

EXPLANATORY MEMORANDUM TO
THE MERCHANT SHIPPING (SHIP INSPECTION AND SURVEY
ORGANISATIONS) (REVOCATION) REGULATIONS 2011

2011 No. 3056

1. This explanatory memorandum has been prepared by the Maritime and Coastguard Agency of the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The instrument revokes The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996 and makes consequential amendments. The purpose of the instrument is to complete the transposition of Directive 2009/15/EC and to remove provisions and powers in The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996 which are no longer required in legislation. Other elements of the Directive have been transposed through existing legislation and administrative means.
3. **Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 This instrument transposes, in part, Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations. A transposition table is provided at Annex A to this Memorandum.
 - 4.2 The instrument provides for the revocation of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996. As a consequence of that revocation, this instrument also amends certain cross references to those Regulations and to the predecessor Directive 94/57/EC which the 1996 SI implemented.
 - 4.3 The proposal that resulted in Directive 2009/15/EC was the subject of Explanatory Memorandum (EM) 5912/06 submitted to Parliament by the Department for Transport on 16 February 2006. The House of Commons European Scrutiny Committee considered the EM on 8 March 2006. The Committee recommended that the document was politically important, and did not clear it from scrutiny pending further information and developments (21st Report, Session 2005-2006, reference 27272). At their 1243rd sif on 28 February 2006, the House of Lords Select Committee on the European Union referred the EM to their Sub-Committee B for further consideration. On 8 March 2006 the Chairman of the House of Lords Select Committee on the European Union wrote to tell the Minister that the Committee would hold the proposal under scrutiny pending further developments.

4.4 Further information was provided to both Committees in Ministerial letters sent on 7 November 2007, 22 November 2007, and 6 December 2007. The House of Commons European Scrutiny Committee cleared the proposal from scrutiny on 28 November 2007 (4th Report, Session 2007-2008). The House of Lords Select Committee on the European Union cleared the proposal on 15 January 2008.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 European Directive 2009/15/EC sets out requirements for the UK with regards the relationship with ship survey and certification organisations which are delegated work on behalf of the Secretary of State through the Maritime and Coastguard Agency. Those organisations are called “Recognised Organisations” or ROs. In addition, European Regulation (EC) No 391/2009 sets the standards for those ROs to meet and outlines some of the reporting requirements between the Commission, the UK, and UK authorised ROs.

7.2 Together, Directive 2009/15/EC and Regulation (EC) No 391/2009 replace Directive 94/57/EC which was implemented, in part, by The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996.

7.3 The UK has largely transposed Directive 2009/15/EC through administrative measures and existing statutory instruments. The policy intention behind this instrument is to complete transposition of that Directive by revoking the UK’s legislation which implemented the predecessor Directive 94/57/EC. Where relevant, the powers and requirements which were imposed on the ROs through the 1996 Regulations are now imposed on them contractually.

- Consolidation

7.4 It is not intended that the amendments made by this instrument to the instruments in the Schedule will be consolidated, as they are minor in nature and unlikely to cause practical issues.

8. Consultation outcome

8.1 The only stakeholders considered to be affected by the provisions of this instrument are the UK authorised ROs. They were consulted between 18th June 2010 and Wednesday 7th September 2011 about the UK’s intentions to revoke The Merchant Shipping (Ship Inspection and Survey Organisations)

8.2 Beyond this instrument, the UK's measures transposing Directive 2009/15/EC have very little impact on other stakeholders. UK ships are still required to be constructed to the same standards, with the exception of the removal of the ability for ROs to apply the rules of the Institution of Electrical Engineers for electrical arrangements on UK ships. As the two standards are similar, this change (effected through the amendment to MSN 1672 mentioned in paragraph 9.1) is not considered significant and was not subject to wider consultation beyond that with the UK authorised ROs.

9. Guidance

9.1 Merchant Shipping Notice (MSN) 1672 Amendment 3, published by the Maritime and Coastguard Agency, explains the means through which the UK has transposed Directive 2009/15/EC, including the revocation of The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As the instrument contains only revocations and consequential amendments, it is not proposed that it should be periodically reviewed. At an EU level, Directive 2009/15/EC and Regulation (EC) 391/2009 contain provision for biennial review by the Commission.

13. Contact

Ian Lardner at the Maritime and Coastguard Agency Tel: 023 80 329 186 or email: ian.lardner@mca.gov.uk can answer any queries regarding the instrument

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 1	This Directive establishes measures to be followed by the Member States in their relationship with organisations entrusted with the inspection, survey and certification of ships for compliance with the international conventions on safety at sea and prevention of marine pollution, while furthering the objective of freedom to provide services. This includes the development and implementation of safety requirements for hull, machinery and electrical and control installations of ships falling under the scope of the international conventions		Does not require transposition
Article 2(a)	'ship'" means a ship falling within the scope of the international conventions;		Does not require transposition
Article 2(b)	'ship flying the flag of a Member State' means a ship registered in and flying the flag of a Member State in accordance with its legislation. Ships not corresponding to this definition are assimilated to ships flying the flag of a third country;		Does not require transposition
Article 2(c)	'inspections and surveys' means inspections and surveys that are mandatory under the international conventions;		Does not require transposition
Article 2(d)	'international conventions' means the International Convention for the Safety of Life at Sea of 1 November 1974, (SOLAS 74) with the exception of chapter XI 2 of the Annex thereto, the International Convention on Load Lines of 5 April 1966 and the International Convention for the Prevention of Pollution from Ships of 2 November 1973 (Marpol), together with the protocols and amendments thereto, and the related codes of mandatory status in all Member States, in their up-to-date version;		Does not require transposition
Article 2(e)	'organisation' means a legal entity, its subsidiaries and any other entities under its control, which jointly or separately carry out tasks falling under the scope of this Directive;		Does not require transposition
Article 2(f)	'control' means, for the purpose of point (e), rights, contracts or any other means, in law or in fact, which, either separately or in combination confer the possibility of exercising decisive influence on a legal entity or enable that entity to carry out tasks falling under the scope of this Directive;		Does not require transposition
Article 2(g)	'recognised organisation' means an organisation recognised in accordance with Regulation (EC) No 391/2009;		Does not require transposition
Article 2(h)	"authorisation" means an act whereby a Member State grants an authorisation or delegates powers to a recognised organisation;		Does not require transposition
Article 2(i)	'statutory certificate' means a certificate issued by or on behalf of a flag State in accordance with the international conventions;		Does not require transposition
Article 2(j)	'rules and procedures' means a recognised organisation's requirements for the design, construction, equipment, maintenance and survey of ships;		Does not require transposition
Article 2(k)	'class certificate' means a document issued by a recognised organisation certifying the fitness of a ship for a particular use or service in accordance with the rules and procedures laid down and made public by that recognised organisation;		Does not require transposition
Article 2(l)	'cargo ship safety radio certificate' means the certificate introduced by the 1988 Protocol amending SOLAS, adopted by the International Maritime Organisation (IMO).		Does not require transposition

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 3	<p>1. In assuming their responsibilities and obligations under the international conventions, Member States shall ensure that their competent administrations can ensure appropriate enforcement of the provisions thereof, in particular with regard to the inspection and survey of ships and the issue of statutory certificates and exemption certificates as provided for by the international conventions.</p> <p>Member States shall act in accordance with the relevant provisions of the Annex and the Appendix to IMO Resolution A.847(20) on guidelines to assist flag States in the implementation of IMO instruments.</p>	Primary and Secondary Legislation	The UK has both primary and secondary legislation to enforce the provisions of international conventions. UK secondary legislation permits / requires inspections and surveys to be undertaken and certificates to be issued, and permits the issuance of exemption certificates by the UK. One such example is The Merchant Shipping (Survey and Certification) Regulations 1995, SI 1995 No. 1210, as amended, which sets requirements for survey, certification, and issue of exemption certificates with respect to SOLAS 74. A consolidated copy of these regulations (as amended) has been provided. Other examples of similar requirements for other Convention provisions may be provided to the Commission if required.
		MCA Framework Document	1.3 The Agency has responsibility to implement several maritime Conventions and Codes. The most important of these are:-
		RO Agreement Paragraph 2.10	"2.10 In respect of delegation of authority to perform statutory functions and certification services on UK registered ships classed with [RO], MCA shall act in accordance with the relevant provisions of the Annex and the Appendix to IMO Resolution A.847(20) on guidelines to assist flag States in the implementation of IMO instruments and in accordance with Directive 2009/15/EC."
		MSN1672 Amendment 3 Section 2.7	2.7 The UK has applied and, where relevant, continues to apply the guidelines to assist flag states in the implementation of IMO instruments, as detailed in the Annex and Appendix to IMO Resolution A.847(20) and subsequent IMO guidance. The UK has sufficient personnel, facilities, legislation, administrative systems, and resources to act as a flag State. Examples may be provided to the Commission on request.
	<p>2. Where for the purpose of paragraph 1 a Member State decides with respect to ships flying its flag:</p> <p>(i) to authorise organisations to undertake fully or in part inspections and surveys related to statutory certificates including those for the assessment of compliance with the rules referred to in Article 11(2) and, where appropriate, to issue or renew the related certificates; or</p> <p>(ii) to rely upon organisations to undertake fully or in part the inspections and surveys referred to in point (i);</p> <p>it shall entrust these duties only to recognised organisations.</p>	<p>MSN1672 Amendment 3</p> <p>Section 2.6</p>	<p>2.6 The UK only entrusts the duties referred to in Article 3.2(i) and 3.2(ii) of Directive 2009/15/EC to recognised organizations. All UK delegation agreements with respect to the performance of marine statutory functions as required by International Conventions and UK legislation and the issuance of relevant certificates state in the opening paragraph that the agreements are between:-</p> <p>2.6.1 a "Recognised Organisation, as defined in Regulation (EC) No 391/2009 of the European Parliament and of the Council on Common Rules and Standards for Ship Inspection and Survey Organisations", and</p> <p>2.6.2 the "United Kingdom's Maritime and Coastguard Agency, referred to as the MCA".</p>
	<p>The competent administration shall in all cases approve the first issue of the exemption certificates.</p>	<p>RO Agreement Paragraphs 3.2, 3.3 and 3.4</p>	<p>3.2 Exemptions from the requirements of the applicable instruments are the prerogative of the MCA and, in the case where [RO] is approached by an owner to apply an exemption, this must be approved by the MCA prior to issuance of the exemption by the MCA.</p> <p>3.3 Approval of equivalent provisions and alternative designs and arrangements required to be notified to IMO may only be granted by the MCA and, in the case [RO] is requested by an owner to agree/approve equivalent provisions or alternative designs and arrangements, this request must be approved by the MCA.</p> <p>3.4 [RO] acknowledges that it has no power to grant exemptions, issue exemption certificates or waive statutory requirements in regard to statutory functions carried out under this agreement. [RO] acknowledges that it has no power to approve equivalent provisions and alternative designs and arrangements in regard to statutory functions carried out under this agreement.</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
	However, for the cargo ship safety radio certificate these duties may be entrusted to a private body recognised by a competent administration and having sufficient expertise and qualified personnel to carry out specified safety assessment work on radio-communication on its behalf.	Marine Guidance Note (MGN) 392	<p>3.2 For unclassified vessels, passenger ships and fishing vessels, the survey must be arranged with a person who has been authorised by the MCA. A list of those persons is available on the MCA web-site at http://www.mcga.gov.uk/c4mca/mcga07-home/shipsandcargoes/mcga-hipsurveysandinspecs/dops_surv_radio_surveys-authpers.htm</p> <p>4. Procedure for authorisation</p> <p>4.1 The UK-recognised classification societies are authorised for cargo vessels in their class.</p> <p>4.2 Other persons or organisations seeking authorisation must apply to the MCA. This requires the completion of a questionnaire, evidence of having a request for a radio survey from a UK vessel operator, evidence of a current approval by one of the UK recognised classification societies and acceptance of conditions. Request should be made through the Survey Operations Branch contact detailed at the end of this notice. The quality of such persons is controlled through the MCA's monitoring of the classification societies' own approval procedures.</p> <p>4.3 Most surveys of unclassified vessels will be conducted in the UK, but in exceptional cases, persons overseas may be authorised. For passenger ships and fishing vessels a number of persons overseas may be authorised to reflect trading patterns and demand from the operators. They must still satisfy the requirements detailed in 4.2 above.</p> <p>4.4 Authorisations may be withdrawn by MCA at any time as a result of complaints, inadequate quality application, internal controls or lack of demand from UK ship owners.</p>
	3. This Article does not concern the certification of specific items of marine equipment.		Does not require transposition
Article 4(1)	In applying Article 3(2), Member States shall in principle not refuse to authorise any of the recognised organisations to undertake such functions, subject to the provisions of paragraph 2 of this Article and Articles 5 and 9. However, they may restrict the number of organisations they authorise in accordance with their needs provided there are transparent and objective grounds for so doing.	Procedure MCA313 Section 6	<p>6.1 Criteria</p> <p>6.1.1 The UK will generally agree to authorise any applicant RO which has been recognised by the European Commission under Regulation (EC) 391/2009 to perform statutory functions and certification services on UK registered ships, subject to the four criteria outlined below. The UK cannot authorise any applicant RO which has not been so recognised, but it can discuss with any such RO whether the UK will agree to seek recognition on its behalf under Article 3 of the Regulation – see paragraph 6.3 below.</p> <p><u>6.1.2. Criterion 1 – Reciprocity</u> The UK will generally only authorise an RO where the state in which that RO is located grants reciprocal treatment to ROs located in the UK and elsewhere in the EU/EEA. The UK applies this policy of reciprocity regardless of whether the applying RO is recognised or not recognised by any other EU/EEA State. Where such reciprocity does not yet exist the UK may agree to authorise an RO providing that a statement of principle confirming an intention to offer reciprocal treatment is given on behalf of the State in which the RO is located.</p> <p><u>6.1.3 Criterion 2 - Mutual Benefits for Quality Shipping</u> The UK must be satisfied that the authorisation of additional ROs brings mutual benefits to both parties. As a minimum, the RO must assure the MCA that within a maximum period of 12 months a minimum of 500,000grt of new tonnage, with each vessel meeting the following criteria, will register with the UK:-</p> <ul style="list-style-type: none"> • under 15 years of age • port State history of no detentions within the previous 12 months • port State history of less than 10 deficiencies per inspection within the previous 12 months • able to meet the UK's registration requirements • at least one UK Shipping Company, meeting the qualifying criteria in the Registration of Ships Regulations, should request recognition of the applicant RO. <p>In exchange for these benefits to the UK Ship Register, the applicant RO gains the reputational benefit of recognition by a quality Administration which is committed to a collaborative relationship to enhance the quality of shipping and potential access to authorisation from the wider Red Ensign Group.</p> <p><u>6.1.4 Criterion 3 – Technical Competence</u></p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
	<p>At the request of a Member State, the Commission shall, in accordance with the regulatory procedure referred to in Article 6(2), adopt appropriate measures to ensure the correct application of the first subparagraph of this paragraph as regards refusal of authorisation and of Article 8 as regards those cases where authorisation is suspended or withdrawn.</p>		<p>An applicant RO must demonstrate that it will be able to carry out the authorised functions to the UK's satisfaction. The UK will check compliance with this criterion, having regard in particular to the criteria at Annex 1 to Regulation 391/2009.</p> <p><u>6.1.5 Criterion 4 - Compliance with UK RO Agreements</u> An applicant RO must meet the requirements set out in the UK RO Agreements (referred to in paragraph 3 above), which are relevant for the type and size of vessel for which the applicant RO wishes to be authorised, and must agree to enter into an equivalent agreement to observe those requirements when authorised (see also paragraph 6.2).</p> <p>6.2 Recognition Process 6.2.1 Subject to meeting the above criteria the MCA, on behalf of the government of the UK, will enter into a pre-authorisation discussion with the applicant RO. The MCA will conduct a series of pre-qualification audits to establish that the applicant RO meets the criteria outlined above. 6.2.2 The MCA will visit the HQ of the applicant RO and at least one survey office to ensure the RO has the necessary quality procedures in place and that those procedures are applied consistently throughout the worldwide activities of the RO. Additionally, the MCA will ensure that the performance and control of the RO's classed fleet meets performance standards equivalent to those of the existing UK fleet with regard to position on Port State Control (PSC) MoU(s) and will not jeopardise the high quality standards and performance of the UK and Red Ensign fleets. 6.2.3 The MCA will, in discussion with the applicant RO, provide an audit plan to the RO at least 3 months ahead of conducting any audit. 6.2.4 Subject to the successful outcome of a pre-qualifying audit, the MCA will recommend authorisation to the UK Shipping Minister whose decision is final, as outlined in section 6.3 below. The applicant RO must enter into a UK Class Agreement to complete the authorization. The RO may then be authorised by any of the UK Crown Dependencies and Overseas Territories (Red Ensign Group) subject to the agreement of that Administration.</p> <p>6.3 EU Recognition 6.3.1 If the applicant organisation is not already recognised as a Recognised Organisation by the EU Commission, and the UK wishes to assist that organization seek recognition, the UK will (before signing an agreement with that organisation but after assessing that organization against the criteria at Section 6.1 of this procedure) submit a request for recognition to the EU Commission. The request to the EU Commission will include complete information on, and evidence of, the organisation's compliance with the minimum criteria set out in Annex I of Regulation (EC) 391/2009. The UK will act in accordance with Article 3 of Regulation (EC) 391/2009. 6.3.2 In the event of the UK requesting recognition of an organisation as an EU RO, the UK and EU Commission will undertake joint assessments of the organisation. The joint assessments will be undertaken in order to verify that the organisation meets and undertakes to comply with the requirements referred to in section 6.3.1 above. 6.3.3 The UK acknowledges that the EU Commission shall refuse to recognise organisations which fail to meet the requirements referred to in Regulation (EC) 391/2009 or whose performance is considered an unacceptable threat to safety or the environment on the basis of the criteria laid down in accordance with Article 14 of Regulation (EC) 391/2009.</p> <p style="text-align: center;">Does not require transposition</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 4(2)	2. In order for a Member State to accept that a recognised organisation located in a third State is to carry out fully or in part the duties mentioned in Article 3 it may request the third State in question to grant reciprocal treatment to those recognised organisations which are located in the Community.	MSN1672 AMENDMENT 3, para 5.1	5.1 The UK will generally only authorise an RO where the state in which that RO is located grants reciprocal treatment to ROs located in the UK and elsewhere in the EU/EEA. The UK applies this policy of reciprocity regardless of whether the applying RO is recognised or not recognised by any other EU/EEA State. Where such reciprocity does not yet exist the UK may agree to authorise an RO providing that a statement of principle confirming an intention to offer reciprocal treatment is given on behalf of the State in which the RO is located. It should be noted that this is a caveat to Article 4(1). <u>6.1.2.Criterion 1 – Reciprocity</u>
	In addition, the Community may request the third State where a recognised organisation is located to grant reciprocal treatment to those recognised organisations which are located in the Community.	Procedure MCA313 Section 6	The UK will generally only authorise an RO where the state in which that RO is located grants reciprocal treatment to ROs located in the UK and elsewhere in the EU/EEA. The UK applies this policy of reciprocity regardless of whether the applying RO is recognised or not recognised by any other EU/EEA State. Where such reciprocity does not yet exist the UK may agree to authorise an RO providing that a statement of principle confirming an intention to offer reciprocal treatment is given on behalf of the State in which the RO is located. <p style="text-align: center;">Does not require transposition</p>
Article 5(1) and 5(2)	1. Member States which take a decision as described in Article 3(2) shall set out a "working relationship" between their competent administration and the organisations acting on their behalf.	RO Agreement Paragraph 1.1 explains	Formal written agreements exist with all UK authorised ROs acting on the MCAs behalf. The agreement section 1.1 explains that... "1.1 The purpose of this Agreement is to delegate authority to perform statutory functions and certification services on UK registered ships classed with [RO], unless indicated otherwise, and to define the scope, terms, conditions and requirements of that delegation and to define other requirements as given in Directive 2009/15/EC and Regulation EC/391/2009."
	2. The working relationship shall be regulated by a formalised written and non-discriminatory agreement or equivalent legal arrangements setting out the specific duties and functions assumed by the organisations and including at least: (a) the provisions set out in Appendix II of IMO Resolution A.739(18) on guidelines for the authorisation of organisations acting on behalf of the administration, while drawing inspiration from the Annex, Appendices and Attachment to IMO MSC/Circular 710 and MEPC/Circular 307 on a model agreement for the authorisation of recognised organisations acting on behalf of the administration;	Entire RO Agreement	The UK has made provisions within the UK RO agreements for every provision set out in Appendix II of IMO Resolution A.739(18). This is evident upon review of the UK RO agreement. Likewise, the UK has followed the provisions of the Annex, Appendices and Attachment to IMO MSC/Circular 710 and MEPC/Circular 307 except in so far as they are inconsistent with the Directive.
	(b) the following provisions concerning financial liability: (i) if liability arising out of any marine casualty is finally and definitely imposed on the administration by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss of or damage to property or personal injury or death, which is proved in that court of law to have been caused by a wilful act or omission or gross negligence of the recognised organisation, its bodies, employees, agents or others who act on behalf of the recognised organisation, the administration shall be entitled to financial compensation from the recognised organisation to the extent that that loss, damage, injury or death was, as decided by that court, caused by the recognised organisation; (ii) if liability arising out of any marine casualty is finally and definitely imposed on the administration by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured	RO Agreement Paragraph 6.6	"6.6 Liability .1 If liability arising out of any marine casualty is finally and definitely imposed on the MCA by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss of or damage to property or personal injury or death, which is proved in that court of law to have been caused by a wilful act or omission or gross negligence of [RO], its bodies, employees, agents or others who act on behalf of [RO], the MCA shall be entitled to financial compensation from [RO] to the extent that that loss, damage, injury or death was, as decided by that court, caused by [RO]. .2 If liability arising out of any marine casualty is finally and definitely imposed on the MCA by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for personal injury or death, which is proved in that court of law to have been caused by any negligent or reckless act or omission of [RO], its employees, agents or others who act on behalf of [RO], the MCA shall be entitled to financial compensation from [RO] to the extent that that personal injury or death was, as decided by that court, caused by [RO], up to but not exceeding an amount of Four Million Euros (EUR 4,000,000).

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
	<p>parties for personal injury or death, which is proved in that court of law to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the administration shall be entitled to financial compensation from the recognised organisation to the extent that that personal injury or death was, as decided by that court, caused by the recognised organisation; the Member States may limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to EUR 4 million;</p> <p>(iii) if liability arising out of any marine casualty is finally and definitely imposed on the administration by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss of or damage to property, which is proved in that court of law to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the administration shall be entitled to financial compensation from the recognised organisation, to the extent that that loss or damage was, as decided by that court, caused by the recognised organisation; the Member States may limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to EUR 2 million;</p>		<p>.3 If liability arising out of any marine casualty is finally and definitely imposed on the MCA by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss of or damage to property, which is proved in that court of law to have been caused by any negligent or reckless act or omission of [RO], its employees, agents or others who act on behalf of [RO], the MCA shall be entitled to financial compensation from [RO], to the extent that that loss or damage was, as decided by that court, caused by [RO], up to but not exceeding an amount of Two Million Euros (EUR2,000,000)."</p>
	<p>(c) provisions for a periodical audit by the administration or by an impartial external body appointed by the administration into the duties the organisations are undertaking on its behalf, as referred to in Article 9(1);</p>	<p>RO Agreement Section 5</p>	<p>5.2 The MCA will conduct direct auditing of [RO], the frequency of the audit shall be determined by, among other things, the findings of previous audits; the period between audits shall not exceed two years and will typically be no more than 6 months. A report of the results, after agreement of its contents between [RO] and MCA, will be submitted to the EU Commission and other EU Member States.</p>
	<p>(d) the possibility for random and detailed inspections of ships;</p>	<p>RO Agreement Section 5</p>	<p>5.4 .1 The MCA shall satisfy itself that the functions delegated to [RO] are effectively carried out by performing scheduled and random sampling, including inspections in order to control the ships of the UK fleet and to review the work of [RO]. The frequency and form of sampling will be determined by the MCA. This can include monitoring the work of [RO] in connection with the approval of, drawings and calculations. The MCA may request to monitor the statutory surveys carried out by [RO]. The MCA's surveyors intend to monitor those surveys of UK registered new buildings and major conversions. .2 A representative from the local [RO] office will be invited to attend the inspection, if time and circumstances permit. The master and [RO] will receive a list of recommendations. The master will also be required to report to [RO] regarding the implementation of the recommendations relating to [RO]'s authorisation within the time limit specified. .3 [RO] shall verify that the recommendations relating to [RO]'s functions under its authorisation have been implemented or report to the MCA the degree of implementation thereof if not complete, at the first scheduled attendance on board after the time limit has expired.</p>
		<p>Merchant Shipping Act Section 259</p>	<p>Section 259 of The Merchant Shipping Act 1995 provides powers for inspectors appointed by the Secretary of State to inspect UK ships wherever they may be and any other ship which is present in the United Kingdom or in United Kingdom waters.</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
	(e) provisions for compulsory reporting of essential information about their classed fleet, and changes, suspensions and withdrawals of class.	RO Agreement Section 4	<p>4.1 [RO] will report to the MCA such information at such frequency as agreed between [RO] and the MCA, as delineated in Annex 2 to this agreement.</p> <p>4.2</p> <p>.1 For UK registered ships the MCA shall be granted access to all plans and documents including reports on surveys on the basis of which certificates are issued or endorsed by [RO].</p> <p>.2 For non-UK registered ships the MCA may be granted access, upon request and with relevant Flag State approval, to relevant information available from [RO] concerning those ships classed with [RO].</p> <p>.3 Access, including direct access to relevant databanks and the provision of information shall be free of charge. This does not include hardware or telecommunication charges.</p> <p>.4 [RO] will send, free of charge, a sufficient number of its regulations applicable to ships at initial classification and when revised thereafter. Alternative equivalent electronic arrangements may be provided.</p> <p>4.3</p> <p>.1 The MCA will provide [RO] with all necessary documentation for the purpose of [RO]'s provision of statutory certification services.</p> <p>.2 The MCA will send, free of charge, a sufficient number of the relevant regulations and instructions to [RO]. Alternative equivalent electronic arrangements may be provided.</p> <p>.3 The MCA will provide [RO] with a list of national requirements in excess of International Conventions and Codes and updated information as applicable.</p> <p>4.4</p> <p>.1 When developing new rules and in the case of amendments to existing rules affecting inspections and surveys, in accordance with this Agreement, [RO] shall contact the MCA as early as practicable, so that both parties can discuss the views on the intended development of rules. [RO] shall consider recommendations for additions or amendments to its rules made by the MCA (See Annex 3C).</p> <p>.2 Similarly, the MCA shall contact [RO] as early as possible in the development of amendments to regulations to which the general authorisations in force at the time in question apply (see Annex 3C).</p> <p>4.5 [RO] and the MCA, recognizing the importance of technical liaison, agree to co-operate toward this end and maintain an effective dialogue through the BCC and BC.</p> <p>4.6 Regulations, rules, instructions and report forms shall be written in English.</p> <p>4.7</p> <p>.1 At present the United Kingdom recognises other Classification Societies to carry out work on its behalf and these are listed in Annex 5.</p> <p>.2 If a UK ship changes class from one of the United Kingdom recognised Classification Societies to [RO], then, as the gaining society, [RO] shall ensure that it has obtained all, to its knowledge, relevant information on the survey status of the ship, including structural and operational limitations and outstanding recommendations given by the losing Society. The structural and operational limitations of the ship shall be checked and agreed to by [RO]. Outstanding recommendations given by the losing Society, known by [RO], shall be followed up by [RO] within the time limits given by the losing Society. Article 10.6 of Regulation EC/391/2009 applies in these cases. The procedures above shall be carried through before assignment of class to a ship. All information which is provided by the losing RO to [RO] in accordance with Article 10.6 of Regulation EC/391/2009 shall be copied to the MCA.</p> <p>.3 If the ship is not classed by a United Kingdom recognised Classification Society, the same procedures of 4.7.2 shall apply as when a ship leaves a recognised society in order to obtain statutory certification with [RO]. Any dispute over time limits shall be referred to the MCA for a final decision.</p> <p>.4 For UK ships leaving [RO] and not being re-classed with a United Kingdom recognised Classification Society the same information shall be submitted to the MCA.</p> <p>.5 When a ship registered in the United Kingdom is suspended, withdrawn, or withdraws, from class, the MCA shall be notified by [RO] as specified in Annex 2. Such notification shall include brief details of the reason for suspension or withdrawal of class, the name of the owner and the latest known address of the owner.</p> <p>.6 [RO] shall not issue certificates to a ship de-classed or changing class for safety reasons before consulting with the MCA to determine whether a full inspection is required.</p> <p>.7 Dual Class Vessel – is a vessel which is classed by two EU Recognised Classification Societies, both authorised by the UK, between which there is a written agreement regarding sharing work, reciprocal recognition of surveys carried out by each of the Societies on behalf of the other Society and full exchange of information on the Class status</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
			and survey reports. 4.8 The MCA will inform [RO] of the reasons for revoking a statutory certificate through the implementation of paragraph 3.4.
Article 5(3) and 5(4)	3. The agreement or equivalent legal arrangement may require the recognised organisation to have a local representation on the territory of the Member State on behalf of which it performs the duties referred to in Article 3. A local representation with legal personality under the law of the Member State and subject to the jurisdiction of its national courts may satisfy such a requirement.	RO Agreement Section 2.1	UK RO agreements require all ROs to have local representation. 2.1 [RO] will maintain a local representative who will be subject to English law, acting within the territory of the United Kingdom as the legal personality under the laws of England and the competence of English Courts. The rules for the local representative are given at Annex 3A.
		RO Agreement Annex 3A	"ANNEX 3A RULES FOR THE CONSTITUTION AND OPERATION OF THE LOCAL REPRESENTATIVE 1. The established local representative: 1.1 shall be a person or persons having legal personality under the law of England and the competence of the English Courts to represent [RO]. 1.2 shall be appointed by [RO]. 1.3 shall be established in the territory of the United Kingdom. 1.4 shall be identified to the MCA. 2. The duties of the local representative shall be the correct application of all legal functions delegated to it by the MCA, and include the monitoring, reviewing, reporting and facilitating of these functions."
	4. Each Member State shall provide the Commission with precise information on the working relationship established in accordance with this Article. The Commission shall subsequently inform the other Member States thereof.	RO Agreement Section 5.2, and final sentence of 6.7.5	The UK has submitted to the Commission all 7 UK RO agreements. Also, the following sections feature in the UK RO agreement 5.2 The MCA will conduct direct auditing of [RO], the frequency of the audit shall be determined by, among other things, the findings of previous audits; the period between audits shall not exceed two years and will typically be no more than 6 months. A report of the results, after agreement of its contents between RO and MCA, will be submitted to the EU Commission and other EU Member States. 6.7.5 If the MCA suspends or terminates the agreement under paragraph 6.7.3 or 6.7.4, the MCA will notify the EU Commission and other EU Member States of its decision without delay. The substantiated reasons for withdrawal of authorisation will be explained in the communication of withdrawal between MCA and the Commission / EU Member States.
Article 6	1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002 of the European Parliament and the Council . 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months. 3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.		Does not require transposition

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 7(1), point (a) of first subparagraph	1. This Directive may, without broadening its scope, be amended in order to: (a) incorporate, for the purposes of this Directive, subsequent amendments to the international conventions, protocols, codes and resolutions related thereto referred to in Articles 2(d), 3(1) and 5(2), which have entered into force;		Does not require transposition
Article 7(1), point (b) of first subparagraph	(b) alter the amounts specified in points (ii) and (iii) of Article 5(2)(b).	RO Agreement Opening Para	For the purpose of this agreement any reference to "Directive 2009/15/EC" means Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations. For the purpose of this agreement any reference to "Regulation EC/391/2009" means 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. The UK would amend the RO agreements if the amounts in 5(2)(b) ii and iii changed.
Article 7(1) second subparagraph	These measures designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3).		Does not require transposition
Article 7(2)	Following the adoption of new instruments or protocols to the international conventions referred to in Article 2(d), the Council, acting on a proposal from the Commission, shall decide, taking into account the Member States' parliamentary procedures as well as the relevant procedures within the IMO, on the detailed arrangements for ratifying those new instruments or protocols, while ensuring that they are applied uniformly and simultaneously in the Member States. The amendments to the international instruments referred to in Article 2(d) and Article 5 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.		Does not require transposition

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 8	Notwithstanding the minimum criteria specified in the Annex I of Regulation (EC) No 391-2009, 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. In such case the Member State shall inform the Commission and the other Member States of its decision without delay and shall give substantiated reasons therefor.	RO Agreement Section 6.7	<p>6.7 Withdrawal of Authorisation and Termination</p> <p>.1 In the event that the EU Commission withdraws recognition of the [RO] in accordance with Article 7 of Regulation (EC) 391/2009, the MCA may immediately terminate this Agreement in writing without notice, subject to [RO] complying with section 6.7.4 of this agreement. In circumstances where the MCA is provided with advance warning by the EU Commission of its intention to withdraw recognition, the MCA and [RO] will meet and discuss the practicalities of withdrawal as soon as reasonably practicable.</p> <p>.2 If the MCA believes that the [RO] is failing to observe the requirements set out in this Agreement then the MCA will notify [RO] in writing, and undertake the following consultation with a view to resolving the breach or poor performance:</p> <ol style="list-style-type: none"> 1) The matter will be discussed at the next arising British Committee meeting with [RO] (or an earlier meeting if required). If it is identified that [RO], an [RO] surveyor, or [RO] survey office is at fault then MCA shall request actions as appropriate to be completed to rectify the issue within an agreed timescale. 2) If the MCA identifies that the issue has not been rectified to MCA's satisfaction, then MCA shall address the matter to senior management within [RO] and require immediate actions for rectification by [RO]. [RO] will be provided with the opportunity to demonstrate that reasonable steps were taken to ensure that the requirements upon [RO], as outlined within this agreement, were complied with. <p>.3 If the MCA is not satisfied with the response given by [RO] under paragraph 6.7.2, the MCA may suspend or terminate this Agreement or may cancel, or reduce the level of, authorisation for one or more statutory functions delegated to [RO] within Annex 1 of this Agreement by giving at least one month's notice on writing to [RO] to that effect.</p> <p>.4 This agreement may also be terminated by either party by giving the other party 12 months notice in writing.</p> <p>.5 If the MCA suspends or terminates the agreement under paragraph 6.7.3 or 6.7.4, the MCA will notify the EU Commission and other EU Member States of its decision without delay. The substantiated reasons for withdrawal of authorisation will be explained in the communication of withdrawal between MCA and the Commission / EU Member States.</p> <p>.5 If this Agreement is terminated then [RO] shall hand over to the MCA, or a body nominated by the MCA, all documents and information it holds which are connected to this Agreement (including all documents connected to the provision of statutory survey and certification services to third parties authorised by this Agreement).</p> <p>.6 For the avoidance of doubt, in circumstances where this Agreement is suspended or terminated, [RO] does not have authority to perform statutory functions and certification services on UK registered ships.</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 9(1),(2)	<p>1. Each Member State shall satisfy itself that the recognised organisations acting on its behalf for the purpose of Article 3(2) effectively carry out the functions referred to in that Article to the satisfaction of its competent administration.</p> <p>2. In order to carry out the task referred to in paragraph 1, each Member State shall, at least on a biennial basis, monitor every recognised organisation acting on its behalf and shall provide the other Member States and the Commission with a report on the results of such monitoring activities at the latest by 31 March of the year following the year in which the monitoring was carried out.</p>	RO Agreement Section 5	<p>5.1 The MCA 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 IMO Assembly Resolution A.739 (18), A.789 (19), EC Directive 2009/15/EC, as implemented in part by S.I. 1996/2908, and criterion B.8 of Annex 1 to Regulation EC/391/2009.</p> <p>5.2 The MCA will conduct direct auditing of [RO], the frequency of the audit shall be determined by, among other things, the findings of previous audits; the period between audits shall not exceed two years and will typically be no more than 6 months. A report of the results, after agreement of its contents between [RO] and MCA, will be submitted to the EU Commission and other EU Member States.</p> <p>.1 The MCA will additionally participated in European Commission assessments of [RO] on a regular basis and at least every two years (as decided by the Commission) to verify that [RO] meets the obligations under Regulation EC/391/2009 and fulfils the minimum criteria set out in Annex I to Regulation EC/391/2009. The assessment of [RO] shall be confined to those activities of [RO], which fall within the scope of Regulation EC/391/2009.</p> <p>5.3 [RO] undertakes to submit relevant instructions, rules, internal circulars and guidelines as well as other information, as necessary, showing that the delegated functions are being carried out in accordance with the rules and regulations in force.</p> <p>5.4 .1 The MCA shall satisfy itself that the functions delegated to [RO] are effectively carried out by performing scheduled and random sampling, including inspections in order to control the ships of the UK fleet and to review the work of [RO]. The frequency and form of sampling will be determined by the MCA. This can include monitoring the work of [RO] in connection with the approval of, drawings and calculations. The MCA may request to monitor the statutory surveys carried out by [RO]. The MCA's surveyors intend to monitor those surveys of UK registered new buildings and major conversions.</p> <p>.2 A representative from the local [RO] office will be invited to attend the inspection, if time and circumstances permit. The master and [RO] will receive a list of recommendations. The master will also be required to report to [RO] regarding the implementation of the recommendations relating to [RO]'s authorisation within the time limit specified.</p> <p>.3 [RO] shall verify that the recommendations relating to [RO]'s functions under its authorisation have been implemented or report to the MCA the degree of implementation thereof if not complete, at the first scheduled attendance on board after the time limit has expired.</p> <p>.4 If deficiencies relating to [RO]'s function under its authorisation are found it shall be left to [RO], in the first instance, to see that they are rectified. The same shall apply to reported port state control deficiencies within [RO]'s purview.</p> <p>.5 [RO] undertakes to assist the MCA in carrying out random inspections and verifications at [RO]'s survey stations, on ships and at shipyards.</p> <p>5.5 .1 [RO] undertakes to give the MCA access to the documentation system, including computer systems or equivalent electronic arrangements, employed by [RO] to follow up the surveys carried out and recommendations issued in addition to other information concerning UK ships classed with [RO].</p> <p>.2 Further, [RO] will give the MCA access to its register of ships flying the United Kingdom flag.</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 10	<p>In exercising their inspection rights and obligations as port States, Member States shall report to the Commission and to other Member States, and inform the flag State concerned, if they find that valid statutory certificates have been issued by recognised organisations acting on behalf of a flag State to a ship which does not fulfil the relevant requirements of the international conventions, or in the event of any failure of a ship carrying a valid class certificate and relating to items covered by that certificate. Only cases of ships representing a serious threat to safety and the environment or showing evidence of particularly negligent behaviour of the recognised organisations shall be reported for the purposes of this Article. The recognised organisation concerned shall be advised of the case at the time of the initial inspection so that it can take appropriate follow-up action immediately.</p>	<p>MSN1672 AMENDMENT 3 Section 2.5</p> <hr/> <p>Procedure MCA 314</p>	<p>2.5 As a port State, the MCA has a duty under Article 10 of Directive 2009/15/EC to report to the European Commission and to other Member States, and to inform the flag State concerned, if the MCA finds that valid statutory certificates have been issued by recognised organisations acting on behalf of a flag State to a ship which does not fulfil the relevant requirements of the international conventions, or in the event of any failure of a ship carrying a valid class certificate and relating to items covered by that certificate. Only cases of ships representing a serious threat to safety and to the environment or showing evidence of particularly negligent behaviour of the recognised organisations shall be reported for these purposes of Article 10 of Directive 2009/15/EC. The recognised organisation concerned shall be advised of the case at the time of the initial inspection so that it can take appropriate follow-up action immediately. MCA Procedure 314 contains further details on this process.</p> <hr/> <p>6.1 The actions in this paragraph must only be followed in cases of ships representing a serious threat to safety and the environment or showing evidence of particularly negligent behaviour of the Recognised Organisations</p> <p>6.2 Having regard to the reporting requirements of Article 10 of Directive 2009/15/EC, if an MCA PSC inspection of a foreign flagged ship identifies deficiencies which are grounds for detention and for which RO responsibility has been determined, where either;</p> <p>a) valid statutory certificates have been issued by ROs acting on behalf of a flag State to a ship which does not fulfil the relevant requirements of the International Conventions; or</p> <p>b) any failure of a ship carrying a valid class certificate and related to items covered by that certificate,</p> <p>then, the attending MCA Inspector must report this directly into THETIS or by way of forms MSF1600A, MSF1600B, or MSF1601A. As per MCA810, MCA Inspection Operations Branch must then promptly inform the flag State and Recognised Organisation concerned and provide them with a copy of the report of inspection.</p> <p>6.3 MCA Inspection Operations Branch will review the report of inspection and the RO responsibility identified in accordance with PSCC 43/2010/27, and report to the Commission and other Member States as per Article 10 of Directive 2009/15/EC.</p>
Article 11(1),(2)	<p>1. Each Member State shall ensure that ships flying its flag are designed, constructed, equipped and maintained in accordance with the rules and procedures relating to hull, machinery and electrical and control installation requirements of a recognised organisation.</p>	<p>Statutory Instruments</p> <p>1998/2514 1997/1509</p>	<p>NOTE: THE MSN SPECIFIES STANDARDS BY REFERENCE TO THE STANDARDS OF ROs</p> <p><u>Regulation 5</u> In complying with the requirements of these Regulations with respect to construction or maintenance relating to hull, machinery, electrical installations and control installations United Kingdom ships shall comply with the approved standards listed in Merchant Shipping Notice No. M.1672 which are relevant to it.</p> <p><u>Regulation 2(3)</u> Any reference in these Regulations to -</p> <p>(a) a British Standard;</p> <p>(b) a Merchant Shipping Notice;</p> <p>(c) SOLAS; or</p> <p>(d) any other specified Code, Circular, Resolution or Guidelines;</p> <p>shall include -</p> <p>(i) a reference to any document amending that publication which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice, Marine Guidance Note or Marine Information Note; and</p> <p>(ii) with respect to a British Standard, a reference to a relevant standard of an EEA State other than the United Kingdom.</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
	<p>2. A Member State may decide to use rules it considers equivalent to the rules and procedures of a recognised organisation only on the proviso that it immediately notifies them to the Commission in conformity with the procedure under Directive 98/34/EC and to the other Member States and they are not objected to by another Member State or the Commission and are held, through the regulatory procedure referred to in Article 6(2) of this Directive, not to be equivalent.</p>	<p>MSN1672 Amendment 3 para 3.5</p>	<p>M.S. (Live Saving Appliance) Regulations, as amended</p> <p>M.S. (Additional Safety Measures for Bulk Carriers) Regulations</p> <p>EC Council Regulation No 613/91 of 4 March 1991 on the transfer of ships from one register to another within the Community, as amended.</p> <p>3.13 Passenger Vessels Partial Authorisation</p> <p>M.S. & F.V. (Lifting Operations and Lifting Equipment) Regulations, as amended</p> <p>M.S. & F.V. (Provision and Use of Work Equipment) Regulations, as amended</p> <p>M.S. (Safety of Navigation) Regulations, as amended</p> <p>M.S. (Survey and Certification) Regulations, as amended</p> <p>M.S. (Fire Protection: Large Ships) Regulations, as amended.</p> <p>M.S. (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations</p> <p>M.S. (Passenger Ships on Domestic Voyages) Regulations, as amended</p> <p>The REG Passenger Yacht Code, a Code of Practice for Yachts Carrying 13 to 36 Passengers, as amended</p> <hr/> <p>The UK does not currently use rules it considers equivalent to the rules and procedures of a recognised organisation but reserves the right to do so in the future if necessary. If it does so, the UK will notify the Commission and other Member States in accordance with Article 11(2) of Directive 2009/15/EC and the use of those rules will be subject to those rules being held not to be equivalent in the manner described in that Article.</p>
Article 11(3)	<p>3. Member States shall cooperate with the recognised organisations they authorise in the development of the rules and procedures of those organisations. They shall confer with the recognised organisations with a view to achieving consistent interpretation of the international conventions.</p>	<p>RO Agreement Paragraphs 4.4, 4.5 and 4.6</p>	<p>"4.4</p> <p>.1 When developing new rules and in the case of amendments to existing rules affecting inspections and surveys, in accordance with this Agreement, [RO] shall contact the MCA as early as practicable, so that both parties can discuss the views on the intended development of rules. [RO] shall consider recommendations for additions or amendments to its rules made by the MCA (See Annex 3C).</p> <p>.2 Similarly, the MCA shall contact [RO] as early as possible in the development of amendments to regulations to which the general authorisations in force at the time in question apply (see Annex 3C).</p> <p>4.5 [RO] and the MCA, recognizing the importance of technical liaison, agree to co-operate toward this end and maintain an effective dialogue through the BCC and BC.</p> <p>4.6 Regulations, rules, instructions and report forms shall be written in English."</p>
Article 12	<p>The Commission shall, on a biennial basis, inform the European Parliament and the Council of progress in the implementation of this Directive in the Member States.</p>		<p>Does not require transposition</p>

	Directive 2009/15 Requirement	Reference / Section	Comment or Text of Document
Article 13	<p>Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...*. They shall forthwith inform the Commission thereof.</p> <p>When they are adopted by Member States, these measures shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directives repealed by this Directive shall be construed as references to this Directive. The methods of making such references shall be laid down by Member States.</p> <p>2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.</p>		The UK has transposed Directive 2009/15/EC through implementing new RO agreements with all 7 UK ROS and has removed the measures that transposed Directive 94/57 by revoking SI 1996/2908 and cancelling the previous agreements.
Article 14	<p>Directive 94/57/EC, as amended by the Directives listed in Annex I, Part A, shall be repealed with effect from ...*, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex I, Part B.</p> <p>References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.</p>		Does not require transposition
Article 15	<p>This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p>		Does not require transposition
Article 16	<p>This Directive is addressed to the Member States.</p>		Does not require transposition