



TECHNICAL CIRCULAR No. 074 of 19th August 2012

To: All Surveyors/Auditor

Applicable to flag: All Flags

Subject: **Recognized Organization for EU state members**

Reference: European Union - Regulation 391/2009

This Regulation (391/2009) defines the legal framework applicable to the recognition and activities of organizations responsible for carrying out ship inspections and surveys.

Granting recognition

Member States wishing to obtain recognition for an organization must submit a request to the European Commission. Member States submitting the request and the Commission shall evaluate the request. In order to obtain recognition, the organization must comply with minimum criteria. It must have a legal personality, professional excellence, experience, independence, be governed by a code of ethics and use a certified quality management system.

The legal entity which has been granted recognition is the parent entity of all legal entities that constitute the organization. In certain justified cases, recognition may be limited to certain types of ships, ships of a certain size and also types of traffic, in accordance with the actual capacity of the organization.

The Commission may require a recognized organization to adopt preventive and remedial action if the organization fails to fulfill the requirements or the minimum criteria laid down in this Regulation or when its performance in the areas of pollution prevention and safety has worsened significantly. The Member States which authorized the recognized organization shall be given advance notice by the Commission of the measures it has decided to take.

Fines and periodic penalty payments

The Commission may impose fines on a recognized organization:

- when there has been a serious or repeated failure to meet the minimum criteria or obligations set out in the Regulation or when the organization's bad performance is due to serious internal failures;
- when it has deliberately sent incorrect or incomplete information to the Commission.

The Commission may decide to issue periodic penalty payments against the recognized organization if it does not implement the required remedial and preventive measures.

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The fines and periodic penalty payments shall be proportionate and dissuasive. Their aggregate amount shall not exceed 5 % of the total average turnover of the organization in the preceding three years.

Withdrawal of recognition

The Commission may decide, upon request from a Member State or upon its own initiative, to withdraw recognition as a result of serious and repeated failure to meet the minimum criteria or requirements of this Regulation, or poor performance when one or the other constitutes an unacceptable threat to safety.

Assessment of organizations

The Commission together with the Member State which submitted the request for recognition shall assess the recognized organizations at least every two years. The assessors must check that the organization complies with the requirements and criteria of the Regulation, paying special attention to safety, pollution prevention and casualty records. Member States shall be informed of the results of the assessment.

Rules and procedures

Recognized organizations are requested to consult with each other periodically with the aim of harmonizing their rules and procedures and defining the conditions required for the mutual recognition of the class certificates issued for materials, equipment and components. Certificates of marine equipment conforming to Directive 96/98/EC must be recognized by recognized organizations for classification purposes.

Recognized organizations shall submit progress reports on matters related to harmonization to the Commission and Member States. On the basis of these reports, the Commission will present a report to the European Parliament and the Council in 2014.

Creation of an independent quality assessment and certification entity

Recognized organizations must set up an independent quality assessment and certification entity by 17 June 2011. The entity shall be responsible for assessing and certifying the quality management systems of recognized organizations, and issuing interpretations of internationally recognized quality management standards. The work of the entity will be periodically assessed by the Commission. This Regulation and Directive 2009/15/EC are a recast of Directive 94/57/EC

REFERENCES: European Union - Regulation 391/2009

ATTACHMENTS: NO

Kindest Regards,
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