

**MEMORANDUM OF COOPERATION BETWEEN  
THE UNITED STATES COAST GUARD AND, DIRECTORATE GENERAL FOR  
MOBILITY AND TRANSPORT OF THE EUROPEAN COMMISSION,  
REGARDING THE MANAGEMENT OF THE CODE FOR  
RECOGNIZED ORGANIZATIONS OVERSIGHT PROGRAM WITH RESPECT TO  
MUTUALLY RECOGNIZED ORGANIZATIONS**

**The United States Coast Guard (USCG) and the Directorate General for Mobility and Transport of the European Commission, hereinafter referred to as the “Participants”,**

This Memorandum of Cooperation (MOC) is an administrative arrangement intended to provide a framework to cooperate, coordinate and exchange information in the context of the Code for Recognized Organizations (RO Code), IMO Instruments Implementation Code (III Code), and legislation and/or regulations adopted by the Participants to establish an oversight, monitoring and assessment program for the Recognized Organizations.

The shared information is intended to pertain to mutually Recognized Organizations (ROs), which may include classification societies currently performing vessel inspections on behalf of the United States government that are designated RO's at the EU level by a decision adopted by the European Commission.

At the international level, the RO Code was adopted on 21 June 2013 by the International Maritime Organization (IMO). The Code “provides flag States with a standard that will assist in achieving harmonized and consistent global implementation of requirements established by the instrument of the International Maritime Organization for the assessment and authorization of ROs” and “provides flag States with harmonized, transparent and independent mechanisms, which can assist in the consistent oversight of ROs in an efficient and effective manner.”

Furthermore, the IMO Instruments Implementation Code (III Code) states that “[a] flag State [IMO Member State] should establish or participate in an oversight program with adequate resources for monitoring of, and communication with, its [RO(s)] in order to ensure that the Flag State's international obligations are fully met.

In this regard, the RO Code and the relevant international instruments provide guidance to flag States to verify that the ROs fulfill the RO Code. This guidance was put forth by Resolution MSC.349(92), and is detailed in the RO Code under Section 7.1.1, on page 38.

In particular, the RO Code states that “[a] flag State may enter into a written agreement to participate in combined monitoring/oversight activities with another flag State or States that have authorizations with the same RO, provided that the level of detail regarding individual flag State requirements and individual flag State performance are addressed at a level equivalent to an oversight program conducted by each of the individual flag States. Conversely, no flag State may be compelled by another flag State or organization to accept oversight of an RO by others in lieu of conducting its own individual flag State oversight, unless it so elects by written agreement or is so provided in the law of that State. A copy of all such agreements should be

submitted to IMO for the information of the Member States.” This guidance was put forth by Resolution MSC.349(92), and is detailed in the RO Code under Section 7.2.2.2, on page 40.

Given this context it should be highlighted that the current administrative arrangement is not intended to establish a combined monitoring/oversight activities between the participants within the meaning of Section 7.2.2.2 of the RO Code (IMO Resolution MSC.349(92) of 21 June 2013). It aims to enhance the exchange of information for the purposes of improving the auditing and monitoring techniques of the participants contributing to the improvement of the ROs monitoring and the maritime safety. The participants might consider the establishment of a combined monitoring/oversight programme in the future by entering into a written agreement within the meaning of Section 7.2.2.2 of the RO Code.

The ROs have been authorized to act on behalf of the flag State to: (1) conduct surveys, inspections and audits of flag State vessels, and (2) issue certificates and documents attesting to compliance of a flag State vessel with the provisions of IMO’s mandatory instruments (e.g. SOLAS, MARPOL, Loadline, etc.).

Part 3 of the RO Code, titled “Oversight of Recognized Organizations” contains non-mandatory guidance on a flag State’s oversight of ROs. It provides guidance on the principles of oversight that may include ship inspection, auditing, and monitoring of RO activities. Some oversight activity may involve verifying compliance with specific national requirements that are detailed in the RO agreements of USCG.

It is important to highlight that, proper compliance with these flag State requirements may be indicators of the overall effectiveness of the RO’s quality management system.

The focus of shared information between the Participants is intended to measure the organizational performance in general, as opposed to compliance with a flag State’s specific technical requirements.

Under Title 46 U.S. Code § 3316 & Title 46 Code of Federal Regulations, Part 8.130, of the United States of America, a variety of vessel inspection activities have been delegated to third parties that comply with established standards for recognition.

Under Regulation (EC) No 391/2009, the European Commission has the obligation to carry out assessments of the ROs that the European Union Member States have delegated authority to conduct statutory surveys and certification in accordance with Directive 2009/15/EC. The European Commission assesses the compliance of the relevant ROs with the requirements of Regulation (EC) No 391/2009, the RO Code and the relevant provisions of the III Code.

The ROs the Participants have each recognized are the organizations as listed on the IMO website “Global Integrated Shipping Information System” (see <http://gisis.imo.org/>). In relation to the European Commission, the ROs are recognized at EU level on the basis of Regulation (EC) No 391/2009 (see the list published in the Official Journal of the European Union

(2017/C220/08).

**The Participants have reached the following understandings:**

1. The Participants intend to cooperate in relation to monitoring and oversight activities, consistent with their respective laws and regulations. As part of this administrative cooperation, the Participants may join inspections conducted with regard to the mutually recognized ROs by another Participant. The European Commission may task the European Maritime Safety Agency (EMSA) to participate in such activities on the European Commission's behalf or to accept one of the Participants in an inspection conducted by EMSA on European Commission's behalf
2. The Participants intend to exchange information pursuant to this MOC. The exchange of information is intended to focus on overall organizational control of all processes in relation to the RO Code that may indicate systemic failures, and as such may provide information irrespective of the specific requirements of the relevant flag administration.
3. The Participants intend to exchange information on their Key Performance Indicators and performance criteria in relation to their mutually recognized ROs.
4. The Participants envisage to meet and discuss activities under this MOC on a yearly basis. Additional meetings may be conducted in person or by teleconference, as needed.
5. The Participants envisage to informally determine the format and content that is most expeditious for the information shared. Disclosure of any information provided by one Participant to the other(s) is not intended to be provided to any other Participant without the prior consent of the providing Participant, unless otherwise required by law.
6. Each Participant intends to appoint a coordinator. The coordinators are expected to coordinate the overall exchange of information between the Participants, and act as the common points of contact for issues related to this MOC.

The Participants are expected to inform each other of their coordinators and associated coordinates once they have appointed them. A change of the designated coordinator should be communicated in writing to the other Participant.

7. Unless otherwise determined by the Participants, each Participant should fund its own expenses for activities pertinent to this MOC.
8. This MOC is not intended to create any legal right or obligation between the Participants or between the Participants and third parties. It does not constitute a binding agreement under international or domestic law.
9. The Participants understand this MOC does not, nor is it intended to conflict with current law or regulation or the directives of the United States Coast Guard or the relevant provisions of EU law.
10. Activities under this MOC should commence upon its signature by both Participants.

The Participants may modify this MOC after mutual consultation memorialized in writing. This modification may pertain to the inclusion of additional participants.

A Participant may discontinue its participation under this MOC at any time, but is expected to provide the other Participant(s) with a minimum of thirty (30) days' written notification of its intention to do so.

The Participants intend to review this MOC at intervals that should not exceed five years from the date of commencement of activities under this MOC.

Signed in Washington DC, United States of America on: 28 February 2020

**For the United States Coast Guard:**



R. V. Timme  
Rear Admiral, USCG  
Assistant Commandant for Prevention Policy

**For the Directorate-General for Mobility  
and Transport of the European  
Commission:**



M. Kopczynska  
Director,  
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