Marine equipment

2012/0358(COD) - 23/07/2014 - Final act

PURPOSE: to bring up to date the rules on marine equipment relating to equipment to be placed on board ships in the EU.

LEGISLATIVE ACT: Directive 2014/90/EU of the European Parliament and of the Council on marine equipment and repealing Council Directive 96/98/EC.

CONTENT: the Directive replaces Directive 96/98/EC and has the following objectives:

- **to enhance safety at sea and to prevent marine pollution** through the uniform application of the International Maritime Organization (IMO), and

- **to ensure the free movement** of such equipment within the Union.

The Directive applies to equipment placed or to be placed on board an EU ship and for which the approval of the flag State administration is required by the international instruments, regardless of whether the ship is situated in the Union at the time when it is fitted with the equipment.

The main points of the Directive are as follows:

Wheel mark: Member States must ensure that marine equipment on board ships flying their flag complies with the requirements in the international and European instruments. As proof of conformity, a specific sign, the 'wheel mark' must be **affixed to marine equipment the compliance of which with the requirements laid down in the Directive has been demonstrated** in accordance with the relevant conformity assessment procedures.

In order to facilitate market surveillance and prevent the counterfeiting of specific items of marine equipment, manufacturers may use a **reliable form of electronic tag** instead of, or in addition to, the wheel mark.

The Commission shall carry out a cost-benefit analysis concerning the use of the electronic tag as a supplement to, or a replacement of, the wheel mark.

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

Alignment with the New Legislative Framework: the new Directive strengthens implementation of rules adopted in 1996. It aligns these to the New Legislative Framework on marketing products in the EU set out in Regulation (EC) No 765/2008 of the European Parliament and of the Council and Decision No 768/2008/EC.

The Directive:

- **clarifies the responsibilities of economic operators:** in particular, manufacturers must: (i) manufacturers shall take on **responsibility** for guaranteeing that the marine equipment to which the mark is affixed has been designed and manufactured in accordance with the technical specifications and standards; (ii) keep the **technical documentation** and the EU declaration of

conformity for at least **10 years** after the wheel mark has been affixed; (iii) ensure that their products bear a **type, batch or serial number** or other element allowing their identification; (iv) indicate their **name, registered trade name and the address** at which they can be contacted on the product or, where that is not possible, on its packaging; (v) ensure that the product is accompanied by **instructions** and all necessary information for safe installation on board and safe use of the product, that can be easily understood by users.

- **strengthen market surveillance, ensure verification of conformity and regular updating of EU rules:** the Directive provides for a **procedure applicable to marine equipment presenting a risk** at national level as well as a **Union safeguard procedure**. When the surveillance authorities of a Member State consider that marine equipment covered by the Directive is liable to **present a risk** to maritime safety, to health or to the environment, they will carry out evaluations or tests in relation to 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.

Standards for marine equipment: the Union shall pursue the development by the IMO and by standardisation bodies of appropriate international standards, including detailed technical specifications and testing standards, for marine equipment whose use or installation on board ships is deemed necessary to enhance maritime safety and the prevention of marine pollution. The Commission shall monitor such development on a regular basis.

In exceptional circumstances, 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 in order to remove a serious and unacceptable threat to maritime safety, to health or to the environment.

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

ENTRY INTO FORCE: 17.9.2014.

TRANSPOSITION: 18.9.2016.

APPLICATION: from 18.9.2016.

DELEGATED ACTS: the Commission may adopt delegated acts to keep up to date a non-essential element of the Directive, when new standards become available. Power to adopt such acts is conferred on the Commission for a period of **five years from 17 September 2014**. The European Parliament or the Council may formulate objections to a delegated act within a period of two months of notification of that act (that period may be extended by two months). If Parliament or Council raise objections, the delegated act will not enter into force.