

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2012/0358(COD) Procedure completed
Marine equipment Repealing Directive 96/98/EC Amended by	1995/0163(SYN) 2017/0353(COD)
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.20.03 Maritime transport: passengers and freight 3.20.15.06 Maritime or inland transport agreements and cooperation	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	TRAN Transport and Tourism		21/01/2013	
		PPE RIQUET Dominique		
		Shadow rapporteur		
		S&D FLECKENSTEIN Knut		
		ALDE MEISSNER Gesine		
		Verts/ALE TAYLOR Keith		
		ECR ZILE Roberts		
	Committee for opinion	Rapporteur for opinion	Appointed	
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.		
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.		
	JURI Legal Affairs	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date	
	General Affairs	3330	23/07/2014	
	Transport, Telecommunications and Energy	3243	06/06/2013	
European Commission	Commission DG	Commissioner		
	Mobility and Transport	KALLAS Siim		
European Economic and Social Committee				
European Committee of the Regions				

Key events			
17/12/2012	Legislative proposal published	COM(2012)0772	Summary
15/01/2013	Committee referral announced in Parliament, 1st reading		
06/06/2013	Debate in Council	3243	

09/07/2013	Vote in committee, 1st reading		
12/07/2013	Committee report tabled for plenary, 1st reading	A7-0255/2013	Summary
15/04/2014	Results of vote in Parliament		
15/04/2014	Decision by Parliament, 1st reading	T7-0389/2014	Summary
23/07/2014	Act adopted by Council after Parliament's 1st reading		
23/07/2014	Final act signed		
23/07/2014	End of procedure in Parliament		
28/08/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0358(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 96/98/EC 1995/0163(SYN) Amended by 2017/0353(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/11547

Documentation gateway

Legislative proposal	COM(2012)0772	17/12/2012	EC	Summary
Document attached to the procedure	SWD(2012)0437	17/12/2012	EC	
Document attached to the procedure	SWD(2012)0438	17/12/2012	EC	
Economic and Social Committee: opinion, report	CES0609/2013	20/03/2013	ESC	
Committee draft report	PE510.511	29/04/2013	EP	
Amendments tabled in committee	PE513.153	05/06/2013	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0255/2013	12/07/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0389/2014	15/04/2014	EP	Summary
Commission response to text adopted in plenary	SP(2014)471	09/07/2014	EC	
Draft final act	00042/2014/LEX	23/07/2014	CSL	
Follow-up document	COM(2019)0034	01/02/2019	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
<p>Directive 2014/90 OJ L 257 28.08.2014, p. 0146 Summary</p> <p>Corrigendum to final act 32014L0090R(05) OJ L 146 11.06.2018, p. 0008</p> <p>Final legislative act with provisions for delegated acts</p>

Delegated acts
<p>2018/2505(DEA) Examination of delegated act</p> <p>2021/2674(DEA) Examination of delegated act</p>

Marine equipment

PURPOSE: to enhance safety at sea and the prevention of marine pollution through the uniform application of the relevant international instruments relating to equipment to be placed on board ships, and to ensure the free movement of such equipment within the Union.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: the international maritime safety conventions require flag States to ensure that the equipment carried on board ships complies with certain safety requirements as regards design, construction and performance, and to issue the relevant certificates. To that end, detailed performance and testing standards for certain types of marine equipment have been developed by the International Maritime Organisation (IMO) and by the international and European standardisation bodies.

The international instruments leave a significant margin of discretion to the flag administrations.

Back in 1995, the Commission clearly identified the problems encountered in the Internal Market as a result of this state of affairs and in the absence of EU harmonisation in the marine equipment sector.

[Council Directive 96/98/EC](#) on marine equipment (MED) thus laid down common rules to eliminate differences in the implementation of international standards by means of a clearly identified set of requirements and uniform certification procedures.

Experience has shown that it is necessary to take additional measures in order to enhance the implementation and enforcement mechanisms of the said Directive and simplify the regulatory environment while guaranteeing that IMO requirements are applied and implemented in a harmonised way across the Union.

[Decision No 768/2008](#) (New Legislative Framework) constitutes a general framework of a horizontal nature for future legislation harmonising the conditions for the marketing of products and a reference text for existing legislation. This general framework provides appropriate solutions to the problems identified in the implementation of Directive 96/98/EC. It is therefore necessary to incorporate the definitions and reference provisions of Decision No 768/2008 into this Directive by making the adaptations which are required by the specific features of the marine equipment sector.

IMPACT ASSESSMENT: the impact assessment focused on two alternatives to the baseline (statu quo) scenario, namely: (i) a maximum alignment with the new legislative framework; and (ii) conditional alignment, allowing for a number of MED-specific measures in order to cater for the sector's particular features.

The analysis showed that conditional alignment was the most effective and least burdensome solution and, at the same time, it had the most positive overall economic, social and environmental impacts.

LEGAL BASIS: Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal aims to establish requirements for marine equipment to meet the safety standards laid down in the applicable international instruments, including the relevant testing standards, in order to ensure that equipment which complies with these requirements can circulate unimpeded within the Internal Market and be placed on board ships flying the flag of any Member State .

Scope: the scope of the Directive is defined by reference to equipment which is (a) due to be installed on board a ship flying the flag of a Member State , and (b) for which the approval of the flag State is required by the international conventions.

Requirements for marine equipment: these are defined by reference to the international conventions and instruments. As required by these, demonstration of compliance is confined to the specific applicable testing standards. Given the need to ensure continued consistency with the international regulatory framework, these requirements and standards must apply in their up-to-date version.

Responsibility: the proposal provides that the flag State has the responsibility to ensure that only equipment which has been duly approved in accordance with the then applicable requirements of the international instruments is placed on board ships flying its flag.

In addition, the proposed Directive:

- provides the basis for the free movement of marine equipment within the EU, based on the concept of mutual recognition between Member States of equipment complying with the requirements laid down in the Directive;
- reflects the priority given to the international regulation of maritime safety, consistent with the global nature of shipping;
- governs the particular case of the transfer of a ship to a Member State's register based on the principle of compliance with the Directives requirements;
- established rules and conditions for affixing the wheel mark;
- incorporates the reference provisions of Decision 768/2008 as regards the specific obligations of the economic operators;
- lists the conformity-checking procedures made available to manufacturers;
- aligns the Directive with Decision 768/2008 as regards the EU declaration of conformity;
- incorporates the reference provisions of Decision 768/2008 as regards notification, notifying authorities, notified bodies and their respective regimes;
- fully aligns the Directive with the general EU market surveillance framework, including as regards the safeguard procedure. Checks on board may be necessary and are therefore regulated;
- contains the specific regime in exceptional circumstances, largely taken from the existing Directive. This regime concerns exemptions in cases of technical innovation or for the purpose of testing and evaluation.

Lastly, as regards the implementation measures, the Commission:

- shall be empowered to uniformly implement the requirement for marine equipment to comply with the specific design, construction and performance requirements laid down in the international instruments, including the relevant testing standards, as defined by the Legislator;
- is also empowered to adopt common criteria and procedures for the application of these requirements and standards;
- is charged with the task of gathering and publishing a significant package of information. This codifies and expands existing practice and will facilitate the implementation of the Directive by all actors.

BUDGETARY IMPLICATION: this proposal has no budgetary implications. The tasks devolved to the Commission, including those for which the assistance of the European Maritime Safety Agency is foreseen, are not expected to represent an increase in workload and will be carried out with existing resources.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Marine equipment

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 States 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.

Marine equipment

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.

Marine equipment

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.