

## 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 their 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, and the most recent MR Technical Requirements were published 1 January 2019 (Tier 7). In May 2020, the EU RO MR Group published a summary report of their activities 2015 – 2019 to furthering the implementation of the MR scheme.

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 released an alternative Product Evaluation Process (PEP) model as well as a PEP Instruction Manual and PEP Guiding Questions in June 2020.

In early 2021, taking the COVID-19 pandemic into account, an addendum to the EU RO Framework Document for the Mutual Recognition of Type Approval was released. Intermediate (annual) audits can be postponed, if needed, depending on local COVID-19 related regulations in force, but in any case, not longer than 3 months. In exceptional cases an additional postponement of 3 months may be granted. The addendum entered into force 1 January 2021 and shall be valid until 30 June 2021.

#### *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.
- **EU RO Mutual Recognition Group**
  - EU RO Mutual recognition group report 2015-2019, May 2014.
- **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 May 2015.
  - Workshop report October 2015.

#### *Timeline / important dates*

- RO Code in force from 1 January 2015.
- EC report to Parliament (EP TRAN) on 21 December 2015.
- EU RO MR workshop, Hamburg, 5 September 2018.
- Meeting with EC DG MOVE, Brussels, 8 March 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.