

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 7*

- 1 The Commission shall withdraw the recognition of an organisation:
  - a whose repeated and serious failure to fulfil the minimum criteria set out in Annex I or its obligations under this Regulation is such that it constitutes an unacceptable threat to safety or the environment;
  - b whose repeated and serious failure in its safety and pollution prevention performance is such that it constitutes an unacceptable threat to safety or the environment;
  - c which prevents or repeatedly obstructs the assessment by the Commission;
  - d which fails to pay the fines and/or periodic penalty payments referred to in Article 6(1) and (2); or
  - e which seeks to obtain financial cover or reimbursement of any fines imposed on it pursuant to Article 6.
- 2 For the purpose of points (a) and (b) of paragraph 1, the Commission shall decide on the basis of all the available information, including:
  - a the results of its own assessment of the recognised organisation concerned pursuant to Article 8(1);
  - b reports submitted by Member States pursuant to Article 10 of Directive 2009/15/EC;
  - c analyses of casualties involving ships classed by the recognised organisations;
  - d any recurrence of the shortcomings referred to in point (a) of Article 6(1);
  - e the extent to which the fleet in the recognised organisation's class is affected; and
  - f the ineffectiveness of the measures referred to in Article 6(2).
- 3 Withdrawal of recognition shall be decided by the Commission, upon its own initiative or at the request of a Member State, in accordance with the regulatory procedure referred to in Article 12(3) and after the recognised organisation concerned has been given the opportunity to submit its observations.

**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. 7 words substituted by [S.I. 2019/270 reg. 3\(7\)\(a\)](#)
- Art. 7(3) words substituted by [S.I. 2019/270 reg. 3\(7\)\(c\)](#)

**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\(16\)](#)