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STATUTORY INSTRUMENTS

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**2019 No. 270**

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

**Amendment of Commission Decision 2009/491/EC**

5.—(1) Commission Decision 2009/491/EC on criteria to be followed in order to decide when the performance of an organisation acting on behalf of a flag State can be considered an unacceptable threat to safety and the environment, is amended as follows.

(2) In Article 2 (criteria to be followed), for “a flag State” substitute “ the Secretary of State ”.

(3) In Article 3 (additional factors to be taken into account)—

(a) at each place it occurs, for “Commission” substitute “ Secretary of State ”;

(b) in paragraph 1—

(i) for “a flag State” substitute “ the Secretary of State ”;

(ii) omit “that come to its knowledge”.

(4) In Article 4 (power to amend Annex I)—

(a) omit paragraph 1;

(b) in paragraph 2—

(i) in the first line for the words “Where” to “Directive 94/57/EC” substitute “ The Secretary of State may by regulations ”;

(ii) for sub-paragraph (b) substitute—

“(b) determine the circumstances in which a recognised organisation's authorisation may be suspended or withdrawn.”.

(5) After Article 4 (power to amend Annex I) insert—

**“Article 4A**

*Regulations: procedure*

**1.** The power to make regulations conferred on the Secretary of State by paragraph 2 of Article 4 is exercisable by statutory instrument.

**2.** A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.”

(6) Omit Articles 5 (form of reports to the Commission) and 6 (application) and Annex II.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Merchant Shipping (Recognised Organisations) (Amendment) (EU Exit) Regulations 2019, Section 5. (See end of Document for details)*

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**Commencement Information**

- II** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Recognised Organisations) (Amendment) (EU Exit) Regulations 2019, Section 5.