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

2005/0237B(COD) - 05/02/2016 - Follow-up document

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 Regulation lays down recognition criteria and obligations for recognised organisations, covering both statutory and classification activities.

List of EU recognised organisations as from May 2015: pursuant to the Regulation, the Commission draws up, updates and publishes a list of the organisations recognised in accordance with the Regulation. To this end, the Commission adopted Commission Decision (EU) 2015/669 repealing Decision 2007/421 /EC on the publication of the list of recognised organisations which have been notified by Member States.

The updated list was published on 19 May 2015 as a Notice from the European Commission (2015/C 162 /06)15; it comprises **eleven organisations**: *American Bureau of Shipping (ABS); Bureau Veritas SA — Registre international de classification de navires et d'aeronefs (BV); China Classification Society (CCS); Croatian Register of Shipping (CRS); DNV GL AS; KR (Korean Register); Lloyd's Register Group LTD (LR); Nippon Kaiji Kyokai General Incorporated Foundation (ClassNK); Polish Register of Shipping (PRS); RINA Services S.p.A.; Russian Maritime Register of Shipping (RS).*

Oversight and monitoring of ROs at EU level: the assessment is performed by the Commission with a view to (1) verifying that the ROs meet the obligations under the Regulation and fulfil the minimum criteria set out in Annex I of the Regulation; (2) analysing any specific items of non-conformity and their (potential) consequences in terms of safety and protection of the environment.

- ***Visits and inspections***: the Commission tasked the European Maritime Safety Agency (EMSA) to carry out, on its behalf, the necessary technical visits and inspections. From June 2009 when the Regulation entered into force until the end of 2014 (5.5 years), EMSA carried out 111 visits and inspections, including 31 visits of head offices, 66 visits of branch offices and 14 inspection of ships. Around 40% of the visits took place in the EU/EEA countries and 60% in third countries.
- ***Assessment by the Commission and correction of deficiencies***: the Commission periodically assesses ROs' compliance with the Regulation's obligations and minimum criteria. The assessment is addressed to the RO concerned with an extensive description and assessment of relevant items of non-compliance identified, with an invitation to undertake structural corrective and preventive actions in order to remedy those items of non-compliance and to prevent their reoccurrence. The report noted that **so far the ROs have co-operated transparently and effectively** which bears witness to their professionalism and commitment to safety.

Until now, the Commission also has specific enforcement and coercive powers so that failure by a recognised organisation to fulfil its obligations can be addressed in a prompt, effective and proportionate

manner, namely the possibility to request in a formal way that the RO implements preventive and remedial actions within specified deadlines and the possibility to impose fines and/or periodic penalty payments.

Safety and pollution prevention performance: in accordance with the Regulation, the Commission adopted Decision 2009/491/EC on 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.

The Commission implemented this Decision and shared the results with Member States on a regular basis. **Since 2009 the EU recognised organisations consistently recorded a 'fair' to 'high' performance** as measured by these criteria.

Other mechanism provided for in the Regulation:

(1) the Regulation requires the ROs to co-operate with each other with a view to aiming for **harmonisation of their rules and procedures** and to agreeing, in appropriate cases, on the technical and procedural conditions under which they will mutually recognise their class certificates for equipment, materials and components based on equivalent standards, taking the most demanding and rigorous standard as the reference. The Commission assessed the implementation of the above provisions by the EU ROs and submitted a Report to the European Parliament and the Council at the end of July 2015, based on an independent study. The said report concludes inter alia that the scheme developed and implemented by the EU ROs is compliant with the Regulation.

(2) The Regulation also provides for the **setting up of an independent quality assessment and certification entity (QACE)**. The entity was founded in November 2010 in London, United Kingdom, as a private limited and community interest (non-profit) company, with the name 'QACE - Entity for the Quality Assessment and Certification and of Organisations Recognised by the European Union (CIC).

The Commission is in general satisfied with QACE's development and the entity can now be considered as a self-standing organisation certified as compliant with ISO 9001:2008

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**.