

IUMI Policy Agenda

6. EU Recognised Organisations and Mutual Recognition

Brief description

Article 10 of EU Regulation No 391/2009 on common rules and standards for ship inspection and survey organizations states that *“Recognised organisations shall, in appropriate cases, agree on the technical and procedural conditions under which they will mutually recognize the class certificates for materials, equipment and components based on equivalent standards, taking the most demanding and rigorous standards as the reference.”*

The EU Recognised Organisations (ROs) have established procedures and technical requirements for Mutual Recognition (MR), and coordinates its work through an Advisory Board supported by a Technical Committee.

A hierarchy of six safety levels has been agreed between the ROs. Levels I and II include products with no/very low impact on safety and are uncontroversial. Level III products are currently under consideration. The first tier of products was adopted for implementation in 2012. The most recent MR Technical Requirements were published on 1 January 2019 (Tier 7).

Insurers expect the surveys of safety critical materials, equipment and components to be carried out by the RO classing the vessel. Classification has an important role in ensuring a certain level of safety to the vessel and its equipment, and there is usually a requirement under most individual insurance conditions that the vessel shall be classed with a classification society approved by the insurer before the insurance commences. Should any RO be allowed to certify and approve components and equipment for a vessel at all safety levels and regardless of which society will be responsible for classing the vessels, neither the classification society nor owners or underwriters will really know what quality of vessels they have or what quality of components have gone into them. To allow MR on safety critical materials, equipment and components would undermine the significance of ship classification as a key component of today’s safety regime at sea, and is a major cause of concern among underwriters.

There is also a question related to the acceptance of the EU RO regime by third party flag states. The sovereignty of the flag state under which the vessel operates is at the core of international maritime regulations and widely supported by the global marine insurance industry.

Based on a study from the University of Strathclyde, the European Commission (EC) reported on the status of the implementation to the European Parliament and the Council at the end of July 2015.

The EU RO MR Group has worked on an alternative Product Evaluation Process (PEP) model as well as a PEP Instruction Manual and PEP Guiding Questions, and presented this for review and comments in the summer of 2019 (deadline 31 August 2019).

Relevant authority / organisations and documents

- **European Union** – Article 10.1 of EU Regulation (EC) No 391/2009 of 23 April 2009 on common rules and standards for ship inspection and survey organisations.
- **European Commission:**
 - COM(2015) 382: Report to the European Parliament and the Council pursuant to Article 10.2 of Regulation (EC) N° 391/2009 on common rules and standards for ship inspection and survey organisations, 31 July 2015.
 - COM(2016) 47: Report to the European Parliament and the Council 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, 5 February 2016.
 - Public consultation on the fitness of EU legislation for maritime transport safety and efficiency, 7 October 2016.
- **EU ROs**
 - First report to the EC and Member States – October 2012.
 - Joint report from EU-ROs and SEA Europe workshop, London, 28 May 2014.
 - www.euromr.org
- **IMO** – Proposed Code for Recognized Organisations (RO Code) and related amendments to SOLAS chapter XI-1 and the 1988 Load Lines Protocol, and resolution MEPC.237(65).
- **IUMI**
 - Letter to Commission 30 October 2013 & reply letter 6 December 2013.
 - Response to questionnaire from Strathclyde University 8 December 2014.
- **University of Strathclyde**
 - Study report to the EC 29.05.2015.
 - Workshop report October 2015.

Timeline / important dates

- Workshop on EC Reg. 391/2009 Article 10.1, London, 28 May 2014.
- RO Code in force from 1 January 2015.
- IUMI Conference Berlin, Legal & Liability workshop 15 September 2015: Prof. Dr. Henning Jensen, University of Hamburg & Robert Clyne, ABS.
- MR Workshop, University of Strathclyde, Glasgow, 25 September 2015.
- EC report to Parliament (EP TRAN) on 21 December 2015.



- EC consultation on fitness of EU legislation for maritime transport safety and efficiency 7 October 2016 – 8 January 2017.
- Tier 6 MR Technical Requirements: Released 1 January 2018, coming into effect on 1 July 2018.
- SEA Class WG meeting, Copenhagen, 13 June 2018.
- EU RO MR workshop, Hamburg, 5 September 2018.
- Meeting with EC DG MOVE, Brussels, 8 March 2019.
- Consultation deadline EU RO MR Group's alternative Product Evaluation Process (PEP) model, PEP Instruction Manual and Guiding Questions: 31 August 2019.

IUMI will:

- Recommend that mutual recognition is clearly limited to materials, equipment and components of proven low safety criticality. Scope of the MR should not go beyond further analysis and consideration of Level III products.
- Participate in workshops and consultations as appropriate.