

Training on EU Maritime Legislation for Newcomers

Regulation

EC/391/2009

**on common rules and
standards for ship inspection
and survey organisations**

Regulation (EC) No 391/2009

Main provisions (1):

- MS may only authorize ROs
- RO has to comply with Criteria of Annex
- ROs have to set up an entity
- COM can:
 - impose fines and penalty payments
 - Withdraw recognition in specified cases
- COM shall:
 - Assess the ROs every two years by visits to offices, inspection of ships



Regulation (EC) No 391/2009

Main provisions (2):

- RO's shall:
 - Cooperate in PSC
 - Provide fleet data
 - Carry out transfer of class acc. to specific requirements
- Annex to Regulation: **Minimum criteria for ROs**



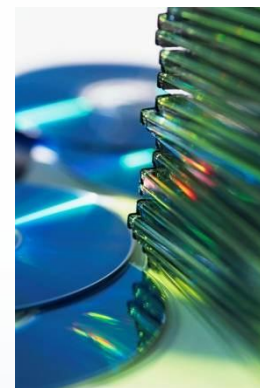
Regulation (EC) No 391/2009 - Annex

- **A1 – Legal personality**
- **A2 – Experience in ship construction**
- **A3 – Sufficient staff to serve it's fleet**
- **A4 – Rules, published and upgraded through R&D**
- **A5 – Register**
- **A6 – Independence of RO**
- **A7 – Operate in accordance with Res. A.789(19)
(qualifications)**



Regulation (EC) No 391/2009 - Annex

- **B1 – Worldwide coverage**
- **B2 – Code of Ethics**
- **B3 – Confidentiality**
- **B4 – Providing information**
- **B5 – Intellectual property rights**
- **B6 – Quality policy, objectives, targets and indicators**



Regulation (EC) No 391/2009 - Annex

B7 – RO must ensure that:

- **(a) Rules are maintained**
- **(b) + (c) Rules and statutory requirements are complied with and a system is in place to measure**
- **(d) responsibilities and authorities are defined**
- **(e) all work is carried out under controlled conditions**
- **(f) work by surveyors and staff is monitored**
- **(g) surveyors have extensive knowledge**

Regulation (EC) No 391/2009 - Annex

B7 – RO must ensure that:

- (h) **a system for qualifications and knowledge update of surveyors is in place**
- (i) **achievement of the required standard is documented**
- (j) **internal audits are planned and documented in all locations**
- (k) **surveys are carried out in accordance with Res. A.997(25)**
- (l) **clear lines of responsibilities between offices and with surveyors are established**

Regulation (EC) No 391/2009 - Annex

- B8 – RO must have a quality system
(ISO 9001:2000 and ISO 17020)
- B9 – RO must be able to issue objective declaration on safety of ships based on own direct knowledge
- B10 – RO must be able to carry out ISM certification
- B11 – RO must allow administrations to participate in rule making



Recognized Organizations (12)

ABS (Houston)

BV (Paris)

CCS (Beijing)

DNV (Oslo)

GL (Hamburg)

KR (Daejong)

LR (London)

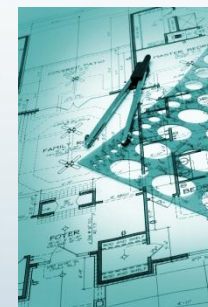
ClassNK (Tokyo)

RINA (Genoa)

RMRS (St. Petersburg)

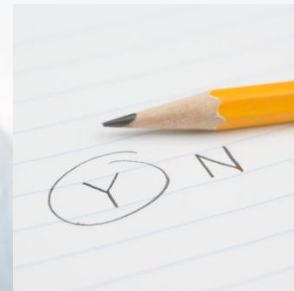
PRS (Gdansk)

RINAVE (Lisbon)



EMSA's Role in the enforcement

- **Assessments** - at least once every two years by COM (+MS)
- **EMSA is inspecting**, focus on two aspects:
 - documents
 - implementation of the requirements
- **EMSA reports to COM**
- **COM does assessment !!!!**



Inspections conducted

- **Team of 11 assessors today**
- **Since 2004: over 120 inspections worldwide**
- **Assessments done by COM**



Training on EU Maritime Legislation for Newcomers

Directive 2009/15/EC

**On common rules and standards for
ship inspection and survey
organisations and for the relevant
activities of Maritime Administrations**

Directive 2009/15/EC

**On common rules and standards for ship inspection
and survey organisations and for the relevant
activities of maritime administrations**

- * Council Directive 94/57/EC of 22 November 1994 had been amended several times and when it was time again it seemed appropriate to recast into two different namely a Directive and a Regulation**

Directive 2009/15/EC



Main provisions :

- **Article 3: Member State (MS) can authorize only RO's**
- **Article 5: 'working relationship'**
 - **Written agreement or equivalent legal arrangements**

Directive 2009/15/EC

- **Article 5**: 'working relationship'
 - **Setting** the duties and functions
 - **Including** at least,
 - Provision of IMO Res. A.739 (18)
 - Financial liability
 - Provisions for periodical audit (by Admin or appointed external body)
 - Possibility for inspections of ships
 - Provisions for compulsory reporting of information

Directive 2009/15/EC



- **Article 8:**
 - **Suspension or withdrawal of authorisation**

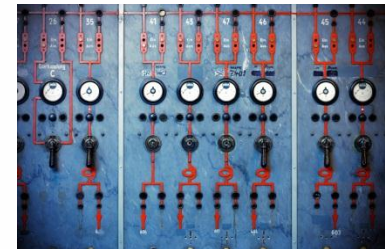
.....where a Member State considers that a recognised organisation can no longer be authorised to carry out on its behalf the tasks specified in Article 3 it may suspend or withdraw such authorisation.....

Directive 2009/15/EC



- **Article 9:**
 - **MS shall satisfy itself that the RO effectively carries out the delegated functions satisfactorily**
 - **The MS shall monitor, at least on biennial basis, the authorised ROs and report to other MS and Commission.**

Directive 2009/15/EC



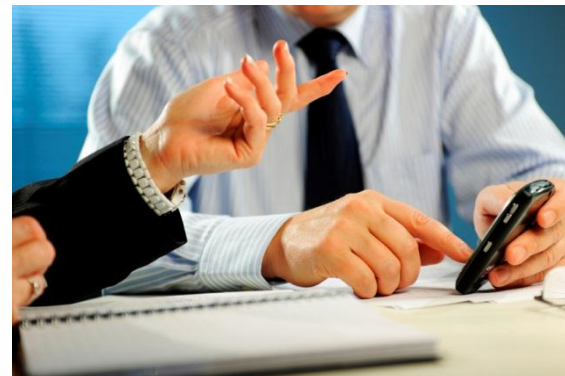
- **Article 10:**
 - **Report to COM, FS and other MS when PSC finds cases of valid statutory certificates issued by RO to vessels not fulfilling the requirements and representing a serious threat**

- **Article 11:**
 - **Ensure that ships are constructed and maintained according to the rules of a RO**

Directive 2009/15/EC

- **Article 11:**

- **Cooperate with ROs in development of rules and procedures**
- **They shall confer with the recognised organisations with a view to achieving consistent interpretation of the international conventions.**



IMO Res A.739 (18)

"Verification and monitoring

3. The Administration should establish a system to ensure the adequacy of work performed by the organizations authorized to act on its behalf. Such a system should, inter alia, include the following items:

- .1 Procedures for communication...***
- .2 Procedures for reporting (...) and processing of reports by the Administration***
- .3 Additional ship's inspections by the Administration***
- .4 The Administration's evaluation/acceptance of the certification of the organization's quality system...***
- .5 Monitoring and verification of class related matters..."***

IMO Res A.739 (18)

- **Appendix II :Elements to be included in an agreement**
“10- The Administration's supervision of duties delegated to the organization
 - .1 Documentation of quality assurance system***
 - .2 Access to internal instructions, circulars and guidelines***
 - .3 Access by the Administration to the organization's documentation relevant to the Administration's fleet***
 - .4 Co-operation with the Administration's inspection and verification work***
 - .5 Provision of information and statistics on, e.g. damage and casualties relevant to the Administration's fleet”***

MSC/Circ.710. Annex: Model agreement

“5 Supervision

5.1 The Administration will be given the opportunity to satisfy itself that RO's quality system continues to comply with the requirements of Appendix 1 of the Annex to Assembly resolution A.739(18).

5.2 The Administration may choose to recognize audits performed on RO by an independent audit group...

5.3 Should the Administration choose to conduct direct auditing of RO...”

MSC/Circ.710. Attachment

Additional provisions for consideration (1)

- **"B Supervision**



1. Documentation of quality assurance system

RO undertakes to submit to the Administration documentation concerning the quality assurance system practised by RO.

The Administration may choose to recognize audits (...) by an independent group...

Should the Administration choose to conduct direct auditing of the RO(...)

2. Access to internal instructions, circulars and guidelines

MSC/Circ.710. Attachment



Additional provisions for consideration(2)

"B Supervision

3 Co-operation with the Administration's inspection and verification work

The Administration shall satisfy itself that the functions delegated to RO are effectively carried out by performing random inspections in order to control the ships of its fleet, and to review the work of RO.

(...)RO undertakes to assist the audit team from the Administration in carrying out random inspections and verification at RO's survey station, on ships and at shipyards."

Some terms ...



Verification

- Confirmation, through the provision of objective evidence, that the specified requirements have been fulfilled (ISO 9000).

Monitoring

- Collecting and analysing information routinely and systematically against a plan.

Inspection

- Conformity evaluation by observation and judgement accompanied as appropriate by measurement, testing or gauging (ISO 9000).