# Marine equipment

2012/0358(COD) - 15/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 598 votes to 18 with 13 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on marine equipment and repealing Directive 96/98/EC.

**Scope:** the Directive should apply to equipment placed or to be placed on board an EU ship and for which the approval of the flag State administration was required by the international instruments, regardless of whether the ship is located in the Union at the time when it is fitted with the equipment.

**Application:** when Member States issue, endorse or renew the certificates of the ships flying their flag as required by the international conventions, they should ensure that the marine equipment on board those ships complies with the **requirements of the Directive.**

**Electronic tag**: in order to facilitate market surveillance and prevent the counterfeiting of specific items of marine equipment, manufacturers may use an appropriate and reliable form of electronic tag instead of, or in addition to, the wheel mark. The Commission should carry out a cost-benefit analysis concerning the use of the electronic tag as a supplement or a replacement of the wheel mark.

The Commission may adopt delegated acts in order to identify the specific items of marine equipment, which could benefit from electronic tagging and would have implanting powers to lay down **appropriate technical criteria** as regards the design, performance, affixing and use of electronic tags.

The wheel mark may be supplemented by an appropriate and reliable form of electronic tag within **three years** or may be replaced, **five years** after the date of adoption of the appropriate technical criteria by such a tag.

**Obligations of economic operators**: in order to strengthen legal certainty for Member States and firms, certain provisions were laid down :

- manufacturers must keep the technical documentation and the EU declaration of conformity for at least **10 years** after the wheel mark has been affixed ;

- manufacturers who considered that a product to which they had affixed the wheel mark was not in conformity with the applicable design, construction and performance requirements and the testing standards must immediately take the necessary corrective measures to bring that product into conformity, to withdraw it or recall it, if appropriate.

A manufacturer who was not located in the territory of at least one Member State should, by a written mandate, appoint an authorised representative for the Union and indicate in the mandate the name of the authorised representative and the address at which he might be contacted.

For **at least 10 years after the wheel mark had been affixed** and in no case less than the expected life of the marine equipment concerned, economic operators on request, identify the following to the market surveillance authorities: (a) any economic operator who had supplied them with a product; (b) any economic operator to whom they had supplied a product.

**Market surveillance**: national market surveillance infrastructures and programmes should take into account the specific features of the marine equipment sector, including the various procedures carried out

as part of the conformity assessment, and in particular the responsibilities placed on the flag State administration by the international conventions.

Where the market surveillance authorities of one Member State had sufficient reason to believe that marine equipment covered by the Directive presented a **risk to maritime safety, to health or to the environment**, they must carry out an evaluation in relation to the marine equipment concerned covering all the requirements laid down in the Directive.

Where the market surveillance authorities find that the marine equipment did not comply with requirements, they will without delay require the relevant economic operator to take appropriate corrective actions to withdraw the equipment, or to recall it.

**Standards for marine equipment**: in exceptional circumstances where duly justified by an appropriate analysis and if it is necessary to remove an identified unacceptable threat to maritime safety, to health or to the environment due to a serious weakness or anomaly in an existing standard for a specific item of marine equipment, the Commission shall be empowered to adopt, by means of delegated acts, harmonised technical specifications and testing standards for that specific item of marine equipment, to the extent necessary to remedy the serious weakness or anomaly only.

**Exchange of experience**: the Commission should provide for the organisation of exchanges of experience between the Member States' national authorities responsible for notification policy, especially as regards market surveillance. It should also ensure that appropriate coordination and cooperation between notified bodies were put in place and properly operated in the form of a sectoral group of notified bodies.

Lastly, when matters relating to the Directive, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, **the European Parliament** should in line with existing practice receive full information and documentation and, where appropriate, an invitation to attend such meetings.