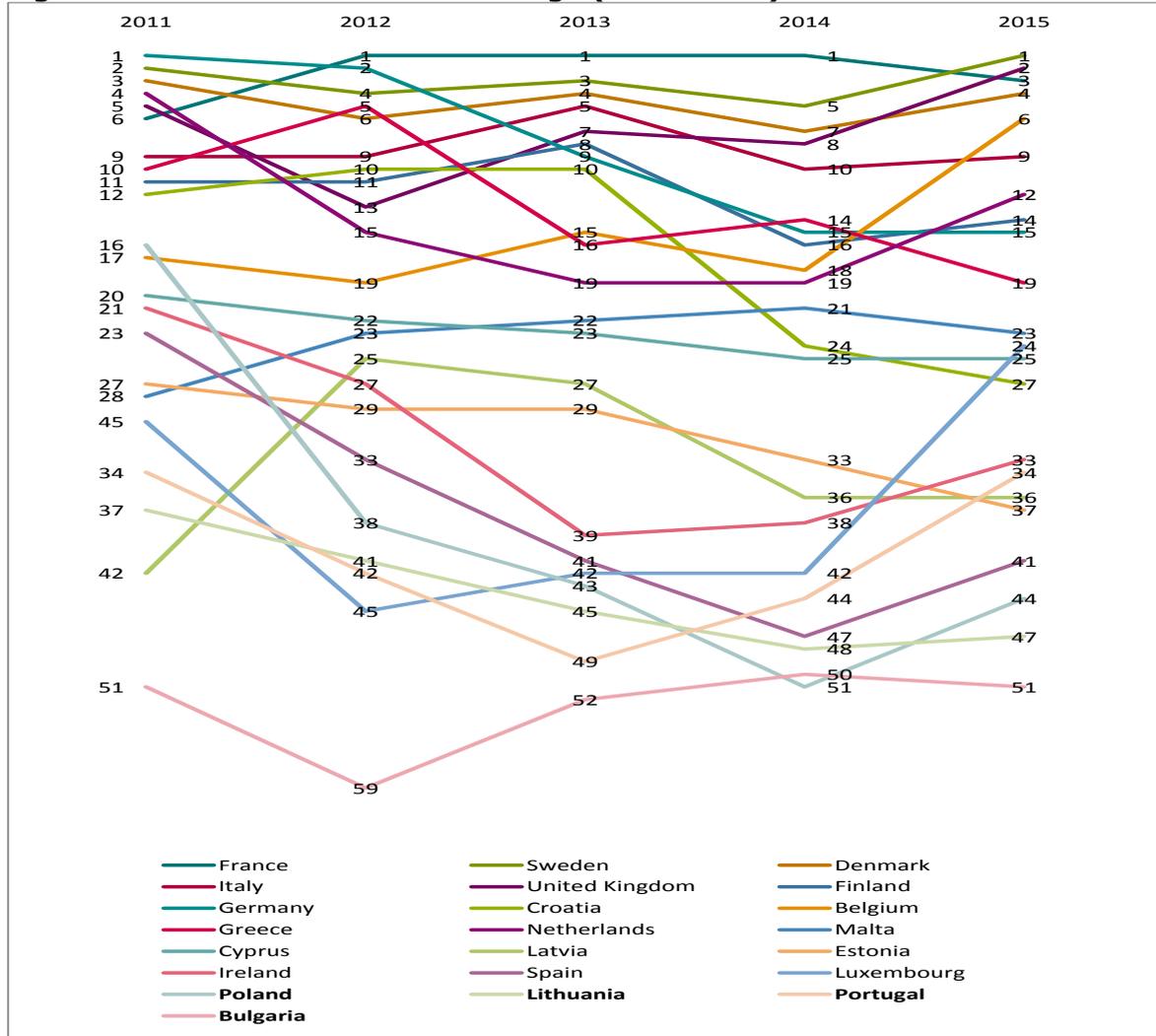
Beyond following up on detentions of individual ships, several administrations also track and analyse detention statistics of their entire fleet. When patterns are found, these findings are proactively communicated to shipowners and can inform inspection and training programmes. For instance, flag State inspectors can deliberately focus on elements where deficiencies were structurally identified during PSC inspections. These efforts are guided by flag States' aim to provide additional services to shipowners and to improve the overall quality of their flag.

Hence the targeted stakeholder consultation confirmed that EU MS have established procedures that in several cases are quite elaborate. At the same time respondents emphasized that, these procedures were not influenced by the FSD. These are long-standing practices and alterations that occurred since the FSD came into force are mostly explained by quality management considerations.

How has MS PSC performance evolved since the introduction of the Directive?

The evolution of PSC performance was analysed by leveraging information by the PMoU performance lists. The outcome of the analysis is depicted below in Figure 5.12.

Figure 5.12 PMoU ranks of EU MS flags (2011-2015)



Source: PMoU, elaborations by Ecorys.

The rank³⁹ numbers show that between 2011 and 2015 a total of 7 MS improved their ranking, 3 remained stable, and 13 MS saw their ranked performance deteriorate. The greatest relative drop is shown by Poland (-28), Spain (-18), Croatia (-15), and Germany (-14). Besides the relative ranking EU MS collectively performed worse between 2011 and 2015 in absolute terms, as the excess factor for the PMoU increased with 0,19 points on average for 23 MS.

As a consequence of this evolution, more EU MS were put on the PMoU grey list. In 2011 and 2012, only one EU MS was on the PMoU grey list, climbing to two in 2013, five in 2014 and three in 2015.

Data on the TMoU also has been consulted to analyse the trends in EU flag performance, although sufficient data was available for only 12 EU MS. The reason is that fewer EU flagged vessels sail to TMoU ports. The TMoU rank data shows that between 2011 and 2015 a total number of 5 MS improved their rank, 1 remained stable, and 6 MS saw their rank go down. The losing MS include Sweden (-23), Germany (-17), Greece (-8), and Denmark (-8). However, in contrast with the PMoU the absolute performance in terms of excess factor improved (an average drop of 0,26 points for 13 MS). More detailed information per MS is provided in the country profiles (Annex 8).

³⁹ The WGB list is not for ranking, it is only for targeting, although it is sometimes so presented. For this reason, the legislation does not measure any individual position on the white list, only if there is a 'drop' onto the grey or black list.

None of the interviewees indicated that the EU MS flag Performance was strongly affected by the FSD. At the same time, it is noted that the provision under Article 8 FSD led to interaction between the EC and grey listed MS on the main reasons for the low flag performance. MS typically use this report to draw an action plan to improve their flag performance. By doing so the FSD may contribute in preventing the further deterioration of low performers, and ensuring that follow-up as required actually takes place.

5.5.1. Conclusion response to the evaluation question

EU MS as flag States have to a large extent standardised their follow-up procedures for when a ship is detained by a port State. The procedures are moreover consistently applied according to the interviewees and survey respondents. In addition, detention and deficiency analyses are commonly conducted to proactively support shipowners to identify weak spots and prevent a detention from happening.

The FSD did not have a strong effect on follow up procedures after an EU MS flagged vessel is detained. Stakeholders indicated that these procedures were established prior to the FSD came into force and alterations to the procedures are not specifically linked to the FSD. The FSD however importantly puts the responsibility for taking action following a PSC detention of their flagged vessel firmly with the FS in question, and ensure that all EU MS as FS actually do take action. The fact that several flag State administrations perform additional analyses on the flag performance, and communicate the findings with shipowners, highlights that many MS take their responsibilities as flag State very serious.

Nevertheless, the flag performance of EU MS has slightly deteriorated in the PMoU PSC regime, both in absolute and relative terms. This has led to an increase in grey listings of one MS in 2011 to three in 2015.

5.6. EQ 7: Investigation bodies and accident investigations

EQ7: To what extent the requirement that all MSs create an accident investigation body led to the expeditious holding of unbiased safety investigation?

This question is broken down in two sub-questions:

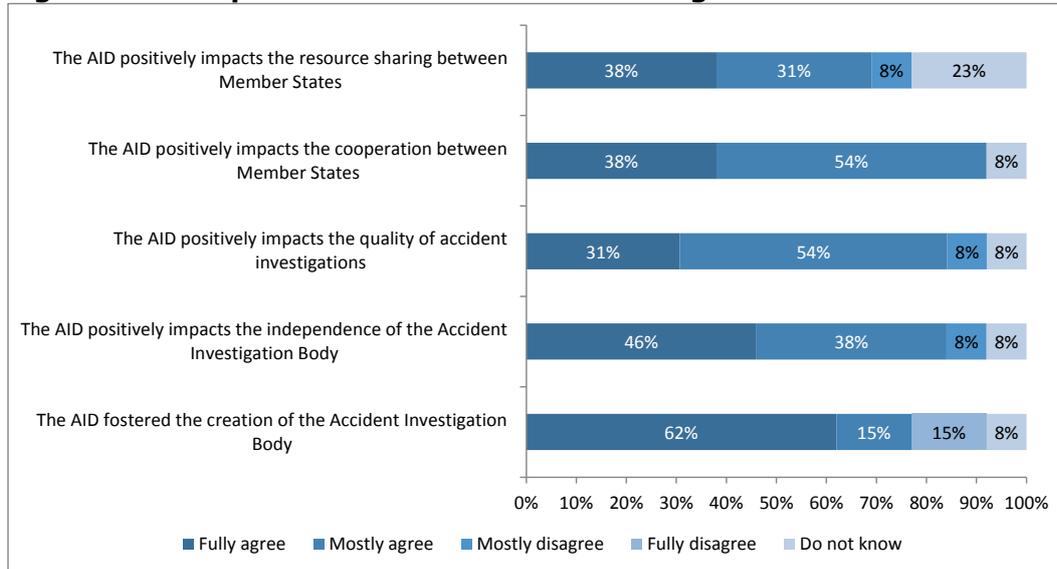
- 1. Has the AI Directive resulted in creation of a separate accident investigation body?*
- 2. What are the reporting lines of the existing accident investigation bodies?*

5.6.1. Has the AI Directive resulted in creation of a separate accident investigation body?

In 2015, Milieu prepared a report for the European Parliament on the implementation of the Third Maritime Package which included an assessment of the AID implementation and an overview of MS having an AI body, further identifying which ones have a multi-modal body and which ones have a maritime-exclusive one. A cross-check was performed on the websites of the authorities mentioned in this study to confirm and update the information on the existence and the scope of AIB operation (multi-modal or maritime-only accidents). In Figure 5.13, the relevant findings are presented, with the green countries having a multi-modal AIB and the blue have a separate maritime AIB.

accidents. However, even in some cases where an accident investigation body already existed, Its structure had to be altered to fulfil the independence criteria.

Figure 5.14 Impact of AID on AIBs functioning



Source: Survey.

5.6.2. Does the administrative structure in which the existing accident investigation body is incorporated prevent any bias in safety investigation?

As briefly mentioned in the previous section, the AID is considered to have strengthened the independence of the seven Maritime Accident Investigation Bodies that responded to the survey. (see Figure 5.14). In some cases, this has been due to the foundation of a new competent authority, while in others the reason is linked to a change in the functioning arrangements of these bodies, potentially including changes in reporting lines.

The first Accident Investigation Body to be set up in its current form that of the UK Maritime Accident Investigation Body (MAIB) is said to have functioned as a model for securing an independent functioning. Whilst part of the Department of Transport, the MAIB acts fully independent and no reporting on accident investigations occurs while these investigations are still under way. Final reports on findings of investigations and safety recommendations are directly submitted to the Secretary of State while draft reports are communicated also to relevant stakeholders.

Looking at the structural arrangements in place, we can see a great variation in the way AIBs are linked to the rest of the administration. In order to provide simplified overview we identify three main models for AIBs lines of reporting: i) being a part of the relevant Ministry supervising maritime transport acting however in an independent way, in this case the AIB reports directly to the Minister that supervise maritime transport who approves the entities budget ii) functioning under the supervision of other Ministries (e.g. Ministry of Justice), in which case the AIBs report to another cabinet member who consequently approves their budget; and iii) operating as independent entities not coming under the supervision of a specific ministry, but potentially reporting directly to the prime minister or even to non-governmental authorities. It could potentially be the case that the independence of the AIBs being compromised in the first model described, while the second and third would provide an increasingly solid framework to safeguard the AIBs independence. However, the reporting lines are not the sole indicator of AIBs independence. Another broad indicator of independence can be linked to the financial autonomy of these bodies and their capacity to rely on a steady budget to cover their regular and irregular expenses. Eventually all interviewed AIBs indicated the availability

of a steady budget line and their adequacy to function without being influenced during the investigation of accidents. All AIBs interviewed or surveyed also indicated that they are provided of additional budget earmarked for the investigation of more significant accidents. These facts hind to a sufficient independence of existing structures although the independence of this structures can only be tested in the event of very serious and high profile accidents where political stakes are high, like the Costa Concordia, MSC Flaminia and the Norman Atlantic incidents.

5.6.3. Conclusion response to the evaluation question

After the AID came into force, the majority of MS had to (re-)establish their AIBs. Also, AIBs that were operational prior to 2011 have since seen a change in their reporting lines to comply with AID requirements. The grand majority of stakeholders responded that the AID has generally led to the strengthening of the AIBs' independence and their ability to conduct expeditious and unbiased investigations.

5.7. EQ 8: MS resources to implement directives

EQ8: To what extent are all Member States adequately resourced, including for their independent investigation body? Does this have an impact on effectiveness? Are there any gaps in coverage?

To determine whether EU MS are capable of fulfilling their obligations under the FSD and AID an analysis was conducted on available resources, whether this suffices, and if there are any gaps in coverage. The analysis is split along the lines of the two Directives.

5.7.1. Flag State Resources

To determine whether MS are adequately resourced to perform their responsibilities as a flag State it is necessary to assess the fleet and the level of RO involvement, as they typically have a considerable role in performing survey and issuing certificates on behalf of the FS. Such arrangements relieve maritime administrations from several functions and would imply that fewer resources are needed within the MS maritime administration. At the same time, more resources are required to control and monitor the functioning of ROs, which will be discussed later.

Recognised Organisations

An overview on the involvement of ROs in the EU is developed by integrating the information in the country profiles (Annex 8) on the functions that are delegated to ROs. For each RO it was assessed per country and function whether it was authorised (yes/no/partial/limited/unknown) to carry out a survey or issue a certificate.

The number of active ROs differs strongly per country. Malta recognised eleven classification societies whereas Croatia recognised one. Each MS can delegate moreover different functions to different ROs. The aggregate overview in Table 5.3 therefore shows the percentage of cases in which an RO carries responsibility for a survey or issuing a certificate. By doing so, an insight is provided into the overall involvement of ROs per flag State function.

Table 5.3 Share of EU MS that delegated functions to ROs*

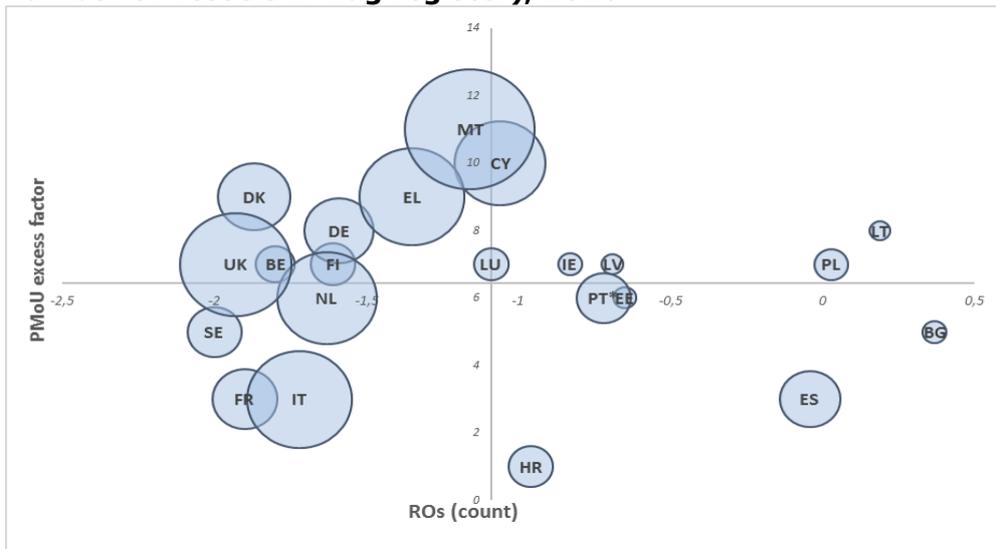
	Yes		No		Partial		Limited		Unknown	
	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety	65%	60%	14%	31%	11%	0%	0%	0%	10%	10%
Cargo ship safety constr.	90%	86%	0%	8%	5%	0%	2%	2%	4%	4%
Cargo ship safety equip.	81%	74%	4%	15%	6%	6%	5%	2%	4%	4%
Radio	82%	81%	6%	10%	8%	5%	1%	1%	4%	4%
ISM Code	64%	53%	8%	19%	6%	7%	8%	4%	12%	18%
ISM Code - DOC	65%	58%	13%	25%	1%	1%	8%	4%	9%	12%
ISM Code - SMC	65%	58%	8%	25%	6%	1%	8%	4%	9%	12%
Load line	88%	88%	0%	8%	7%	0%	0%	0%	5%	5%
MARPOL Annex I	86%	84%	0%	8%	11%	5%	0%	0%	4%	4%
MARPOL Annex II	89%	84%	1%	8%	3%	0%	0%	0%	8%	8%
MARPOL Annex III	43%	37%	30%	32%	3%	0%	0%	0%	23%	27%
MARPOL Annex IV	91%	87%	1%	8%	3%	0%	0%	0%	5%	5%
MARPOL Annex V	61%	54%	13%	17%	3%	0%	0%	0%	18%	21%
MARPOL Annex VI	93%	88%	0%	8%	3%	0%	0%	0%	5%	5%
Tonnage measurement	71%	68%	18%	27%	5%	0%	0%	0%	4%	6%
MLC	46%	40%	16%	22%	11%	7%	0%	0%	25%	31%

Source: Ecorys, based on EMSA country information *'Partial' refers to a shared responsibility with the maritime administration - 'limited' indicates that the RO is authorised but only during predefined periods of time and upon approval of the maritime administration.

Importantly, the table proves the high involvement of ROs in flag State functions. Only for MARPOL Annex III and MLC, the involvement of ROs is relatively smaller (below 50%). The number of delegated functions relates moreover to the number of ROs in a MS.

Based on this understanding it is equally important to assess whether this leads to gaps in coverage that, consequently, lead to lower flag performance. A general indication of this is provided in Figure 5.15 that shows the relation between the numbers of ROs per EU MS versus the MS' flag performance in terms of PMoU excess factor, which is an indicator of flag performance. The size of the bubble is related to the number of flagged ships.

Figure 5.15 Number of ROs per EU MS and flag performance (size relates to number of vessels in flag register), 2016



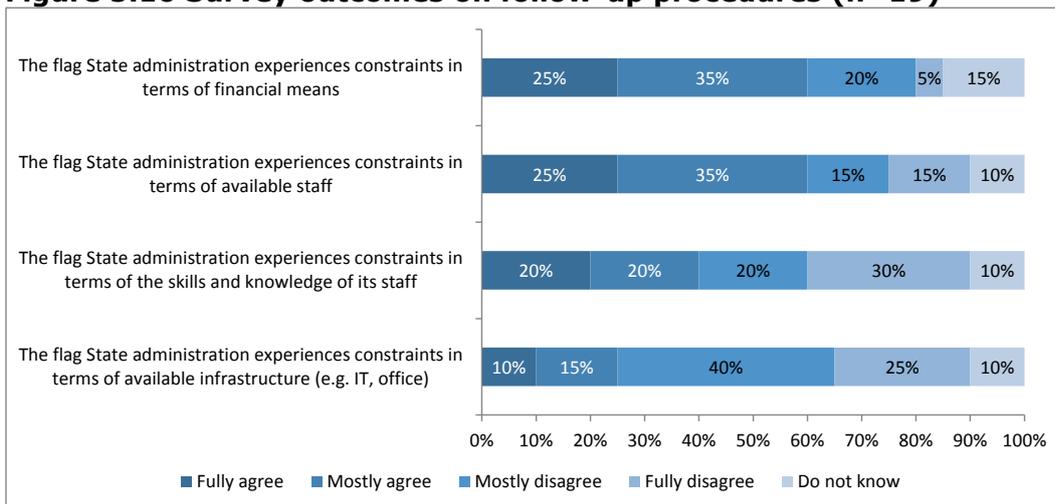
Source: Ecorys, *low excess factor is better.

The figure provides a first indication that the stronger involvement ROs does not relate to flag performance. Instead, it appears that the smaller flag States score worse regardless of the number of ROs.

Flag State staff

In the survey, maritime administrations were asked whether resource constraints were experienced, in terms of financial means, available staff, skills & knowledge, and infrastructure. The outcomes are clear in that the majority of respondents consider that the flag State administrations is underfinanced and has too few staff available to perform its duties. The skills and knowledge are constraining in 40% of cases while infrastructure (e.g. IT, office equipment) is constraining in relatively fewer cases.

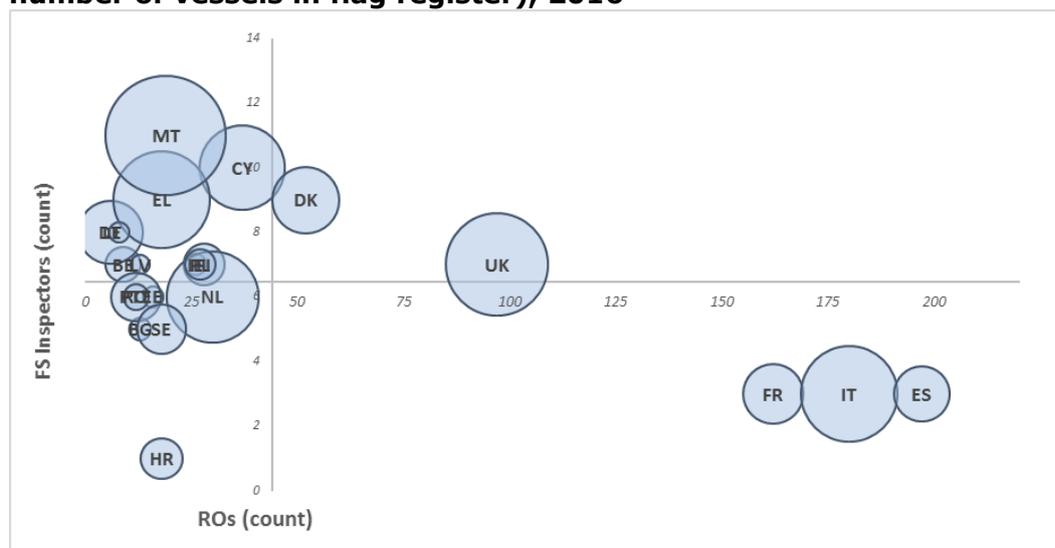
Figure 5.16 Survey outcomes on follow-up procedures (n=19)



Source: Survey.

In terms of total available staff, we refer to the country profiles in Annex 8. Per MS, an overview is provided on the number of staff per FS department in terms of officers, management and technical support staff. In total EU MS employ 1025 FS inspectors, Based on these numbers Figure 5.17 shows the number of staff respective to the number of recognised classification societies per MS.

Figure 5.17 Number of ROs and flag State inspectors per EU MS (size relates to number of vessels in flag register), 2016



Source: Ecorys.

On first sight, this figure hints at two distinct models to run a flag State administration. The upper-left corner is somewhat concentrated, illustrating that a majority of EU MS involve many ROs while having relatively few own flag State inspectors employed. This observation holds true irrespective of the size of the flag register. In the bottom-right corner three MS stand out, as they have considerably more flag State inspectors employed whereas they recognised relatively few classification societies.

The relationship between organisational model and flag state performance appears weak on first sight, suggesting that additional variables like the training of FS officers and RO monitoring should be considered as well when assessing which model works best.

Table below provides an overview on the number of employed FS inspectors per flag administration, the number of annual inspections (when available), how the number of staff relates to the fleet size, and to what extent the annual number of inspections cover the fleet.

The flag administrations were asked to provide information on the number of FS inspectors and annual number of inspections. The request was to provide the number of flag inspections excluding those for fishing vessels and those performed by ROs. Based on the fleet coverage indicator it is believed that the inspection data provided by some MS is not fully accurate and may include inspections of fishing vessels. Data gaps remain problematic as well.

In addition, the information on the country profiles highlights that in most MS FS inspectors are also involved in other maritime inspection functions, notably port State control inspections. Respondents indicated that this enables greater efficiencies, especially when ports are geographically dispersed. Only in two MS FS inspectors are not involved in PSC inspections at all, namely Belgium and Germany. In the Netherlands, Sweden and the UK FS inspectors are mostly also involved in PSC inspections. FS inspectors thus are rarely purely dedicated to FS inspections. Moreover, PSC officers can contribute to FS inspections as well. This complicates the interpretation and comparability of an indicator like the number of flagged ship per inspector.

These complications, together with the data limitations, make that the information in Table 5.4 should be treated with caution. Nevertheless, it provides a first overview on how MS staff their flag administrations, how active their inspectors are, and whether this compares to the size of their fleet. Across the European flag States it can be said that 1 FS inspector is employed per 11,6 ships, excluding fishing vessels.

Table 5.4 Overview of flag state administration staffing and inspections (2015)

MS	FS inspectors (number)	Fleet size (excl. fishing vessels)	Inspections (number)	Ships per FS inspector	Fleet coverage of inspections
BE	9	191	...	21,2	...
BG	13	52	17	4,0	33%
CY	37	1029	137	27,8	13%
DE	39	584	266	15,0	46%
DK	52	686	1255	13,2	183%
EE	16	61	151	3,8	248%
EL	18	1190	...	66,1	...
ES	197	424	...	2,2	...
FI	28	231	1600	8,3	693%
FR	162	462	4106	2,9	889%
HR	9	189	744	21,0	394%
IE	26	54	...	2,1	...
IT	180	1272	...	7,1	...
LT	8	59	...	7,4	...
LU	0*	169	190	...	112%
LV	13	50	...	3,8	...
MT	19	2113	...	111,2	...
NL	30	1174	219	39,1	19%
PL	27	101	...	3,7	...
PT	12	380	...	31,7	...
RO	12	47	...	3,9	...
SE	18	280	...	15,6	...
SI	3	6	8	2,0	133%
UK	97	1045	...	10,8	...

Source: Ecorys (*) Luxembourg has agreements with independent specialists serving as flag state inspectors.

The above analyses also help to better understand the feedback provided in the targeted stakeholder consultation, especially with respect to the constraints that can be experienced due to insufficient staff.

RO monitoring

MS were requested to provide information on the number of staff involved in RO monitoring operations. Limited information was however provided which makes it impossible to provide a reliable quantitative approximation of the resources that are dedicated to RO monitoring.

Still by using the available information, a few findings can be provided. Based on the provided data of 12 MS it can be said that for six flag administrations almost no (<10% of total) flag State inspectors are involved in RO monitoring. In Denmark and Sweden on the other hand, all flag State inspectors also monitor ROs. Only four MS indicated that they employed staff that are primarily dedicated to RO monitoring. This can be partially explained by data gaps, but is reasonably believed to be indicative of the smaller importance that is given to RO monitoring relative to other flag, port or coastal State responsibilities.

Another approach to ensure the quality of RO monitoring was shared by a MS, stating that the responsibility for flag State functions rotates between flag State administration and ROs on a pre-determined interval. The reason being that the administration wishes to keep sufficient knowledge internally within the organisation to monitor and control ROs. Such approaches may be used in practice by other MS who delegate functions partially or limited to ROs, as shown in Table 5.3.

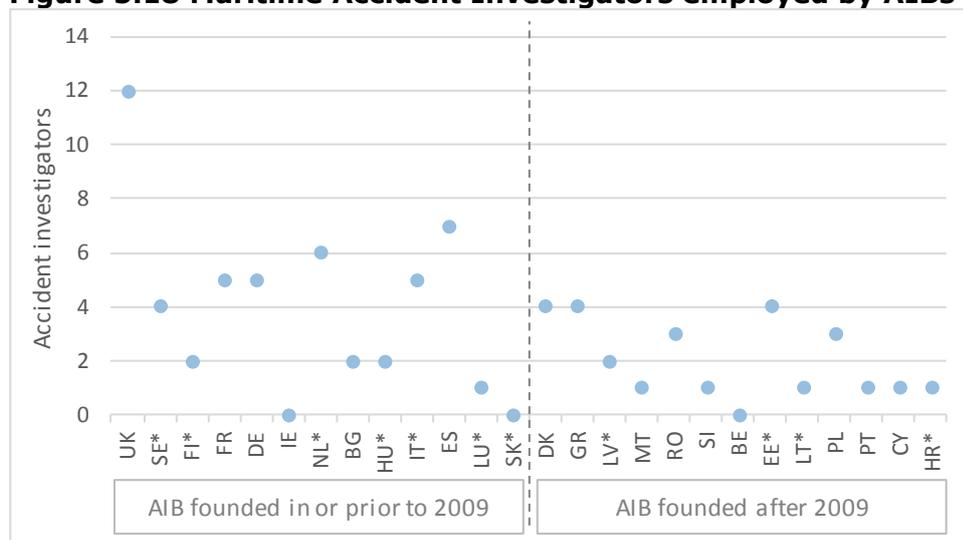
5.7.2. Accident Investigation resources

The Directive has admittedly brought a positive effect to resource sharing between AIBs. Their budget is in most cases defined annually and covers all operational needs. The AIBs reported however constrains mostly in relation to lack of financial means and human resources availability while lack of appropriate skills and infrastructure are also identified. The country profiles indicate strong differences between the numbers of Accident investigators that are employed per EU MS.

Accident Investigation bodies

Information on the resources available to each of the Accident Investigation Bodies (AIBs) is in a few cases available on their websites while for some other AIBs, additional information has been collected via the survey and EMSA reports. In line with the country profiles (Annex 8), EU MS employee 77 permanent maritime accident investigators for the approximately 3300 accidents annually reported. This indicates an average of 42.9 accidents per full-time investigator. A note of caution is that this average does not acknowledge the involvement of non-permanent investigators, nor does it consider the involvement of external experts.

Figure 5.18 Maritime Accident Investigators employed by AIBs



Source: Ecorys, based on country profiles. *indicates a multimodal AIB. Sorted based on founding date

Half of the AIBs surveyed (three out of six) use external private experts to perform their duties (for between 40% and 80% of accidents). Moreover, some of these agencies have established agreements on receiving expert support from specialised organisations or from other government departments when specific skills are needed.

As seen in Figure 5.18, the resources available to each MS vary to some extent. Some countries have multimodal AIBs whereas others employ dedicated maritime accident investigators. Assuming that the AID led to the founding of AIBs after 2009, it can be said that at least 26 additional accident investigators have been employed when compared with the counterfactual. It is likely that existing AIBs also employed more investigators to comply with the Directive.

The workload for each AIB depends on the amount of maritime accidents and incidents occurring in their territory. Six out of seven AIBs that responded to the survey mentioned that they consider themselves constrained in matters of human resources available, and five out of seven reported constrained in matters of financial means. It should be also noted that a number of the AIBs interviewed mentioned, planning to increase the number of investigators currently in their ranks. On the other hand, one AIB reported a recent 20% budget cut.

The amount of available resources defines the way in which the AIBs have been performing their tasks. For instance, the MAIB reported that the recent reduction in budget resulted in an extension of the time needed to compile an accident investigation report, from 8 to 10 months. For other MS, the lack of staff results in a more restrained way of assessing which of the less serious accidents should be investigated. This can eventually lead to the investigation of all very serious accidents (as foreseen in the AID) but deciding to factor in resources limitations in deciding to investigate accidents classified as serious.

A final note is that the MAIB indicated to perform greatly in line with the guidelines of the IMO. Because the AID aims to implement the IMO guidance, the burden of the AID was perceived to be small.

5.7.3. Conclusion response to the evaluation question

In most EU MS ROs are acting on a maritime administration's behalf for a large number of functions. The number of ROs active per MS differs between 1 and 11. By plotting the number of ROs against the employed FS inspectors, two models for FS administrations were identified. The dominant model in the EU entails few FS inspectors and a large role for ROs. The other model - as applied by France, Italy and Spain - suggests a higher number of FS inspectors and a smaller role for ROs.

Overall, stakeholders indicated that FS administrations experience resource constraints in terms of staff and financial means. Whether this has an impact on RO, monitoring could not be conclusively stated due to the limited availability of data, but would be a reasonable assumption given that the responsibility as a FS cannot be delegated away.

AIBs were found to depend to a large extent on external expert support to perform for accident investigations. Many AIBs face staffing and financial constraints. Respondents do generally consider that this does not yet prevent them from fulfilling their obligations according to the AID. It was nevertheless reported that resource availability is considered when deciding to investigate accidents that are not classified as very serious. Consequently gaps in coverage do occur.

5.8. EQ 9: EMSA effects

EQ 9: What are the effects, if any, on the work of EMSA, both as regards the visits and inspections programme they carry out and as regards the support to MS in particular in the area of AI?

EMSA supports the European Commission and Member States in the development and implementation of EU legislation on maritime safety. It is important to mention that parallel to this evaluation an external evaluation of EMSA occurs⁴³. The evaluation sheds additional light on the effects of the work performed by EMSA.

This section is divided along the topical lines of flag State and accident investigation.

Flag State

The following EMSA activities are of relevance from the perspective of the FSD:

- Inspections of Recognised Organisations to verify their performance;
- Inspection of Member States on Maritime Security;
- Involvement in IMO Member State Audits;
- Training/ capacity building (support in the implementation of FS obligations from EU legal acts).

Maritime administrations generally evaluate the work by EMSA positively, highlighting the professionalism of the EMSA staff and the learning effects within the maritime administration. With this positive appraisal in mind, MS did share concerns that EMSA carries responsibility for the oversight of the correct implementation of EU regulation on maritime safety. If limited compliance is observed by EMSA this may have legal consequences. The dichotomy between the expert and controlling role is experienced can strain the relation between EMSA and MS in effect.

It is also noted that the EMSA inspections of ROs are considered as a considerable burden by ROs in terms of committed staff hours. Stakeholders did acknowledge that EMSA raises useful observations and, importantly, the centralisation of EMSA inspections so that RO's are not being inspected per individual MS is a substantial efficiency gain.

EMSA also supports EU MS in the preparation towards IMO MS visits. It does so by sharing information on the process and preparation, but recently also by acting as an observer on the MS side. Such is considered a positive development by the IMO as it contributes to knowledge sharing between EU MS and EMSA, and therefore to the professionalization of maritime administrations.

Accident Investigation

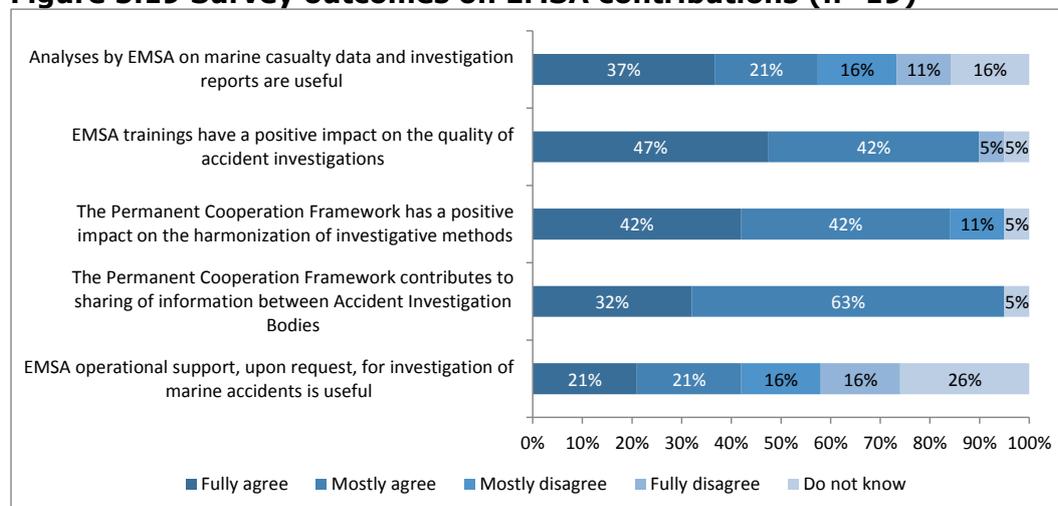
The following EMSA activities are of relevance from the perspective of the AID:

- Supporting the Commission in the implementation of Directive 2009/18/EC;
- Providing the Secretariat to the Permanent Cooperation Framework (PCF);
- Managing the "European Marine Casualty Information Platform (EMCIP);
- Verifying EMCIP data quality and consistency;
- Providing operational support to Member States, upon request, concerning investigation of serious and very serious marine accidents;
- Analysis of marine casualty data and investigation reports;
- Supporting Member States through development and promotion of training activities;
- Publishing the annual overview of marine casualties and incident.

⁴³ Ramboll (2017), External Evaluation of EMSA.

In the field of accident investigation, the trainings and the PCF are regarded as highly valuable instruments to harmonize and improve the quality of accident investigations across the EU. Such is confirmed by the survey results as shown below.

Figure 5.19 Survey outcomes on EMSA contributions (n=19)



Source: Survey.

The positive appreciation of the PCF is corroborated by the interview findings. The European AIBs carry different levels of experience and professionalization. As such, the PCF enables AIBs to share best practises and lift the quality of accident investigations to a harmonised high level. Importantly, the PCF facilitates the direct interaction between AIB representatives. In case of accidents between different EU flag and coastal States, contacts between the AIBs are quickly established so that investigations can commence quickly.

EMSA's work concerning the EMCIP database is generally positively regarded. The introduction of the database resulted in several countries that national legacy database were deactivated, leading to a more efficient – albeit complex – system for accident reporting. As will be discussed under EQ10, stakeholders suggested several improvements to the EMCIP database.⁴⁴

Stakeholders also note that the multiple roles of EMSA limit its effectiveness in some ways. For instance, EMSA is actively involved in supporting the EC with the implementation of the AID, as part of continuous improvement. The position of EMSA vis-à-vis the EC makes that some stakeholders consider that this may constrain⁴⁵ EMSA in some ways.

Regarding the possibility to request from EMSA operational support for the accident investigations, we note that during the evaluation period no MS actually filed a request. As indicated by the survey responses above and explained during the interviews, MS consider that further involvement of EMSA should occur primarily upon the explicit request of a MS.

5.8.1. Conclusion response to the evaluation question

Across a range of topics stakeholders responded positively on the effects, that EMSA has on maritime safety and the quality of maritime administrations. From interviews in EMSA (with staff qualified also as auditors of FS) it appears that there is no duplication on the

⁴⁴ In parallel to this evaluation there is a specific evaluation study on EMSA – the findings mentioned here complement that study.

⁴⁵ In practice, they note that EMSA may be hesitant with providing opinions on some matters.

IMO audit and the visits and inspection programme by EMSA, they rather complement each other; both having the same objective continuous improvement and help the auditee to help themselves in improving by providing an objective audit on their organisation and work as Flag, Port or Coastal State. Particularly positive responses were received on the trainings on accident investigation that are provided by EMSA and regarding its support of the Permanent Cooperation Framework. The added value of operational support on marine incidents and data analysis were recognised to a lesser extent.

Therefore, it is found that EMSA's work has a positive effect on maritime safety across the EU, but in some corners, concerns are expressed on the different roles of EMSA, which may limit the advisory and support role of the agency in some ways.

The administrative burden of the inspections was also commented on, which was especially hard felt by ROs. At the same time, it was acknowledged that efficiency gains were achieved, as ROs are no longer inspected in each individual MS.

5.9. Conclusion on Effectiveness

Overall, the FSD and AID have been effective in achieving their intended objectives, although contribution generally needs to be appreciated in light of the broader maritime safety framework that is developed by MS, the EC and IMO. The following conclusions per EQ can be drawn.

EQ2: A total of 18 MS underwent an IMO audit before the FSD had come into force. Seven more were audited between 2011 and 2015. It is believed that Article 7 FSD incentivised some MS to volunteer for an audit. Examples are Portugal that requested an audit only after EC action, and that of Belgium, receiving two audits in accordance with the seven year provision in the FSD. The two last (landlocked) MS shall be audited in 2017.

EQ3: The disclosure of IMO audit outcomes occurs to a limited extent. MS often reason that it suffices to grant access to the outcomes to other MS and the IMO. Also, most audits were performed prior to the FSD coming into force, so that MS did not feel an obligation to publicly disclose information. The impact of the FSD is therefore felt to a lesser extent.

Regarding the sharing of vessel safety information, MS did and do have a database that stores the minimally required information as per the FSD. The exchange of this information is found to be unproblematic, as several reliable channels to do so exist regardless of a MS' involvement. The FSD did have a small impact on this as channels were already in place prior to 2011.

EQ4: The impact of the FSD on flag transfers has been minimal because it does not directly targeted the drivers that inform ship owners to transfer to a different EU MS or third country flag. These drivers are the quality of service and the flag State's fiscal regime. Respondents indicated moreover that transfers between EU MS flag registers to evade environmental or safety regulation are unheard of. While such dynamics are acknowledged, they mostly concern transfers from the EU to non-EU registers. These movements are not affected by the FSD.

EQ5: The FSD may have contributed, together with other legislative efforts by the EC, to the speeding up of the number of ratifications is in line with the main objectives of the FSD; to enhance safety and prevent pollution from ships flying the flag of a Member State as well as to fulfil one's international obligations as a flag state. The impact of Directive 2009/21/EC on the number of ratifications is therefore more indirect.

EQ6: EU MS have to a large extent standardised their follow-up procedures for when a ship is detained by a port State. The procedures are moreover said to be consistently

applied. Stakeholders indicated that these procedures were established prior to the FSD came into force and alterations to the procedures are not specifically linked to the FSD.

These efforts have however not necessarily contributed to the flag performance of EU MS, as their flag performance has slightly deteriorated in the PMoU PSC regime. This has led to an increase in grey listings between 2011 and 2015.

EQ7: After the AID came into force, the majority of MS had to (re-)establish their AIBs. Also, AIBs that were operational prior to 2011 have since seen a change in their reporting lines to comply with AID requirements. The grand majority of stakeholders responded that the AID has overall led to a strengthening of the AIB's independence.

In most EU MS ROs are acting on a maritime administrations behalf for a large number of functions. The number of ROs active per MS differs between 1 and 11. By plotting the number of ROs against the employed FS inspectors, two models for FS administrations were identified. The dominant model in the EU entails few FS inspectors and a large role for ROs. The other model - as applied by France, Italy and Spain - suggests a higher number of FS inspectors and a smaller role for ROs.

EQ8: On the whole, stakeholders indicated that FS administrations experience resource constraints in terms of staff and financial means. Whether this has an impact on RO, monitoring could not be conclusively stated due to the limited availability of data.

AIBs were found largely depend on external support to perform accident investigations. Many AIBs face staffing and financial constraints. Respondents generally considered that this does not yet prevent them from fulfilling their obligations according to the AID. It was nevertheless reported that resource availability limits the investigation of accidents that are not classified as very serious. Consequently gaps in coverage do occur.

EQ9: Stakeholders responded positively on the effects that EMSA has on maritime safety and the quality of maritime administrations. Particularly positive responses were received on the trainings on accident investigation and its support of the Permanent Cooperation Framework. The added value of operational support on marine incidents and data analysis were acknowledged to a lesser extent.

6. EFFICIENCY

6.1. EQ 10: AI record keeping and reporting system

EQ10: Is the system for record keeping and reporting (AI reports) established by the AI Directive efficient?

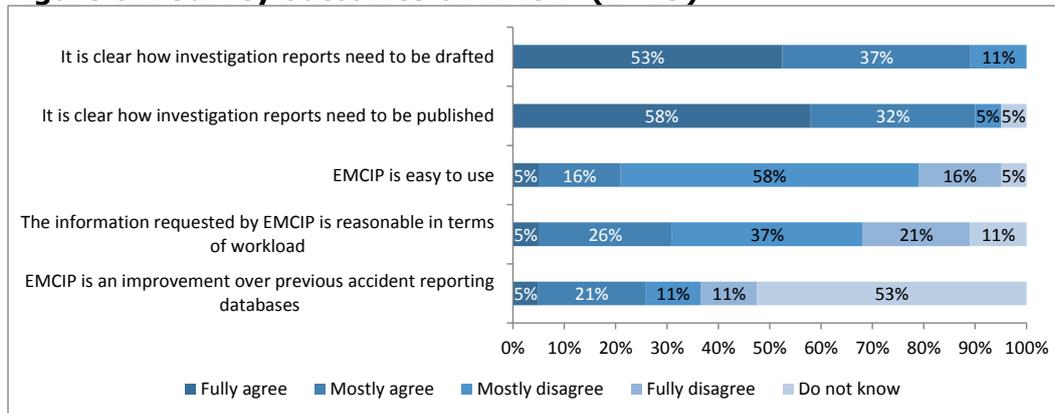
EMCIP is the European database to store data on marine casualties and incidents. EMSA manages and analyses the data, and provides trainings to AIBs on using the system. It is the default marine accident database in Europe, although member states do use alternative channels. Of 19 relevant survey respondents, 37% (6) responded that a national database is used in parallel to EMCIP. The majority of stakeholders publish the accident investigation results also on a website (63%) while some publish it on social media (11%). A few respondents also note that results are published on IMO GISIS or through a targeted mailing.

In that way, EMCIP is not the only channel that is used. Whilst the use of multiple channels benefits visibility and the dissemination of results, it equally leads to additional resources and potentially a duplication of efforts. With this in mind, some MS (e.g. UK) divested their national marine incident-reporting database and only use EMCIP. This combined with the notion that EMCIP is paid indirectly through MS EU contributions, rather than directly by a department, resulted in cost-savings.

MS also appreciate EMCIP as advances a harmonised system for accident investigations, which facilitates cooperation between MS in terms of definitions and elements to address.

The concerns on EMCIP also need to be acknowledged. As indicated in the figure below, most stakeholders are aware of how investigation reports need to be drafted and published. Yet over 74% of respondents (14) consider EMCIP difficult to use. Moreover, respondents disagree that the requested information is reasonable in terms of workload.

Figure 6.1 Survey outcomes on EMCIP (n=19)



Source: Survey.

During interviews, some stakeholders expressed that the added value of using EMCIP was not fully clear, as few aggregated insights were made available to date. Beyond the functionalities and limitations of EMCIP itself, the obligation to report (not investigate) also minor incidents is deemed particularly burdensome for the AIBs. It is noted however that EMSA publishes an annual overview of marine casualties and incidents, which become increasingly comprehensive.

In light of the observed limitations, it is noteworthy that the current EMCIP database is under revision by EMSA. The updated EMCIP database (EMCIP II) should be operational in 2018 and aims to be more intuitive and user-friendly. Also, it also will provide better guidance to AIBs to insert the incident data correctly.

Another point is that the efficiency and perceived usefulness of EMCIP can be increased by ensuring greater connectivity with the IMO notification system, as MS are obliged to report very serious marine accidents to IMO as well.

6.1.1. Conclusion response to the evaluation question

The AIBs responding to the survey and interviews largely indicated that reporting through EMCIP entails a significant workload and is inefficient. The difficulties of using the database combined with the reporting requirements that are regarded as strict, makes that the usage of EMCIP is considered by many to be disproportionate to the added value. As such, the introduction of the updated more user-friendly version of EMCIP in 2018 is welcomed by stakeholders.

6.2. EQ 11: Areas of administrative burden reduction and simplification

EQ11: Are there any potential areas of administrative burden reduction (for example regarding the EMCIP database) and simplification?

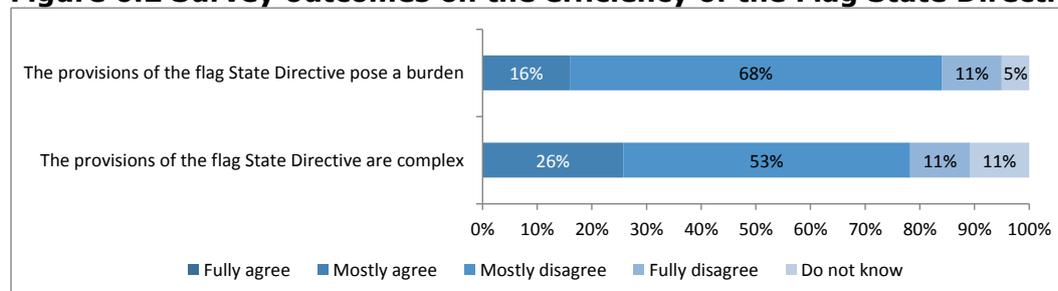
The evaluation question will be separated along the lines of the two Directives, especially because the administrative burden and complexity of the Directives differ significantly.

Flag State

Most interviewees indicate that the administrative burden that is caused by the FSD is limited, and so is the complexity. The reason is that the FSD puts few requirements on EU MS that are not already mandated by international law, other EU legislation, or national requirements.

The survey outcomes corroborate these results. As shown in Figure 6.2 below, 79% of respondents disagree mostly or fully that the FSD poses a burden and 64% considers that the provisions of the FSD are not complex.

Figure 6.2 Survey outcomes on the efficiency of the Flag State Directive (n=19)



Source: Survey.

It was indicated before that the FSD puts several obligations on MS, notably:

- Art 5: Follow-up procedures when a flagged ship is detained by a port State;
- Art 6: Maintain a database with ship (safety) information;
- Art 7: Undergo an IMO audit;
- Art 8: Implement and maintain a QMS for the flag state administration;
- Art 8: Provide the EC with a report on flag State performance when grey listed.

As discussed under Section 5.5, interviewed flag State administrations indicated that the follow-up procedures were not influenced by the FSD. The procedures are typically in place for a long time, and the FSD does not make any specific requirements that would have altered them.

Concerning the collection and maintenance of ship information one MS indicated that Art.6 does not specify how the database should be managed. MS agreed with ROs that the required information would be made available on demand. Some of the required data

is moreover gathered in light of other regulations, which makes that few additional requirements are put on MS or ROs by this provision.

Sections 5.1 and 5.2 described which MS underwent an IMO audit and why they decided to do so. The results indicated that most MS volunteered for an audit prior to the FSD coming into force. The IMO audit is moreover generally regarded as a positive and insightful event. It therefore may be regarded less as a burden.

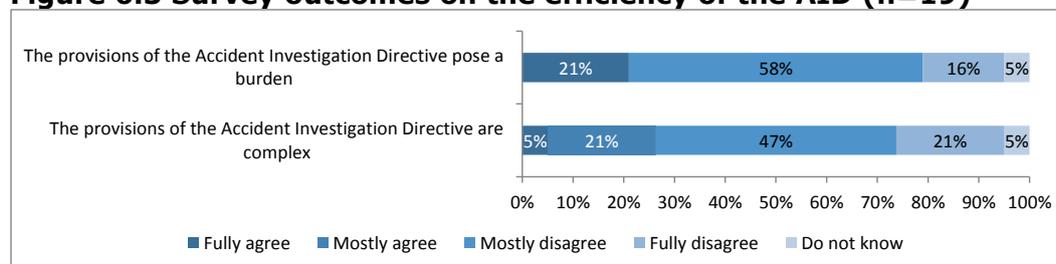
While some MS already had a QMS in place prior to 2011, several indicated that a system had to be implemented or certified to comply with the FSD. Additional resources needed to be allocated to this, but was generally found proportional to the associated benefits. Moreover, it was indicated that in light of the IMO audit, that became mandatory as of 2016, a QMS would likely be introduced as a consequence in any case. The introduction of having a certified QMS as a mandatory requirements in the FSD was therefore a cost but not an administrative burden.

Accident Investigation

The AID increased the administrative burden to AIBs as it increases the reporting requirements both in quantitative (reporting on serious accidents) and qualitative terms (reporting put on a more demanding basis due to EMCIP). It is hard to see how the administrative (mainly reporting) burden could be reduced maintaining the same high standards of reporting.

At the same time, it is noted that the survey outcomes point to a different picture, in which the burden and complexity of the AID are perceived to be relatively limited. As shown in the figure below, 74% mostly or fully disagreed that the provisions of the AID pose a burden, and 68% disagreed that the AID is complex. An explanation for this finding is that the AIBs are highly professionalised and that the respondents are well informed on the provisions and benefits of the AID.

Figure 6.3 Survey outcomes on the efficiency of the AID (n=19)



Source: Survey.

Several points for improvement were identified as well. Some AIBs pointed to difficulties about the definitions of injuries. For instance, the definition of serious marine injuries was considered not clear enough, which in turn leads to an over-reporting of incidents. A clarification and harmonisation of the definition is considered potentially beneficial regarding reduction of workload. In the same line of thinking, overall harmonization with safety regulation of other modes (aviation, rail) would simplify the work of multi-modal investigation bodies.

6.2.1. Conclusion response to the evaluation question

The FSD is experienced as relatively simple and does not impose a substantial administrative burden on maritime administrations. This follows logically from the few provisions and because the requirements also follow from other (inter)national regulation. Burdens are therefore not necessarily associated with the FSD.

The AID is also not experienced as burdensome and complex, in strong contrast to the EMCIP database, which follows from the Directive. An explanation for this finding is that the AIBs are highly professionalised and that the respondents are well informed on the provisions and benefits of the AID. Stakeholders did indicate however that some definitions of incidents need to be clarified and, ideally, be harmonised amongst various modes. Such would particularly benefit multi-modal accident investigation bodies.

6.3. Conclusion on Efficiency

The FSD is experienced as a relatively simple Directive and does not impose a substantial administrative burden on maritime administrations. It is also noted that most of the requirements under the FSD also follow from IMO conventions. Therefore the Directive is not regarded as complex and burdensome.

While the AID is considerably more expansive in terms of provisions, it is generally also not regarded as complex and burdensome. An explanation for this finding is that the AIBs are highly professionalised and that the respondents are well informed on the provisions and benefits of the AID. Stakeholders did indicate however that some definitions of incidents need to be clarified and, ideally, be harmonised amongst various modes. Such would particularly benefit multi-modal accident investigation bodies.

One element of the AID is nevertheless regarded as complex and resource intensive, namely the use of the EMCIP database. The difficulties of using the database combined with the reporting requirements, makes that the usage of EMCIP is considered by many to be disproportionate to its added value. As such, the introduction of the updated more user-friendly version of EMCIP is welcomed by stakeholders.

7. COHERENCE

This chapter presents the conclusions of the analysis related to the defined coherence evaluation question, based on the results of desk research, interviews, stakeholder survey and the open public consultation. Each evaluation question is scored on its underlying evaluation criterion.

7.1. Q12: Coherence with EU maritime safety

Q12: To what extent are the Directives internally coherent and complementary to the other maritime safety legislation such as port state control inspections and flag state surveys (delegated to RO or not) which provide for systems of regularly scheduled and/or targeted ex ante inspections? Are there any gaps or overlaps?

7.1.1. Coherence between the FSD and the AID

The FSD and the AID together with the Port State Control (PSC) Directive aim to form a coherent system. Ultimate goals of the Directives are increasing safety of shipping and environmental protection. The relevant international conventions aim to achieve the same goals. Flag States are the primary responsible party for ensuring that ships are in compliance with the rules laid down in the respective international conventions. This principle is laid down in article 94 UNCLOS and is repeated in the FSD.

Reality has shown that not all flag States are taking up this responsibility and several of them are reluctant to enforce those rules. Therefore, this first line of defence is not always working. In order to combat flags that do not live up to the required safety standards, a second line of defence is offered by port State control. Especially within the Paris Memorandum of Understanding on Port State Control (Paris MoU), more targeted controls - focusing on the compliance with international conventions - are put forward. Ships entering a port of a Paris MoU signatory State can be subject to inspection. Based on previous experiences with certain flags (and the safety record of particular ships), controls can be held more or less frequently. The Paris MoU presents every year an overview of flag performances. The flags are divided between three lists; the white, grey and black list. Ships flying a flag that is included on the white list often complies with the international standards and therefore are less frequent subject to inspections, while ships flying a flag on the grey and black lists do often not comply with international standards. Therefore, ships flying those flags could be banned from EU ports. Port State control has become part of EU legislation through Directive 95/21/EC as amended by Directive 2009/16/EC (and recast).

When accidents occur, the AID becomes especially important. This Directive is the third line of defence and obligates Member States to investigate very serious marine accidents, which involve loss of life or loss of the ship. The investigation should result in lessons learned and should provide recommendations to avoid similar accidents in the future.

First part in answering question 12 is an assessment of coherence between the FSD and the AID. As described above, the PSC Directive is closely linked to the other two and therefore all three have been jointly assessed. The following conclusions can be drawn:

- **Purpose:** the purpose of the FSD and AID is the same. Both Directives aim to improve maritime safety and to minimize prevention of pollution by ships. The purpose of PSC, namely ensuring that ships certified actually comply with the requirements and thereby reducing the number of non-compliant ships (what is generally called 'substandard' shipping), is closely linked to the purpose of the FSD and AID. Reducing substandard shipping is a specification of improving maritime safety and more specifically of ensuring as far as PSC can, the level playing field on both the EU and global level;

- **Scope:** the scope of the three directives differs:
 - The FSD focuses on ships flying the flag of the Member States;
 - The AID also applies to all ships flying the flag of the Member State, but adds all ships (irrespective their flag) involved in an accident in the Member State's territorial sea and all accidents in which the Member State has a substantial interest. This latter group can refer to all ships (irrespective their flag) as well. Often a national of the Member State is involved in the accident;
 - The PSC Directive applies to all ships visiting a Member State's port, but explicitly excludes all ships flying the flag of the port State. Therefore, the Directive applies to all ships visiting a port in a particular Member State, except for the ships that fly the flag of that particular Member State.

Overall, it can be concluded that the scope of the Directives differ. The AID, while part of the flag State obligations, is more extensive than the FSD. Flag State responsibility is continuous, more specifically it applies before and during a ship in operation, while the AID is more related to a situation post-event. The importance of the latter is that any outcome can be used as input for avoiding such situations from happening again and therefore contributes to continuous improvement of maritime safety in a factual unbiased way. Together they form a coherent structure for ensuring flag State and port State responsibilities (the coastal aspects are regulated in the VTMIS Directive), and ensure the international structure based on flag State responsibility as first line of defence.

- **Definition of a 'ship':** The definition of a 'ship' used under the FSD and PSC Directive are highly similar and as a result, a ship is defined in the same way. In the AID, no explicit definition of a ship is considered. However, based on the exemptions included in Article 2 (2) AID it can be concluded that the definition of a ship under the AID is similar to that of the other two Directives;
- **Exemptions:**
 - In the FSD, no explicit reference to any exemptions seems to be made. One may conclude that the Directive applies to all ships, as long as they fall within the scope of one of the IMO Conventions;
 - Both the PSC and AID do contain provisions with exemptions. These exemptions are more or less similar. Nonetheless, some minor differences seem to exist. For instance, the AID does not apply to fishing vessels smaller than 15m, while the PSC does not at all apply to fishing vessels.

For a more detail comparison of the three Directives, please refer to Annex 8.

Although the three Directives do differ with regard to scope, definition of a ship and exemptions, they are overall coherent. The differences can be explained by the fact that the three Directives all complement in contributing to the overarching objective of improving maritime safety.

7.1.2. Coherence of the Flag State Directive with other maritime related legislation

In relation to other EU maritime legislation

Besides the Flag State Control Directive, several other flag State related Regulations and Directives have been adopted. Most of them relate to the Recognised Organisations (ROs), who can, on behalf of a flag State, conduct some of the necessary flag State related inspections, e.g. during the construction and classification stage of a ship. The most important Directives and Regulations are:

- Regulation (EC) 391/2009 introduces common rules for ship inspection and survey organisations aim to ensure that safety at sea is increased and pollution is prevented;
- Directive 2009/15/EC also introduces common rules for ship inspections, survey organisation and relevant activities of maritime administrations;

- Commission Regulation (EU) 788/2014 lays down rules on penalties and fines in order to implement articles 6 and 7 of Regulation 391/2009. It also lays down rules on the withdrawal of recognition of ship inspection;
- Commission Decision 2009/491/EC lies down criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment.

In the Commission Communication (2015/C 162/06) a list of organisations recognised on the basis of Regulation (EC) 391/2009 is included.

The FSD introduces flag State obligations on Member States when acting as a flag State. This means that each Member State, when acting as a flag State, needs to ensure that ships flying their flag comply with international standards, that the ship's safety is guaranteed and that ships flying their flag do not cause pollution. More practically, Member States need to assign personnel that needs to survey the vessels with regard to technical standards, needs to provide internationally required certificates and needs to ensure that a general safety level is achieved. Regulation 391/2009 provides Member States the possibility to outsource some of the flag State related activities to qualified Recognised Organisations (ROs). Therefore, Regulation 391/2009 can be seen as an operationalisation of the FSD. In other words, how the FSD can work in practice. However, it should be stressed that a Member State cannot transfer its responsibility to the ROs. In other words, ROs can perform certain operational tasks, but the Member State remains responsible in case something goes wrong.

Both the FSD and Regulation 391/2009 have the same aims; ensuring ship safety and preventing pollution. The provisions laid down in the Regulation are more specific than those in FSD (as the FSD provides the framework under which the Regulation works). During the analysis, no conflicting obligations between the two legal instruments were identified.

The other Regulations and Directives presented above are all supporting instruments to Regulation 391/2009. For example, Commission Regulation 788/2014 provides further rules and requirements for two specific articles of Regulation 391/2009; one on imposing fines to non-compliant ROs and one on the withdrawal of the recognition of the organisation. Also, the Commission Decision provides additional specifications of Regulation 391/2009. Together these four instruments form a coherent system and jointly they are a coherent operationalisation of the FSD and some of the obligations laid down therein.

In addition to the RO-related Regulations and Directives, other pieces of EU legislation are of importance:

- Directive 2013/54/EU aims to ensure that Member States as flag States discharge their obligations laid down in the Maritime Labour Convention 2006;
- Regulation (EC) 789/2004 deals with the transfer of cargo and passenger ships from one Community register to another;
- Directive 2012/33/EU amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels;
- Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues;
- Regulation (EU) No 1257/2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC;
- Regulation (EU) 2015/757 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC.

All these Directives and Regulation do focus on a specific flag State related obligation. For example, Directive 2013/54 incorporates the MLC2006 into the *European acquis*. It also provides the possibility to enforce in case a Member State is non-complaint with the adopted standards. Also, the other instruments aim to incorporate a specific part of international law (i.e. on ship recycling, carbon dioxide emissions, sulphur contents etc.).

They either aim to prevent pollution resulting from ships, to ensure that flag State obligations are fulfilled or a combination of both. During the analysis, no gaps have been identified. For a detailed analysis, please refer to Annex 8.

In general, the FSD and the *other EU maritime legislation* above mentioned seem to be coherent. No major gaps and overlaps have been identified during the evaluation. Only exception where an overlap may exist is between articles 4 and 6 FSD and Regulation 789/2004 on the transfer of registers for cargo and passenger vessels. While the scope is different and the FSD applies to all ship types, both the FSD and the Regulation require more or less the same type of information (nevertheless, for different purposes). This overlap was already noticed in the Staff working document on the implementation of Regulation 789/2004.⁴⁶ The document reports that Member States have been asked by the Commission whether or not the two instruments should be merged into one overall legislative instrument. The conclusion of the request was that Member States are not united in their opinion; some Member States are in favour of combining the two documents, some consider there is no merit in combining, while several others did not give their opinion. As this report is already some years old, it may be worthwhile to investigate again if integration is preferred.

During the stakeholder consultation, especially during the interviews, the potential overlap between the FSD and Regulation 789/2004 was highlighted as well. Also during the consultation, opinions seem to differ, which makes it difficult to conclude whether or not the two instruments should be integrated into one legislative instrument. In addition, stakeholders indicated that it is not always fully clear what information needs to be collected based on article 6 FSD and what information needs to be collected based on Regulation 789/2004. Some clarification from the Commission's side would be welcomed, as it will help maritime authorities to better fulfil their obligations.

The FSD is part of the *Third Maritime Safety Package*. Together with six other Regulations and Directives⁴⁷, this Directive aims to improve maritime safety, security and pollution prevention throughout the EU. In order to achieve these overarching goals, the Third Maritime Package puts emphasis on four topics:

1. The eradication of substandard vessels;
2. The emphasis on accountability, responsibility and liability;
3. The combination and integration of data;
4. Monitoring and reporting requirements.

The Flag State Control Directive mainly contributes to the first topic. The *ex-post* evaluation of the Third Maritime Package⁴⁸ concluded that although the main aim of the FSD is to eradicate substandard vessels, the contribution of the Directive in its current form is limited. Main reason given is that most Member States already fulfilled the objectives laid down in the Directive. For those countries, the Directive did not bring much new. For a minority of the Member States the Directive could have some impact, especially those on the Grey List. For those countries, some additional obligations were introduced.

A second point discussed in the *ex-post* evaluation is the lack of clarity whether or not the FSD applies to secondary and overseas registries as well. As indicated in Chapter 4, the Directive itself states to be applicable to all registries, and therefore all EU flagged vessels would fall within the same regime, but for stakeholders it is a point of discussion. The lack of clarity raised in the *ex-post* evaluation was reconfirmed in this study. Some

⁴⁶ COM(2015) 195 final.

⁴⁷ Directive 2009/16/EC (on Port State Control), Directive 2009/15/EC and Regulation 391/2009 (on ship inspection and survey organization), Directive 2009/17/EC (on vessel traffic monitoring), Directive 2009/18/EC (on investigation of maritime accidents), Directive 2009/20/EC (on insurance for ship-owners for maritime claims) and Regulation 392/2009 (on carrier liability).

⁴⁸ Milieu (2015).

stakeholders mentioned that the FSD is not at all or only partially applicable, leading to different flag State regimes throughout the EU.

With regard to the last topic – monitoring and reporting requirements – the FSD like all other legislation adopted, seems to contribute and be part of a coherent set of rules and obligations. The reporting of national maritime administrations has become more harmonised. The impact of the FSD on the other two topics is less, according to the *ex-post* evaluation.

The general impression that the FSD is coherent with other EU maritime related initiatives, both the above-mentioned legal instruments and the Third Maritime Package, is shared by the respondents to the target stakeholder survey. 21 out of the 23 respondents indicated that they mostly or fully agree with the statement that the FSD is coherent with other EU maritime legislation. One port state inspectorate indicated to mostly disagree with the statement, while one port did not comment to the statement. None of the stakeholders indicated to be in full disagreement with the statement.

In relation to IMO legislation

In order to assist States in the implementation of the IMO conventions and protocols, the IMO has adopted the *IMO instruments implementation Code* (III-Code). The Code recognises that the role of individual States can be different. Some States will have a larger role as flag State than as port and coastal State (e.g. landlocked countries or countries with a very small coastline); while other States will have a larger role as port and coastal State rather than as flag State (second paragraph III-Code).

In order to facilitate the differences between the roles of an individual State, the III-Code indicates for each of the three different roles (flag, port and coastal State) how the IMO conventions and protocols need to be implemented, enforced and evaluated. It also highlights what the minimum requirements for each of the three different roles are, i.e. what is required from a State in each role.

As most of the conventions and protocols are based on the flag State principle, the III-Code is mostly elaborating on the obligations of flag States. The Code for example highlights what needs to be done to delegate inspection obligations to Recognised Organisations (paragraph 18) and what is needed for marine safety investigations from a flag State perspective (paragraph 39). For the other two roles, fewer requirements are included in the Code. The Code provides in its Annexes 2 - 4 non-explicit lists of specific obligations that further indicate what States have to do under IMO.⁴⁹

In relation to IMO legislation, some stakeholders consulted see a duplication of regulatory efforts. The FSD is regulating more or less the same topics as IMO; however, as legislation comes from two sources (EU and IMO), it puts a regulatory burden on Member States; i.e. they have to implement both IMO and EU legislation. In addition, several stakeholders indicated that the FSD is no longer fully in line with the IMO III-Code and the IMO RO-related legislation. Due to a deviation some inconsistencies occur, which should be taken away in order to ensure a well-functioning international legal system. This means that the FSD needs to be slightly adapted and brought into accordance with mainly the IMO III-Code. A concrete example was given by Lloyd's Register who highlighted that differences in definitions used in IMO legislation and the RO Codes – which are closely linked to the FSD – occur. The differences in definitions used, lead to problems for the ROs as they are confronted with the different legal regimes, to which they both need to comply.

⁴⁹ Annex 2 for flag State obligations, Annex 3 for coastal State obligations and Annex 4 for port State obligations.

Although several of the stakeholders interviewed expressed concerns related to the coherence between the FSD and IMO legislation, stakeholders responding to the targeted survey are of the opinion that the FSD and IMO legislation are (mostly) coherent. Nine out of the 23 indicated they full agree with the statement that the FSD is coherent with IMO and 12 respondents indicated they mostly agree. Also for this statement, one port state inspectorate indicated to mostly disagree with the statement, and one port did not comment to the statement. None of the stakeholders indicated to be in full disagreement with the statement.

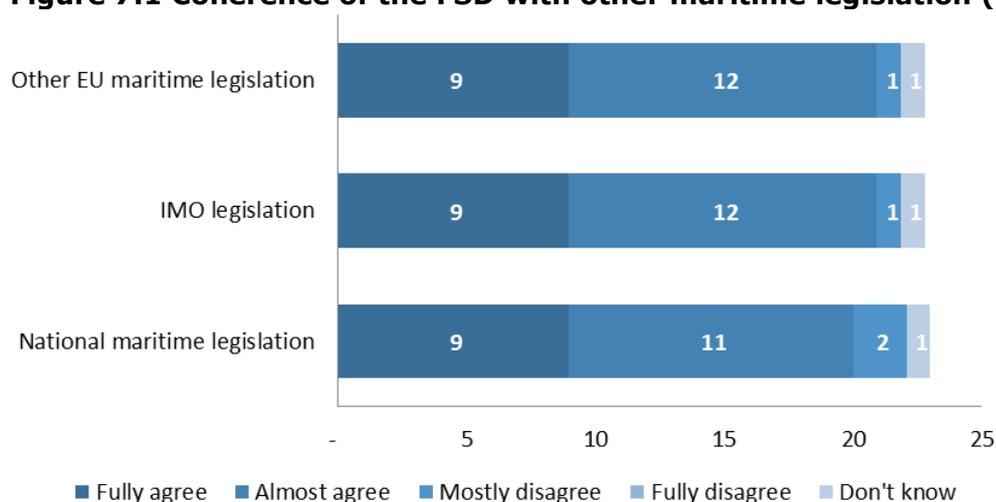
In relation to national legislation

In relation to national law, it seems that all national rules in Member States are fully in line with the FSD requirements. Therefore, there does not seem to be a need for national legislative efforts to bring national systems in line with the FSD.

This view is confirmed by most of the respondents in the targeted survey. 20 out of the 23 respondents indicated that they (mostly) agree with the statement that national legislation is coherent with the FSD. Only two Recognised Organisations indicated to mostly disagree. They highlighted that national efforts are still needed to bring the national system in line with the FSD requirements. One respondent, a port, did not comment to the statement. None of the stakeholders fully disagreed with the statement.

The figure below presents the outcomes of the target survey on the statement whether or not the FSD is coherent with (i) other EU maritime legislation, (ii) IMO legislation and (iii) national maritime legislation.

Figure 7.1 Coherence of the FSD with other maritime legislation (n = 23)



7.1.3. Coherence of the Accident Investigation Directive with other maritime safety related legislation

In relation to other EU maritime legislation

Similar to the Flag State Control Directive, also the Accident Investigation Directive is supported by *other pieces of EU maritime legislation*. In order to let the AID function, two pieces of secondary legislation were adopted:

- One to establish a common methodology for investigating marine casualties and incidents⁵⁰;
- One to create a permanent cooperation framework of national investigative bodies to enhance cooperation amongst them⁵¹.

⁵⁰ Commission Regulation (EU) NO 1286/200120012011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council.

The general view held by stakeholders is that the AID is coherent with other EU maritime related initiatives. No clear gaps or overlaps were mentioned during the interviews. Although stakeholders are of the opinion that the AID is coherent with other EU maritime legislation, some doubt whether the AID is coherent with accident investigation legislation in other sectors, e.g. rail and air transport are mentioned. One stakeholder explicitly highlighted that the definitions used for casualties in the AID differ from definitions used in other transport areas. In rail and air transport, casualties are differently defined, which could make investigations conducted by investigators from multimodal accident investigation bodies a bit more complicated. They indicate to perceive some problems in performing their work sufficiently as investigators cannot easily switch between the different fields, as the procedures are not harmonised.

As indicated in the previous section, also the Accident Investigation Directive is part of the *Third Maritime Safety Package*. According to the *ex-post* evaluation⁵² the main contribution of the AID to the four topics described before, is the introduction of harmonised reporting standards with regard to accident investigation. The study concluded that at that time it was difficult to indicate whether the accident investigation bodies were contributing to this goal, as the Directive had not been in force for long. The study also highlighted that it was sometimes difficult to track down the public accident investigation reports on the national websites and that the data analysis based on EMCIP data was difficult. Especially the points regarding the difficulty of reporting to the EMCIP database and the data received from the database were frequently mentioned during the stakeholder interviews. Nevertheless, most interviewees were hopeful that in the near future, with the introduction of EMCIP II, these problems would be solved and that reporting would become easier and EMCIP output could be better used.

In the targeted stakeholder survey 15 respondents out of the 21 reflected that they (mostly) agree with the statement that the AID is coherent with other EU maritime legislation. Five respondents, among them four accident investigation bodies and one port, indicated that they have no opinion regarding this statement. One accident investigation body indicated to mostly disagree, while none of the respondents indicated to fully disagree.

In relation to IMO legislation

With regard to the coherence between the AID and IMO legislation stakeholders consulted held a more mixed view. Although most stakeholders indicated that in general the AID and IMO are in line, many also pointed out that with the adoption of the IMO III-Code differences in definitions occur. The different definitions of incidents, casualties and injuries lead to differences in the scope of application of the two instruments. Several stakeholders indicated that it would be beneficial to adapt the AID to the new IMO definitions so that the rules to accident investigation are uniform and harmonized. Harmonisation between EU legislation and IMO legislation is seen as very important by a wide variety of stakeholder groups.

The view above is confirmed by the stakeholders responding to the target survey. Although the majority of stakeholders (18 out of the 21) indicated that they agree that the AID is coherent with IMO legislation, 15 of them indicated to be of the opinion that the AID is partially coherent. Especially the differences in definitions used for serious incidents, result in less coherence between the AID and IMO legislation. Two accident investigation bodies indicated that they mostly disagree with the statement, while one port was not able to respond.

⁵¹ Commission Implementing Regulation (EU) No 651/2011 of 5 July 2011 adopting rules of procedure of the permanent cooperation framework established by Member States in cooperation with the Commission pursuant to Article 10 of Directive 2009/18/EC of the European Parliament and of the Council.

⁵² Milieu (2015).

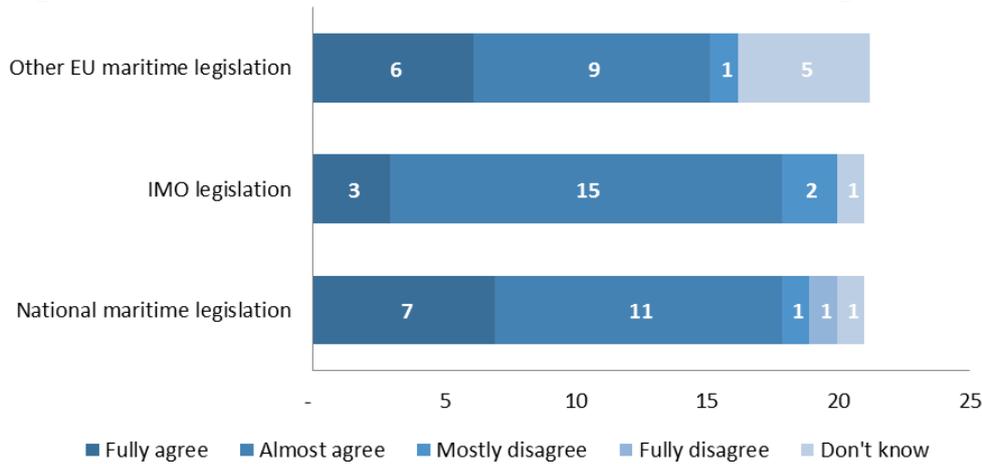
In relation to national legislation

None of the interviewees mentioned coherency problems between the AID and their national legal system. Therefore, it seems that all national systems are in line with the requirements laid down in the AID.

The majority of stakeholders (18 out of the 21) (mostly) agree with the statement that the AID and national legislation are coherent. Only one stakeholder, an accident investigation body, indicated that he/she mostly disagrees with this statement. Another accident investigation body fully disagrees with the statement. One port was not able to respond. The two stakeholders not agreeing with the statement indicated that some national efforts are still required to bring the national system in line with the requirements laid down in the AID.

The figure below presents the outcomes of the target survey on the statement whether or not the AID is coherent with (i) other EU maritime legislation, (ii) IMO legislation and (iii) national maritime legislation.

Figure 7.2 Coherence of the AID with other maritime legislation (n = 21)



Source: Survey.

7.2. Conclusion on Coherence

The evaluation question asks whether the two Directives (FSD and AID) are coherent. As the Port State Control Directive is important, as the so-called second line of defence, the PSC is included in this analysis as well. The analysis showed that on a high level the three directives are coherent. On minor points, the Directives deviate, however this can be explained by their individual rationales and objectives, which ask for different approaches.

Based on the research no clear signals have been encountered that indicate that the FSD and AID are not coherent with the other Directives and Regulations included in the Third Maritime Safety Package. With regard to other EU (maritime) legislation, it should be noted that stakeholders identified an overlap between the FSD and Regulation 789/2004. However, it became clear that opinions on whether or not those two instruments should be integrated into one instrument differ substantially between stakeholders.

In relation to IMO legislation, some stakeholders see a duplication of regulatory efforts. The FSD is regulating more or less the same topics as IMO; however, as legislation comes from two sources (EU and IMO), it puts a regulatory burden on Member States; i.e. they have to implement both IMO and EU legislation. In addition, several stakeholders indicated that the FSD is no longer fully in line with the IMO III-Code and the IMO RO-related legislation. Similar views regarding the coherence between the AID and the IMO III-Code were identified, for instance because the different definitions of

incidents, casualties and injuries lead to differences in the scope of application of the two instruments.

For both Directives, it can be concluded that the national legal system are fully coherent with the FSD and AID. As a result, no legal efforts at a national level are required to bring the national systems in line with the EU system.

8. EU ADDED VALUE

This chapter presents the conclusions of the analysis related to the defined EU added value evaluation question, based on the results of desk research, interviews, stakeholder survey and the open public consultation. The evaluation question is scored on its underlying evaluation criterion.

8.1. Q13: EU added value compared to national and international regimes

Q13: What has the EU interventions added to the work being done by MSs either individually or within the context of the IMO?

8.1.1. Added value of the EU interventions compared to national and international regimes

Flag State Control Directive

The FSD has formulated several additions to the international legal system. The main additions made by the FSD are:

- The mandatory IMO auditing for EU Member States (recital 8 and article 7);
- The introduction of a quality management system (recital 9 and article 8);
- Flag registration and exchange of safety records (recitals 6 and 7 and articles 4 and 6).

In addition to those explicitly formulated provisions, the FSD also aims to introduce a mechanism to ensure that all EU Member States fulfil their obligations as flag States and to provide possibilities to enforce the rules in case of non-compliance of one or more Member States. Hence, a mechanism has been created that aims to enforce the international legislation.

Each of those additions is elaborated on below.

IMO audit (article 7)

Until 1 January 2016, the IMO audits were, under the international regime, voluntary for all IMO Members. A member could request an audit if preferred, but no international obligations to undergo an audit existed. The FSD introduced a mandatory audit for all EU Member States in order to help Member States to further improve their performance as flag States (recital 8). Article 7 lays down the obligation to request an audit every seven years and publish the outcome of the audit.⁵³ Since 1 January 2016, the IMO audit is mandatory for all IMO Members and as a result, article 7 FSD expired.

Most stakeholders, mainly flag State administrations, perceive the mandatory IMO audit as the main value added of the FSD. One stakeholder highlighted that the IMO audit brought together all relevant national stakeholders, which was seen by this stakeholder as a benefit. Another stakeholder appreciated the IMO audit as it provides the possibility to get external confirmation that the maritime administration and the flag meet high quality standards. As pointed out by several administrations and ship operators, a high quality is essential in shipping. It leads to a competitive advantage over flags and administrations that are performing less well and therefore lack in their quality and service levels.

⁵³ The outcomes published may be different. What is published strongly depends on the relevant national legislation on confidentiality.

Although many stakeholders see the IMO audit as a value added, they also state that Article 7 has lost its value, now that the IMO audit has become mandatory for all IMO members. There is no need to have a separate EU provision on the IMO audit. As they see the IMO audit as the main value added of the FSD, some stakeholders question the current added value of the FSD. Several even plead to repeal the Directive as it only leads to a duplication of legal efforts – the same topics are regulated by both the EU and IMO.

Quality management system (article 8)

The FSD also requires that Member States obtain an ISO or equivalent certification for their administrative procedures. Such a certification would help to ensure a level playing field between administrations throughout the European Union. Deadline for developing, implementing and maintaining such a quality management system was set for 17 June 2012 (article 8).

Although many stakeholders indicate that quality of the services provided as well as the quality of the flag are vital in international shipping, almost none of the stakeholders indicated that the requirement to introduce a quality management system is seen as a value added. Only one respondent in the OPC remarked that *'The quality certification of administrative procedures in accordance with the ISO standards ensures that Member States effectively discharge their obligations as flag States to enhance safety and prevent pollution from ships.'*

Several of the flag State administrations mentioned that they already had a quality management system in place. For them, article 8 is a codification of standing practices. Although the requirements laid down by the IMO are not similar to the ones laid down in the FSD (i.e. the IMO system does not have to be ISO or equivalent certified), many administrations indicated that they would have opted for a certified system, even when there was only an IMO requirement.

Several others indicated that they formally introduced a quality system; however, they already had their own quality system in place. Overall, stakeholders do not see article 8 as a value added of the FSD, mainly because they already had some sort of system in place. The Directive however may have contributed to ensure that it is a system certification in accordance with international quality standards.

Flag register information and exchange of safety records (articles 4 and 6)

The Directive aims to increase transparency. On the one hand, transparency will be increased by sharing safety records of ships transferring from one register to another (recital 6) and on the other hand, this is done by ensuring that ship information is available at the flag State registry (recital 7). Aim of this latter obligation is to improve transparency on fleet performance and contribute to a better monitoring of flag State obligations. Ultimately, this would lead to a level playing field between administrations.

Stakeholders do not see these requirements as value added. They indicate that the exchange of information is already regulated by Regulation 789/2004 and in their opinion, this Regulation is sufficient. According to stakeholders, there is no need to also have similar obligations included in the FSD.

As was already mentioned in the chapter on Coherence the overlap between the FSD and Regulation 789/2004 was also noticed in the Staff working document on the implementation of Regulation 789/2004.⁵⁴ As indicated, Member States were, at that time, not united in their opinion whether or not the two documents need to be

⁵⁴ COM(2015) 195 final.

integrated. Based on recently collected information it seems that stakeholders do not see the need for having similar provisions included in both the FSD and Regulation 789/2004.

One stakeholder also explained that the provision on the exchange of safety records does not add value as it was already standing practice for ROs to send the safety records to the receiving flag State once a vessel changes flags within the EU. According to the stakeholder, this happened already, long before the adoption of the FSD. The exchange of safety records is also done based on Regulation 789/2009. The provision in the FSD therefore, does not add anything new and as a result, the FSD would not be needed to organise this exchange.

Enforcement opportunity / harmonisation

As indicated in the introduction to this section, the FSD also aims to introduce a mechanism to ensure that all EU Member States fulfil their obligations as flag States. The rationale by the co-legislators behind adopting a framework Directive was - while awaiting the outcome of the III-Code negotiations within IMO - to (i) lay down at least a legal frame for Member State as Flag States and (ii) ensure that all Member States were legally bound to take the appropriate action to guarantee respect for the International rules applicable to their flagged vessels as part of the safety policy as well as part of the first line of defence against an un-level playing field in international maritime transport. Therefore, the Directive lays down the minimum rules that should ensure that all EU Member States with an active flag also fulfil their international obligations. More specifically, enhance safety and prevent pollution from ships flying the flag of one of the Member States.

These objectives also form the core of all IMO legislation, which aims to increase maritime safety and prevent pollution from international shipping. In general, EU Member States implemented the IMO Conventions and were living up to the standards. Nevertheless, some Member States were lacking behind in fulfilling their international obligations. By adopting a Directive, the same minimum requirements were set for all Member States with an active flag. Therefore, as was also confirmed by several stakeholders, the Flag State Directive brings consistency between the maritime authorities in all EU Member States by providing a common base and set common obligations. In case a Member State is not fulfilling its obligation as a flag State, it is possible for the Commission to start an infringement procedure and to resort to the European Court of Justice when needed. Such enforcement powers are not available under the IMO system and the IMO does not have possibilities to sanction State Parties not fulfilling their flag State obligations. A State not living up to international standards can get away with it without further consequences (under the international regime).

Consistency in the way of working and the possibility of enforcement by the Commission are important and the Flag State Directive contributes to these objectives. This is seen as an added value of the Directive.

Accident Investigation Directive

The AID has formulated several additions to the international legal system. The main additions made by the AID are:

- Creation of an independent accident investigation body (article 8);
- Establishment of the Permanent Cooperation Framework (article 10);
- Design of a European database for marine casualties (article 17).

In addition to those explicitly formulated additional, the AID also aims to introduce a standardized approach for accident investigation and reporting. As a result of this standardisation, accident investigations are conducted in a harmonised way and reports mutually are comparable.

Each of those additions is elaborated on below.

Creation of an independent AIB (article 8)

Article 8 (1) states that each Member State needs to ensure that safety investigations are conducted under the responsibility of *an impartial permanent investigative body* which is endowed with the necessary powers. This investigative body also needs to have suitable qualified investigators who are competent in matters relating to marine casualties and incidents. The second paragraph explicitly states that the investigative body needs to be independent in its organisation, legal structure and decision-making of any party who may have a conflict of interest. This entails that an investigative body cannot be part of the flag State authority, the Ministry responsible for maritime safety or any other relevant governmental institutions.

With regard to landlocked countries article 8 (1) states that *landlocked member States which have neither ships nor vessels flying their flag will identify an independent focal point to cooperate in the investigation pursuant to Article 5(1)(c)*. By laying down this obligation on landlocked countries, the total number of EU Member States affected by the AID is higher than for any other EU maritime legislation, as landlocked countries often do not have to oblige with maritime legislation in case they do not have ships flying their flag. Nevertheless, they are affected by the AID and the AID puts obligations on them.

As presented in Section 5.3, 26 Member States currently have an accident investigation body in place. Czech Republic and Slovakia have not established an AIB, however, based on article 8 (1) third paragraph landlocked countries without ships and vessels flying their flag do not have to establish a full AIB. They can fulfil their obligations by identifying an independent focal point. This focal point can be involved in an accident investigation in case the Member State has a substantial interest (article 5) in the casualty or incident.

Out of the 26 Member States where an AIB is established,⁵⁵ 14 AIBs have been established since 2009. During the stakeholder interviews it became clear that in some of those 14 countries, for example Poland, an accident investigation unit was already established before the adoption of the AID, but that this investigative unit did not fulfil the requirements as laid down in the Directive. Such units were not fully independent as they were part of the Ministry that is also responsible for the safety regulations.

In other countries, no AIB existed yet and the AIB has been created, as this was required by the Directive. Examples are Belgium and Portugal. The interviewees indicated that without the AID, probably no investigative body would have been created.

Stakeholders also indicated that the creation of independent AIBs led in some Member States, for example Greece and Portugal, to the possibility to conduct technical safety investigations. In Portugal, it was only possible to conduct a criminal investigation. As a result, all investigations into maritime casualties and incidents were governed by national criminal law. In Greece, the investigation was based either on criminal law or administrative law (in order to establish liability). It was not possible to conduct an investigation that only resulted in safety recommendations (as is required by the IMO). The AID in general and the creation of an independent AIB in particular provided those countries with the opportunity to investigate a casualty or incident without following the criminal or administrative law procedures.

Overall, stakeholders, especially the relevant Ministries and the AIBs, seem to value the creation of independent investigation bodies. One stakeholder expressed that: *'the obligation to introduce an accident investigation body resulted in the situation where in each Member State an investigative body is in place which is also actively involved in accident investigations.'* This is seen as a clear value added. Another stakeholder indicated that, although it is a good thing that the AIB has become independent, the

⁵⁵ Only two Member States not having established an AIB are the Czech Republic and Slovakia.

investigative body also lost quite some expertise as the most experienced people work for the Ministry and did not move to the investigative body.

Establishment of the Permanent Cooperation Framework (article 10)

The establishment of a Permanent Cooperation Framework (hereinafter PCF) is required by article 10 AID. This article states that Member States shall, in close cooperation with the Commission, establish a PCF that enables the investigative bodies to cooperate among themselves to the extent necessary to attain the objectives of the AID. More specially, the PCF should focus on the following areas for cooperation (article 10(3)):

- Sharing of installations, facilities and equipment for the technical investigation of wreckage and ship movement (3(a));
- Providing technical cooperation or expertise when needed (3(b));
- Acquiring and sharing information relevant for analysing casualty data and making safety recommendations at the Community level (3(c));
- Drawing up common principles for the follow-up of safety recommendations (3(d));
- Managing the early alerts referred to in article 16 (3(e));
- Establishing confidentiality rules for the sharing of witness evidence (3(f));
- Organising relevant training activities for individual investigators (3(g));
- Promoting cooperation with investigative bodies of third countries (3(h));
- Providing investigative bodies conducting investigations with any pertinent information (3(i)).

Stakeholders interviewed indicated that the establishment of the Permanent Cooperation Framework is seen as a valuable asset. Many explained that the Framework had some start up issues and that it took longer than envisaged before the Framework was actually up and running. This was mainly due to the large differences in maturity and resources of the different AIBs. The application of the AID therefore also has been a challenge. However, recently the PCF became more successful. For example, in 2016 a successful seminar was held in which Member States exchanged best practices.

Several stakeholders mentioned that the PCF contributes to establishing good contacts between countries, for instance the Dutch and Belgian AIBs shared this opinion. People get the chance to meet and once people have seen each other it is easier to get in contact again. One stakeholder mentioned that: *'the personal relations developed have been very important and are utilised'*. The face-to-face contacts helped many AIB representatives and ultimately will benefit the accident investigations. People know who to contact and what to do.

The views presented above, were confirmed by the respondents of the target survey, where 95% of the respondents (18 out of 19) agree with the statement that the PFC contributes to the sharing of information among AIBs.⁵⁶

Others indicated that because the legal systems in the EU Member States are very diverse it can be very challenging to exchange information. Nevertheless, the PCF helps to exchange experiences and creates understanding amongst Member States. One stakeholder indicated that he/she became more aware of the legal, mainly privacy related, differences between several Member States. Having some knowledge about the differences, enables the stakeholder to better request information in ways that are also open for other Member States. In addition, stakeholders mentioned that EMSA has been very instrumental in supporting and helping the PCF, which was widely appreciated.

⁵⁶ For more information, please refer to evaluation question 9.

Some stakeholders also indicate that it is relatively 'easy' to participate in the PCF. Members get their travel expenses refunded (i.e. actual travel costs and hotel). Also no additional costs are requested, which makes it easy to attend the meetings (not all AIBs do have a large budget, which enables them to travel much).

Design of a European database for marine casualties (article 17)

Article 17 (1) requires that data on marine casualties and incidents shall be stored and analysed by means of an European Electronic database. It is also highlighted that this database shall be known as the EMCIP database (European Maritime Casualty Information Platform). In the third paragraph it is laid down that the investigative bodies of the Member States shall notify the Commission of marine casualties and incidents and that they report on outcomes of the safety investigations. The notification to the Commission should be in accordance with the template laid down in Annex II of the AID and the safety reports have to follow the EMCIP database scheme.

Overall, stakeholders see a value added in the creation of an EMCIP database. Several indicate that they solely use the EMCIP database for the collection of accident data, while others have in addition a national database which is highly similar to the EMCIP database. Although the general opinion on having a database is positive, it should be remarked that most stakeholders also indicated that the first version of the EMCIP database was too complicated and time consuming. It was not straightforward which data needed to be included in the system and how the information in the system could be used. Others remarked that problems arise, as the Directive only appointed the AIBs to include data into EMCIP, while in some countries other organisations also have relevant information on accidents. In order to fulfil the requirements, the AIB has to collect all information, which is a time consuming process. Broadening the responsibilities to other organisations, would be welcomed.

Some stakeholders also mentioned that EMSA could do more with the data received of Member States, and this would benefit EU and national policies. This point was also raised in the OPC where it was stated that *'Flag State accident investigations are conducted by Member States and supported by IMO. It is believed that there is value in EU support to aggregate data and common methodologies across their Member States to facilitate 'like for like' comparisons of accident analysis.'*

The fact that EMCIP is difficult to use and that including information is a time consuming process was also confirmed by the responses to the target stakeholder survey. For a detailed analysis of the responses, please refer to the stakeholder consultation report.

Nevertheless, many stakeholders are hopeful that EMCIP II (the next version of the EMCIP database) will take away the burdens of the current EMCIP database. Stakeholders hope that entering information will become easier as categories and classifications will become more harmonised. EMCIP II is seen as a real value added.

Harmonisation of accident investigation

Although not explicitly stated in the AID itself, the main value added of the AID is the harmonisation of accident investigations. As was highlighted above, not all Member States had an (independent) investigation body. The AID contains the obligation to introduce an accident investigation body. As a result, each Member State nowadays has an investigation body in place and is actively involved in conducting accident investigations.

In addition, not all Member States had the possibility to only conduct a technical investigation, which is required by IMO legislation. In some countries, only a criminal or administrative investigation could be conducted, following the criminal and administrative rules. Stakeholders interviewed value the fact that the AID provides the opportunity to conduct technical safety investigation. In addition, all technical investigations are

conducted in a similar way, which is a clear value added. In the OPC one stakeholder stated that *'By prescribing the way in which accidents should be investigated, the Directive gives more impetus to Member States than that provided by the IMO Code which, while containing some mandatory provisions backed up by its process of scrutiny and audit, does not have the same level of oversight or enforcement.'*

Others also pointed out, that the AID effectively brings EU legislation and national legislation in line with IMO regulation. Not all Member States were willing to follow the IMO guidelines, which led to a wide variety in accident investigations. The AID urges all Member States to take their responsibility in maritime accident investigation. The European Commission has the opportunity to enforce the Directive and thereby can ensure the effective implementation.

Since the adoption of the AID accident investigation has become more streamlined between the EU Member States, although some countries still have a long way to go. In those countries, the AIBs are still under development and/or resources are limited.

8.2. Conclusion on EU added value

Flag State Control Directive

The overarching added value of the Flag State Directive is that it brings consistency between the maritime authorities in all EU Member States by providing common base and set common obligations. Importantly, it ensures the effective implementation of IMO instruments and limits in some ways the high degree of discretion that MS may apply when implementing IMO conventions. Consistency in the way of working is important and the Flag State Directive contributes to this objective.

Besides this overarching value added, several specific obligations have been pointed out as areas of value added, notably the mandating of the IMO audit and the implementation of a quality management system.

The FSD contributed to the fact that the all EU MS underwent an IMO audit (bar two MS without a flag register). Stakeholders expressed the importance of the FSD in order to ensure that (1) MS actually will undergo an audit; (2) for the sake of a level playing field and, (3) to enhance the quality of the maritime administration and improve the flag performance.

With regard to the implementation of quality management systems, stakeholders indicate that having such a system in place generates value added as the quality of the flag State control is better ensured. Yet, they also note that such a system would likely be put in place prior to the next, now mandatory, IMO audit.

As the voluntary IMO audit became mandatory for all IMO members and EU Member States do have a quality management system in place, many stakeholders suggested that the FSD seems as a legal duplication of international efforts, causing some to argue in favour of the expiration of the FSD in its entirety. Notwithstanding the mentioned added value, it is acknowledged that the FSD could be altered in light of recent developments regarding the IMO Member State Audit Scheme.

Accident Investigation Directive

The main added value of the AID is that it effectively brings EU legislation and national legislation in line with IMO regulation. Not all Member States effectively implemented the IMO guidelines, which led to a wide variety in accident investigations. The AID mandates all Member States to take their responsibility in maritime accident investigations and led to the creation of AIBs in all MS.

The introduction of the EMCIP database resulted in an increasingly comprehensive reporting on marine incidents and contributes to a more insightful analyses and improvement of maritime safety. EMCIP also replaced several national databases, resulting in cost-savings too.

Since the adoption of the AID accident investigation has become more streamlined between the EU Member States, although some MS still have to few resources and capabilities to effectively perform the requirements as laid down in the AID. In that, sense there is a lack of compliance noted.

Overall, stakeholders agree that the AID contributed to the professionalization and harmonisation of accident investigation practices. This is perceived as a considerable added value.

PART III – CONCLUSIONS AND RECOMMENDATIONS

9. CONCLUSIONS

The conclusion section provides a recap on the concluding responses to the thirteen evaluation questions per evaluation criterion.

Relevance

EQ 1: To what extent are the framework requirements in the FS Directive, including the safety investigations required by the AI Directive, relevant and appropriate to the current needs?

Respondents indicated that the *flag State Directive* largely is relevant towards achieving cleaner, safer and harmonised shipping in the EU. The FSD's main relevance is related to transposition of international regulation into EU legislation. It thereby provides consistency in the regulatory framework across Member States and the effective application of international obligations.

The main development since the FSD came into force is that the IMO audit became mandatory for all IMO Members and that, as a result, Article 7 of the FSD has expired. The FSD in its current form is therefore not fully aligned with changes in IMO legislation.

In the opinion of some stakeholders, with the IMO Audit becoming mandatory, the added value of the FSD reduced. Stakeholders also remarked that with the introduction of the IMO III Code, which is broader and more detailed than the FSD, the FSD concerns a duplication of international legal efforts. At the same time it was noted that the relevance of the FSD is that it transposes international regulation and even though this, to some extent, is considered a duplication of international regulation, it provides for real enforcement possibilities.

The *Accident Investigation Directive* still corresponds to the needs of today's society. This view is also confirmed by the stakeholder consultation. The AID proved to be successful in reaching its original objectives, especially with regard to improving maritime safety. In addition, the Directive provides a consistent framework for conducting maritime accident investigations and ensures that accident investigations are conducted in a uniform and harmonised way throughout the EU. No changes, e.g. legal or technological, have been identified that affect the relevance of the Directive. It forms part of obligations incumbent on a flag State, also so established in the III-code, the difference being that it requires a truly independent AI body to be established by Law.

Effectiveness

EQ2: To what extent have MSs undergone IMO Flag State audits? What was the scope and coverage?

By 2016⁵⁷ all MS (bar two landlocked with no ships on their registers) had undergone the voluntary IMO Flag State audit, as required by the FSD.

A total of 18 MS underwent an IMO audit before the FSD had come into force. Seven more were audited between 2011 and 2015.

It is believed that Article 7 FSD incentivised some MS to volunteer for an audit. Without the provision, stakeholders considered it probable that some MS would have postponed the audit or not even volunteered for one. The example of Portugal that requested an audit only after EC action, and that of Belgium receiving two audits following the seven year provision in the FSD, are indicative of the Directive's impact.

⁵⁷ PT was the last EU MS to undergo the IMO Audit (in fact already under the mandatory scheme) in 2016.

EQ3:

a) Have MSs ensured follow up actions to the IMO audit?

b) Have MSs made the outcome of the audit available and to whom?

c) Does the requirements to publish the outcome of the audit ('peer review') play a role?

d) Transparency and availability of relevant information about ships registered under EU flag registers has been achieved?

According to the IMO VIMSAS framework, audited Member States are required to draw a corrective action plan to address the findings of the audit. The corrective actions are typically implemented in close coordination with the IMO audit team leader. EU MS reportedly are committed to the implementation of the identified action points, as part of continuous improvement in maritime safety.

The MS have not been equally willing to publish the results of the IMO audits. Only nine MS disclosed some information on the audit outcomes. Reasons for not doing so have been either the consideration that the general public is perceived as uninterested to access the reports, or follows from concerns regarding possible negative implications. Such include potential (internal) administrative or political consequences, as well as decreased confidence in the quality of the flag, which may have commercial consequences.

While most MS acknowledge the value of sharing audit information amongst IMO MS, only about half of them consider the public disclosure to be necessary. In that view, the FSD has yet to impact on the disclosure intention of MS.

Finally, regarding facilitating the sharing of vessel safety information, in cases of transfer of flag between EU MS, MS did and do store the minimally required information as per the FSD. The exchange of this information is found to be unproblematic as alternative exchange channels exist, like through the systems of ROs.

EQ4: To what extent the Directive has helped to avoid changes of flag register?

The impact of the FSD on flag transfers has been minimal because it does not directly target the drivers that inform ship owners to transfer to a different EU MS or third country flag. These drivers are today more related to the quality of service and the flag's fiscal regime, than to avoid a strictly applied safety regime.

Respondents indicated that today transfers between EU MS flag registers to evade environmental or safety regulation are unheard of. While such dynamics are acknowledged, they mostly concern transfers from the EU to non-EU registers. These transfers are not affected by the FSD.

An analysis of flag transfers between 2011 and 2015 shows that the number of intra-EU flag changes increased, whilst the number of changes from EU MS flags to third countries dropped. At the same time, the number of flag changes from third countries to EU flag States increased. Such may be indicative of an improved attractiveness of EU MS flags.

EQ5: To what extent EU MSs have ratified International Conventions?

A comprehensive analysis on the ratification of International Conventions is provided in Annex 5, which illustrates a high ratification rate.

It is not possible to conclude that the FSD or the declaration of 9 December 2008 on the ratification of IMO conventions directly led to an increased number of ratifications. However, a speeding up of the number of ratifications is observed and the declared intent in line with the main objectives of the FSD; to enhance safety and prevent pollution from ships flying the flag of a Member State as well as to fulfil one's

international obligations as a flag state are clear. The impact of Directive 2009/21/EC on the number of ratifications is therefore more indirect.

EQ6: To what extent MSs follow up on detentions under port State control (PSC) regimes of their flagged ships? How has MS PSC performance evolved since the introduction of the Directive?

EU MS as flag States have to a large extent standardised their follow-up procedures for when a ship is detained by a port State. The procedures are moreover consistently applied according to the interviewees and survey respondents. In addition, detention and deficiency analyses are commonly conducted to proactively support shipowners to identify weak spots and prevent a detention from happening.

The FSD did not have a strong effect on follow up procedures after an EU MS flagged vessel is detained. Stakeholders indicated that these procedures were established prior to the FSD came into force and alterations to the procedures are not specifically linked to the FSD. The FSD however importantly puts the responsibility for taking action following a PSC detention of their flagged vessel firmly with the FS in question, and ensure that all EU MS as FS actually do take action. The fact that several flag State administrations perform additional analyses on the flag performance, and communicate the findings with shipowners, highlights that many MS take their responsibilities as flag State very serious.

Nevertheless, the flag performance of EU MS has slightly deteriorated in the PMoU PSC regime, both in absolute and relative terms. This has led to an increase in grey listings of one MS in 2011 to three in 2015.

EQ7: To what extent the requirement that all MSs create an accident investigation body led to the expeditious holding of unbiased safety investigation?

After the AID came into force, the majority of MS had to (re-)establish their AIBs. Also, AIBs that were operational prior to 2011 have since seen a change in their reporting lines to comply with AID requirements. The grand majority of stakeholders responded that the AID has generally led to the strengthening of the AIBs' independence and their ability to conduct expeditious and unbiased investigations.

EQ8: To what extent are all Member States adequately resourced, including for their independent investigation body? Does this have an impact on effectiveness? Are there any gaps in coverage?

In most EU MS ROs are acting on a maritime administration's behalf for a large number of functions. The number of ROs active per MS differs between 1 and 11. By plotting the number of ROs against the employed FS inspectors, two models for FS administrations were identified. The dominant model in the EU entails few FS inspectors and a large role for ROs. The other model - as applied by France, Italy and Spain - suggests a higher number of FS inspectors and a smaller role for ROs.

Overall stakeholders indicated that FS administrations experience resource constraints in terms of staff and financial means. Whether this has an impact on RO, monitoring could not be conclusively stated due to the limited availability of data, but would be a reasonable assumption given that the responsibility as a FS cannot be delegated away.

AIBs were found to depend to a large extent on external expert support to perform for accident investigations. Many AIBs face staffing and financial constraints. Respondents do generally consider that this does not yet prevent them from fulfilling their obligations according to the AID. It was nevertheless reported that resource availability is considered when deciding to investigate accidents that are not classified as very serious. Consequently gaps in coverage do occur.

EQ9: What are the effects, if any, on the work of EMSA, both as regards the visits and inspections programme they carry out and as regards the support to MS in particular in the area of AI?

Across a range of topics stakeholders responded positively on the effects, that EMSA has on maritime safety and the quality of maritime administrations. From Interviews in EMSA (with staff qualified also as auditors of FS) it appears that there is no duplication on the IMO audit and the visits and inspection programme by EMSA, they rather complement each other; both having the same objective continuous improvement and help the auditee to help themselves in improving by providing an objective audit on their organisation and work as Flag, Port or Coastal State.

Particularly positive responses were received on the trainings on accident investigation that are provided by EMSA and regarding its support of the Permanent Cooperation Framework. The added value of operational support on marine incidents and data analysis were recognised to a lesser extent.

The administrative burden of the inspections was also commented on, which was especially hard felt by ROs. At the same time, it was acknowledged that efficiency gains were achieved, as ROs are no longer inspected in each individual MS.

Efficiency

EQ10: Is the system for record keeping and reporting (AI reports) established by the AI directive efficient?

The AIBs responding to the survey and interviews largely indicated that reporting through EMCIP brings a significant workload and is inefficient. The difficulties of using the database combined with the reporting requirements that are regarded as strict, makes that the usage of EMCIP is considered by many to be disproportionate to the added value. As such, the introduction of the updated more user-friendly version of EMCIP in 2018 is welcomed by stakeholders.

EQ11: Are there any potential areas of administrative burden reduction (for example regarding the EMCIP database) and simplification?

The FSD is experienced as relatively simple and does not impose a substantial administrative burden on maritime administrations. This follows logically from the few provisions and because the requirements also follow from other (inter)national regulation. Burdens are therefore not necessarily associated with the FSD.

The AID is also not perceived as burdensome and complex, in strong contrast to the EMCIP database which follows from the Directive. An explanation for this finding is that the AIBs are highly professionalised and that the respondents are well informed on the provisions and benefits of the AID. Stakeholders did indicate however that some definitions of incidents need to be clarified and, ideally, be harmonised amongst various modes. Such would particularly benefit multi-modal accident investigation bodies.

Coherence

EQ12: To what extent are the Directives internally coherent and complementary to the other maritime safety legislation such as port state control inspections and flag state surveys (delegated to RO or not) which provide for systems of regularly scheduled and/or targeted ex ante inspections? Are there any gaps or overlaps?

The evaluation question asks whether or not the two Directives (FSD and AID) are internally coherent. As the Port State Control Directive is important, as the so-called second line of defence, the PSC is included in this analysis as well. The analysis showed that on a high level the three directives are internally coherent. On minor points, the directives deviate; however, this can be explained by their individual rationales and objectives, which ask for different approaches.

Based on the research no clear signals have been encountered that indicate that the FSD and AID are not coherent with the other Directives and Regulations included in the Third Maritime Safety Package. With regard to other EU (maritime) legislation, it should be noted that stakeholders identified an overlap between the FSD and Regulation 789/2004. However, it became clear that opinions on whether or not those two instruments should be integrated into one instrument differ substantially between stakeholders.

In relation to IMO legislation, some stakeholders see a duplication of regulatory efforts. The FSD is regulating more or less the same topics as IMO; however, as legislation comes from two sources (EU and IMO), it puts a regulatory burden on Member States; i.e. they have to implement both IMO and EU legislation. In addition, several stakeholders indicated that the FSD is no longer fully in line with the IMO III-Code and the IMO RO-related legislation. Similar views regarding the coherence between the AID and the IMO III-Code were identified, for instance because the different definitions of incidents, casualties and injuries lead to differences in the scope of application of the two instruments.

For both directives, it can be concluded that the national legal system are fully coherent with the FSD and AID. As a result, no legal efforts at a national level are required to bring the national systems in line with the EU system.

EU Added value

EQ13: What has the EU interventions added to the work being done by MSs either individually or within the context of the IMO?

Flag State Directive

The overarching added value of the Flag State Directive is that it brings consistency between the maritime authorities in all EU Member States by providing common base and set common obligations. Importantly, it ensures the effective implementation of IMO instruments and limits in some ways the high degree of discretion that MS may apply when implementing IMO conventions. Consistency in the way of working is important and the Flag State Directive contributes to this objective.

Besides this overarching value added, several specific obligations have been pointed out as areas of value added, notably the mandating of the IMO audit and the implementation of a quality management system.

The FSD contributed to the fact that the all EU MS underwent an IMO audit (bar two MS without a flag register). Stakeholders expressed the importance of the FSD in order to ensure that (1) MS actually will undergo an audit; (2) for the sake of a level playing field and, (3) to enhance the quality of the maritime administration and improve the flag performance.

With regard to the implementation of quality management systems, stakeholders indicate that having such a system in place generates value added as the quality of the flag State control is better ensured. Yet, they also note that such a system would likely be put in place prior to the next, now mandatory, IMO audit.

As the voluntary IMO audit became mandatory for all IMO members and EU Member States do have a quality management system in place, many stakeholders suggested that the FSD seems as a legal duplication of international efforts, causing some to argue in favour of the expiration of the FSD in its entirety. Notwithstanding the mentioned added value, it is acknowledged that the FSD could be altered in light of recent developments regarding the IMO Member State Audit Scheme.

Accident Investigation Directive

The main added value of the AID is that it effectively brings EU legislation and national legislation in line with IMO regulation. Not all Member States effectively implemented the IMO guidelines, which led to a wide variety in accident investigations. The AID mandates all Member States to take their responsibility in maritime accident investigations and led to the creation of AIBs in all MS.

The introduction of the EMCIP database resulted in an increasingly comprehensive reporting on marine incidents and contributes to a more insightful analyses and improvement of maritime safety. EMCIP also replaced several national databases, resulting in cost-savings too.

Since the adoption of the AID accident investigation has become more streamlined between the EU Member States, although some MS still have to few resources and capabilities to effectively perform the requirements as laid down in the AID. In that, sense there is a lack of compliance noted.

Overall, stakeholders agree that the AID contributed to the professionalization and harmonisation of accident investigation practices. This is perceived as a considerable added value.

10. RECOMMENDATIONS

Based on the ex-post evaluation of the FSD and AID, a number of recommendations can be made regarding the future implementation of the Directives and a possible revision thereof.

IMO Audit disclosure

The expiration of Article 7 FSD as of January 2016, mandating the IMO audit for MS, nullifies what was seen by some as the strongest added value of the FSD. With the mandatory IMO Member State Audit Scheme, coming into force it is also noted that the new scheme is more detailed and provides IMO with additional instruments to promote the effective implementation of IMO conventions. Still, the IMO does not have enforcement powers similar to those as laid down in the FSD.

It is noted for instance that the requirements regarding the public disclosure of the (full) audit report is not mandated, nor is the sharing of other audit outcomes. The Commission could consider whether the disclosure mechanisms as advanced by the mandatory IMO Audit Scheme suffice. Novel approaches to improve the collection and dissemination of knowledge, like the involvement of EMSA as an observer to MS IMO audits, can be considered.

Clarity FSD

It should be noted that stakeholders are not always fully informed on the exact scope of the FSD. Several stakeholders indicated that, according to their opinion, the FSD does not apply to secondary registries and to registries of overseas territories. This confusion may lead to a less efficient and effective implementation of the provisions of the Directive. Guidance from the Commission on the scope of the FSD could solve the misinterpretation amongst MS.

EMCIP

Stakeholders generally supported the use of EMCIP and understood its potential value. At the same time, it was emphasized that using the database was cumbersome and the benefits do currently not outweigh the required investment in time. As such the need for a more user-friendly and optimised EMCIP version, of which the launch is foreseen in 2018, is identified as particularly relevant and therefore endorsed by the study.

EMSA trainings

MS were positive about the trainings provided by EMSA. In the understanding that the EMSA trainings contribute to the professionalization of maritime administrations, the need was expressed to also have trainings for flag State inspectors. Such would enable maritime administrations to more effectively implement IMO conventions and at the same time ensure a higher level of harmonisation of flag State inspections across Europe.

Coherence with Regulation (EC) 789/2004

The overlap between Regulation (EC) 789/2004 and the FSD was addressed by several stakeholders. Both the FSD and the Regulation require more or less the same type of information. This overlap was already addressed in the Staff working document on the implementation of Regulation 789/2004. The Commission may therefore want to consider whether further alignment between the Regulation and Directive can be achieved.

Resources and staffing maritime administration and AIB

Resource constraints were identified that limit some MS in implementing the IMO conventions, limiting their effectiveness as a flag and coastal State. The stakeholder consultation highlighted that constraints are particularly felt in terms of financial means

and staffing. With regards to accident investigations this results by time in underreporting of incidents, whereas for flag States this leads to fewer inspections.

The collected figures on staffing, the involvement of inspectors in other maritime functions, and the general profile of maritime administrations provides a first indication on the ability of MS to successfully implement the IMO conventions and perform effective oversight of the ROs.

Monitoring of the evolution of the staffing and resources is advised to identify and anticipate on resource constraints. While doing so it remains important to consider the various models that MS apply to organise their maritime administration, specifically with regard to the role of ROs.

ANNEX 1: EVALUATION FRAMEWORK

Not disclosed

ANNEX 2: REFERENCES

Literature list

EU report, study or communications

- EMSA reports and fact sheets on Maritime Administrations;
- Annex to the Proposal for a Directive of the European Parliament and Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector Extended Impact Assessment {COM(2005) 590 final};
- Implementation and effects of the Third Maritime Safety Package: Ex-Post Impact Assessment - October 2015;
- Report on the application of Directive 2009/21/EC on compliance with flag State requirements COM(2013) 916 final;
- Report on the implementation of Regulation (EC) no 789/2004 on the transfer of cargo and passenger ships between registers in the Community {SWD(2015) 101 final};
- EMSA Horizontal Analysis of Visits to Member States to verify implementation of Directive 2009/18/EC;
- Implementing Report on the FSD (COM (2013) 916 final);
- Implementation Report on the Transfer of Registers Regulation 789/2007/EC (COM (2015)195 final, and SWD (2015)101 final).

Legal documents on the EU flag State and Accident Investigation regime

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- Directive 2009/20/EC on the insurance of ship owners for maritime claims;
- Directive 2009/21/EC on compliance with flag State requirements.

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- Sadler, P. The role of classification societies, Recognized Organizations and IACS, BIMCO Bulletin 2013, vol108/3, p. 86-87;
- Mansell, J.N.K, Flag State Responsibility. Historical Development and Contemporary Issues, Springer 2009.

Databased and Statistics

- PMoU/TMoU/USCG lists (2005-2015) individually and combined;
- ISU Statistics - accidents and trends EU fleet/world fleet;
- EMSA Annual Overview of Marine Casualties and Incidents is missing;
- EMSA yearly statistics and trends;
- THETIS;
- MarInfo;
- EU Flag Change data – EC.

ANNEX 3: INTERVIEW OVERVIEW

Not disclosed

ANNEX 4: INTERVIEW MINUTES

Not disclosed

ANNEX 5: RATIFICATION INTERNATIONAL CONVENTIONS

In the tables below an overview is presented of the total number of ratifications per EU Member States. In the first table, a division is made between coastal States and land locked countries. For each country, each convention and the two groups (coastal States and land locked countries) the total are presented. The conventions and protocols included in the overview are the ones that were included in the Declaration signed by all EU Member States on 9 December 2008. The blue boxes indicate that a Member State has not ratified that particular convention.

In the second table, the exact date of entry into force per conventions is indicated. The dates may differ per Member States. In this table, it is also highlighted if the convention was ratified before the signing of the declaration, between the signing and the start of the evaluation period, during the evaluation period or after the evaluation period.

Information regarding the entry into force is based on:

- Ratification status IMO Conventions per 14 March 2017⁵⁸;
- Ratification status MLC 2006 per 14 March 2017⁵⁹.

As can be seen some of the conventions have not be ratified by any Member State or by a small number only. Reasons for this may be:

HNS Convention 1996 and HNS Protocol 2010

There does not seem to be enough political urgency to ratify this convention. Countries seem to be hesitant as the convention contains many practicalities, e.g. reporting on chemicals transported on a yearly basis. The countries seem to perceive this convention as burdensome.

In order to reduce the perceived administrative barriers, the IMO adopted the HNS Protocol 2010, which aims to simply the reporting standards. The notification procedure was simplified. The IMO hoped that by this simplification, ratification would become less burdensome for countries. However, until today none of the EU Member States has ratified the Protocol. The absence of this convention is a major gap in maritime regulation.

LLMC Convention 1976 and LLMC Protocol 1996

The main change introduced by the LLMC Protocol 1996 is the increase in the applicable limits. It is possible for countries to be Party to both the LLMC Convention 1976 and the LLMC Protocol 1996 as the Protocol builds upon the Convention. However, the applicable limits are mutually exclusive, so either the LLMC 1976 limits do apply or the LLMC 1996 ones.

Countries that were no member to the LLMC Convention 1976 prior to the entry into force of the LLMC Protocol 1996 can since the entry into force only become member to the LLMC Convention 1976 when they first ratify the LLMC Protocol 1996. This may explain some of the differences in the implementation dates (e.g. Bulgaria).

Nairobi Wreck Removal Convention 2007

The Wreck Removal Convention is an unusual convention. Mainly coastal states with shallow waters, e.g. Germany and the Netherlands, were in favour for a convention on wreck removal outside of their territorial sea (within the territorial sea countries are free to put their own legislation in place). For countries with shallow waters, wrecks outside

⁵⁸ <http://www.imo.org/en/About/Conventions/StatusOfConventions/Pages/Default.aspx>.

⁵⁹ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312331.

their territorial sea (between 12 n.m. and 200 n.m.) may pose a problem as they could create a danger for shipping. Countries with less shallow waters did not see a direct benefit of having such a Convention in place.

Main reasons for not ratifying the convention for some countries has been the hassle it creates (e.g. issuing certificates) and many countries already have legislation regarding wreck removal in place.

Fund Protocols 1992 and 2003

In principle, all EU coastal Member States should be party to these protocols as the EU placed a (light) obligation on Member States to ratify these protocols, already in 2004. A reason for not ratifying may be the indirect costs that occur to State parties as a result of being a member.

The protocols concern the establishment of an oil pollution compensation fund to which contributions have to be made. In principle, all oil-importing industries need to pay the contributions. However, State parties without an oil importing industry are requested to make a minimum contribution in return for the increased protection they enjoy as a result of the Convention. However, it seems that some countries are reluctant to do this and have as a result not ratified the protocol.

Other conventions

There are other IMO conventions, which were not included in the original declaration signed by EU Member States. These conventions should also be ratified. Examples are the Hong Kong Convention (ship recycling) and the Ballast Water Convention (on treatment of ballast water).

Also, land-lock countries should ratify international conventions. Conventions that specifically focus on the protection of coastal states (including liability conventions) may perhaps be disregarded, but other conventions, which focus on ships, should at least in principle be ratified. Land-locked countries can have a flag and fleet and therefore should also be sufficiently responsible for their flag and fleet. In addition, joint ratification harmonises EU rules.

Table A5.1 Total number of ratifications per Member States

	SOLAS Convention 74	SOLAS Protocol 78	SOLAS Protocol 88	LOAD LINES Convention 66	LOAD LINES Protocol 88	TONNAGE Convention 69	COLREG Convention 72	STCW Convention 78	MARPOL 73/78 (Annex I/II)	MARPOL 73/78 (Annex III)	MARPOL 73/78 (Annex IV)	MARPOL 73/78 (Annex V)	MARPOL Protocol 97 (Annex VI)	CLC Protocol 92	FUND Protocol 92	FUND Protocol 2003	LLMC Convention 76	LLMC Protocol 96	HNS Convention 96	HNS PROT 2010	BUNKERS CONVENTION 01	NAIROBI WRC 2007	Maritime Labour Convention (MLC)	Total
Belgium	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x	x	x	20
Bulgaria	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x			x	x	x	20
Croatia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x		x	20
Cyprus	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x	x		x	x	x	21
Denmark	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x	x	x	20
Estonia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x		*x	20
Finland	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x	x	x	20
France	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x	x	x	21
Germany	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x	x	x	20
Greece	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x		x	20
Ireland	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x		x	20
Italy	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x					x		x	18
Latvia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x		x	20
Lithuania	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x		x	21
Malta	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x			x	x	x	19
Netherlands	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x	x	x	20

	SOLAS Convention 74	SOLAS Protocol 78	SOLAS Protocol 88	LOAD LINES Convention 66	LOAD LINES Protocol 88	TONNAGE Convention 69	COLREG Convention 72	STCW Convention 78	MARPOL 73/78 (Annex I/II)	MARPOL 73/78 (Annex III)	MARPOL 73/78 (Annex IV)	MARPOL 73/78 (Annex V)	MARPOL Protocol 97 (Annex VI)	CLC Protocol 92	FUND Protocol 92	FUND Protocol 2003	LLMC Convention 76	LLMC Protocol 96	HNS Convention 96	HNS PROT 2010	BUNKERS CONVENTION 01	NAIROBI WRC 2007	Maritime Labour Convention (MLC)	Total
Poland	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x		x	20
Portugal	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x					x		*x	18
Romania	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x	x			x	x	x	19
Slovenia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x		x		*x	20
Spain	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x		x	19
Sweden	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x		x	19
United Kingdom	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	d	x			x	x	x	20
Sub-total (23)	23	23	23	23	23	23	23	23	23	23	23	23	23	23	22	19	11	21	3	0	23	11	20	
Austria	x	x		x		x	x	x	x	x	x	x									x			11
Czech Republic	x	x		x		x	x	x	x	x	x	x	x								x			12
Hungary	x	x		x	x	x	x	x	x	x	x	x		x	x	x	x	x	x		x		x	19
Luxembourg	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x			x		x	19
Slovakia	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x					x			17
Sub-total (5)	5	5	2	5	3	5	5	5	5	5	5	5	3	3	3	2	2	2	1	0	5	0	2	
Total (28)	28	28	25	28	26	28	28	28	28	28	28	28	26	26	25	21	13	23	4	0	28	10	22 (3)	

d = denunciation * Three countries have ratified the Maritime Labour Convention, but the Convention awaits entry into force. This applies to the following countries (+ date of entry into force): Slovenia (15 April 2017), Estonia (5 May 2017) and Portugal (12 May 2017).

Table A5.2 Dates of entry into force of respective international conventions

Country	SOLAS Convention 74	SOLAS Protocol 78	SOLAS Protocol 88	LOAD LINES Convention 66	LOAD LINES Protocol 88	TONNAGE Convention 69	COLREG Convention 72	STCW Convention 78	MARPOL Annex I and II	MARPOL Annex III	MARPOL Annex IV	MARPOL Annex V	MARPOL Annex VI
IMO entry into force	25-05-1980	01-05-1981	03-02-2000	21-07-1968	03-02-2000	18-07-1982	15-07-1977	28-04-1984	02-10-1983	02-10-1983	02-10-1983	02-10-1983	01-05-2005
Austria	27-08-1988	27-08-1988	-	04-11-1972	-	18-07-1982	15-07-1977	29-04-1997	27-08-1988	01-07-1992	27-09-2003	31-12-1988	-
Belgium	25-05-1980	01-05-1981	19-07-2007	22-04-1969	19-06-2007	18-07-1982	15-07-1977	28-04-1984	06-06-1984	01-07-1992	27-09-2003	27-01-1989	27-05-2006
Bulgaria	02-02-1984	02-02-1984	13-07-2004	30-03-1969	04-09-2004	14-01-1983	15-07-1977	28-04-1984	12-03-1985	13-08-1993	27-09-2003	13-08-1993	19-05-2005
Croatia	08-10-1991	08-10-1991	30-04-2000	08-10-1991	30-04-2000	08-10-1991	08-10-1991	08-10-1991	08-10-1991	01-07-1992	27-09-2003	08-10-1991	04-08-2005
Cyprus	11-01-1986	11-01-1986	03-02-2000	05-08-1969	03-02-2000	09-08-1986	04-11-1980	28-06-1985	22-09-1989	22-06-2004	30-08-2006	22-09-1989	19-05-2005
Czech Rep.	01-01-1993	01-01-1993	-	01-01-1993	-	01-01-1993	01-01-1993	01-01-1993	01-01-1993	01-01-1993	27-09-2003	01-01-1993	27-11-2015
Denmark	25-05-1980	01-05-1981	03-02-2000	21-07-1968	03-02-2000	22-09-1982	15-07-1977	28-04-1984	02-10-1983	01-07-1992	27-09-2003	31-12-1988	19-05-2005
Estonia	16-03-1992	16-03-1992	20-11-2003	16-03-1992	03-10-2002	16-03-1992	16-12-1991	29-11-1995	16-03-1992	18-11-1992	27-09-2003	18-11-1992	18-10-2005
Finland	21-02-1981	01-05-1981	17-03-2000	15-08-1968	17-03-2000	18-07-1982	15-07-1977	28-04-1984	02-10-1983	01-07-1992	27-09-2003	31-12-1988	30-06-2005
France	25-05-1980	01-05-1981	03-02-2000	21-07-1968	03-02-2000	18-07-1982	15-07-1977	28-04-1984	02-10-1983	01-07-1992	27-09-2003	31-12-1988	15-10-2005
Germany	25-05-1980	01-05-1981	03-02-2000	09-07-1969	03-02-2000	18-07-1982	15-07-1977	28-04-1984	02-10-1983	01-07-1992	27-09-2003	31-12-1988	19-05-2005
Greece	25-05-1980	17-10-1981	03-02-2000	12-09-1968	03-02-2000	19-11-1983	15-07-1977	28-04-1984	02-10-1983	01-07-1992	27-09-2003	31-12-1988	19-05-2005
Hungary	25-05-1980	03-05-1982	-	25-12-1973	17-07-2003	18-07-1982	15-07-1977	15-01-1986	14-04-1985	01-07-1992	27-09-2003	31-12-1988	-
Ireland	29-02-1984	29-02-1984	24-12-2003	28-11-1968	07-08-2002	11-07-1985	19-12-1977	11-12-1984	06-04-1995	27-07-1998	10-11-2006	06-04-1995	30-09-2009
Italy	11-09-1980	01-01-1983	03-02-2000	21-07-1968	03-02-2000	18-07-1982	11-01-1979	26-11-1987	02-10-1983	01-07-1992	27-09-2003	31-12-1988	22-08-2006
Latvia	20-08-1992	05-11-2005	03-02-2000	20-08-1992	22-10-2002	11-08-1998	20-05-1992	20-08-1992	20-08-1992	20-08-1992	27-09-2003	20-08-1992	19-09-2006
Lithuania	04-03-1992	04-03-1992	20-06-2006	04-03-1992	20-09-2006	04-03-1992	04-12-1991	04-03-1992	04-03-1992	01-07-21992	27-09-2003	04-02-1992	13-12-2005
Luxembourg	14-05-1991	14-05-1991	03-02-2000	14-05-1991	03-02-2000	14-05-1991	14-02-1991	14-05-1991	14-05-1991	01-07-1992	27-09-2003	14-05-1991	21-02-2006
Malta	08-11-1986	08-11-1986	03-02-2000	11-12-1974	03-02-2000	20-06-1989	20-03-1989	21-09-1991	21-09-1991	13-05-1994	30-06-2011	13-05-2004	30-06-2011
Netherlands	25-05-1980	01-05-1981	03-02-2000	21-07-1968	03-02-2000	18-07-1982	15-07-1977	26-10-1985	02-10-1983	01-07-1992	11-02-2006	31-12-1988	02-01-2007
Poland	15-06-1984	15-06-1984	21-10-2008	28-08-1969	05-02-2009	18-07-1982	15-07-1977	28-04-1984	01-06-1986	01-07-1992	27-09-2003	31-12-1988	29-07-2005
Portugal	07-02-1984	07-02-1984	12-09-2000	22-03-1970	02-10-2001	01-09-1987	17-10-1978	30-01-1986	22-01-1988	01-07-1992	27-09-2003	31-12-1988	22-08-2008
Romania	25-05-1980	14-04-2008	18-08-2001	03-09-1971	18-08-2001	18-07-1982	15-07-1977	11-04-1993	15-07-1993	08-07-2002	05-10-2006	15-07-1993	25-04-2007
Slovakia	01-01-1993	01-01-1993	03-02-2000	01-01-1993	03-02-2000	01-01-1993	01-01-1993	01-01-1993	01-01-1993	01-01-1993	27-09-2003	01-01-1993	08-01-2013
Slovenia	25-06-1991	25-06-1991	03-02-2000	25-06-1991	03-02-2000	25-06-1991	25-06-1991	25-06-1991	25-06-1991	01-07-1992	27-09-2003	25-06-1991	03-06-2006
Spain	25-05-1980	01-05-1981	03-02-2000	01-10-1968	03-02-2000	18-07-1982	15-07-1977	28-04-1984	06-10-1984	01-07-1992	27-09-2003	21-04-1991	19-05-2005
Sweden	25-05-1980	01-05-1981	03-02-2000	21-07-1968	03-02-2000	18-07-1982	15-07-1977	28-04-1984	02-10-1983	01-07-1992	27-09-2003	31-12-1988	19-05-2005
UK	25-05-1980	01-05-1981	08-06-2000	21-07-1968	08-07-2000	18-07-1982	15-07-1977	28-04-1984	02-10-1983	01-07-1992	27-09-2003	31-12-1988	19-05-2005

Ex-post evaluations of Directive 2009/21/EC and Directive 2009/18/EC

Country	CLC Protocol 92	FUND Protocol 92	FUND Protocol 2003	LLMC Convention 76	LLMC Protocol 96	HNS Convention 96	HNS PROT 2010	Bunkers Convention	Nairobi WRC 2007	MARITIME LABOUR CONVENTION
IMO entry into force	30-05-1996	30-05-1996	03-03-2005	01-12-1986	13-05-2004	Not entered into force yet	Not entered into force yet	21-11-2008	14-04-2015	20-08-2013
Austria	-	-	-	-	-	-	-	30-04-2013	-	-
Belgium	06-10-1999	06-10-1999	04-02-2006	d (01-10-1989)	07-01-2010	-	-	11-11-2009	17-04-2017	20-08-2013
Bulgaria	28-11-2004	18-11-2006	-	01-11-2005	02-10-2005	-	-	21-11-2008	14-04-2015	12-04-2010
Croatia	12-01-1999	12-01-1999	17-05-2006	01-06-1993	13-08-2006	-	-	21-11-2008	-	12-02-2010
Cyprus	12-05-1998	12-05-1998	-	01-04-2006	23-03-2006	10-01-2005	-	21-11-2008	22-10-2015	20-07-2012
Czech Republic	-	-	-	-	-	-	-	20-03-2013	-	-
Denmark	30-05-1996	30-05-1996	03-03-2005	d (01-04-2005)	13-05-2004	-	-	21-11-2008	14-04-2015	23-06-2011
Estonia	06-08-2005	06-08-2005	14-01-2009	01-02-2003	14-06-2011	-	-	21-11-2008	-	05-05-2017
Finland	24-11-1996	24-11-1996	03-03-2005	d (13-05-2004)	13-05-2004	-	-	18-02-2009	27-01-2017	09-01-2013
France	30-05-1996	30-05-1996	03-03-2005	01-12-1986	14-07-2007	-	-	19-01-2011	04-05-2016	28-02-2013
Germany	30-05-1996	30-05-1996	03-03-2005	d (13-5-2004)	13-05-2004	-	-	21-11-2008	14-04-2015	16-08-2013
Greece	09-10-1996	09-10-1996	23-01-2007	01-11-1991	04-10-2009	-	-	21-11-2008	-	04-01-2013
Hungary	30-03-2008	30-03-2008	30-06-2007	01-11-2008	02-10-2008	04-07-2008	-	21-11-2008	-	31-07-2013
Ireland	16-05-1998	16-05-1998	03-03-2005	01-06-1998	24-04-2012	-	-	23-03-2009	-	21-07-2014
Italy	16-09-2000	16-09-2000	20-01-2006	-	-	-	-	11-02-2011	-	19-11-2013
Latvia	09-03-1999	06-04-1999	18-07-2006	01-11-1999	17-07-2007	-	-	21-11-2008	-	12-08-2011
Lithuania	27-06-2001	27-06-2001	22-02-2006	01-07-2004	13-12-2007	14-09-2007	-	21-11-2008	-	20-08-2013
Luxembourg	21-11-2006	21-11-2006	-	01-03-2006	19-02-2006	-	-	21-11-2008	-	20-09-2011
Malta	06-01-2001	06-01-2001	-	-	13-05-2004	-	-	12-02-2009	18-04-2015	22-01-2013
Netherlands	15-11-1997	15-11-1997	16-09-2005	d (01-01-2012)	23-03-2011	-	-	23-03-2011	19-04-2016	13-12-2011
Poland	21-12-2000	21-12-2000	09-03-2009	01-12-1986	15-02-2012	-	-	21-11-2008	-	03-05-2012
Portugal	13-11-2002	13-11-2002	15-05-2005	-	-	-	-	21-10-2015	-	12-05-2017
Romania	27-11-2001	-	-	01-7-2007	10-06-2007	-	-	15-09-2009	20-12-2016	24-11-2015
Slovakia	08-07-2014	08-07-2014	08-07-2013	-	-	-	-	01-08-2013	-	-
Slovenia	19-07-2001	19-7-2001	03-06-2006	-	04-10-2015	21-07-2004	-	21-11-2008	-	15-04-2017
Spain	06-07-1996	16-5-1998	03-03-2005	d (01-11-2007)	10-04-2005	-	-	21-11-2008	-	04-02-2010
Sweden	30-05-1996	30-5-1996	05-08-2005	d (01-08-2005)	20-10-2004	-	-	03-09-2013	-	12-06-2012
UK	30-05-1996	30-5-1996	08-09-2006	d (13-05-2004)	13-05-2004	-	-	21-11-2008	14-04-2015	07-08-2013

Ratifications between 9-12-2008 and 17-6-2011
Ratifications between 17-6-2011 and 31-12-2015
Ratifications since 1-1-2016

ANNEX 6: COHERENCE FSD, PSC AND AID

	Directive 2009/21/EC Flag State	Directive 2009/16/EC Port State	Directive 2009/18/EC Accident investigation
Purpose	<i>Article 1 (1)</i> Purpose of the Directive is: (a) to ensure that Member States effectively and consistently discharge their obligations as flag States; (b) to enhance safety and prevent pollution from ships flying the flag of a Member State.	<i>Article 1</i> Purpose of this Directive is to help to drastically reduce substandard shipping in the waters under the jurisdiction of Member States.	<i>Article 1</i> Purpose of this Directive is to improve maritime safety and the prevention of pollution by ships, and so reduce the risk of future marine casualties.
Scope	<i>Article 2</i> This Directive shall apply to the administration of the State whose flag the ship is flying.	<i>Article 3 (1)</i> This Directive shall apply to any ship and its crew calling at a port or anchorage of a Member State to engage in a ship/port interface.	<i>Article 2 (1)</i> This Directive shall apply to marine casualties and incidents that: (a) involve ships flying the flag of one of the Member States; (b) occur within Member States' territorial sea and internal waters as defined in UNCLOS; or (c) involve other substantial interests of the Member States.
Definition ship	<i>Article 3 (a)</i> '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.	<i>Article 2 (5)</i> 'Ship' means any seagoing vessel to which one or more of the Conventions apply, flying a flag other than that of the port State.	Not included in the Directive.

	Directive 2009/21/EC Flag State	Directive 2009/16/EC Port State	Directive 2009/18/EC Accident investigation
Ships excluded	Not included in Directive.	<i>Article 3 (4)</i> Fishing vessels, warships, naval auxiliaries, wooden ships of a primitive build, government ships used for non-commercial purposes and pleasure yachts not engaged in trade shall be excluded from the scope of this Directive.	<i>Article 2 (2)</i> This Directive shall not apply to marine casualties and incidents involving only: (a) ships of war and troop ships and other ships owned or operated by a Member State and used only on government non-commercial service; (b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft not engaged in trade, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes; (c) inland waterway vessels operating in inland waterways; (d) fishing vessels with a length of less than 15 metres; (e) fixed offshore drilling units.
International Conventions	<i>Recital 5</i> Reference to the Declaration signed on 9 December 2008.	<i>Article 2 (1) (a-h)</i> - International Load Lines 1966; - SOLAS 1974; - MARPOL 73/78; - STWC 1978; - ColReg 1972; - International Convention on Tonnage Measurements of Ships (1969); - Merchant Shipping (ILO No. 147); - CLC 1992.	Not included in the Directive.

ANNEX 7: COHERENCE BETWEEN FSD AND OTHER EU MARITIME LEGISLATION

Source	Objective	Link with the FSD
RO-related Regulations and Directives		
Regulation (EC) 391/2009	<p>Article 1</p> <p>This Regulation establishes measures to be followed by organisations entrusted with the inspection, survey and certification of ships for compliance with the international conventions on safety at sea and prevention of marine pollution, while furthering the objective of freedom to provide services. This includes the development and implementation of safety requirements for hull, machinery and electrical and control installations of ships falling under the scope of the international conventions.</p>	<p>Regulation 391/2009 provides Member States the possibility to outsource some of their flag State obligations to Recognised Organisations. However, the responsibility of a flag State cannot be delegated away. This regulation therefore, can be seen as an operationalisation of the FSD.</p>
Directive 2009/15/EC	<p>Article 1</p> <p>This Directive establishes measures to be followed by the Member States in their relationship with organisations entrusted with the inspection, survey and certification of ships for compliance with the international conventions on safety at sea and prevention of marine pollution, while furthering the objective of freedom to provide services. This includes the development and implementation of safety requirements for hull, machinery and electrical and control installations of ships falling under the scope of the international conventions.</p>	<p>Directive 2009/15 provides Member States the possibility to outsource some of their flag State obligations to Recognised Organisations. However, the responsibility of a flag State cannot be outsourced. This regulation therefore, is an operationalisation of the FSD.</p>
	<p>Article 3</p> <p>1. In assuming their responsibilities and obligations under the international conventions, Member States shall ensure that their competent administrations can ensure appropriate enforcement of the provisions thereof, in particular with regard to the inspection and survey of ships and the issue of statutory certificates and exemption certificates as provided for by the international conventions. Member States shall act in accordance with the relevant</p>	<p>Although the reference should be to the applicable instrument today – the III-code – the article makes it clear, also in legal terms, that MS have to follow the III-Code and to ensure their responsibility and capacity as a flag-, port, and, coastal State. This then links to the IMO Audit, in the FSD, which takes the III-Code as its reference.</p>

Source	Objective	Link with the FSD
	provisions of the Annex and the Appendix to IMO Resolution A.847(20) on guidelines to assist flag States in the implementation of IMO instruments.	
Commission Regulation (EU) 788/2014	Article 1 Subject matter This Regulation lays down rules for the implementation of Articles 6 and 7 of Regulation (EC) No 391/2009 by the Commission.	Commission Regulation 788/2014 provides further details on - is a further operationalisation of - Regulation 391/2009. Therefore, it is also a further operationalisation of the FSD.
Commission Decision 2009/491/EC	Article 2 The criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment are set out in Annex I.	Commission Decision 2009/491 is linked to the above mentioned Regulations and Directives. It specifically provides guidance on when a RO is performing unacceptable and poses a threat on maritime safety or pollution. By focusing on enhancing safety and environmental protection, it is also a further specification of the aims of the FSD.
Other maritime Regulations and Directives		
Directive 2013/54/EU	Article 1 Subject matter This Directive lays down rules to ensure that Member States effectively discharge their obligations as flag States with respect to the implementation of the relevant parts of MLC 2006. This Directive is without prejudice to Directives 2009/13/EC and 2009/21/EC, and to any higher standards for living and working conditions for seafarers set out therein.	This Directive is a further specification of the obligations laid down on Member States as flag State. While the FSD introduces the general obligation to ensure that Member States discharge their flag State obligations (article 1(1)(a)), Directive 2013/54 repeats this obligation specifically for the Maritime Labour Convention 2006.
Regulation (EC) 789/2004	Article 1 Purpose The purpose of this Regulation is to eliminate technical barriers to the transfer of cargo and passenger ships flying the flag of a Member State between the registers of the Member States while, at the same time, ensuring a high level of ship safety and environmental protection, in accordance with International Conventions.	The aim of both the FSD and Regulation 789/2004 are the same. Both focus on prevention of pollution/protecting the environment and enhancing ship safety. In addition, Regulation 789/2004 is a further specification of.
Directive 2012/33/EU	Directive 2012/33/EU amends Council Directive 1999/32/EC by imposing	The IMO has adopted rules regarding sulphur content in marine fuels. In

Source	Objective	Link with the FSD
	<p>stricter emission limits. Aim of the Council Directive is:</p> <p>Article 1</p> <p>Purpose and scope</p> <p>1. The purpose of this Directive is to reduce the emissions of sulphur dioxide resulting from the combustion of certain types of liquid fuels and thereby to reduce the harmful effects of such emissions on man and the environment.</p> <p>2. Reductions in the emissions of sulphur dioxide resulting from the combustion of certain petroleum-derived liquid fuels shall be achieved by imposing limits on the sulphur content of such fuels as a condition for their use within the territory of the Member States.</p>	<p>addition, several emission control areas have been introduced. Directive 2012/33/EU transposes the norms set by the IMO into EU law. By doing so, the Directive is a further detailing of the FSD, in particular of article 1(1)(b) on preventing pollution from ships.</p>
<p>Directive 2000/59/EU</p>	<p>Article 1</p> <p>Purpose</p> <p>The purpose of this Directive is to reduce the discharges of ship-generated waste and cargo residues into the sea, especially illegal discharges, from ships using ports in the Community, by improving the availability and use of port reception facilities for ship-generated waste and cargo residues, thereby enhancing the protection of the marine environment.</p>	<p>Under international law, (MARPOL + Annexes) ships can only under conditions discharge their ship-generated waste and cargo residues. States as flag States need to ensure that ships flying their flag fulfil those international requirements. Directive 2000/59/EU includes this obligation into EU law and ensures that obligations can be enforced. Directive 2000/59/EU is a specification of article 1(1)(b) FSD – to enhance safety and prevent pollution from ships flying the flag of a Member State.</p>
<p>Regulation (EU) No 1257/2013</p>	<p>Article 1</p> <p>Subject matter and purpose</p> <p>The purpose of this Regulation is to prevent, reduce, minimise and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling. The purpose of this Regulation is to enhance safety, the protection of human health and of the Union marine environment throughout a ship's life cycle; in particular to ensure that hazardous waste from such ship recycling is subject to environmentally sound management. This Regulation also lays down rules to ensure the</p>	<p>Under international law, the flag State needs to ensure that the recycling of ships is done in an environmentally sound and human friendly way (please refer to the Hong Kong Convention)- more specifically without resulting in pollution and casualties. Regulation 1257/2013 implements the main parts of the Hong Kong Convention into EU law. In addition, some further requirements are laid down. By doing such, Regulation 1257/2013 is a further detailing of the general obligations laid down in the FSD (article 1) as it specifically focuses on one convention (i.e. the Hong Kong Convention).</p>

Source	Objective	Link with the FSD
	<p>proper management of hazardous materials on ships. This Regulation also aims to facilitate the ratification of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 ('the Hong Kong Convention').</p>	
Regulation (EU) 2015/757	<p>Article 1 Subject matter This Regulation lays down rules for the accurate monitoring, reporting and verification of carbon dioxide (CO₂) emissions and of other relevant information from ships arriving at, within or departing from ports under the jurisdiction of a Member State, in order to promote the reduction of CO₂ emissions from maritime transport in a cost effective manner.</p>	<p>Regulation 2015/757 can be considered as a specification of the FSD. In particular, the Regulation provides further details regarding article 1(1)(b) FSD by providing specific guidance on carbon dioxide emissions in maritime transport, which are seen as ship pollution. By providing new rules, pollution in this way can be prevented.</p>

ANNEX 8: COUNTRY PROFILES

Please note that the information used in this Annex taken from various sources as set out in the list of sources below. The information gathered is taken at a certain reference point – year 2015 – in order to avoid not comparable data. As pointed out in chapter 2.3 - Limitations of the evaluation - limited responses were received from Member States regarding information on in particular staffing and flag State inspections⁶⁰.

It should therefore be noted that, at the time of this being made public in May 2018, some information may have changed, be outdated or no longer accurate and also that organisational changes in the Member States maritime administrations may have taken place in the intervening period.

List of sources

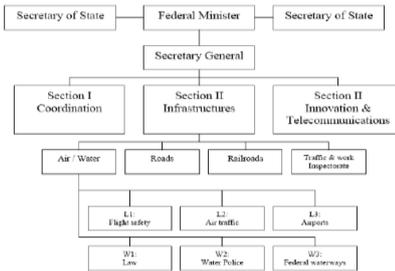
Section	Sources	Comments
A	UNCTADstat - maritime profiles / MarInfo / Worldportsource.com	...
B	Marinfo	All vessel types above 100 GT included
C	Marinfo	All vessel types above 100 GT included
D	PMoU/TMoU	For some MS not enough vessels inspected in TMoU to be included.
E	EU MS/MarInfo	Includes only transfers of bulk, tanker, GC, and CC vessels above 100GT
F	National websites/IMO	...
G	National websites/EMSA/IMO	...
H	National websites/EMSA overview maritime adm.	...
I	EMSA/stakeholder consultation	...
J	THETIS / PMoU	...
K	Stakeholder consultation / EMSA	...
L	EMSA / national websites / stakeholder consultation	...
M	EMSA/IMO GISIS	...

⁶⁰ An attempt to update was made in 2017, but after discussions with Member States in the context of capacity building for flag States, this updating on a more continuous basis will be worked out in close cooperation with EMSA.

AUSTRIA		ECORYS ▲				
I. MARITIME PROFILE						
a) General information (2015)						
<i>Ports</i>	4					
<i>Ship building (GT)</i>	-					
<i>Coast/area ratio (m/km²)</i>	0					
		EU and World shares (2015)				
<i>Fleet - national flag (GT)</i>	-	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">EU</td> <td style="width: 50%; text-align: left;">-</td> </tr> <tr> <td style="text-align: right;">World</td> <td style="text-align: left;">-</td> </tr> </table>	EU	-	World	-
EU	-					
World	-					
<i>Fleet - national flag (nr.)</i>	-	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">EU</td> <td style="width: 50%; text-align: left;">-</td> </tr> <tr> <td style="text-align: right;">World</td> <td style="text-align: left;">-</td> </tr> </table>	EU	-	World	-
EU	-					
World	-					
<i>Fleet - ownership (GT)</i>	-	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">EU</td> <td style="width: 50%; text-align: left;">-</td> </tr> <tr> <td style="text-align: right;">World</td> <td style="text-align: left;">-</td> </tr> </table>	EU	-	World	-
EU	-					
World	-					
<i>Fleet - ownership (nr.)</i>	-	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">EU</td> <td style="width: 50%; text-align: left;">-</td> </tr> <tr> <td style="text-align: right;">World</td> <td style="text-align: left;">-</td> </tr> </table>	EU	-	World	-
EU	-					
World	-					
Trade data						
<i>Imports (millions of US\$)</i>	155.235	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">EU</td> <td style="width: 50%; text-align: left;">2,98%</td> </tr> <tr> <td style="text-align: right;">World</td> <td style="text-align: left;">0,93%</td> </tr> </table>	EU	2,98%	World	0,93%
EU	2,98%					
World	0,93%					
<i>Exports (millions of US\$)</i>	152.335	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: right;">EU</td> <td style="width: 50%; text-align: left;">2,83%</td> </tr> <tr> <td style="text-align: right;">World</td> <td style="text-align: left;">0,92%</td> </tr> </table>	EU	2,83%	World	0,92%
EU	2,83%					
World	0,92%					
b) Ownership size and share per vessel type						
No data available						
c) Register size and share per vessel type						
No flag register						
d) Flag performance (excess factor - lower rank is better)						
No flag register						
e) Intra EU change of register (number of vessels)						
No flag register						
f) IMO Audit						
<i>Date of last audit</i>	-	<i>Report</i>				
<i>Type of audit</i>	-	<i>Summary</i>				
<i>Date of next audit</i>	2018	<i>Action plan</i>				
g) Maritime conventions						
Convention	Party	Date of entry into force	Convention	Party	Date of entry into force	
SOLAS	Yes	27-08-1988	BALLAST WATER MANAGEMENT	No	-	
SOLAS Protocol 78	Yes	27-08-1988	ANTIFOULING	No	-	
SOLAS Protocol 88	No	-	LOAD LINES Convention 66	Yes	4-11-1972	
MARPOL Annex I and II	Yes	27-08-1988	LOAD LINES Protocolo 88	No	-	
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982	
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977	
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-	
MARPOL Annex VI	No	-	ILO PROT 1996	No	-	
STCW	Yes	29-04-1997	MARITIME LABOUR CONVENTION	No	-	
STCW-F	No	-				

II. MARITIME ADMINISTRATION

h) Organogram



i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			-				0		
RO monitoring							0		
PSC department			-				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag

Landlocked country - no data available

k) Flag State Surveys / Inspections

No flag register

l) Accident Investigation Body (2015)

Name	Austrian Safety Investigation Authority	Reporting line	-
Website	www.bmvit.gv.at	Type of AI body	-
Year established	-		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			-						

m) Functions delegated to ROs

Function	None	
	Survey	Certificate
Passenger ship safety:	-	-
Cargo ship safety construction:	-	-
Cargo ship safety equipment:	-	-
Radio:	-	-
ISM Code:	-	-
ISM Code - DOC:	-	-
ISM Code - SMC:	-	-
Load line:	-	-
MARPOL Annex I:	-	-
MARPOL Annex II:	-	-
MARPOL Annex III:	-	-
MARPOL Annex IV:	-	-
MARPOL Annex V:	-	-
MARPOL Annex VI:	-	-
Tonnage measurement:	-	-
MLC:	-	-

BELGIUM ECORYS ▲

I. MARITIME PROFILE

a) General information (2015)

Ports 8

Ship building (GT) -

Coast/area ratio (m/km²) 4



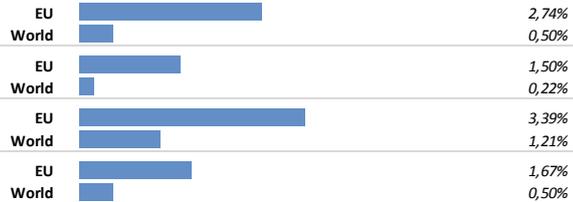
Fleet - national flag (GT) 5.110.650

Fleet - national flag (nr.) 191

Fleet - ownership (GT) 14.069.655

Fleet - ownership (nr.) 351

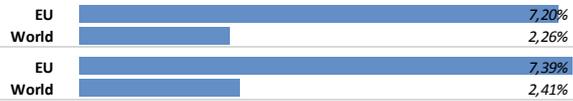
EU and World shares (2015)



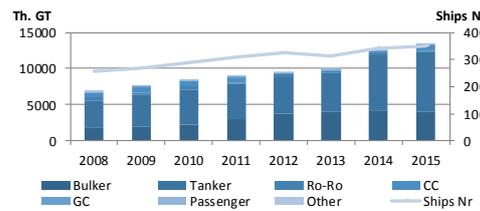
Trade data

Imports (millions of US\$) 375.267

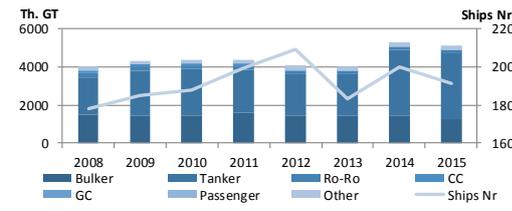
Exports (millions of US\$) 398.158



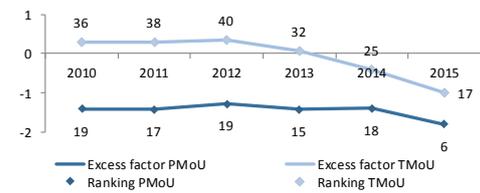
b) Ownership size and share per vessel type



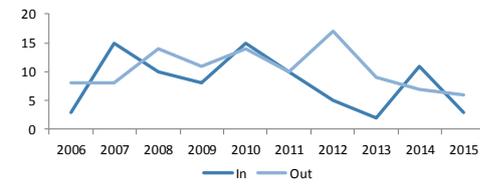
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit 3-2-2014
Type of audit Transitional
Date of next audit 2022

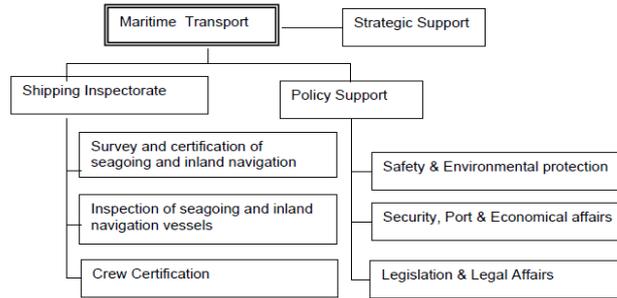
Report Summary Not public
Action plan Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	Yes	8/9/2017
SOLAS Protocol 78	Yes	1-05-1981	ANTI FOULING	Yes	15-07-2009
SOLAS Protocol 88	Yes	19-07-2007	LOAD LINES Convention 66	Yes	22-04-1969
MARPOL Annex I and II	Yes	6-06-1984	LOAD LINES Protocolo 88	Yes	19-06-2007
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	27-01-1989	ILO NO. 147	No	-
MARPOL Annex VI	Yes	27-05-2006	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	20-08-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

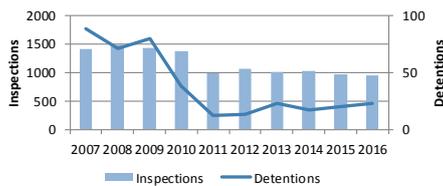


i) Staffing (2015)

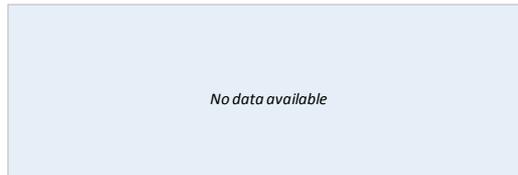
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			9				0		
RO monitoring							0		
PSC department	1	1	9	0	0		0	0,5	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

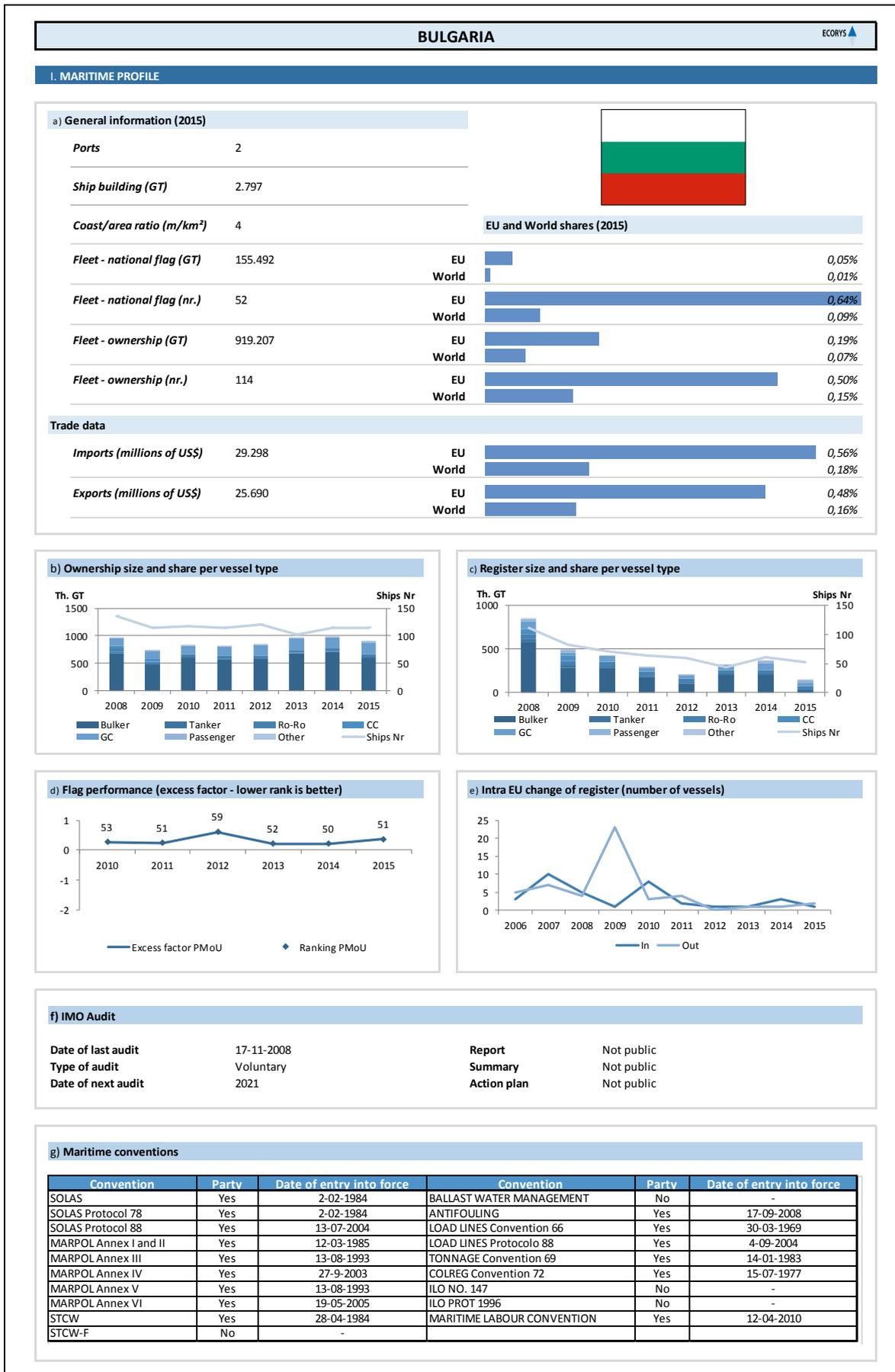
l) Accident Investigation Body (2015)

Name	Federal Public Service Mobility and Transport	Reporting line	Federal Parliament
Website	www.mobilit.belgium.be	Type of AI body	Maritime
Year established	2012		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			ad hoc						

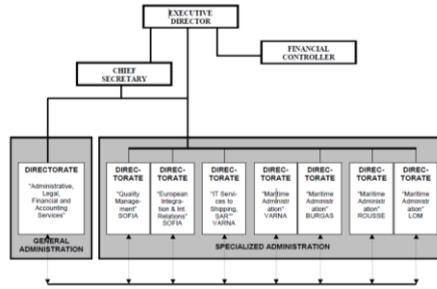
m) Functions delegated to ROs

Function	ABS		BV		Class NK		DNV		LR		RINA		RS	
	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Cargo ship safety construction:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety equipment:	Partial	Partial	Yes	Yes	Partial	Partial	Yes	Yes	Partial	Partial	Yes	Yes	Partial	Partial
Radio:	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial
ISM Code:	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ISM Code - DOC:	No	No	No	No	No	No	No	No	No	No	No	No	No	No
ISM Code - SMC:	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No
Load line:	Partial	Yes	Partial	Yes	Partial	Yes	Partial	Yes	Partial	Yes	Partial	Yes	Partial	Yes
MARPOL Annex I:	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial	Partial
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	No	No	No	No	No	No	No	No	No	No	No	No	No	No
MARPOL Annex IV:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex V:	No	No	No	No	No	No	No	No	No	No	No	No	No	No
MARPOL Annex VI:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No
MLC:	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No	Partial	No



II. MARITIME ADMINISTRATION

h) Organogram

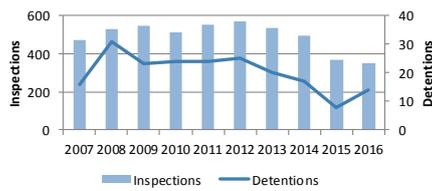


i) Staffing (2015)

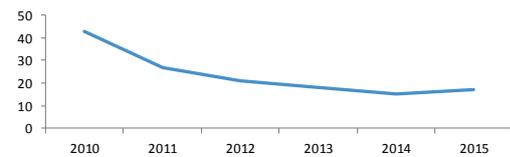
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	18	2	13		4	5	0	13	13
RO monitoring							0		
PSC department	3	1	10	10	4		0	10	10

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Maritime Accident Investigation Unit	Reporting line	Ministry of Transport, Information Technology and Communications
Website	www.mtitc.government.bg	Type of AI body	Multi-modal
Year established	2006		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			2						

m) Functions delegated to ROs

Function	BRS		BV		LR		RINA		RS	
	Survey	Certificate								
Passenger ship safety:	Partial	No								
Cargo ship safety construction:	Partial	No								
Cargo ship safety equipment:	Partial	No								
Radio:	Partial	No								
ISM Code:	Not delegated	-	Not delegated	-	Not delegated	-	Partial	No	Not delegated	-
ISM Code - DOC:	Not delegated	-								
ISM Code - SMC:	Not delegated	-								
Load line:	Partial	No	Partial	No	Partial	No	Not delegated	-	Partial	No
MARPOL Annex I:	Partial	No								
MARPOL Annex II:	Partial	No								
MARPOL Annex III:	Partial	No								
MARPOL Annex IV:	Partial	No								
MARPOL Annex V:	Partial	No								
MARPOL Annex VI:	Partial	No								
Tonnage measurement:	Not delegated	-	Partial	No	Not delegated	-	Not delegated	-	Not delegated	-
MLC:	Not delegated	-	Not delegated	-	Not delegated	-	Partial	No	Not delegated	-

CYPRUS ECORYS ▲

I. MARITIME PROFILE

a) General information (2015)

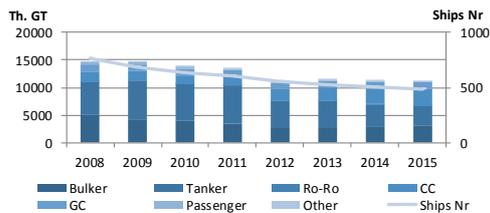
Ports	4
Ship building (GT)	-
Coast/area ratio (m/km²)	73



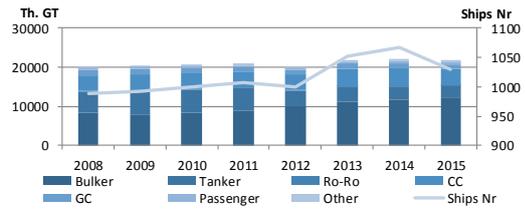
EU and World shares (2015)

Category	Value	EU Share	World Share
Fleet - national flag (GT)	21.932.694	10,35%	1,90%
Fleet - national flag (nr.)	1.029	8,09%	1,19%
Fleet - ownership (GT)	11.266.181	1,52%	0,55%
Fleet - ownership (nr.)	491	1,97%	0,59%
Imports (millions of US\$)	5.567	0,11%	0,03%
Exports (millions of US\$)	1.829	0,03%	0,01%

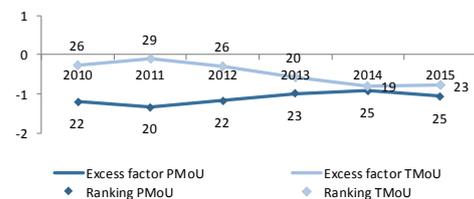
b) Ownership size and share per vessel type



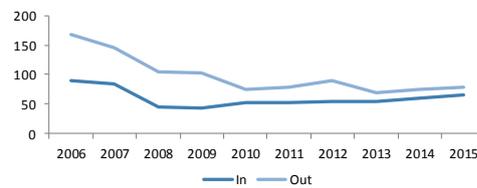
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

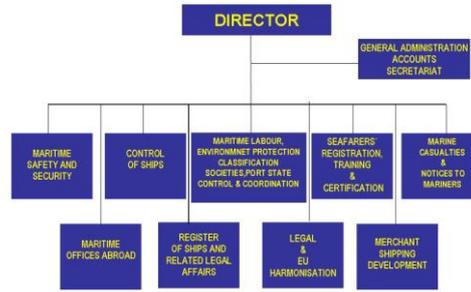
Date of last audit	30-10-2006	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2020	Action plan	Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	11-01-1986	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	11-01-1991	ANTIFOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	5-08-1969
MARPOL Annex I and II	Yes	22-09-1989	LOAD LINES Protocolo 88	Yes	3-02-2000
MARPOL Annex III	Yes	22-06-2004	TONNAGE Convention 69	Yes	9-08-1986
MARPOL Annex IV	Yes	30-08-2006	COLREG Convention 72	Yes	4-11-1980
MARPOL Annex V	Yes	22-09-1989	ILO NO. 147	No	-
MARPOL Annex VI	Yes	19-05-2005	ILO PROT 1996	No	-
STCW	Yes	28-06-1985	MARITIME LABOUR CONVENTION	Yes	20-07-2012
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

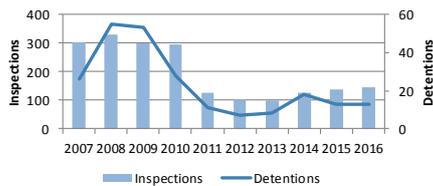


i) Staffing (2015)

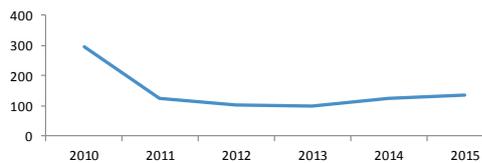
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	10	1	37				0		
RO monitoring	31						0		
PSC department	4	1	4				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Marine Accidents and Incidents Investigation service	Reporting line	-
Website	www.shipping.gov.cy	Type of AI body	Maritime
Year established	2013		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	0	2	1	0	0	0	0	0	0

m) Functions delegated to ROs

Function	ABS		BV		CCS		DNV		KRS		LR		NKK		PRS		RINA		RS	
	Survey	Certificate																		
Passenger ship safety:	Yes	Yes																		
Cargo ship safety construction:	Yes	Yes																		
Cargo ship safety equipment:	Yes	Yes																		
Radio:	Yes	Yes																		
ISM Code:	Yes	Yes																		
ISM Code - DOC:	Yes	Yes																		
ISM Code - SMC:	Yes	Yes																		
Load line:	Yes	Yes																		
MARPOL Annex I:	Yes	Yes																		
MARPOL Annex II:	Yes	Yes																		
MARPOL Annex III:	N/A	N/A	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	N/A	Yes	Yes	Yes	Yes
MARPOL Annex IV:	Yes	Yes																		
MARPOL Annex V:	N/A	N/A	Yes	Yes	N/A	N/A	Yes	Yes	Yes	Yes										
MARPOL Annex VI:	Yes	Yes																		
Tonnage measurement:	Yes	Yes																		
MLC:	Yes	Yes																		

CZECHIA		ECORYS																																																																		
I. MARITIME PROFILE																																																																				
a) General information (2015)																																																																				
<i>Ports</i>	0																																																																			
<i>Ship building (GT)</i>	-																																																																			
<i>Coast/area ratio (m/km²)</i>	0																																																																			
EU and World shares (2015)																																																																				
<i>Fleet - national flag (GT)</i>	-	EU - World -																																																																		
<i>Fleet - national flag (nr.)</i>	-	EU - World -																																																																		
<i>Fleet - ownership (GT)</i>	-	EU - World -																																																																		
<i>Fleet - ownership (nr.)</i>	-	EU - World -																																																																		
Trade data																																																																				
<i>Imports (millions of US\$)</i>	140.479	EU 2,69% World 0,85%																																																																		
<i>Exports (millions of US\$)</i>	158.164	EU 2,94% World 0,96%																																																																		
b) Ownership size and share per vessel type																																																																				
No data available																																																																				
c) Register size and share per vessel type																																																																				
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e) Intra EU change of register (number of vessels)																																																																				
No flag register																																																																				
f) IMO Audit																																																																				
<i>Date of last audit</i>	-	<i>Report</i> NA																																																																		
<i>Type of audit</i>	Mandatory	<i>Summary</i> NA																																																																		
<i>Date of next audit</i>	1-7-2017	<i>Action plan</i> NA																																																																		
g) Maritime conventions																																																																				
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th style="width: 25%;">Convention</th> <th style="width: 10%;">Party</th> <th style="width: 20%;">Date of entry into force</th> <th style="width: 25%;">Convention</th> <th style="width: 10%;">Party</th> <th style="width: 20%;">Date of entry into force</th> </tr> </thead> <tbody> <tr> <td>SOLAS</td> <td>Yes</td> <td>1-01-1993</td> <td>BALLAST WATER MANAGEMENT</td> <td>No</td> <td>-</td> </tr> <tr> <td>SOLAS Protocol 78</td> <td>Yes</td> <td>1-01-1993</td> <td>ANTIFOULING</td> <td>No</td> <td>-</td> </tr> <tr> <td>SOLAS Protocol 88</td> <td>No</td> <td>-</td> <td>LOAD LINES Convention 66</td> <td>Yes</td> <td>1-01-1993</td> </tr> <tr> <td>MARPOL Annex I and II</td> <td>Yes</td> <td>1-01-1993</td> <td>LOAD LINES Protocolo 88</td> <td>No</td> <td>-</td> </tr> <tr> <td>MARPOL Annex III</td> <td>Yes</td> <td>1-01-1993</td> <td>TONNAGE Convention 69</td> <td>Yes</td> <td>1-01-1993</td> </tr> <tr> <td>MARPOL Annex IV</td> <td>Yes</td> <td>27-09-2003</td> <td>COLREG Convention 72</td> <td>Yes</td> <td>1-01-1993</td> </tr> <tr> <td>MARPOL Annex V</td> <td>Yes</td> <td>1-01-1993</td> <td>ILO NO. 147</td> <td>No</td> <td>-</td> </tr> <tr> <td>MARPOL Annex VI</td> <td>Yes</td> <td>27-11-2015</td> <td>ILO PROT 1996</td> <td>No</td> <td>-</td> </tr> <tr> <td>STCW</td> <td>Yes</td> <td>1-01-1993</td> <td>MARITIME LABOUR CONVENTION</td> <td>No</td> <td>-</td> </tr> <tr> <td>STCW-F</td> <td>No</td> <td>-</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Convention	Party	Date of entry into force	Convention	Party	Date of entry into force	SOLAS	Yes	1-01-1993	BALLAST WATER MANAGEMENT	No	-	SOLAS Protocol 78	Yes	1-01-1993	ANTIFOULING	No	-	SOLAS Protocol 88	No	-	LOAD LINES Convention 66	Yes	1-01-1993	MARPOL Annex I and II	Yes	1-01-1993	LOAD LINES Protocolo 88	No	-	MARPOL Annex III	Yes	1-01-1993	TONNAGE Convention 69	Yes	1-01-1993	MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	1-01-1993	MARPOL Annex V	Yes	1-01-1993	ILO NO. 147	No	-	MARPOL Annex VI	Yes	27-11-2015	ILO PROT 1996	No	-	STCW	Yes	1-01-1993	MARITIME LABOUR CONVENTION	No	-	STCW-F	No	-					
Convention	Party	Date of entry into force	Convention	Party	Date of entry into force																																																															
SOLAS	Yes	1-01-1993	BALLAST WATER MANAGEMENT	No	-																																																															
SOLAS Protocol 78	Yes	1-01-1993	ANTIFOULING	No	-																																																															
SOLAS Protocol 88	No	-	LOAD LINES Convention 66	Yes	1-01-1993																																																															
MARPOL Annex I and II	Yes	1-01-1993	LOAD LINES Protocolo 88	No	-																																																															
MARPOL Annex III	Yes	1-01-1993	TONNAGE Convention 69	Yes	1-01-1993																																																															
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	1-01-1993																																																															
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STCW	Yes	1-01-1993	MARITIME LABOUR CONVENTION	No	-																																																															
STCW-F	No	-																																																																		

II. MARITIME ADMINISTRATION

h) Organogram

Not available

i) Staffing (2015)

Not available

j) Port State Control Indicators on Flag

Landlocked country - no data available

k) Flag State Surveys / Inspections

No flag register

**Inspections by dedicated FS surveyors, excluding fishing vessels and yachts*

l) Accident Investigation Body (2015)

Name	Ministry of Transport, Czech Maritime Administration	Reporting line	-
Website	www.mdcr.cz	Type of AI body	-
Year established	-		

m) Functions delegated to ROs

Function	None	
	Survey	Certificate
Passenger ship safety:	-	-
Cargo ship safety construction:	-	-
Cargo ship safety equipment:	-	-
Radio:	-	-
ISM Code:	-	-
ISM Code - DOC:	-	-
ISM Code - SMC:	-	-
Load line:	-	-
MARPOL Annex I:	-	-
MARPOL Annex II:	-	-
MARPOL Annex III:	-	-
MARPOL Annex IV:	-	-
MARPOL Annex V:	-	-
MARPOL Annex VI:	-	-
Tonnage measurement:	-	-
MLC:	-	-

GERMANY ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports 98

Ship building (GT) 383.215

Coast/area ratio (m/km²) 10



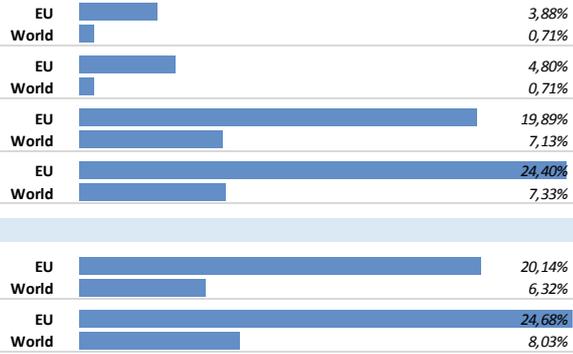
Fleet - national flag (GT) 11.338.903

Fleet - national flag (nr.) 584

Fleet - ownership (GT) 83.033.373

Fleet - ownership (nr.) 3.464

EU and World shares (2015)

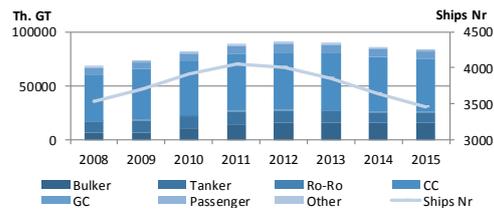


Trade data

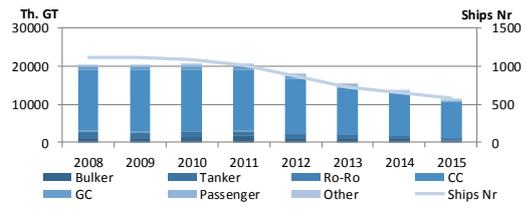
Imports (millions of US\$) 1.050.025

Exports (millions of US\$) 1.329.469

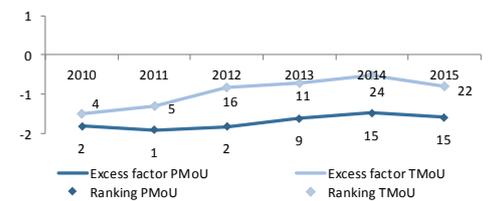
b) Ownership size and share per vessel type



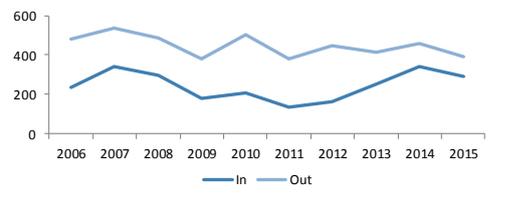
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit 12-11-2007
Type of audit Voluntary
Date of next audit 2021

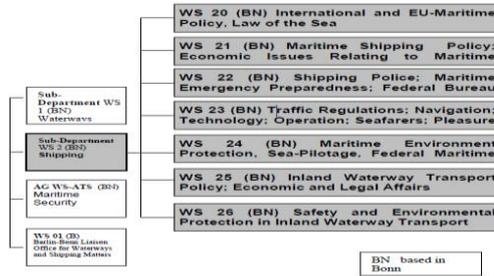
Report Public (GISIS)
Summary Public (GISIS)
Action plan Public (GISIS)

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	Yes	8/9/2017
SOLAS Protocol 78	Yes	1-05-1981	ANTIFOULING	Yes	20-11-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	9-07-1969
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocolo 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	19-05-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	16-08-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

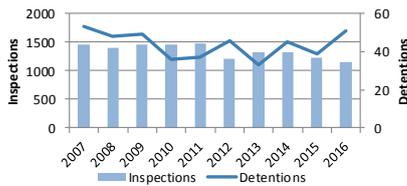


i) Staffing (2015)

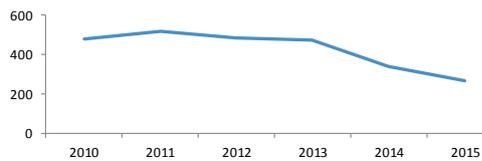
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	11	5	39		9	32	0	0	0
RO monitoring	3	2	9	9		5	0	0	0
PSC department	1	1	32	32	5		0	0	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Federal Bureau of Maritime Casualty Investigation	Reporting line	Ministry of Transport and Digital Infrastructure
Website	www.bsu-bund.de	Type of AI body	Maritime
Year established	2002		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	1	1	5						

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		RS		RINA		NK		KR	
	Survey	Certificate														
Passenger ship safety:	Yes	No														
Cargo ship safety construction:	Yes	No														
Cargo ship safety equipment:	Yes	No														
Radio:	No	No	No	No	Yes	No	Yes	No	No	No	No	No	No	No	No	No
ISM Code:	Yes	No														
ISM Code - DOC:	Yes	No														
ISM Code - SMC:	Yes	No														
Load line:	Yes	No														
MARPOL Annex I:	Yes	No														
MARPOL Annex II:	Yes	No	Yes	No	No	No	Yes	No								
MARPOL Annex III:	No	No	No	No	Yes	No	Yes	No	Yes	No	No	No	No	No	Yes	No
MARPOL Annex IV:	Yes	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	No	No	No
MARPOL Annex V:	Yes	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	No	Yes	No
MARPOL Annex VI:	Yes	No														
Tonnage measurement:	No	No														
MLC:	Yes	No	-	-	Yes	No										

DENMARK ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports 159

Ship building (GT) -

Coast/area ratio (m/km²) 125



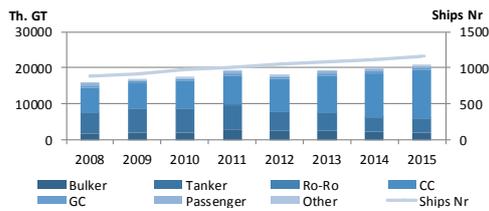
EU and World shares (2015)

Category	Value	EU	World
Fleet - national flag (GT)	15.404.388	5,13%	0,94%
Fleet - national flag (nr.)	686	4,94%	0,73%
Fleet - ownership (GT)	26.258.352	5,90%	2,12%
Fleet - ownership (nr.)	1.164	6,42%	1,93%

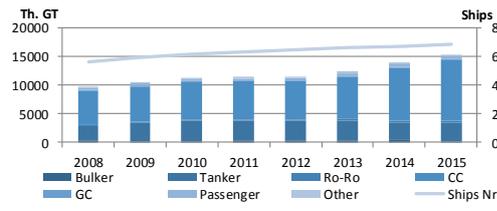
Trade data

Category	Value	EU	World
Imports (millions of US\$)	85.522	1,64%	0,51%
Exports (millions of US\$)	95.293	1,77%	0,58%

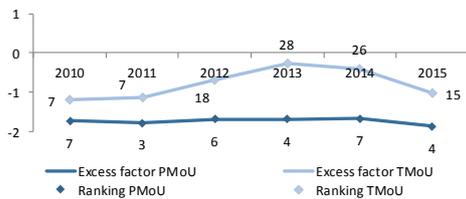
b) Ownership size and share per vessel type



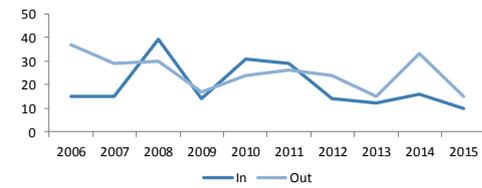
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit	25-9-2006	Report	Public (GISIS)
Type of audit	Voluntary	Summary	Public (GISIS)
Date of next audit	2020	Action plan	Public (GISIS)

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	Yes	8/9/2017
SOLAS Protocol 78	Yes	1-05-1981	ANTIFOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	21-07-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocol 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	22-09-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	19-05-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	23-06-2011
STCW-F	Yes	29-09-2012			

II. MARITIME ADMINISTRATION

h) Organogram

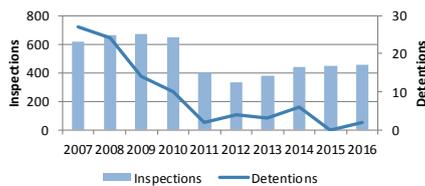


i) Staffing (2015)

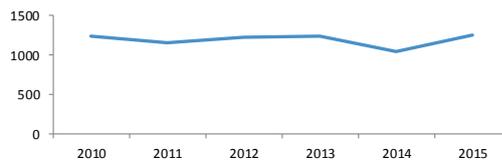
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	6	6	52		52	16	52	0	0
RO monitoring	6	6	52	52		16	52	0	0
PSC department	6	6	16	16	16		16	0	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

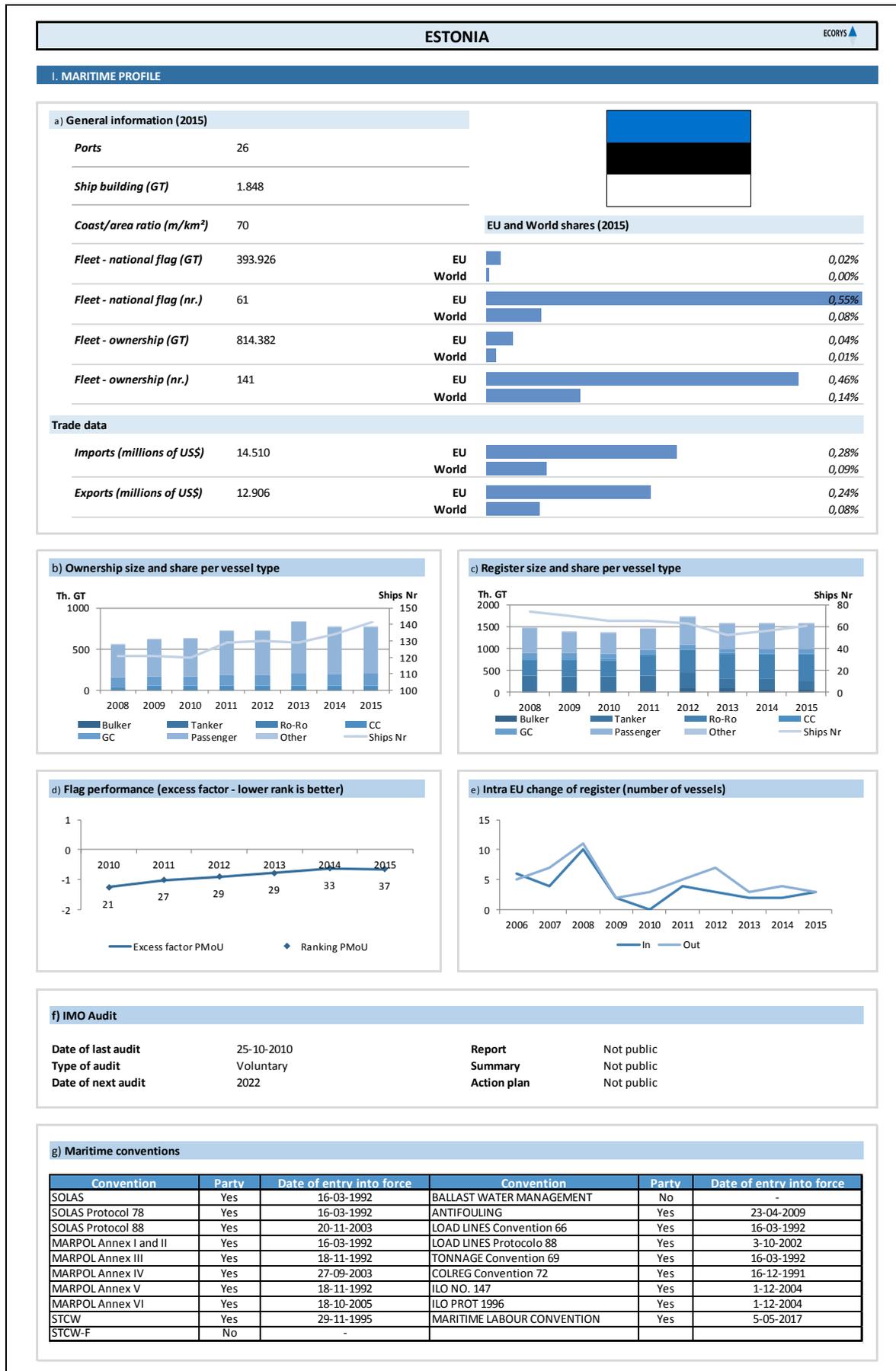
l) Accident Investigation Body (2015)

Name	Danish Maritime Accident Investigation Board	Reporting line	Ministry of Business and Growth
Website	www.dmaib.com	Type of AI body	Maritime
Year established	2011		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			4						

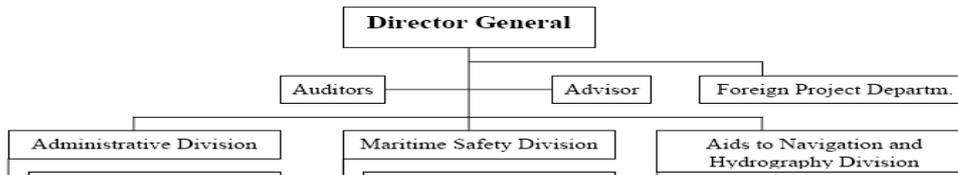
m) Functions delegated to ROs

Function	ABS		BV		CCS		DNV		KRS		LR		NKK		PRS		RINA	
	Survey	Certificate																
Passenger ship safety:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cargo ship safety construction:	Yes	Yes																
Cargo ship safety equipment:	Yes	Yes																
Radio:	Yes	Yes																
ISM Code:	Partial	Partial																
ISM Code - DOC:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ISM Code - SMC:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Load line:	Yes	Yes																
MARPOL Annex I:	Yes	Yes																
MARPOL Annex II:	Yes	Yes																
MARPOL Annex III:	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MARPOL Annex IV:	Yes	Yes																
MARPOL Annex V:	Yes	Yes																
MARPOL Annex VI:	Yes	Yes																
Tonnage measurement:	Yes	Yes																
MLC:	Partial	Partial																



II. MARITIME ADMINISTRATION

h) Organogram

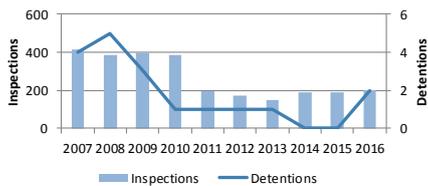


i) Staffing (2015)

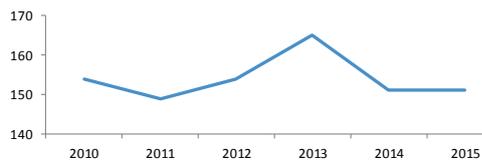
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	24	1	16		1	8	0	4	0
RO monitoring							0		
PSC department	1	1	8	8	0		0	3	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Estonian Safety Investigation Bureau	Reporting line	-
Website	www.ojk.ee	Type of AI body	Multi-modal
Year established	2012		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	1	1	4	0	0	0		0	0

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		RINA		RS	
	Survey	Certificate										
Passenger ship safety:	Yes	Yes										
Cargo ship safety construction:	Yes	Yes										
Cargo ship safety equipment:	Yes	Yes										
Radio:	Yes	Yes										
ISM Code:	Limited	Limited										
ISM Code - DOC:	Limited	Limited										
ISM Code - SMC:	Limited	Limited										
Load line:	Yes	Yes										
MARPOL Annex I:	Yes	Yes										
MARPOL Annex II:	Yes	Yes										
MARPOL Annex III:	No	No	No	No	Yes	Yes	No	No	No	No	No	No
MARPOL Annex IV:	Yes	Yes										
MARPOL Annex V:	No	No	No	No	Yes	Yes	No	No	No	No	No	No
MARPOL Annex VI:	Yes	Yes										
Tonnage measurement:	Yes	Yes										
MLC:	-	-	-	-	-	-	-	-	-	-	-	-

SPAIN ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports	105
Ship building (GT)	12.815
Coast/area ratio (m/km²)	15



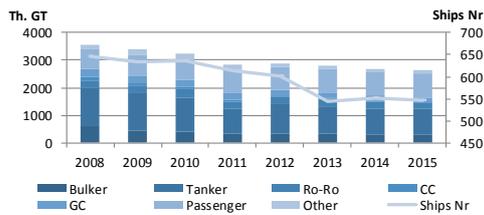
EU and World shares (2015)

Category	Value	EU Share	World Share
Fleet - national flag (GT)	2.252.815	0,58%	0,11%
Fleet - national flag (nr.)	424	3,57%	0,53%
Fleet - ownership (GT)	2.783.599	0,37%	0,13%
Fleet - ownership (nr.)	546	1,43%	0,43%

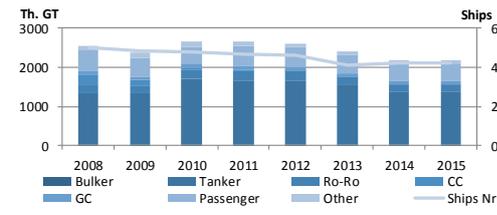
Trade data

Category	Value	EU Share	World Share
Imports (millions of US\$)	309.292	5,93%	1,86%
Exports (millions of US\$)	281.836	5,23%	1,70%

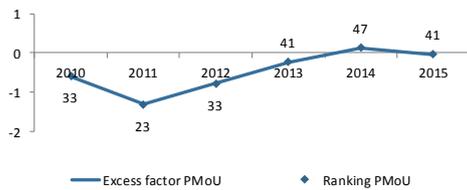
b) Ownership size and share per vessel type



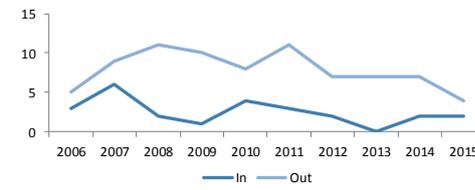
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit	19-12-2006	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2020	Action plan	Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	Yes	8-09-2017
SOLAS Protocol 78	Yes	1-05-1981	ANTIPOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	1-10-1968
MARPOL Annex I and II	Yes	6-10-1984	LOAD LINES Protocol 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	21-04-1991	ILO NO. 147	No	-
MARPOL Annex VI	Yes	19-05-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	4-02-2010
STCW-F	Yes	29-09-2012			

II. MARITIME ADMINISTRATION

h) Organogram

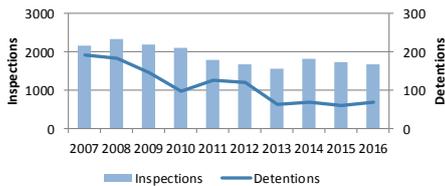


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			197				0		
RO monitoring							0		
PSC department			109				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Standing Commission for Maritime Accident and Incident Investigation	Reporting line	-
Website	http://www.fomento.es/MFOM/LA	Type of AI body	Maritime
Year established	2008		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	0	0	7	0	0	0		0	

m) Functions delegated to ROs

Function	BV		RINA		KR	
	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety construction:	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety equipment:	Yes	Yes	Yes	Yes	Yes	Yes
Radio:	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code:	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code - DOC:	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code - SMC:	Yes	Yes	Yes	Yes	Yes	Yes
Load line:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex I:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex IV:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex V:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex VI:	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	Yes	No	Yes	No	Yes	No
MLC:	-	-	-	-	-	-

FINLAND ECORYS

I. MARITIME PROFILE

a) General information (2015)

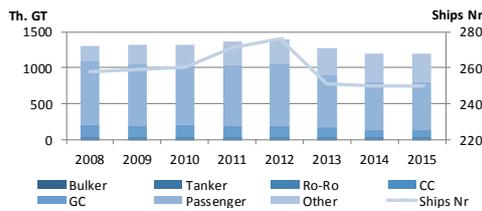
Ports	60
Ship building (GT)	115.054
Coast/area ratio (m/km²)	102



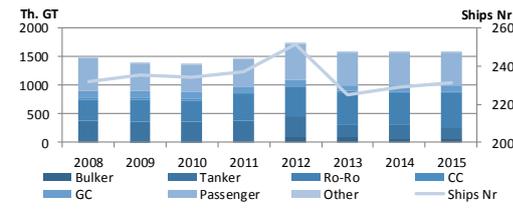
EU and World shares (2015)

	EU	World
Fleet - national flag (GT)	0,37%	0,07%
Fleet - national flag (nr.)	2,02%	0,30%
Fleet - ownership (GT)	0,33%	0,12%
Fleet - ownership (nr.)	0,99%	0,30%
Trade data		
Imports (millions of US\$)	1,15%	0,36%
Exports (millions of US\$)	1,10%	0,36%

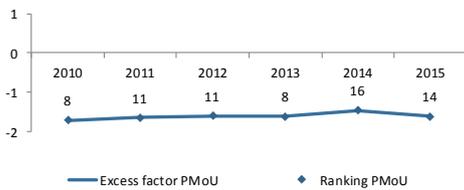
b) Ownership size and share per vessel type



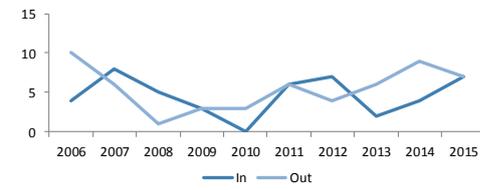
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

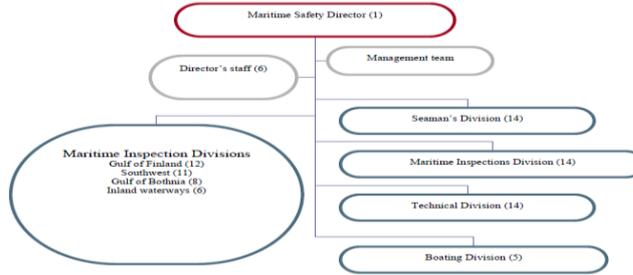
Date of last audit	14-11-2011	Report	Public (GISIS)
Type of audit	Voluntary	Summary	Public (GISIS)
Date of next audit	2022	Action plan	Public (GISIS)

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	21-02-1981	BALLAST WATER MANAGEMENT	No	8/9/2017
SOLAS Protocol 78	Yes	1-05-1981	ANTIFOULING	Yes	9-10-2010
SOLAS Protocol 88	Yes	17-03-2000	LOAD LINES Convention 66	Yes	15-08-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocol 88	Yes	17-03-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	30-06-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	9-01-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

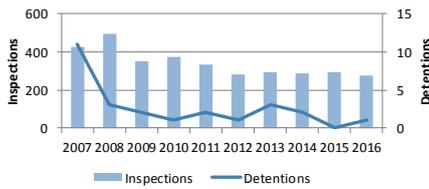


i) Staffing (2015)

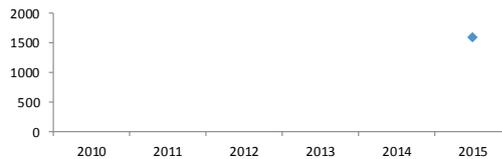
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	10	5	28		22	20	22	23	25
RO monitoring							0		
PSC department	1	2	21	21	21		21	21	21

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Safety Investigation Authority of Finland	Reporting line	-
Website	www.onnettomuustutkinta.fi	Type of AI body	Multi-modal
Year established	1997		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff		4	2	0	0	0		0	0

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		RINA		RS		NK	
	Survey	Certificate												
Passenger ship safety:	Partial	No												
Cargo ship safety construction:	Yes	Yes												
Cargo ship safety equipment:	Yes	Yes												
Radio:	Yes	Yes												
ISM Code:	Yes	Yes												
ISM Code - DOC:	Yes	Yes												
ISM Code - SMC:	Yes	Yes												
Load line:	Yes	Yes												
MARPOL Annex I:	Yes	Yes												
MARPOL Annex II:	Yes	Yes												
MARPOL Annex III:	Yes	Yes												
MARPOL Annex IV:	Yes	Yes												
MARPOL Annex V:	Yes	Yes												
MARPOL Annex VI:	Yes	Yes												
Tonnage measurement:	Yes	No	No	No	Yes	No	No	No	No	No	No	No	No	No
MLC:	-	-	-	-	-	-	-	-	-	-	-	-	-	-

FRANCE ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports 268

Ship building (GT) 2.444

Coast/area ratio (m/km²) 15



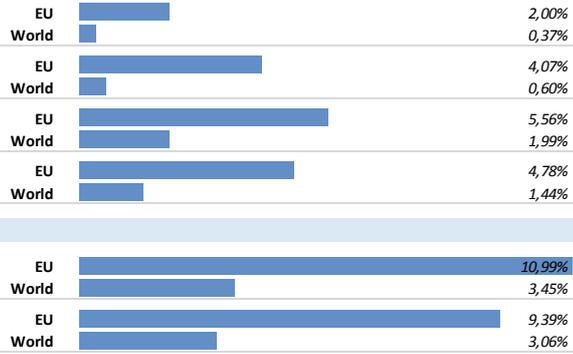
Fleet - national flag (GT) 5.902.359

Fleet - national flag (nr.) 462

Fleet - ownership (GT) 13.423.601

Fleet - ownership (nr.) 629

EU and World shares (2015)

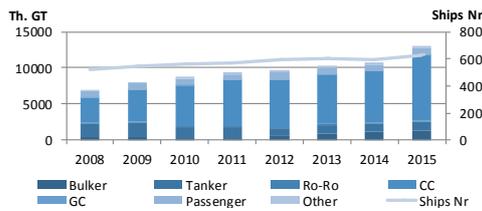


Trade data

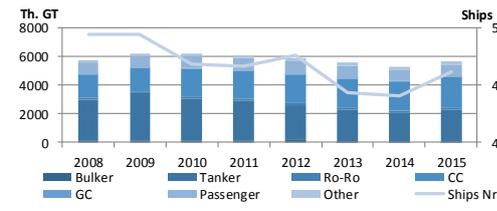
Imports (millions of US\$) 572.661

Exports (millions of US\$) 505.897

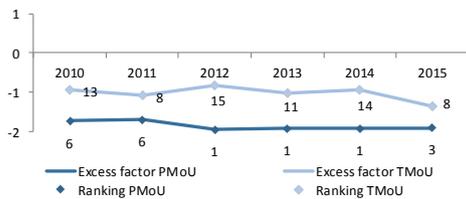
b) Ownership size and share per vessel type



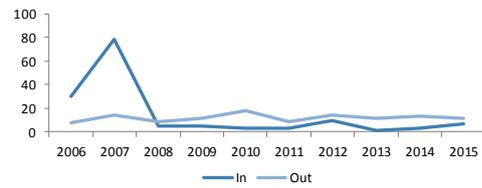
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit 19-10-2009
Type of audit Voluntary
Date of next audit 2021

Report Public (GISIS)
Summary Public (GISIS)
Action plan Public (GISIS)

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	Yes	8/9/2017
SOLAS Protocol 78	Yes	1-05-1981	ANTI FOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	21-07-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocol 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	15-10-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	28-02-2013
STCW-F	No	-			

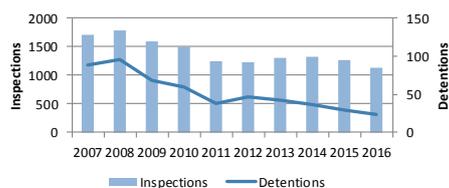
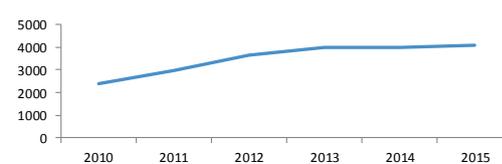
II. MARITIME ADMINISTRATION
h) Organogram

Not available

i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	11	22	162		5	89	0	0	162
RO monitoring							0		
PSC department			70				0		

*The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag

k) Flag State Surveys / Inspections


*Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Marine Accident Investigation Office	Reporting line	Ministry of the environment, energy and the sea
Website	www.bea-mer.developpement-durable.gouv.fr	Type of AI body	Maritime
Year established	1997		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	2	3	5	0	0	0	0	0	0

m) Functions delegated to ROs

Function	BV		DNV		RINA	
	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	No	No	No	No	No	No
Cargo ship safety construction:	Limited	Limited	Limited	Limited	Limited	Limited
Cargo ship safety equipment:	Limited	Limited	Limited	Limited	Limited	Limited
Radio:	Yes	Yes	Limited	Limited	Limited	Limited
ISM Code:	No	No	No	No	No	No
ISM Code - DOC:	No	No	No	No	No	No
ISM Code - SMC:	No	No	No	No	No	No
Load line:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex I:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex IV:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex V:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex VI:	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	No	No	No	No	No	No
MLC:	No	No	No	No	No	No

GREECE ECORYS ▲

I. MARITIME PROFILE

a) General information (2015)

Ports 103

Ship building (GT) -

Coast/area ratio (m/km²) 118

Fleet - national flag (GT) 41.171.063

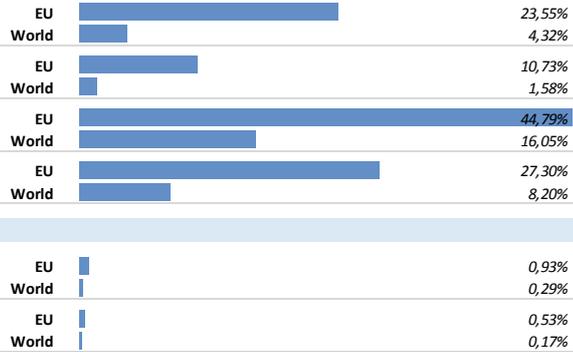
Fleet - national flag (nr.) 1.190

Fleet - ownership (GT) 176.158.656

Fleet - ownership (nr.) 4.751



EU and World shares (2015)

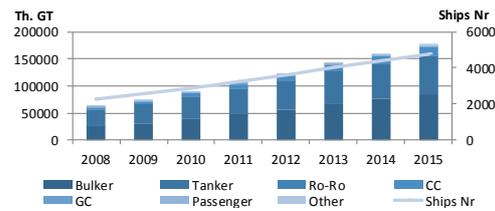


Trade data

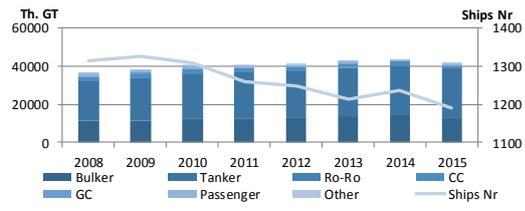
Imports (millions of US\$) 48.417

Exports (millions of US\$) 28.617

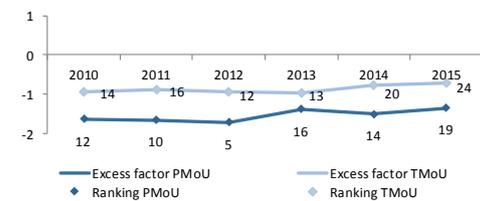
b) Ownership size and share per vessel type



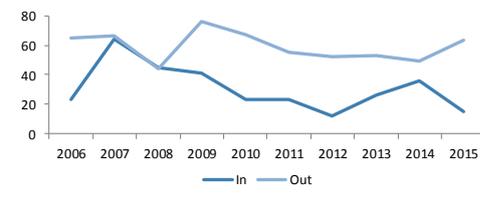
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit 28-5-2007
Type of audit Voluntary
Date of next audit 2020

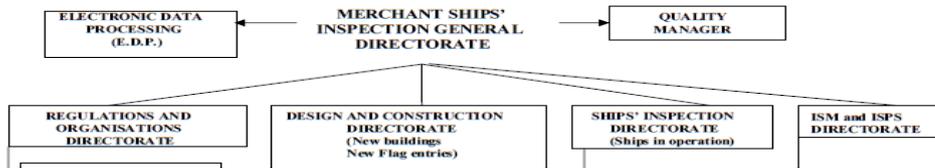
Report Not public
Summary Not public
Action plan Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	17-10-1981	ANTIFOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	12-09-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocol 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	19-11-1983
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	19-05-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	4-01-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

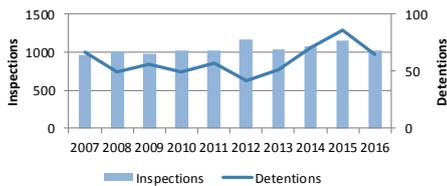


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			18				0		
RO monitoring							0		
PSC department	20	1	63	20	3		0	10	15

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections

No data available

* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Hellenic Bureau Marine Casualties Investigation	Reporting line	Ministry of Maritime affairs
Website	www.hbmci.gov.gr	Type of AI body	Maritime
Year established	2011		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	0	6	4	0	0	0	0	0	0

m) Functions delegated to ROs

Function	ABS		BV		CCS		DNV		KR		RS		NK		RINA		RS	
	Survey	Certificate																
Passenger ship safety:	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Cargo ship safety construction:	Yes	Yes																
Cargo ship safety equipment:	Yes	Yes																
Radio:	Yes	Yes																
ISM Code:	Yes	Yes																
ISM Code - DOC:	Yes	Yes																
ISM Code - SMC:	Yes	Yes																
Load line:	Yes	Yes																
MARPOL Annex I:	Yes	Yes																
MARPOL Annex II:	Yes	Yes																
MARPOL Annex III:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	N/A	
MARPOL Annex IV:	Yes	Yes	Yes															
MARPOL Annex V:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	N/A	
MARPOL Annex VI:	Yes	Yes	Yes															
Tonnage measurement:	Yes	Yes	Yes															
M.L.C.:	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No									

CROATIA ECORYS

I. MARITIME PROFILE

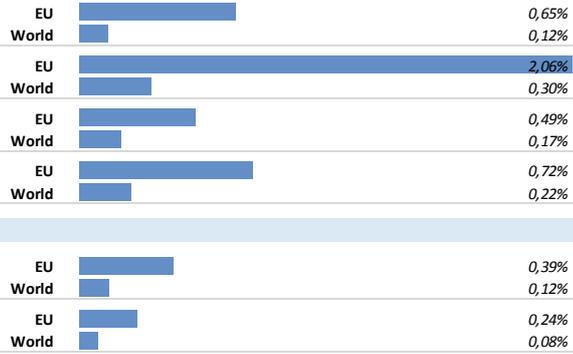
a) General information (2015)

Ports	34
Ship building (GT)	68.247
Coast/area ratio (m/km²)	101



Fleet - national flag (GT)	1.256.984
Fleet - national flag (nr.)	189
Fleet - ownership (GT)	1.884.912
Fleet - ownership (nr.)	243

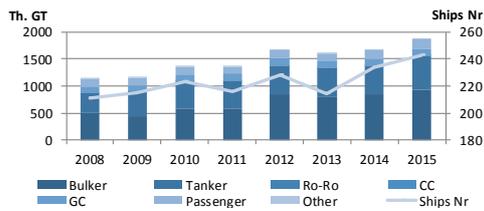
EU and World shares (2015)



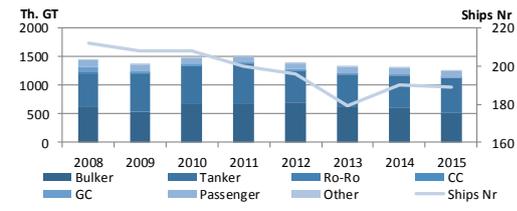
Trade data

Imports (millions of US\$)	20.460
Exports (millions of US\$)	12.903

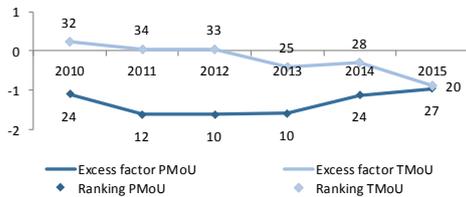
b) Ownership size and share per vessel type



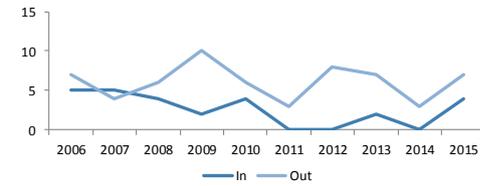
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit	1-12-2014	Report	Not public
Type of audit	Transitional	Summary	Public (GISIS)
Date of next audit	2022	Action plan	Public (GISIS)

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	8-10-1991	BALLAST WATER MANAGEMENT	Yes	8/9/2017
SOLAS Protocol 78	Yes	8-10-1991	ANTIPOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	30-4-2000	LOAD LINES Convention 66	Yes	8-10-1991
MARPOL Annex I and II	Yes	8-10-1991	LOAD LINES Protocol 88	Yes	30-04-2000
MARPOL Annex III	Yes	1-7-1992	TONNAGE Convention 69	Yes	8-10-1991
MARPOL Annex IV	Yes	27-9-2003	COLREG Convention 72	Yes	8-10-1991
MARPOL Annex V	Yes	8-10-1991	ILO NO. 147	No	-
MARPOL Annex VI	Yes	4-8-2005	ILO PROT 1996	No	-
STCW	Yes	8-10-1991	MARITIME LABOUR CONVENTION	Yes	12-02-2010
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

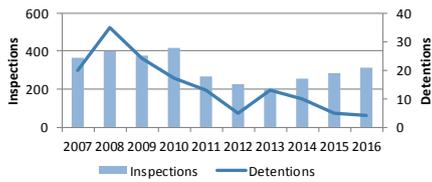
Not available

i) Staffing (2015)

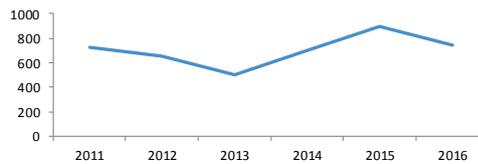
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			9				0		
RO monitoring							0		
PSC department	1	1	9	0	0		0	0,5	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Air, Maritime and Railway Traffic Accident Investigation Agency	Reporting line	-
Website	www.ain.hr	Type of AI body	Multi-modal
Year established	2003		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	3	1	1	0	0	0		0	0

m) Functions delegated to ROs

Function	CRS	
	Survey	Certificate
Passenger ship safety:	Yes	Yes
Cargo ship safety construction:	Yes	Yes
Cargo ship safety equipment:	Yes	Yes
Radio:	Yes	Yes
ISM Code:	Yes	Yes
ISM Code - DOC:	Yes	Yes
ISM Code - SMC:	Yes	Yes
Load line:	Yes	Yes
MARPOL Annex I:	Yes	Yes
MARPOL Annex II:	Yes	Yes
MARPOL Annex III:	Yes	Yes
MARPOL Annex IV:	Yes	Yes
MARPOL Annex V:	Yes	Yes
MARPOL Annex VI:	Yes	Yes
Tonnage measurement:	Yes	Yes
MLC:	Yes	Yes

HUNGARY		ECORYS ▲			
I. MARITIME PROFILE					
a) General information (2015)					
Ports	1				
Ship building (GT)	-				
Coast/area ratio (m/km ²)	0				
Fleet - national flag (GT)			EU and World shares (2015)		
	-		EU -		
	-		World -		
Fleet - national flag (nr.)			EU -		
	-		World -		
Fleet - ownership (GT)			EU -		
	-	World -			
Fleet - ownership (nr.)		EU -			
	-	World -			
Trade data					
Imports (millions of US\$)	92.600	EU  1,78%			
		World  0,56%			
Exports (millions of US\$)	98.578	EU  1,83%			
		World  0,60%			
b) Ownership size and share per vessel type					
No data available					
c) Register size and share per vessel type					
No flag register					
d) Flag performance (excess factor - lower rank is better)					
No flag register					
e) Intra EU change of register (number of vessels)					
No flag register					
f) IMO Audit					
Date of last audit	13-10-2016	Report	Not public		
Type of audit	Mandatory	Summary	Not public		
Date of next audit	Unknown	Action plan	Not public		
g) Maritime conventions					
Convention	Partv	Date of entry into force	Convention	Partv	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	3-05-1982	ANTIFOULING	Yes	17-09-2008
SOLAS Protocol 88	No	-	LOAD LINES Convention 66	Yes	25-12-1973
MARPOL Annex I and II	Yes	14-04-1985	LOAD LINES Protocolo 88	Yes	17-07-2003
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	No	-	ILO PROT 1996	No	-
STCW	Yes	15-01-1986	MARTIME LABOUR CONVENTION	Yes	31-07-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

Not available

i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	0	0	0		0	0	0	0	0
RO monitoring							0		
PSC department	0	0	0	0	0		0	0	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag

Landlocked country - no data available

k) Flag State Surveys / Inspections

No flag register

l) Accident Investigation Body (2015)

Name	Hungarian Transportation Safety Bureau	Reporting line	-
Website	www.kbsz.hu	Type of AI body	Multi-modal
Year established	2006		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			2						

m) Functions delegated to ROs

Function	None	
	Survey	Certificate
Passenger ship safety:	-	-
Cargo ship safety construction:	-	-
Cargo ship safety equipment:	-	-
Radio:	-	-
ISM Code:	-	-
ISM Code - DOC:	-	-
ISM Code - SMC:	-	-
Load line:	-	-
MARPOL Annex I:	-	-
MARPOL Annex II:	-	-
MARPOL Annex III:	-	-
MARPOL Annex IV:	-	-
MARPOL Annex V:	-	-
MARPOL Annex VI:	-	-
Tonnage measurement:	-	-
MLC:	-	-

IRELAND ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports 49

Ship building (GT) -

Coast/area ratio (m/km²) 93



EU and World shares (2015)

Fleet - national flag (GT) 210.198

EU 0,09%
World 0,02%

Fleet - national flag (nr.) 54

EU 0,62%
World 0,09%

Fleet - ownership (GT) 2.591.883

EU 0,17%
World 0,06%

Fleet - ownership (nr.) 170

EU 0,62%
World 0,19%

Trade data

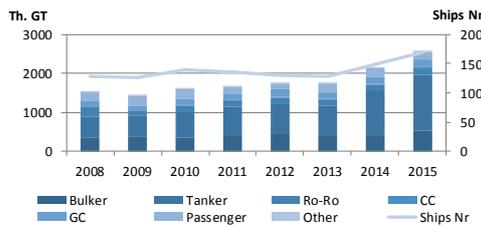
Imports (millions of US\$) 71.336

EU 1,37%
World 0,43%

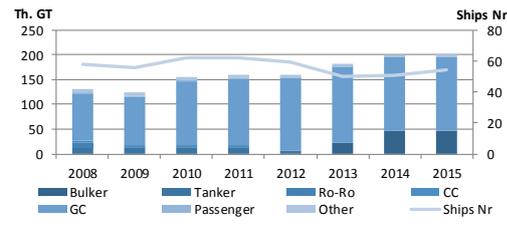
Exports (millions of US\$) 120.439

EU 2,24%
World 0,73%

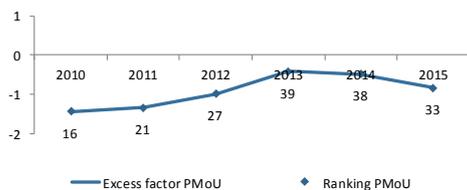
b) Ownership size and share per vessel type



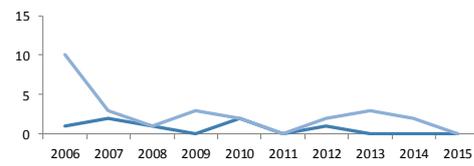
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

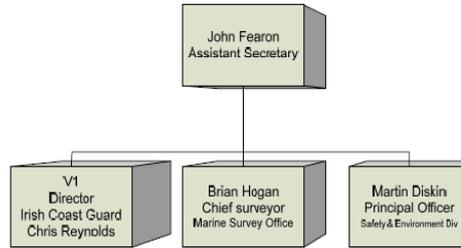
Date of last audit	13-9-2010	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2022	Action plan	Not public

g) Maritime conventions

Convention	Partv	Date of entry into force	Convention	Partv	Date of entry into force
SOLAS	Yes	29-02-1984	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	29-02-1984	ANTIPOULING	Yes	20-01-2012
SOLAS Protocol 88	Yes	24-12-2003	LOAD LINES Convention 66	Yes	28-11-1968
MARPOL Annex I and II	Yes	6-04-1995	LOAD LINES Protocolo 88	Yes	7-08-2002
MARPOL Annex III	Yes	27-07-1998	TONNAGE Convention 69	Yes	11-07-1985
MARPOL Annex IV	Yes	10-11-2006	COLREG Convention 72	Yes	19-12-1977
MARPOL Annex V	Yes	6-04-1995	ILO NO. 147	No	-
MARPOL Annex VI	Yes	30-09-2009	ILO PROT 1996	No	-
STCW	Yes	11-12-1984	MARITIME LABOUR CONVENTION	Yes	21/07/2014
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

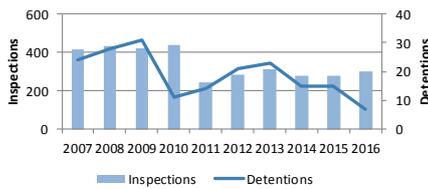


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	0	2	26		0	4	6	0	0
RO monitoring							0		
PSC department		1	18	0	0		0	0	0

*The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections

No data available

*Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Marine Casualty Investigation Board	Reporting line	Ministry for Transport, Tourism & Sport
Website	www.mcib.ie	Type of AI body	Maritime
Year established	2002		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	4	5	0	0	0	0		0	0

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		NKK		RINA		RS	
	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Cargo ship safety construction:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety equipment:	No	No	No	No	Partial	Partial	No	Partial	No	Partial	No	Partial	No	Partial
Radio:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code:	Yes	-	Yes	-	Yes	Yes	Yes	-	Yes	-	Yes	-	Yes	-
ISM Code - DOC:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code - SMC:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Load line:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex I:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	No	-	No	-	Yes	N/A	No	-	No	-	No	-	No	-
MARPOL Annex IV:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex V:	No	-	No	-	Yes	N/A	No	-	No	-	No	-	No	-
MARPOL Annex VI:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	No	No	No	No	No	No	No	No	No	No	No	No	No	No
MLC:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

ITALY ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports 311

Ship building (GT)

Coast/area ratio (m/km²) 31

Fleet - national flag (GT) 16.093.222

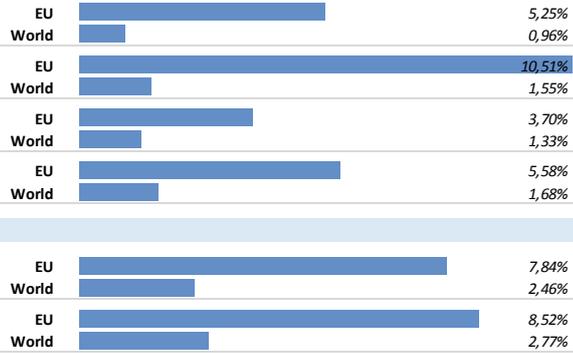
Fleet - national flag (nr.) 1.272

Fleet - ownership (GT) 18.674.279

Fleet - ownership (nr.) 1.416



EU and World shares (2015)

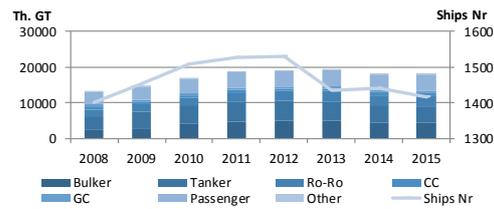


Trade data

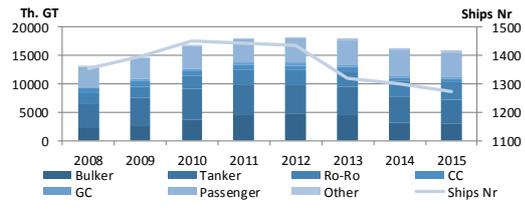
Imports (millions of US\$) 408.932

Exports (millions of US\$) 459.068

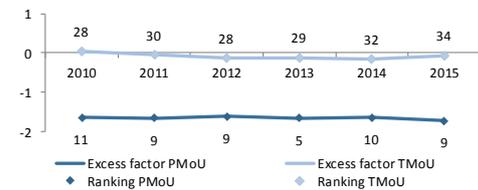
b) Ownership size and share per vessel type



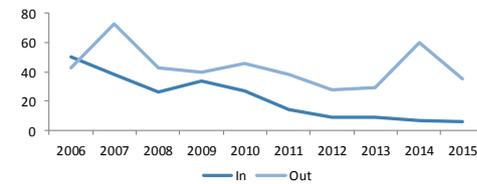
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit 24-9-2007
Type of audit Voluntary
Date of next audit 2021

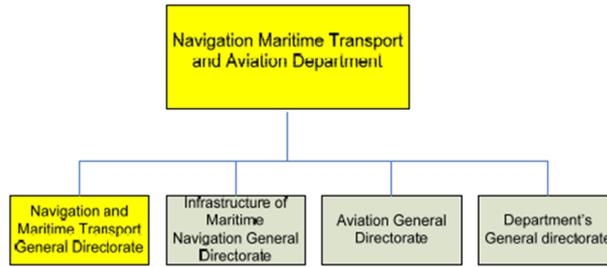
Report Not public
Summary Not public
Action plan Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	11-09-1980	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	1-01-1983	ANTIPOULING	Yes	21-04-2013
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	21-07-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocol 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	11-01-1979
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	22-08-2006	ILO PROT 1996	No	-
STCW	Yes	26-11-1987	MARITIME LABOUR CONVENTION	Yes	19-11-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

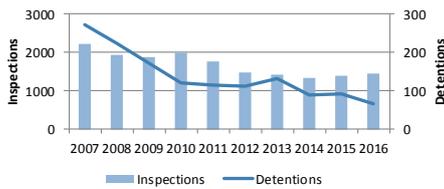


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			180				0		
RO monitoring							0		
PSC department			124				0		

*The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



*Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

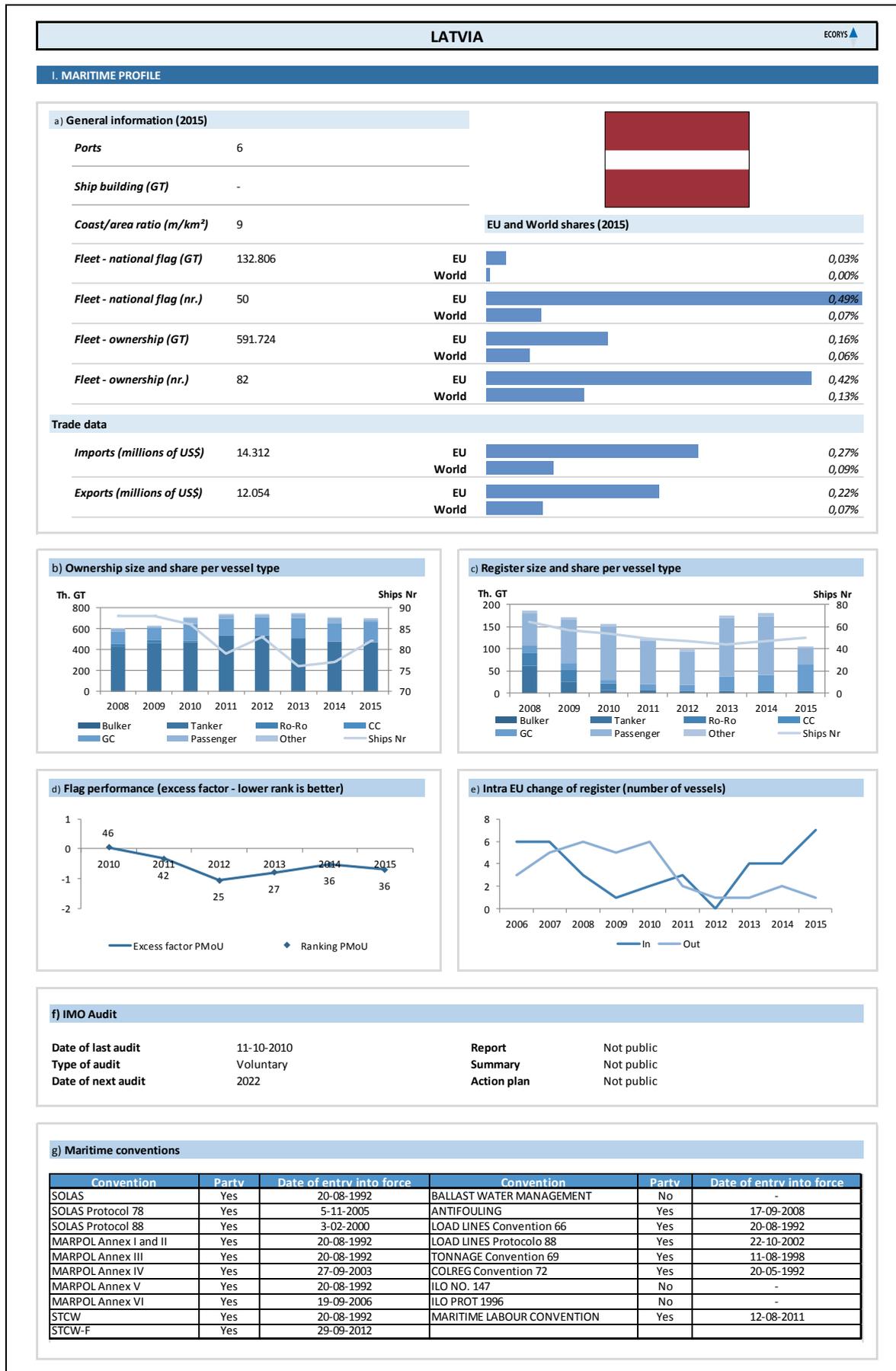
l) Accident Investigation Body (2015)

Name	Direzione Generale Investigazioni Ferroviarie e Marittime	Reporting line	-
Website	www.mit.gov.it	Type of AI body	-
Year established	2011		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			5						

m) Functions delegated to ROs

Function	BV		DNV		RINA	
	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	Yes	No	Yes	No	Yes	No
Cargo ship safety construction:	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety equipment:	Yes	No	Yes	No	Yes	No
Radio:	No	No	No	No	No	No
ISM Code:	-	-	-	-	-	-
ISM Code - DOC:	Yes	No	Yes	No	Yes	No
ISM Code - SMC:	Yes	No	Yes	No	Yes	No
Load line:	Yes	Yes	-	-	Yes	Yes
MARPOL Annex I:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	-	-	-	-	-	-
MARPOL Annex IV:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex V:	-	-	No	No	-	-
MARPOL Annex VI:	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	Yes	Yes	Yes	Yes	Yes	Yes
MLC:	No	No	No	No	No	No



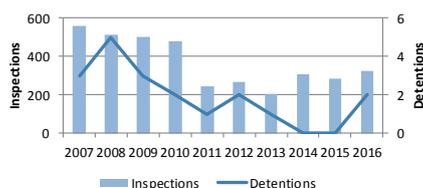
II. MARITIME ADMINISTRATION
h) Organogram

Not available

i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			13				0		
RO monitoring							0		
PSC department			11				0		

*The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag

k) Flag State Surveys / Inspections

No data available

*Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

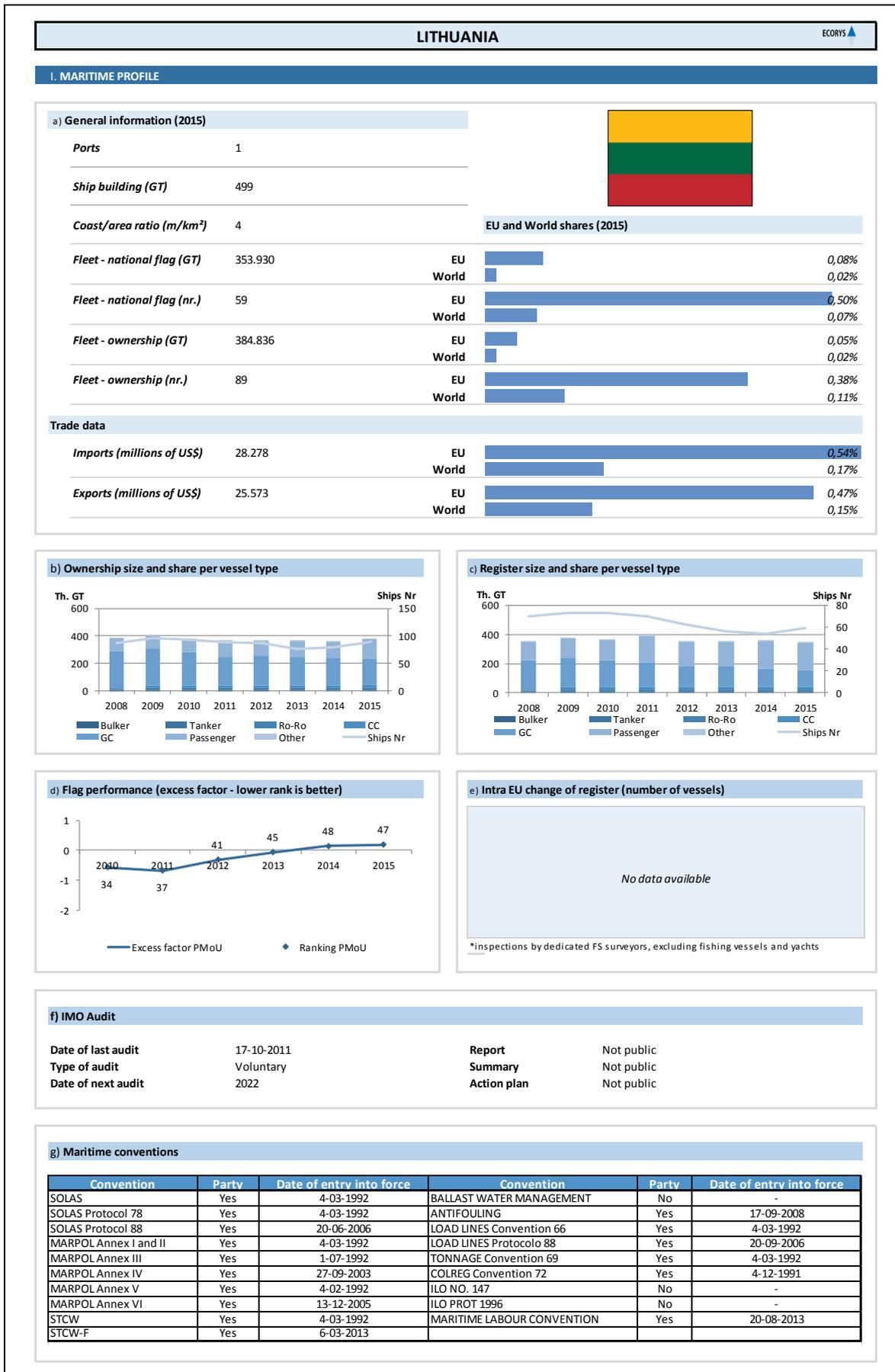
l) Accident Investigation Body (2015)

Name	Transport Accident and Incident Investigation Bureau	Reporting line	-
Website	www.taiib.gov.lv	Type of AI body	Multi-modal
Year established	2011		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			2						

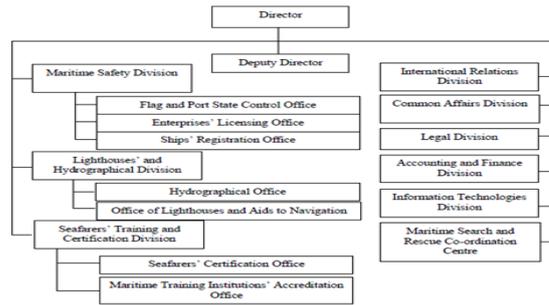
m) Functions delegated to ROs

Function	ABS		BV		DNV		KRS		LR		RINA		RS	
	Survey	Certificate												
Passenger ship safety:	Yes	Yes												
Cargo ship safety construction:	Yes	Yes												
Cargo ship safety equipment:	Yes	Yes												
Radio:	Yes	Yes												
ISM Code:	Yes	Yes												
ISM Code - DOC:	Yes	Yes												
ISM Code - SMC:	Yes	Yes												
Load line:	Yes	Yes												
MARPOL Annex I:	Yes	Yes												
MARPOL Annex II:	Yes	Yes												
MARPOL Annex III:	No	No												
MARPOL Annex IV:	Yes	Yes												
MARPOL Annex V:	N/A	N/A												
MARPOL Annex VI:	Yes	Yes												
Tonnage measurement:	Yes	Yes												
MLC:	Yes	Yes												



II. MARITIME ADMINISTRATION

h) Organogram

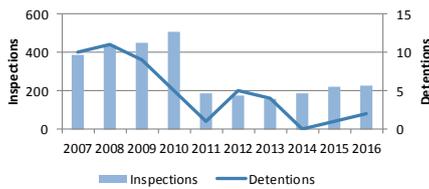


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			8				0		
RO monitoring							0		
PSC department			8				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections

No data available

* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Transport Accident and Incident Investigation Division	Reporting line	-
Website	www.en.tm.lt/	Type of AI body	Multi-modal
Year established	2012		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			1						

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		NK		PRS		RINA		RS	
	Survey	Certificate														
Passenger ship safety:	Yes	Yes														
Cargo ship safety construction:	Yes	Yes														
Cargo ship safety equipment:	Yes	Yes														
Radio:	Yes	Yes														
ISM Code:	Yes	Yes														
ISM Code - DOC:	Yes	Yes														
ISM Code - SMC:	Yes	Yes														
Load line:	Yes	Yes														
MARPOL Annex I:	Yes	Yes														
MARPOL Annex II:	Yes	Yes														
MARPOL Annex III:	No	No														
MARPOL Annex IV:	Yes	Yes														
MARPOL Annex V:	Yes	Yes														
MARPOL Annex VI:	Yes	Yes														
Tonnage measurement:	Yes	Yes														
MLC:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

LUXEMBOURG ECORYS

I. MARITIME PROFILE

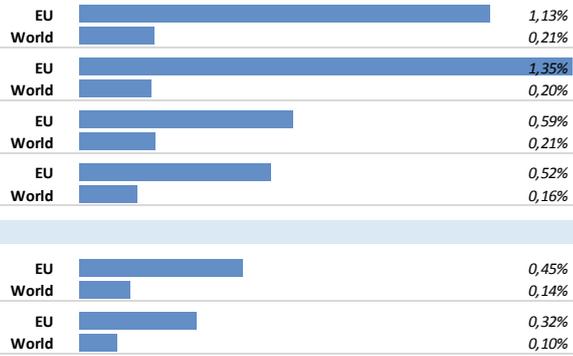
a) General information (2015)

Ports	-
Ship building (GT)	-
Coast/area ratio (m/km²)	0



Fleet - national flag (GT)	2.624.573
Fleet - national flag (nr.)	169
Fleet - ownership (GT)	1.265.250
Fleet - ownership (nr.)	96

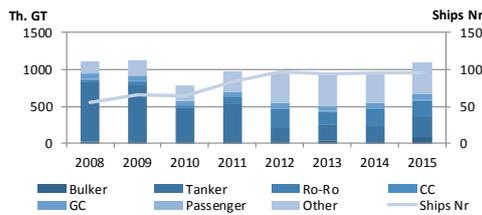
EU and World shares (2015)



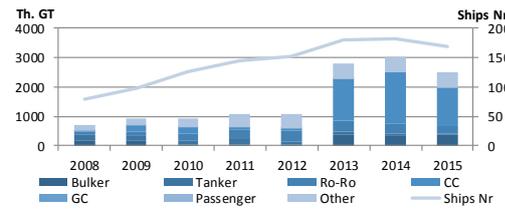
Trade data

Imports (millions of US\$)	23.431
Exports (millions of US\$)	17.298

b) Ownership size and share per vessel type



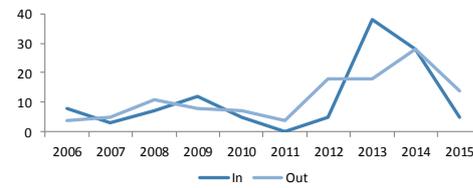
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

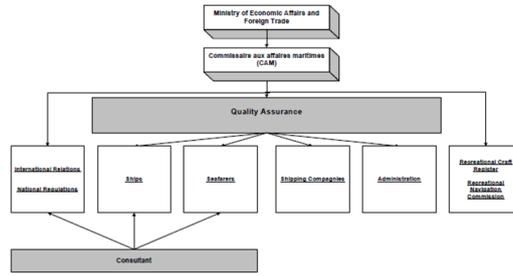
Date of last audit	15-9-2008	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2021	Action plan	Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	14-05-1991	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	14-05-1991	ANTIFOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	14-05-1991
MARPOL Annex I and II	Yes	14-05-1991	LOAD LINES Protocol 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	14-05-1991
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	14-02-1991
MARPOL Annex V	Yes	14-05-1991	ILO NO. 147	No	-
MARPOL Annex VI	Yes	21-02-2006	ILO PROT 1996	No	-
STCW	Yes	14-05-1991	MARITIME LABOUR CONVENTION	Yes	20-09-2011
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram



i) Staffing (2015)

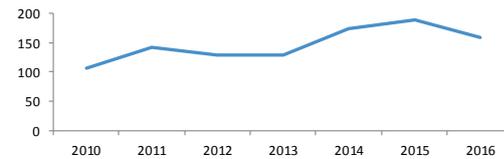
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	5	2	0*		0	0	0	0	0
RO monitoring							0		
PSC department			N/A				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag

Landlocked country - no data available

k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Administration of Technical Investigations	Reporting line	-
Website	www.mt.public.lu/transport/AET	Type of AI body	Multi-modal
Year established	2008		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	0	0	1	0	0	0	0	0	0

m) Functions delegated to ROs

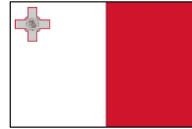
Function	ABS		BV		DNV		KRS		LR		NKK		RINA	
	Survey	Certificate												
Passenger ship safety:	Yes	Yes												
Cargo ship safety construction:	Yes	Yes												
Cargo ship safety equipment:	Yes	Yes												
Radio:	Yes	Yes												
ISM Code:	Yes	Yes												
ISM Code - DOC:	Yes	Yes												
ISM Code - SMC:	Yes	Yes												
Load line:	Yes	Yes												
MARPOL Annex I:	Yes	Yes												
MARPOL Annex II:	Yes	Yes												
MARPOL Annex III:	Yes	Yes												
MARPOL Annex IV:	Yes	Yes												
MARPOL Annex V:	Yes	Yes												
MARPOL Annex VI:	Yes	Yes												
Tonnage measurement:	Yes	Yes												
MLC:	Yes	Yes												

MALTA ECORYS

I. MARITIME PROFILE

a) General information (2015)

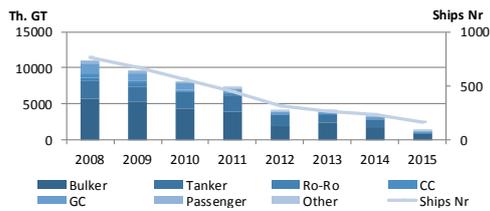
Ports	2
Ship building (GT)	-
Coast/area ratio (m/km²)	619



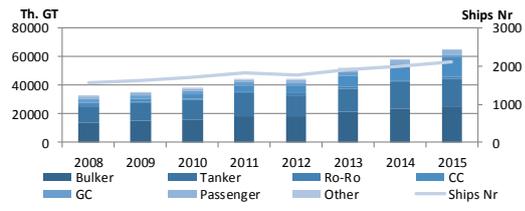
EU and World shares (2015)

Fleet - national flag (GT)	64.827.607	EU	27,23%
		World	5,00%
Fleet - national flag (nr.)	2.113	EU	14,81%
		World	2,18%
Fleet - ownership (GT)	1.368.013	EU	0,20%
		World	0,07%
Fleet - ownership (nr.)	161	EU	0,23%
		World	0,07%
Trade data			
Imports (millions of US\$)	5.772	EU	0,11%
		World	0,03%
Exports (millions of US\$)	2.576	EU	0,05%
		World	0,02%

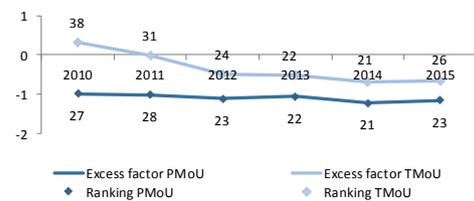
b) Ownership size and share per vessel type



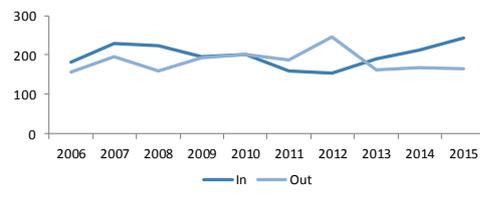
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

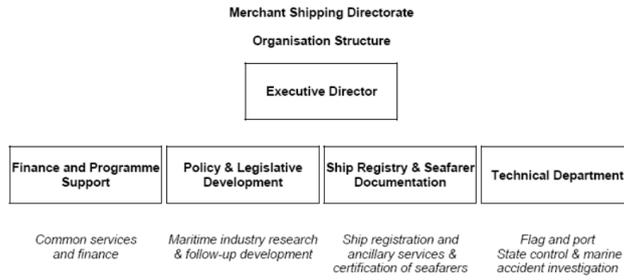
Date of last audit	31-10-2011	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2022	Action plan	Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	8-11-1986	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	8-11-1986	ANTIFOULING	Yes	27-07-2009
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	11-12-1974
MARPOL Annex I and II	Yes	21-09-1991	LOAD LINES Protocolo 88	Yes	3-02-2000
MARPOL Annex III	Yes	13-05-1994	TONNAGE Convention 69	Yes	20-06-1989
MARPOL Annex IV	Yes	30-06-2011	COLREG Convention 72	Yes	20-03-1989
MARPOL Annex V	Yes	13-05-2004	ILO NO. 147	No	-
MARPOL Annex VI	Yes	30-06-2011	ILO PROT 1996	No	-
STCW	Yes	21-09-1991	MARITIME LABOUR CONVENTION	Yes	22-01-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

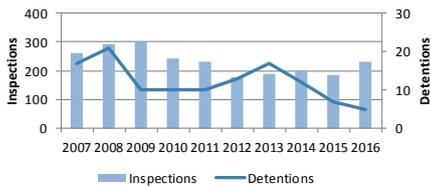


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			19				0		
RO monitoring							0		
PSC department			3				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections

No data available

* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Marine Safety Investigation Unit	Reporting line	-
Website	www.transport.gov.mt	Type of AI body	Maritime
Year established	2011		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			1						

m) Functions delegated to ROs

Function	ABS		BV		CCS		CRS		DNV		KRS		LR		NKK		PRS		RINA		RS	
	Survey	Certificate																				
Passenger ship safety:	Yes	Yes																				
Cargo ship safety construction:	Yes	Yes																				
Cargo ship safety equipment:	Yes	Yes																				
Radio:	Yes	Yes																				
ISM Code:	Yes	Yes																				
ISM Code - DOC:	Yes	Yes																				
ISM Code - SMC:	Yes	Yes																				
Load line:	Yes	Yes																				
MARPOL Annex I:	Yes	Yes																				
MARPOL Annex II:	Yes	Yes																				
MARPOL Annex III:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MARPOL Annex IV:	Yes	Yes																				
MARPOL Annex V:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MARPOL Annex VI:	Yes	Yes																				
Tonnage measurement:	Yes	Yes																				
MLC:	Yes	Yes	-	-	Yes	Yes	Yes	Yes	Yes	Yes												

NETHERLANDS ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports	24
Ship building (GT)	121.748
Coast/area ratio (m/km²)	57



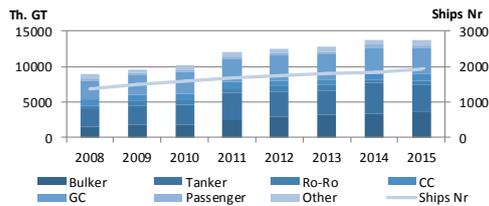
EU and World shares (2015)

	EU	World
Fleet - national flag (GT)	2,65%	0,49%
Fleet - national flag (nr.)	9,40%	1,38%
Fleet - ownership (GT)	2,80%	1,00%
Fleet - ownership (nr.)	8,40%	2,52%

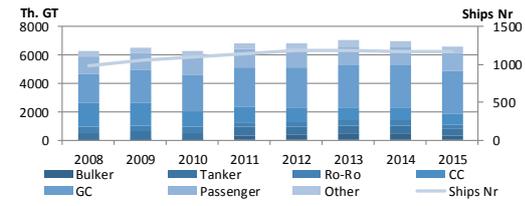
Trade data

	EU	World
Imports (millions of US\$)	9,70%	3,05%
Exports (millions of US\$)	10,53%	3,43%

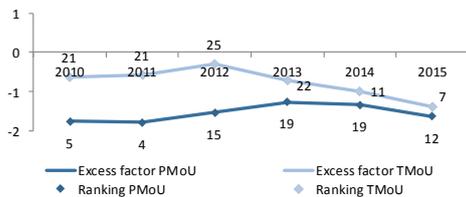
b) Ownership size and share per vessel type



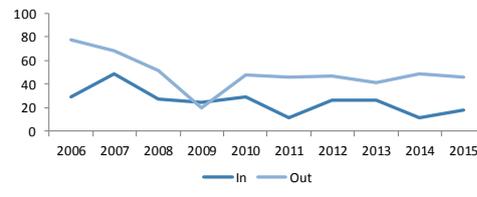
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

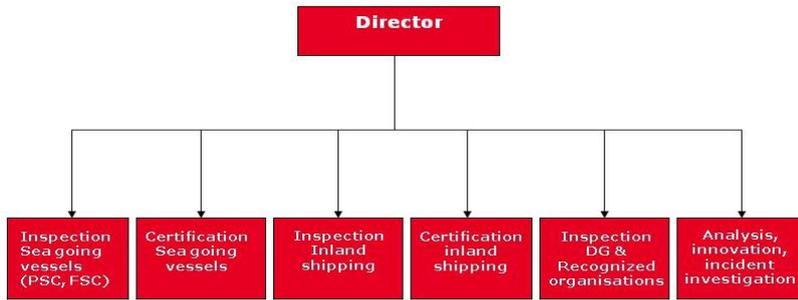
Date of last audit	17-9-2007	Report	Public (GISIS)
Type of audit	Voluntary	Summary	Public (GISIS)
Date of next audit	2021	Action plan	Public (GISIS)

g) Maritime conventions

Convention	Partv	Date of entry into force	Convention	Partv	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	Yes	8/9/2017
SOLAS Protocol 78	Yes	1-05-1981	ANTIPOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	21-07-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocolo 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	11-02-2006	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	2-01-2007	ILO PROT 1996	No	-
STCW	Yes	26-10-1985	MARITIME LABOUR CONVENTION	Yes	13-12-2011
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

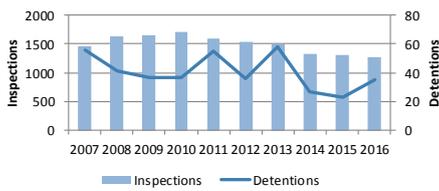


i) Staffing (2015)

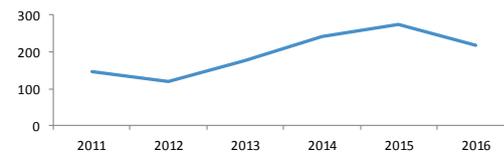
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	na	1	30		2	28	0	CoastGuard	30
RO monitoring	1	1	2				0	CoastGuard	2
PSC department	na	1	28		2		0	CoastGuard	28

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Dutch Safety Board	Reporting line	-
Website	www.safetyboard.nl	Type of AI body	Multi-modal
Year established	1999		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			6	0	0	0		0	0

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		NKK		RINA	
	Survey	Certificate										
Passenger ship safety:	Yes	Yes										
Cargo ship safety construction:	Yes	Yes										
Cargo ship safety equipment:	Yes	Yes										
Radio:	Yes	Yes										
ISM Code:	Yes	Yes										
ISM Code - DOC:	Yes	Yes										
ISM Code - SMC:	Yes	Yes										
Load line:	Yes	Yes										
MARPOL Annex I:	Yes	Yes										
MARPOL Annex II:	Yes	Yes										
MARPOL Annex III:	Yes	Yes										
MARPOL Annex IV:	Yes	Yes										
MARPOL Annex V:	Yes	Yes										
MARPOL Annex VI:	Yes	Yes										
Tonnage measurement:	Yes	Yes										
MLC:	Yes	Yes										

POLAND ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports	12
Ship building (GT)	15.833
Coast/area ratio (m/km²)	3



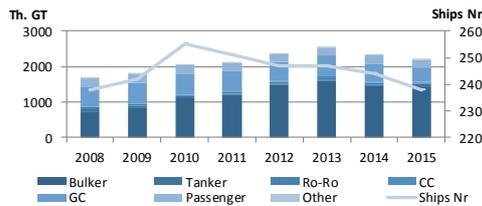
EU and World shares (2015)

	EU	World
Fleet - national flag (GT)	0,03%	0,01%
Fleet - national flag (nr.)	1,18%	0,17%
Fleet - ownership (GT)	0,45%	0,16%
Fleet - ownership (nr.)	0,94%	0,28%

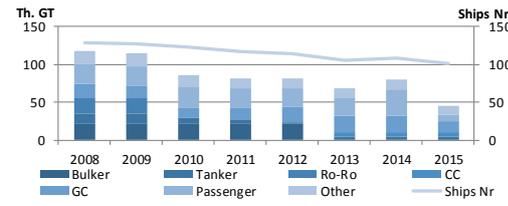
Trade data

	EU	World
Imports (millions of US\$)	3,69%	1,16%
Exports (millions of US\$)	3,68%	1,20%

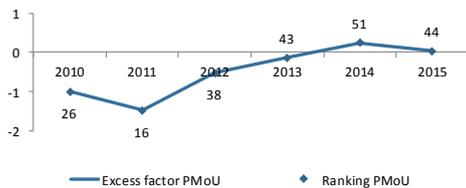
b) Ownership size and share per vessel type



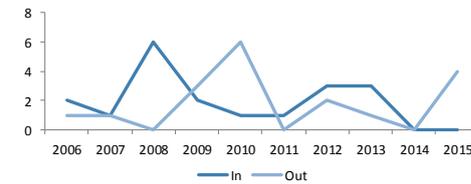
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

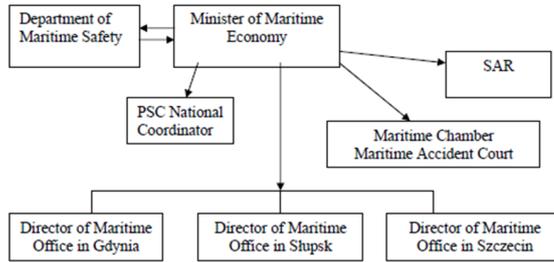
Date of last audit	19-4-2010	Report	Public (GISIS)
Type of audit	Voluntary	Summary	Public (GISIS)
Date of next audit	2022	Action plan	Public (GISIS)

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	15-06-1984	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	15-06-1984	ANTIFOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	21-10-2008	LOAD LINES Convention 66	Yes	28-08-1969
MARPOL Annex I and II	Yes	1-06-1986	LOAD LINES Protocolo 88	Yes	5-02-2009
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	29-07-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	3-05-2012
STCW-F	Yes	28-10-2015			

II. MARITIME ADMINISTRATION

h) Organogram

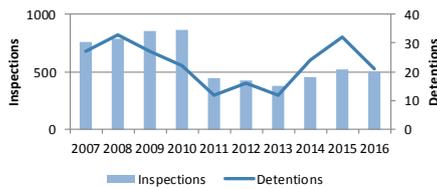


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			27				0		
RO monitoring							0		
PSC department			14				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	State Commission on Maritime Accident Investigation	Reporting line	-
Website	www.pkbw.gov.pl	Type of AI body	Maritime
Year established	2012		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			3						

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		PRS		RINA		RS	
	Survey	Certificate												
Passenger ship safety:	Yes	Yes												
Cargo ship safety construction:	Yes	Yes												
Cargo ship safety equipment:	Yes	Yes												
Radio:	Yes	Yes												
ISM Code:	No	No												
ISM Code - DOC:	No	No												
ISM Code - SMC:	No	No												
Load line:	Yes	Yes												
MARPOL Annex I:	Yes	Yes												
MARPOL Annex II:	Yes	Yes												
MARPOL Annex III:	No	No												
MARPOL Annex IV:	Yes	Yes												
MARPOL Annex V:	Yes	Yes												
MARPOL Annex VI:	Yes	Yes												
Tonnage measurement:	Yes	Yes												
MLC:	No	No												

PORTUGAL ECORYS ▲

I. MARITIME PROFILE

a) General information (2015)

Ports 29

Ship building (GT) -

Coast/area ratio (m/km²) 31



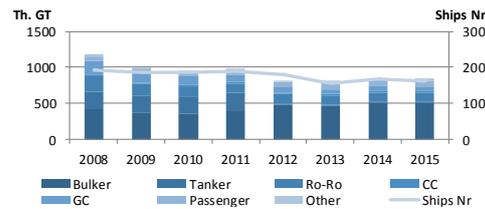
EU and World shares (2015)

Category	Value	EU Share	World Share
Fleet - national flag (GT)	7.783.267	1,59%	0,29%
Fleet - national flag (nr.)	380	2,48%	0,36%
Fleet - ownership (GT)	1.199.510	0,16%	0,06%
Fleet - ownership (nr.)	163	0,35%	0,11%

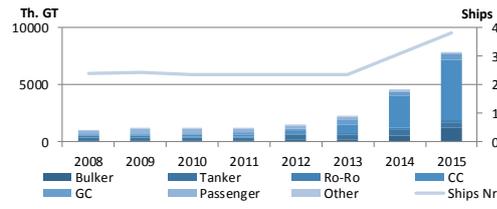
Trade data

Category	Value	EU Share	World Share
Imports (millions of US\$)	66.701	1,28%	0,40%
Exports (millions of US\$)	55.271	1,03%	0,33%

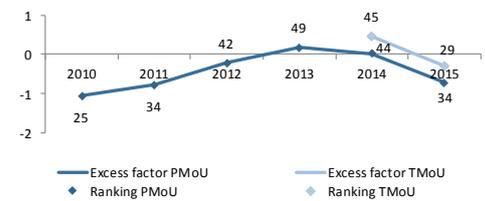
b) Ownership size and share per vessel type



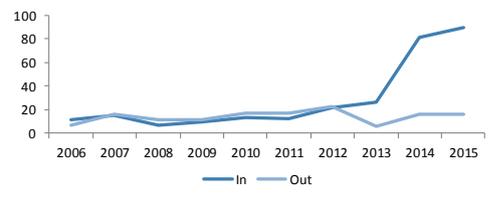
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

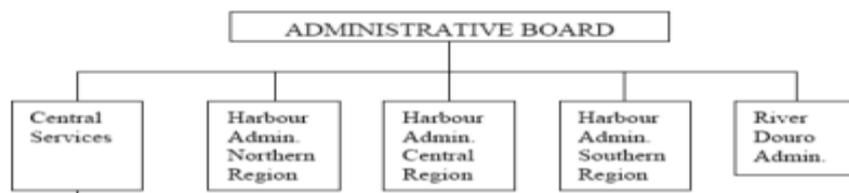
Date of last audit	25-4-2016	Report	Not public
Type of audit	Mandatory	Summary	Not public
Date of next audit	2019	Action plan	Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	7-02-1984	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	7-02-1984	ANTIFOULING	No	-
SOLAS Protocol 88	Yes	12-09-2000	LOAD LINES Convention 66	Yes	22-03-1970
MARPOL Annex I and II	Yes	22-01-1988	LOAD LINES Protocolo 88	Yes	2-10-2001
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	1-09-1987
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	17-10-1978
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	Yes	2-05-1985
MARPOL Annex VI	Yes	22-08-2008	ILO PROT 1996	No	-
STCW	Yes	30-01-1986	MARITIME LABOUR CONVENTION	No	-
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

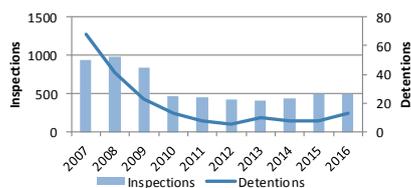


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			12				0		
RO monitoring							0		
PSC department		1	7	4	1		0	0	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections

No data available

* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Maritime Accident Investigation and Aeronautical Meteorology	Reporting line	-
Website	www.gpiam.mam.gov.pt	Type of AI body	Maritime
Year established	2012		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	1		1	0	0	0		0	0

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		NKK	
	Survey	Certificate								
Passenger ship safety:	-	-	-	-	-	-	-	-	-	-
Cargo ship safety construction:	-	-	-	-	-	-	-	-	-	-
Cargo ship safety equipment:	-	-	-	-	-	-	-	-	-	-
Radio:	-	-	-	-	-	-	-	-	-	-
ISM Code:	-	-	-	-	-	-	-	-	-	-
ISM Code - DOC:	-	-	-	-	-	-	-	-	-	-
ISM Code - SMC:	-	-	-	-	-	-	-	-	-	-
Load line:	-	-	-	-	-	-	-	-	-	-
MARPOL Annex I:	-	-	-	-	-	-	-	-	-	-
MARPOL Annex II:	-	-	-	-	-	-	-	-	-	-
MARPOL Annex III:	-	-	-	-	-	-	-	-	-	-
MARPOL Annex IV:	-	-	-	-	-	-	-	-	-	-
MARPOL Annex V:	-	-	-	-	-	-	-	-	-	-
MARPOL Annex VI:	-	-	-	-	-	-	-	-	-	-
Tonnage measurement:	-	-	-	-	-	-	-	-	-	-
MLC:	-	-	-	-	-	-	-	-	-	-

* Detailed information available through IMO GISIS

ROMANIA ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports	18
Ship building (GT)	402.025
Coast/area ratio (m/km²)	3



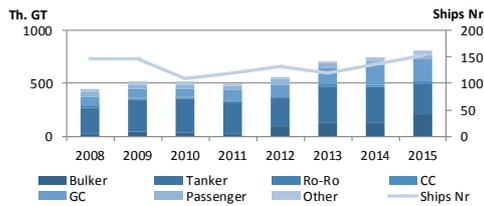
EU and World shares (2015)

Fleet - national flag (GT)	70.637	EU	0,02%
		World	0,00%
Fleet - national flag (nr.)	47	EU	0,84%
		World	0,12%
Fleet - ownership (GT)	830.471	EU	0,16%
		World	0,06%
Fleet - ownership (nr.)	153	EU	0,66%
		World	0,20%

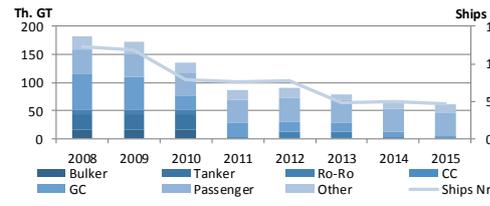
Trade data

Imports (millions of US\$)	69.867	EU	1,34%
		World	0,42%
Exports (millions of US\$)	60.586	EU	1,12%
		World	0,37%

b) Ownership size and share per vessel type



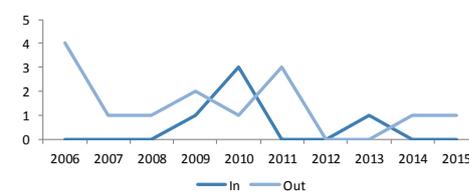
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)

No data available

e) Intra EU change of register (number of vessels)



f) IMO Audit

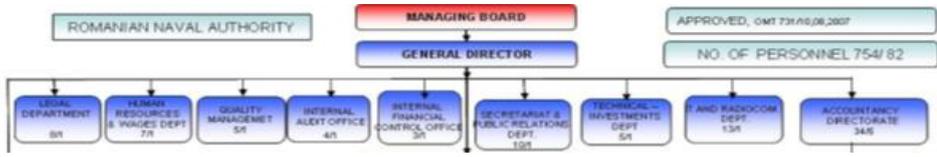
Date of last audit	16-2-2009	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2021	Action plan	Not public

g) Maritime conventions

Convention	Party	Date of entry into force	Convention	Party	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	No	17-09-2017
SOLAS Protocol 78	Yes	14-04-2008	ANTIPOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	18-08-2001	LOAD LINES Convention 66	Yes	3-09-1971
MARPOL Annex I and II	Yes	15-07-1993	LOAD LINES Protocolo 88	Yes	18-08-2001
MARPOL Annex III	Yes	8-07-2002	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	5-10-2006	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	15-07-1993	ILO NO. 147	No	-
MARPOL Annex VI	Yes	25-04-2007	ILO PROT 1996	No	-
STCW	Yes	11-04-1993	MARITIME LABOUR CONVENTION	Yes	12-05-2017
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

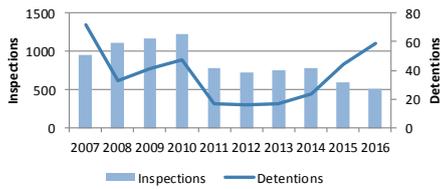


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	180	20	12		4		2		
RO monitoring							0		
PSC department		1	12	12	0		0	0	0

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



*inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Marine Accidents Investigation Department	Reporting line	-
Website	www.mt.ro	Type of AI body	Multi-modal
Year established	2011		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			3						

m) Functions delegated to ROs

Function	BV		KRS		LR		NKK		RINA		RS	
	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety construction:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety equipment:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Radio:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code:	Yes	Partial	Yes	Partial	Yes	Partial	-	-	-	-	Limited	No
ISM Code - DOC:	Yes	Yes	Yes	Yes	Yes	Yes	Partial	Partial	Partial	Partial	Limited	No
ISM Code - SMC:	Yes	Yes	Yes	Yes	Yes	Yes	Partial	Partial	Partial	Partial	Limited	No
Load line:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex I:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex IV:	Yes	Yes	Yes	Yes	-	-	Yes	Yes	Yes	Yes	-	-
MARPOL Annex V:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex VI:	Yes	Yes	Yes	Yes	-	-	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MLC:	-	-	-	-	-	-	-	-	-	-	-	-

SWEDEN ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports 82

Ship building (GT) -

Coast/area ratio (m/km²) 65

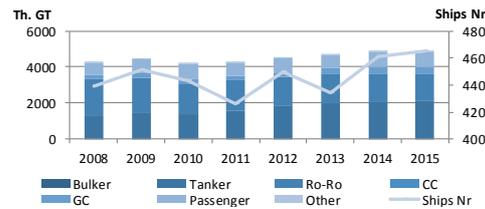


EU and World shares (2015)

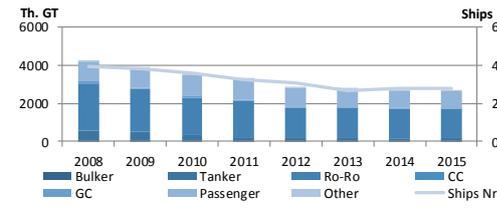
Category	Value	EU Share	World Share
Fleet - national flag (GT)	2.694.788	0,49%	0,09%
Fleet - national flag (nr.)	280	2,90%	0,43%
Fleet - ownership (GT)	4.952.042	1,01%	0,36%
Fleet - ownership (nr.)	465	2,24%	0,67%
Imports (millions of US\$)	137.625	2,64%	0,83%
Exports (millions of US\$)	139.889	2,60%	0,85%

Trade data

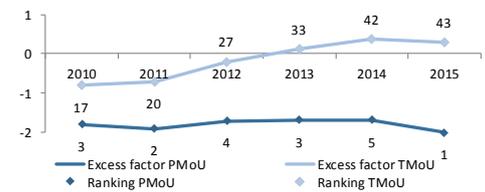
b) Ownership size and share per vessel type



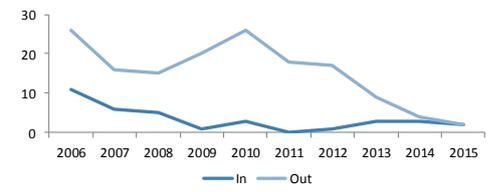
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

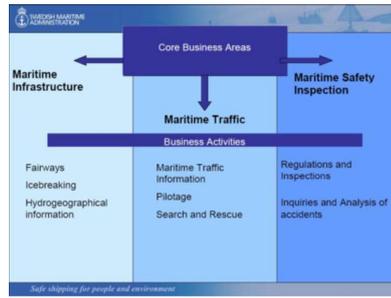
Date of last audit	29-1-2007	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2020	Action plan	Not public

g) Maritime conventions

Convention	Partv	Date of entrv into force	Convention	Partv	Date of entrv into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	Yes	8-09-2017
SOLAS Protocol 78	Yes	1-05-1981	ANTIFOULING	Yes	17-09-2008
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	21-07-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocolo 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	19-05-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	12-06-2012
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

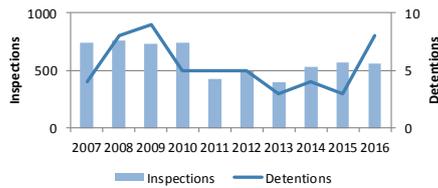


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	18	2	18		18	18	18	18	18
RO monitoring							0		
PSC department			34				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections

No data available

* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Swedish Accident Investigation Authority	Reporting line	Ministry of Justice
Website	www.havkom.se	Type of AI body	Multi-modal
Year established	2009		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff	1	1	4	0	0	0	0	0	0

m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		RINA	
	Survey	Certificate								
Passenger ship safety:	Yes	Yes	No	No	No	No	No	No	No	No
Cargo ship safety construction:	Yes	Yes								
Cargo ship safety equipment:	Yes	Yes								
Radio:	Yes	Yes								
ISM Code:	Yes	Yes	No	No	No	No	No	No	No	No
ISM Code - DOC:	Yes	Yes	No	No	No	No	No	No	No	No
ISM Code - SMC:	Yes	Yes	No	No	No	No	No	No	No	No
Load line:	Yes	Yes								
MARPOL Annex I:	Yes	Yes								
MARPOL Annex II:	Yes	Yes								
MARPOL Annex III:	Yes	Yes								
MARPOL Annex IV:	Yes	Yes								
MARPOL Annex V:	Yes	Yes								
MARPOL Annex VI:	Yes	Yes								
Tonnage measurement:	No	No								
MLC:	Yes	Yes	No	No	No	No	No	No	No	No

SLOVAKIA ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports	1
Ship building (GT)	-
Coast/area ratio (m/km²)	0
Fleet - national flag (GT)	-
Fleet - national flag (nr.)	-
Fleet - ownership (GT)	794
Fleet - ownership (nr.)	1



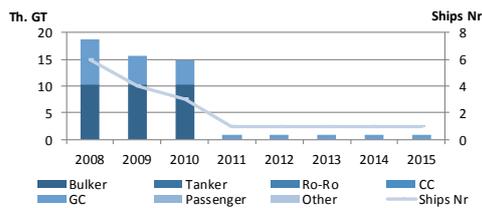
EU and World shares (2015)

Fleet - national flag (GT)	-	EU	-
		World	-
Fleet - national flag (nr.)	-	EU	-
		World	-
Fleet - ownership (GT)	794	EU	-
		World	-
Fleet - ownership (nr.)	1	EU	-
		World	-

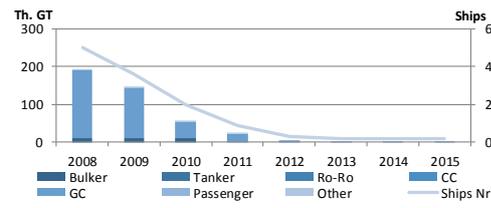
Trade data

Imports (millions of US\$)	73.509	EU	1,41%
		World	0,44%
Exports (millions of US\$)	75.584	EU	1,40%
		World	0,46%

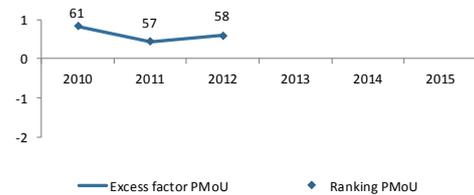
b) Ownership size and share per vessel type



c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

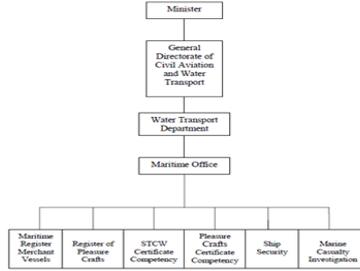
Date of last audit	-	Report	NA
Type of audit	Mandatory	Summary	NA
Date of next audit	9-7-2017	Action plan	NA

g) Maritime conventions

Convention	Partv	Date of entry into force	Convention	Partv	Date of entry into force
SOLAS	Yes	1-01-1993	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	1-01-1993	ANTIFOULING	No	-
SOLAS Protocol 88	Yes	3-02-2000	LOAD LINES Convention 66	Yes	1-01-1993
MARPOL Annex I and II	Yes	1-01-1993	LOAD LINES Protocolo 88	Yes	3-02-2000
MARPOL Annex III	Yes	1-01-1993	TONNAGE Convention 69	Yes	1-01-1993
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	1-01-1993
MARPOL Annex V	Yes	1-01-1993	ILO NO. 147	No	-
MARPOL Annex VI	Yes	8-01-2013	ILO PROT 1996	No	-
STCW	Yes	1-01-1993	MARITIME LABOUR CONVENTION	No	-
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram



i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			0				0		
RO monitoring							0		
PSC department			0				0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag

Landlocked country - no data available

k) Flag State Surveys / Inspections

No flag register

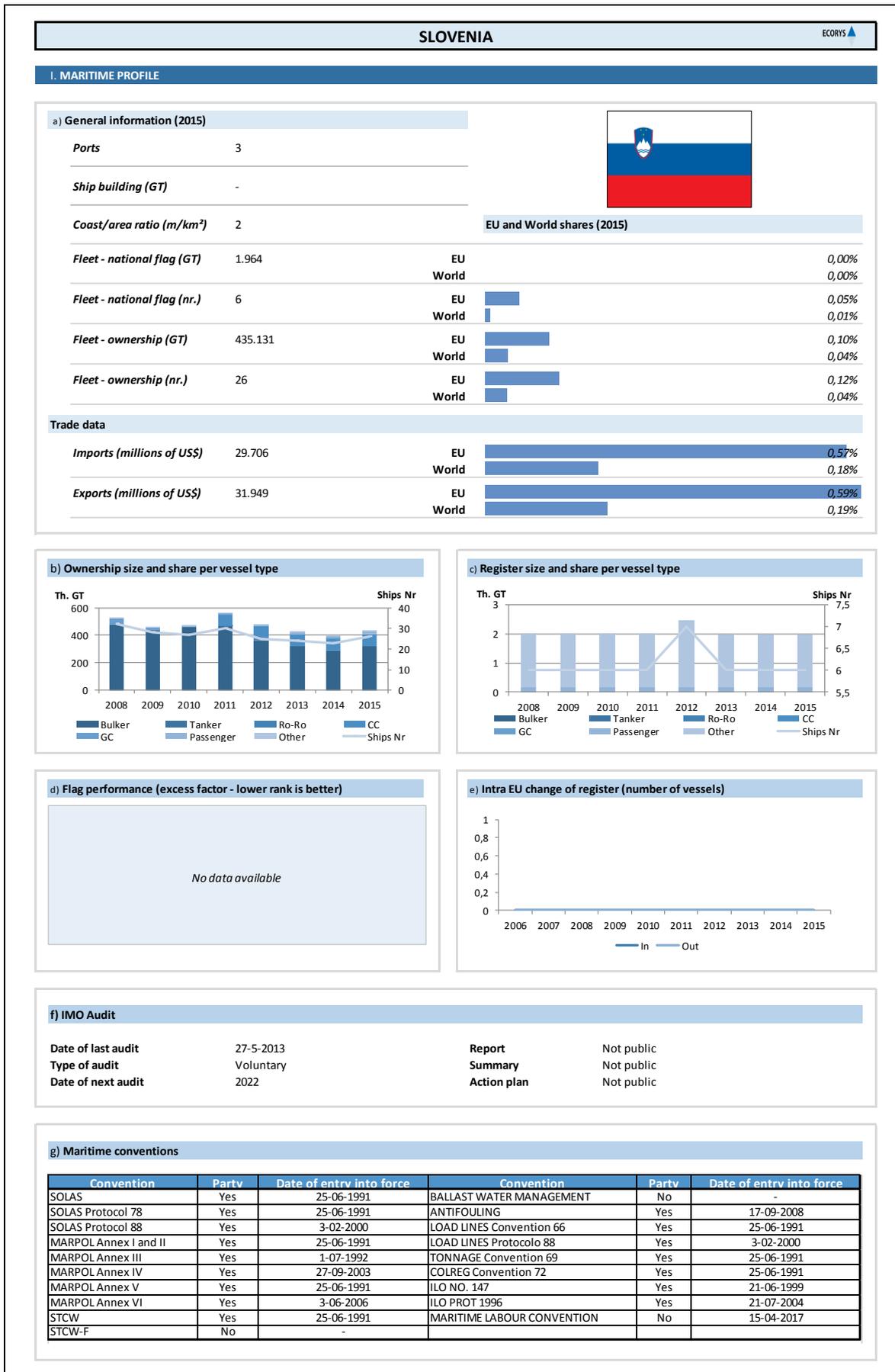
l) Accident Investigation Body (2015)

Name	Aviation and Maritime Investigation Authority	Reporting line	-
Website	www.telecom.gov.sk	Type of AI body	-
Year established	2009		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			0						

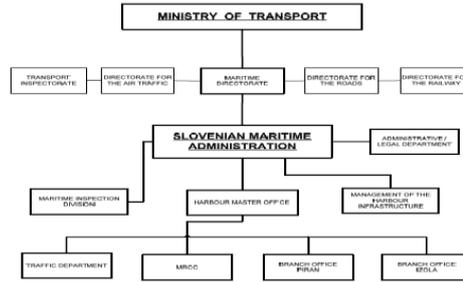
m) Functions delegated to ROs

Function	ABS		BV		DNV		LR		PRS		RS	
	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety construction:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety equipment:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Radio:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code - DOC:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code - SMC:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Load line:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex I:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	Yes	Yes	-	-	Yes	Yes	-	-	Yes	Yes	Yes	Yes
MARPOL Annex IV:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex V:	Yes	Yes	-	-	Yes	Yes	-	-	Yes	Yes	Yes	Yes
MARPOL Annex VI:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
MLC:	Yes	Yes	Partial	Partial	Yes	Yes	Yes	Partial	Yes	Yes	Yes	Partial



II. MARITIME ADMINISTRATION

h) Organogram

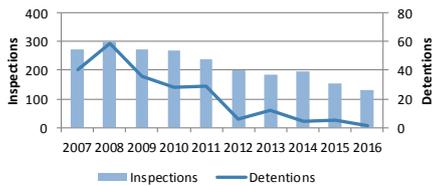


i) Staffing (2015)

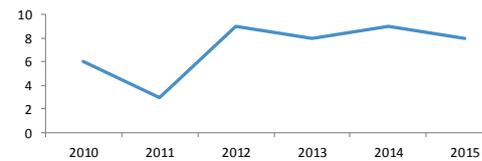
Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department	0	1	3		0	3	0	3	3
RO monitoring							0		
PSC department			3	3			0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections



*inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Maritime Accident & Incidents Investigation Services	Reporting line	-
Website	-	Type of AI body	Maritime
Year established	2011		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			1						

m) Functions delegated to ROs

Function	BV		GL		RINA	
	Survey	Certificate	Survey	Certificate	Survey	Certificate
Passenger ship safety:	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety construction:	Yes	Yes	Yes	Yes	Yes	Yes
Cargo ship safety equipment:	Yes	Yes	Yes	Yes	Yes	Yes
Radio:	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code:	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code - DOC:	Yes	Yes	Yes	Yes	Yes	Yes
ISM Code - SMC:	Yes	Yes	Yes	Yes	Yes	Yes
Load line:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex I:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex II:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex III:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex IV:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex V:	Yes	Yes	Yes	Yes	Yes	Yes
MARPOL Annex VI:	Yes	Yes	Yes	Yes	Yes	Yes
Tonnage measurement:	Yes	Yes	Yes	Yes	Yes	Yes
MLC:	Yes	Yes	Yes	Yes	Yes	Yes

UNITED KINGDOM ECORYS

I. MARITIME PROFILE

a) General information (2015)

Ports 391

Ship building (GT) 400

Coast/area ratio (m/km²) 81



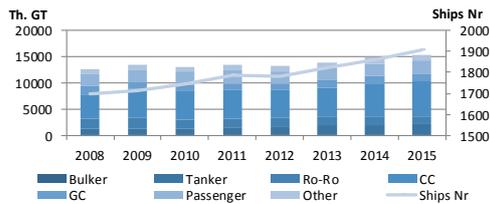
EU and World shares (2015)

	EU	World
Fleet - national flag (GT)	14.463.537	12,08%
		2,22%
Fleet - national flag (nr.)	1.045	11,88%
		1,75%
Fleet - ownership (GT)	42.722.655	7,95%
		2,85%
Fleet - ownership (nr.)	1.908	8,75%
		2,63%

Trade data

	EU	World
Imports (millions of US\$)	625.806	12,00%
		3,77%
Exports (millions of US\$)	460.446	8,55%
		2,78%

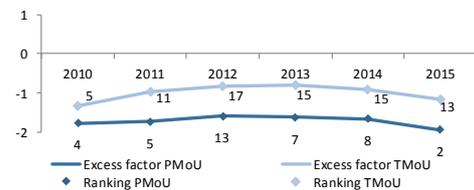
b) Ownership size and share per vessel type



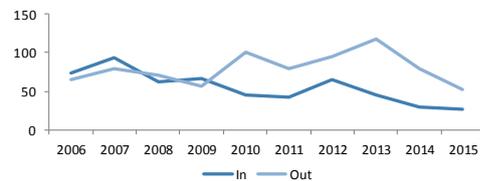
c) Register size and share per vessel type



d) Flag performance (excess factor - lower rank is better)



e) Intra EU change of register (number of vessels)



f) IMO Audit

Date of last audit	21-11-2006	Report	Not public
Type of audit	Voluntary	Summary	Not public
Date of next audit	2020	Action plan	Not public

g) Maritime conventions

Convention	Partv	Date of entry into force	Convention	Partv	Date of entry into force
SOLAS	Yes	25-05-1980	BALLAST WATER MANAGEMENT	No	-
SOLAS Protocol 78	Yes	1-05-1981	ANTIFOULING	Yes	7-09-2010
SOLAS Protocol 88	Yes	8-06-2000	LOAD LINES Convention 66	Yes	21-07-1968
MARPOL Annex I and II	Yes	2-10-1983	LOAD LINES Protocolo 88	Yes	8-07-2000
MARPOL Annex III	Yes	1-07-1992	TONNAGE Convention 69	Yes	18-07-1982
MARPOL Annex IV	Yes	27-09-2003	COLREG Convention 72	Yes	15-07-1977
MARPOL Annex V	Yes	31-12-1988	ILO NO. 147	No	-
MARPOL Annex VI	Yes	19-05-2005	ILO PROT 1996	No	-
STCW	Yes	28-04-1984	MARITIME LABOUR CONVENTION	Yes	7-08-2013
STCW-F	No	-			

II. MARITIME ADMINISTRATION

h) Organogram

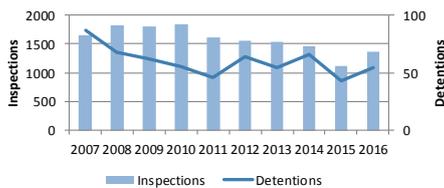


i) Staffing (2015)

Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
FS department			97		0	97	0	0	0
RO monitoring							0		
PSC department			97	97			0		

* The first three columns indicate the number of employed staff per department, followed by other fields in which inspectors may work. Numbers do not need to add up, as inspectors may work in several fields.

j) Port State Control Indicators on Flag



k) Flag State Surveys / Inspections

No data available

* Inspections by dedicated FS surveyors, excluding fishing vessels and yachts

l) Accident Investigation Body (2015)

Name	Marine Accident Investigation Branch	Reporting line	-
Website	www.maib.gov.uk	Type of AI body	Maritime
Year established	1989		

AI Department	Technical staff	Management	Inspectors/officers	Inspectors of whom also work on					
				FS	RO	PSC	AI	SAR	Pol
Number of staff			12						

m) Functions delegated to ROs

Function	ABS		BV		DNV		GL		LR		NKK		RINA	
	Survey	Certificate												
Passenger ship safety:	Partial	No	Partial	Yes	Partial	Yes	Partial	Yes	Partial	Yes	-	-	Partial	Yes
Cargo ship safety construction:	Partial	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Partial	Yes	Yes	Yes
Cargo ship safety equipment:	Yes	Yes	Limited	No										
Radio:	Yes	Yes												
ISM Code:	Yes	Yes	Limited	No										
ISM Code - DOC:	Limited	No												
ISM Code - SMC:	Limited	No												
Load line:	Yes	Yes												
MARPOL Annex I:	Yes	Yes	Partial	Yes										
MARPOL Annex II:	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MARPOL Annex III:	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MARPOL Annex IV:	Yes	Yes												
MARPOL Annex V:	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MARPOL Annex VI:	Yes	Yes												
Tonnage measurement:	Yes	Yes												
MLC:	No	-												

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