

Ship inspection and survey organisations: withdrawal of the United Kingdom from the Union

2018/0298(COD) - 01/08/2018 - Legislative proposal

PURPOSE: to remove the legal uncertainty resulting from the withdrawal of the United Kingdom as regards the recognised organisations authorised to carry out ship inspection and survey.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the United Kingdom submitted notification of its intention to withdraw from the Union. This means that, unless a ratified withdrawal agreement establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, ('the withdrawal date'). The United Kingdom will then become a third country.

Subject to any transitional arrangements that may be contained in a withdrawal agreement, EU legislation on maritime transport will no longer apply to the United Kingdom. One of the areas of Union law that would be affected is the recognition at the Union level of organisations providing services for the inspection and survey of ships flying the flag of Member States ('recognised organisations').

In particular, [Regulation \(EC\) No 391/2009](#) requires ship inspection and survey organisations recognised at EU level by the Commission ('recognised organisations') to be assessed at least every two years by the Commission together with the Member State that submitted the initial request for recognition of the organisation. Organisations which were initially recognised by the relevant Member State under the previous legislation and which presently enjoy EU recognition should be assessed in the same way. As a result, the Member State which initially recognised these organisations should be considered the 'sponsor' Member State that participates in the Commission's assessment.

In order to continue enjoying EU recognition, recognised organisations must continue to meet the requirements and minimum criteria set out in Annex I of Regulation (EC) No 391/2009. This is verified through the continuous re-assessment conducted by the Commission and the 'sponsor' Member State.

As of its withdrawal, **the United Kingdom will no longer be in a position to participate in the assessments carried out pursuant to the Regulation** for those organisations for which the United Kingdom acts as the 'sponsor' Member State. Consequently, the continued validity of the recognition for these organisations at EU level could be called into question and could not be clarified with sufficient legal certainty under the existing provisions of the Regulation.

Organisations' potential loss of EU recognition due to the United Kingdom's withdrawal could have adverse consequences for the competitiveness and appeal of the EU-27 Member States' flags that have authorised these recognised organisations to act on their behalf for the purposes of carrying out statutory ship inspections, surveys and certification.

The recognised organisations affected currently have authorisation agreements with the majority of the EU-27 Member States and after the United Kingdom's withdrawal they would not be able to make use of these recognised organisations for their flagged fleet.

The proposed Regulation should only rectify the potential adverse consequences caused/brought about by the United Kingdom's withdrawal from the Union on the flags of the 27 Member States.

CONTENT: the proposal meets the objective of safeguarding business continuity and the competitiveness of the flags of the EU-27 Member States working with the affected organisations will be attained. It aims to **resolve the legal uncertainty created by the United Kingdom's withdrawal** in relation to the continued validity of the recognition for organisations for which the United Kingdom acts as the 'sponsor' Member State participating in the Commission's assessment.

The proposed legislative measure would amend Regulation (EC) No 391/2009 by replacing the current requirement, under which only the 'sponsor' Member State shall participate in the regular assessment process conducted by the Commission, by introducing **the participation of any Member State which has authorised one of the recognised organisations**. It would allow the assessment to be carried out by the Commission together with any Member State which has authorised the relevant recognised organisation to act on its behalf and not only the 'sponsor' Member State.

The Commission should report on its effects after an adequate/sufficient period of application, in particular with a view to identifying any consequences which could go beyond the scope of this Regulation.