

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 6

[^{X1} In addition to the measures taken under Article 5, the Commission may, in accordance with the advisory procedure referred to in Article 12(2), impose fines on a recognised organisation:

- a — whose serious or repeated failure to fulfil the minimum criteria set out in Annex I or its obligations under Articles 8(4), 9, 10 and 11,
or
— whose worsening performance
reveals serious shortcomings in its structure, systems, procedures or internal controls; or
- b which has deliberately provided incorrect, incomplete or misleading information to the Commission in the course of its assessment pursuant to Article 8(1) or otherwise obstructed that assessment.]

2 Without prejudice to paragraph 1, where a recognised organisation fails to undertake the preventive and remedial action required by the Commission, or incurs unjustified delays, the Commission may impose periodic penalty payments on that organisation until the required action is fully carried out.

3 The fines and periodic penalty payments referred to in paragraphs 1 and 2 shall be dissuasive and proportionate to both the gravity of the case and the economic capacity of the recognised organisation concerned, taking into account, in particular, the extent to which safety or the protection of the environment has been compromised.

They shall be imposed only after the recognised organisation and the Member States concerned have been given the opportunity to submit their observations.

The aggregate amount of the fines and periodic penalty payments imposed shall not exceed 5 % of the total average turnover of the recognised organisation in the preceding three business years for the activities falling under the scope of this Regulation.

4 The Court of Justice of the European Communities shall have unlimited jurisdiction to review decisions whereby the Commission has fixed a fine or periodic penalty payment. It may cancel, reduce or increase the fine or periodic penalty payment imposed.

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Recast\) \(Official Journal of the European Union L 131 of 28 May 2009\)](#).

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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Art. 6 words substituted by [S.I. 2019/270 reg. 3\(6\)\(a\)](#)
- Art. 6(1) words omitted by [S.I. 2019/270 reg. 3\(6\)\(b\)](#)
- Art. 6(3) word substituted by [S.I. 2019/270 reg. 3\(6\)\(c\)](#)
- Art. 6(4) substituted by [S.I. 2019/270 reg. 3\(6\)\(d\)](#)

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\(16\)](#)