Basic information

2018/0298(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Ship inspection and survey organisations: withdrawal of the United Kingdom from the Union **Subject** 3.20.15.06 Maritime or inland transport agreements and cooperation **Geographical area** United Kingdom	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	DE MONTE Isabella (S&D)	23/10/2018
	Shadow rapporteur GEHROLD Stefan (PPE) FOSTER Jacqueline (ECR) MEISSNER Gesine (ALDE) TAYLOR Keith (Verts /ALE)	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3682	2019-03-19

European Commission

Commission DG	Commissioner
Mobility and Transport	BULC Violeta

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary

01/08/2018	Legislative proposal published	COM(2018)0567	Summary
10/09/2018	Committee referral announced in Parliament, 1st reading		
10/01/2019	Vote in committee, 1st reading		
10/01/2019	Committee report tabled for plenary, 1st reading	A8-0004/2019	Summary
10/01/2019	Committee decision to open interinstitutional negotiations with report adopted in committee		
14/01/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
16/01/2019	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
29/01/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2019)000834 PE634.615	
13/03/2019	Decision by Parliament, 1st reading	T8-0190/2019	Summary
13/03/2019	Results of vote in Parliament		
19/03/2019	Act adopted by Council after Parliament's 1st reading		
25/03/2019	Final act signed		
27/03/2019	End of procedure in Parliament		
27/03/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0298(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/14442

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE629.544	09/11/2018	
Amendments tabled in committee		PE631.992	10/12/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0004/2019	10/01/2019	Summary

Text agreed during interinstitutional negotiations		PE634.615	25/01/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0190/2019	13/03/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)000834	25/01/2019	
Draft final act	00013/2019/LEX	25/03/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0567	01/08/2018	Summary
Commission response to text adopted in plenary	SP(2019)393	30/04/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2018)0567	29/10/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES4796/2018	17/10/2018	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2019/0492
OJ L 085I 27.03.2019, p. 0005 Summary

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

2018/0298(COD) - 27/03/2019 - Final act

PURPOSE: to ensure legal certainty for ship operators and the continuity of maritime transport activities in the event of Brexit without a withdrawal agreement.

LEGISLATIVE ACT: Regulation (EU) 2019/492 of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union.

CONTENT: this Regulation amends Regulation (EC) No 391/2009 in order to remove the legal uncertainty created by the withdrawal of the United Kingdom with regard to the organisations authorised to carry out ship inspection and certification and to preserve the continuity of the activities of the shipowners concerned and the competitiveness of the flags of the EU-27 Member States which work with the organisations concerned.

After its withdrawal from the Union, the United Kingdom shall no longer be able to participate in these assessments.

In order to continue to benefit from Union recognition, recognised organisations must continue to fulfil the requirements and minimum criteria set. This is verified through the continuous assessment carried out by the Commission, together with the relevant Member State. Therefore, regular assessments play an important role for continued recognition of organisations.

The recognised organisations which were initially recognised by the United Kingdom currently enjoy Union recognition and have been entrusted by other Member States with duties in relation to the inspection, survey and certification of ships.

All recognised organisations shall be assessed by the Commission, together with the Member State or Member States which authorised them in accordance with Directive 2009/15/EC, on a regular basis and at least every two years, to verify that they meet the obligations under this Regulation.

In order to ensure the coordination of national and Union activities with regard to the monitoring of recognised organisations, the Commission shall consult with experts and identify and exchange good practices to avoid duplication of work and to make best use of existing capacities and resources.

The Commission shall report to the European Parliament and to the Council on the effects of this Regulation not later than three years following its date of application.

ENTRY INTO FORCE: 28.3.2019. The Regulation shall apply on the day following the date on which Union law ceases to apply in the United Kingdom.

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.

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

2018/0298(COD) - 10/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Isabella DE MONTE (S&D, IT) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union.

The Commission proposal aims to resolve the legal uncertainty created in the area of recognised organisations by the United Kingdom's withdrawal, and to safeguard business continuity for the ship owners affected as well as the competitiveness of the flags of the EU-27 Member States working with the organisations concerned.

The committee recommended that the position of the European Parliament adopted at first reading in the framework of the ordinary legislative procedure amend the Commission proposal as follows.

The proposal provides that all recognised organisations shall be assessed by the Commission, together with the Member States which authorised them in accordance with Directive 2009/15/EC, on a regular basis and at least every two years to verify that they meet the obligations under the Regulation and fulfil the minimum criteria set out in Annex I. Members proposed that the Commission facilitate the participation of Member States in the assessment by establishing an oversight programme which may be used by Member States in fulfilling their obligations under IMO Resolution A.1070 (28) and Article 9 of Directive 2009/15/EC.

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

2018/0298(COD) - 13/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 590 votes to 9, with 21 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 391/2009 as regards the withdrawal of the United Kingdom from the Union.

The European Parliament's position was adopted at first reading in accordance with the ordinary legislative procedure.

Regulation (EC) No 391/2009 of the European Parliament and of the Council and Directive 2009/15/EC of the European Parliament and of the Council together constitute the regulatory framework for the activities of recognised ship inspection, survey and certification organisations.

The proposal aims to resolve the legal uncertainty created in the area of recognised organisations by the United Kingdom's withdrawal, and to safeguard business continuity for the ship owners affected as well as the competitiveness of the flags of the EU-27 Member States working with the organisations concerned.

Under the proposal, all recognised organisations shall be assessed by the Commission, together with the Member State or Member States which authorised them in accordance with Directive 2009/15/EC, on a regular basis and at least every two years, to verify that they meet the obligations under this Regulation and fulfil the minimum criteria set out in Annex I to this Regulation.

In order to ensure the coordination of national and Union activities with regard to the monitoring of recognised organisations, the Commission should consult with experts and identify and exchange good practices to avoid duplication of work and to make best use of existing capacities and resources.