
STATUTORY INSTRUMENTS

2019 No. 270

**The Merchant Shipping (Recognised Organisations)
(Amendment) (EU Exit) Regulations 2019**

Amendment of Commission Regulation (EU) 788/2014

4.—(1) Commission Regulation (EU) 788/2014 laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) 391/2009 is amended as follows.

- (2) In Article 1 (subject matter)—
 - (a) in the first paragraph, for “Commission” substitute “Secretary of State”;
 - (b) in the second paragraph, omit the words after “organisation”.
- (3) In Article 2 (definitions), omit the second subparagraph.
- (4) In Article 3 (identification of infringements), at each place it occurs, for “Commission” substitute “Secretary of State”.
- (5) In Article 5 (assessment of the seriousness of an infringement), at each place it occurs, for “Commission” substitute “Secretary of State”.
- (6) In Article 6 (assessment of the effects of an infringement), for “Commission” substitute “Secretary of State”.
- (7) In Article 7 (periodic penalty payments), at each place it occurs, for “Commission” substitute “Secretary of State”.
- (8) In Article 8 (determination of maximum aggregate amount of fines and periodic penalty payments), at each place it occurs, for “Commission” substitute “Secretary of State”.
- (9) In Article 9 (calculation of turnover), for “Commission’s” substitute “Secretary of State’s”.
- (10) In Article 10 (withdrawal of recognition)—
 - (a) in paragraph 1, for the words from “Upon” to “adopt” substitute “The Secretary of State may make”;
 - (b) in paragraph 3, for “Commission” substitute “Secretary of State”.
- (11) Omit Article 11 (procedure to withdraw recognition at the request of a Member State).
- (12) In Article 12 (statement of objections)—
 - (a) at each place it occurs, for “Commission” substitute “Secretary of State”;
 - (b) in paragraph 1, omit “and notify the Member State concerned”;
 - (c) in paragraph 2(b), omit “or by the European Maritime Safety Agency acting on the Commission’s behalf”;
 - (d) in paragraph 3, omit “and the Member State concerned”.
- (13) In Article 13 (requests for information), at each place it occurs, for “Commission” substitute “Secretary of State”.
- (14) In Article 14 (oral hearing)—
 - (a) in paragraph 1, for “Commission” substitute “Secretary of State”;

- (b) for paragraph 2 substitute—
 - “2. The Secretary of State may invite any other persons with a legitimate interest in the infringement to take part in the oral hearing.”;
 - (c) in paragraph 3, omit the second sentence;
 - (d) in paragraph 5, omit “and to Member States concerned”.
- (15) In Article 15 (periodic penalty payments for non-cooperation)—
- (a) at each place it occurs, for “Commission” substitute “Secretary of State”;
 - (b) in paragraph 1—
 - (i) for “adopt” substitute “make”,
 - (ii) for “it” substitute “the Secretary of State”.
- (16) In Article 16 (access to the file)—
- (a) at each place it occurs, for “Commission” substitute “Secretary of State”;
 - (b) in paragraph 4, omit “or the European Maritime Safety Agency”;
 - (c) for paragraph 5 substitute—
 - “5. For the purposes of paragraph 4, internal documents of the Secretary of State may include documents or parts of documents pertaining to the internal deliberations of the Secretary of State.”.
- (17) In Article 18 (confidentiality, professional secrecy and the right to remain silent)—
- (a) at each place it occurs, for “Commission” substitute “Secretary of State”;
 - (b) in paragraph 2, omit the words from “, the European Maritime Safety Agency” to “supervision”, and “by them”.
- (18) In Article 19 (decision)—
- (a) at each place it occurs, for “Commission” substitute “Secretary of State”;
 - (b) in paragraph 4, for “adopted” substitute “made”;
 - (c) omit paragraphs 5 and 6.
- (19) In Article 20 (judicial remedies, notification and publication)—
- (a) at each place it occurs, for “Commission” substitute “Secretary of State”;
 - (b) omit paragraph 2;
 - (c) in paragraph 3, omit “or informing the Member States”.
- (20) In Article 21 (recovery of fines and penalty payments)—
- (a) in the first line for “Commission” substitute “Secretary of State”;
 - (b) for the words “establishing a recovery order and issuing a debit note” substitute “service of a notice demanding payment of the debt”;
 - (c) omit the words “in accordance with” to “Commission Delegated Regulation (EU) No 1268/2012”.
- (21) In Article 22 (limitation periods for the imposition of fines and periodic penalty payments)—
- (a) at each place it occurs, for “Commission” substitute “Secretary of State”;
 - (b) in paragraph 2—
 - (i) in the first line omit “or the European Maritime Safety Agency”;
 - (ii) in the third line omit “or the Agency”;
 - (c) in paragraph 4—

- (i) before “proceedings” insert “judicial”;
 - (ii) omit “pending before the Court of Justice of the European Union”.
- (22) In Article 23 (limitation periods for the collection of fines and periodic penalty payments)—
- (a) in paragraph 1, for “start a recovery procedure” substitute “commence judicial proceedings or arbitration”;
 - (b) in paragraph 2, for the word from the first “Commission” to the second “Commission” substitute “Secretary of State”;
 - (c) in paragraph 4(b), for “Court of Justice of the European Union” substitute “Court seized of the action or an arbitration tribunal”.
- (23) In Article 24 (application of time limits)—
- (a) in paragraph 1, for “Commission’s” substitute “Secretary of State’s”;
 - (b) at each place it occurs, for “Commission” substitute “Secretary of State”.
- (24) Omit Article 25 (cooperation of national competent authorities) and Article 27 (entry into force) and the final sentence following Article 27.
- (25) In the Annex, in the second column of the entry relating to Article 10(5) of Regulation (EC) No 391/2009, for “flag State” substitute “Secretary of State”.