

# Marine equipment

1995/0163(SEN) - 18/06/1996 - Council position

The common position of the Council follows the amended proposal in all respects by incorporating Parliament's amendments on the definition of 'New Ship', 'Testing Standards' (mentioning CEN and CENELEC), notified bodies, and the need to avoid any discrimination against equipment produced in any state, and not only Member States, in equipment trials. However, the Council diverged from the original proposal by introducing some new provisions: - Objectives: safety certificates can be issued by a Member State or by an organization on its behalf; - Definitions: the definition of 'radio communication equipment' has been inserted in the text and the definition of 'ship' has been improved by explicitly saying that the directive will not apply to warships. The term 'Community ship' replaces the term 'EU Ship' throughout. Furthermore it has been made clear that the directive does not apply in those cases where a Member State issues certificates upon request of a non-Member State. Finally a reference to CEN and CENELEC has been introduced in the definition of 'testing standards'. - Scope: it is stated that the provisions of the directive will apply unless international Conventions permit otherwise. The directive excludes Directive 89/686/EEC on personal protective equipment as maritime equipment has more stringent standards than ordinary equipment. A derogation has been inserted for radiocommunication equipment. - Proof of conformity: the Council specifies the procedure to be followed when alternative standards are referred to in Annex A.1 of the directive for a piece of equipment. - Acceptance of equipment in conformity with the directive: it is clearly stated that the fact that the equipment bears the mark allows it to freely circulate in the Community and to be put on board. - Application for standardization for equipment listed in Annex A.2 (conformity assessment modules): a new procedure has been laid down to give the mandate to the standardization bodies. - Registration of non-Member State ships: the Member States must issue a certificate for the equipment concerned. In addition, radiocommunication equipment on board a ship transferred from a non-Member State must not unduly affect the requirements of the radio frequency spectrum. - Conformity assessment procedure: the Commission has been entrusted with the task of keeping and updating a list of the approved equipment and applications withdrawn or refused. - Checks carried out on the equipment: the Member States are exempted from paying for the sample checks provided for in the modules for conformity assessment. The flag administration can require the inspection /testing reports concerning the equipment from those, in the Community, who keep such documentation. - Technical innovation: a new provision has been inserted to clarify that radiocommunication equipment must not unduly affect the requirements of the radio frequency spectrum. - Equipment subject to tests: permission to carry on board a ship equipment that does not comply with the conformity assessment procedures, for reasons of testing or evaluating the equipment, must be limited in time. - Replacing equipment that does not conform: in the description of the procedure to be followed in case a piece of equipment has to be replaced in a port outside the Community, it is stated that if there is not a recognized organization equivalent to a notified body the documentation accompanying the equipment should be issued by a member state of IMO which is Party to the relevant conventions. - Commitology: the Council has opted in favour of the III(a) committee procedure (regulatory committee) for amendment of the directive. It should also be noted that the Council has made some technical changes to Annex A (detailed test standards) and Annex B (modules for assessing conformity). In Annex C (notified bodies), it is stated that the bodies must fulfil the requirements of the relevant EN 45000 series and be established within the Community.