

Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (Recast) (Text with EEA relevance)

*Article 10*

1 Recognised organisations shall consult with each other periodically with a view to maintaining equivalence and aiming for harmonisation of their rules and procedures and the implementation thereof. They shall cooperate with each other with a view to achieving consistent interpretation of the international conventions, without prejudice to the powers of the flag States. Recognised organisations shall, in appropriate cases, agree on the technical and procedural conditions under which they will mutually recognise the class certificates for materials, equipment and components based on equivalent standards, taking the most demanding and rigorous standards as the reference.

Where mutual recognition cannot be agreed upon for serious safety reasons, recognised organisations shall clearly state the reasons therefor.

Where a recognised organisation ascertains by inspection or otherwise that material, a piece of equipment or a component is not in compliance with its certificate, that organisation may refuse to authorise the placing on board of that material, piece of equipment or component. The recognised organisation shall immediately inform the other recognised organisations, stating the reasons for its refusal.

Recognised organisations shall recognise, for classification purposes, certificates of marine equipment bearing the wheel mark in accordance with Council Directive 96/98/EC of 20 December 1996 on marine equipment<sup>(1)</sup>.

They shall provide the Commission and the Member States with periodic reports on fundamental progress in standards and mutual recognition of certificates for materials, equipment and components.

2 The Commission shall submit a report to the European Parliament and the Council by 17 June 2014, based on an independent study, on the level reached in the process of harmonising the rules and procedures and on mutual recognition of certificates for materials, equipment and components.

3 The recognised organisations shall cooperate with port State control administrations where a ship of their class is concerned, in particular in order to facilitate the rectification of reported deficiencies or other discrepancies.

4 The recognised organisations shall provide to all Member States' administrations which have granted any of the authorisations provided for in Article 3 of Directive 2009/15/EC and to the Commission all relevant information about their classed fleet, transfers, changes, suspensions and withdrawals of class, irrespective of the flag the ships fly.

Information on transfers, changes, suspensions, and withdrawals of class, including information on all overdue surveys, overdue recommendations, conditions of class, operating conditions or operating restrictions issued against their classed ships, irrespective of the flag the ships fly, shall also be communicated electronically to the common inspection database used by the Member States for the implementation of Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control<sup>(2)</sup> at the same time as it is recorded within the recognised organisation's own systems and in any case no later than 72 hours after the event that gave rise to the obligation to communicate the information. That information, with the

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 391/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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exception of recommendations and conditions of class which are not overdue, shall be published on the website of these recognised organisations.

5 The recognised organisations shall not issue statutory certificates to a ship, irrespective of its flag, which has been declassified or is changing class for safety reasons, before giving the opportunity to the competent administration of the flag State to give its opinion within a reasonable time as to whether a full inspection is necessary.

6 In cases of transfer of class from one recognised organisation to another, the losing organisation shall, without undue delay, provide the gaining organisation with the complete history file of the ship and, in particular, inform it of:

- a any overdue surveys;
- b any overdue recommendations and conditions of class;
- c operating conditions issued against the ship; and
- d operating restrictions issued against the ship.

New certificates for the ship can be issued by the gaining organisation only after all overdue surveys have been satisfactorily completed and all overdue recommendations or conditions of class previously issued in respect of the ship have been completed as specified by the losing organisation.

Prior to the issue of the certificates, the gaining organisation must advise the losing organisation of the date of issue of the certificates and confirm the date, place and action taken to satisfy each overdue survey, overdue recommendation and overdue condition of class.

Recognised organisations shall establish and implement appropriate common requirements concerning cases of transfer of class where special precautions are necessary. Those cases shall, as a minimum, include the transfer of class of ships of 15 years of age or over and the transfer from a non-recognised organisation to a recognised organisation.

Recognised organisations shall cooperate with each other in properly implementing the provisions of this paragraph.

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- (1) [OJ L 46, 17.2.1997, p. 25.](#)
- (2) See page 57 of this Official Journal.

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**Changes and effects yet to be applied to :**

- Art. 10(1) words substituted by [S.I. 2019/270 reg. 3\(10\)\(a\)\(i\)](#)
- Art. 10(1) words substituted by [S.I. 2019/270 reg. 3\(10\)\(a\)\(ii\)](#)
- Art. 10(2) omitted by [S.I. 2019/270 reg. 3\(10\)\(b\)](#)
- Art. 10(4) words omitted by [S.I. 2019/270 reg. 3\(10\)\(c\)\(i\)\(cc\)](#)
- Art. 10(4) words substituted by [S.I. 2019/270 reg. 3\(10\)\(c\)\(i\)\(aa\)](#)
- Art. 10(4) words substituted by [S.I. 2019/270 reg. 3\(10\)\(c\)\(i\)\(bb\)](#)
- Art. 10(4) words substituted by [S.I. 2019/270 reg. 3\(10\)\(c\)\(ii\)\(aa\)](#)
- Art. 10(4) words substituted by [S.I. 2019/270 reg. 3\(10\)\(c\)\(ii\)\(bb\)](#)
- Art. 10(5) words inserted by [S.I. 2019/270 reg. 3\(10\)\(d\)\(i\)](#)
- Art. 10(5) words omitted by [S.I. 2019/270 reg. 3\(10\)\(d\)\(ii\)](#)
- Art. 10(5) words substituted by [S.I. 2019/270 reg. 3\(10\)\(d\)\(iii\)](#)
- Art. 10(5) words substituted by [S.I. 2019/270 reg. 3\(10\)\(d\)\(iv\)](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by [S.I. 2019/270 reg. 3\(19\)](#)
- Annex 1 Pt. B para. 3 words substituted by [S.I. 2019/270 reg. 3\(20\)\(a\)](#)
- Annex 1 Pt. B para. 4 words substituted by [S.I. 2019/270 reg. 3\(20\)\(b\)](#)
- Annex 1 Pt. B para. 5 words substituted by [S.I. 2019/270 reg. 3\(20\)\(c\)](#)
- Annex 1 Pt. B para. 11 words substituted by [S.I. 2019/270 reg. 3\(20\)\(d\)](#)
- Art. 2(a) words inserted by [S.I. 2019/270 reg. 3\(2\)\(a\)](#)
- Art. 2(b) words omitted by [S.I. 2019/270 reg. 3\(2\)\(b\)](#)
- Art. 2(f) words substituted by [S.I. 2019/270 reg. 3\(2\)\(c\)](#)
- Art. 2(g) words substituted by [S.I. 2019/270 reg. 3\(2\)\(d\)](#)
- Art. 7(2)(b) omitted by [S.I. 2019/270 reg. 3\(7\)\(b\)](#)
- Art. 13(1A) inserted by [S.I. 2019/270 reg. 3\(13\)\(b\)](#)
- Art. 13A inserted by [S.I. 2019/270 reg. 3\(14\)](#)
- Art. 14(4) inserted by [S.I. 2019/270 reg. 3\(15\)\(d\)](#)
- Art. 14A inserted by [S.I. 2019/270 reg. 3\(16\)](#)