Common rules and standards for ship inspection and survey organisations. Recast

2005/0237B(COD) - 23/04/2009 - Final act

PURPOSE: to establish 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.

LEGISLATIVE ACT: Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations.

CONTENT: following conciliation between Parliament and Council and a third reading by the European Parliament, the Council adopted this Regulation which aims at recasting successive amendments to Directive 94/57/EC establishing common rules and standards for organisations that inspect ships and issue ships' certificates, known as recognised organisations. The Council decided to split the Commission's initial proposal into two separate instruments, a Directive and a Regulation, in order to ensure that the system is legally watertight, particularly as it involves imposing obligations on recognised organisations and setting up a system of financial penalties. This was supported by the European Parliament. The Directive focuses on the relationship between the Member States and the recognised organisations to which they delegate the inspection and certification of ships under international conventions, whereas this Regulation deals in full with the recognition system as a whole (including the granting of recognition, the recognition criteria, the recognised organisations' obligations as regards reporting and cooperation, the periodic assessment of recognised organisations, the correction of shortcomings and, finally, withdrawal of recognition).

The aim of the recasting is to:

- strengthen the systems for monitoring recognised organisations by setting up a common but independent body to certify their quality management systems;
- harmonise the current dual system of ordinary and limited recognition, which would mean that recognition will henceforth be granted on the basis of the quality of service and the performance achieved by the organisations concerned, with the size of such organisations no longer a factor;
- simplify and improve the structure of the Community recognition criteria, making them more stringent;
- reform the system of penalties, retaining the scope for withdrawal for the most serious cases;
- introduce mutual recognition of classification certificates between recognised organisations (certificates of conformity with the organisations' own technical rules), in particular for certificates that apply to marine equipment and are issued on the basis of equivalent technical standards;
- clarify the scope and facilitate the application of certain provisions of the Directive.

At the conciliation stage, questions resolved included those concerning the legal protection of approved bodies, withdrawal of authorisations, compliance with international obligations and the quality evaluation and certification body to be set up by the approved bodies.

This Regulation is part of a series of measures, comprising the **third maritime package,** aiming to strengthen the security of maritime transport in Europe by improving accident prevention and investigations into accidents and by strengthening vessel quality control.

(See also COD/2005/0236, COD/2005/0238, COD/2005/0239, COD/2005/0240, COD/2005/0241 and COD/2005/0242).

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