Common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations. Recast

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The Commission presented a report on the progress in the implementation of Regulation (EC) No 391/2009 and **Directive 2009/15/EC** on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations.

The Regulation and the Directive form one coherent piece of legislation which provides the regulatory framework for ship inspection and survey organisations (otherwise called recognised organisations or ROs) in the EU.

The Directive governs the relations between the Member States, in their capacity as flag States, and the recognised organisation(s) which they authorise to carry out tasks on their behalf for the statutory certification of the ships flying their flags.

Transposition of Directive 2009/15/EC: Member States had to complete the transposition of the Directive by 17 June 2011. The completeness of the transposition of the Directive by the Member States was assessed by the Commission and was found **overall satisfactory**.

Working relationships between the Member States and the ROs: the Directive provides that Member States which decide to authorise a recognised organisation establish a formal 'working relationship' with the RO concerned in a form of a written formal agreement or equivalent legal arrangements.

All Member States which use one or several ROs provided the information about their working relationship as required, including changes or updates where appropriate. The Commission verified that the said agreements are in line with the requirements.

All Member States except one have concluded agreements with one or several ROs. The number of agreements concluded by each Member State ranges from one to ten, with an average of six ROs authorised per Member State.

The number of agreements concluded by EU ROs with Member States ranges from one to twenty-five, with an average of fourteen agreements per RO.

Pursuant to the Directive, a Member State may **suspend or withdraw the authorisation of a RO** if it considers that the RO concerned can no longer carry out on its behalf the tasks specified in Article 3 (inspection, surveys and/or issuance of statutory certificate). In such case, the Member State shall inform the Commission without delay and give substantiated reasons thereof. The Commission **did not record any such notification** since the entry into force of the Directive.

Monitoring of ROs by Member States: the Directive provides that each Member State shall on a biennial basis monitor every RO acting on its behalf and share the results of this monitoring with the Commission and the other Member States.

The report noted that in general, Member States fulfilled this obligation and provided their monitoring reports to the Commission as required. However the Directive does not provide any specific requirement

as to the structure, contents and level of details of the monitoring reports. Thus the completeness and quality of the reports varies significantly from one Member State to another. The Commission has started a discussion with the Member States with a view to agreeing on a list of minimum elements to be covered by the reports.

Member States have also to carry out monitoring of ROs in their capacity as port States and notify the Commission and the other Member States of cases of ships representing **a serious threat to safety and the environment** or showing evidence of particularly negligent behaviour of the recognised organisations. To date, the Commission did **not record any such notification** from Member States.

In conclusion, the Commission considered that the **implementation of Directive 2009/15/EC and Regulation (EC) No 391/2009 progressed effectively since 2009**, thanks to the combined effort of, and the co-operation between, the Member States, the Commission and European Maritime Safety Agency (EMSA).

Practically all provisions of the Regulation and of the Directive have been implemented as required, meaning that the various activities, mechanisms, schemes and working arrangements are now put in place and operative.

The Commission considered that it is too early to assess the impact of this legislation and priority should be given to further implementation of the existing framework.