
DRAFT STATUTORY INSTRUMENTS

2019 No.

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“(b) determine the circumstances in which a recognised organisation’s authorisation may be suspended or withdrawn.”.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