Marine equipment

2012/0358(COD) - 12/07/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Dominique RIQUET (EPP, FR) on the proposal for a directive of the European Parliament and of the Council on marine equipment and repealing Directive 96/98/EC.

The committee recommended that the position of Parliament adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Scope: in the interests of legal clarity, Members stipulated that equipment already placed on board when the Directive comes into force does not fall within the scope of the directive.

Conformity assessment: an amendment clarifies the fact that 'conformity assessment' means the process carried out by **notified bodies**.

Requirements regarding marine equipment: in the case of new construction, Member States must use the date when the keel was laid, or the date when the ship arrived at a similar stage of construction, as the reference date for determining the applicable requirements.

When the application of a standard becomes obligatory, it should be possible to consult that standard free of charge.

Wheel mark: the option of **electronic tagging** to supplement or replace the wheel mark also needs to be further encouraged both to facilitate the inspection of ships berthing in EU ports and to help combat counterfeiting more effectively

Obligations of economic operators: in order to create greater legal certainty for the Member States and for companies and to **avoid differences of interpretation** when the Directive comes into force, some of its provisions have been made more detailed. This applies particularly to:

- the length of time for which technical documentation and EU declarations of conformity must be kept: these must be kept for 10 years;

- the duration of permission for the placing on board ships of non-compliant equipment in cases of exemption or for testing or assessment purposes: the permission shall be limited to the period of time, which must be as short as possible, deemed necessary by the flag Member State for the purposes of testing.

A manufacturer who is not established within the territory of a Member State or in a State of the European Economic Area shall provide the name and contact address of his authorised representative.

Market surveillance: Members stated that market surveillance measures must continue to be **proportionate** to their objective, notably in relation to the samples required by Member States for testing purposes

When the surveillance authorities of a Member State consider that marine equipment covered by this Directive is liable to present a **risk to maritime safety, environment or health**, they should carry out

tests on the equipment concerned. In cases where a risk is detected, the Member State should call upon the economic operator concerned to take the appropriate corrective action, or even to withdraw or recall the equipment concerned.

Delegated acts: Members proposed **tighter provisions for the delegated acts procedure**, to which the Commission may have recourse to amend the list of international conventions which require the flag State' s approval of equipment to be placed on board ships flying its flag, and to update the references in Annex III of the Directive to European and international standards.

For each item of marine equipment for which the approval of the flag State administration is required by the international conventions, the Commission shall identify by means of delegated acts the respective design, construction and performance requirements and the testing standards provided for in the international instruments.