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*The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.*

## Amendments to Regulations on marine equipment

### 1. Introduction

The Norwegian Maritime Authority has laid down amendments to the Regulations of 30 August 2016 No. 1042 on marine equipment.

Regulation (EU) 2018/773 was published in the EU Official Journal on 30 May 2018, and the requirements come into force in the EU on 19 June 2018. On account of equal conditions of competition, it is of great importance that notified bodies designated in the EFTA States at all times are able to apply the same requirements as their competitors in the rest of the EEA, and the EU Regulation was implemented into the EEA Agreement on 31 May 2018. The regulatory amendments now laid down incorporate the EU Regulation into Norwegian law. Some minor amendments have also been laid down in order to make the content of certain provisions easier to understand.

### 2. Consultation

The proposed amendments were circulated for review from 27 April to 22 May 2018. A short response time was considered necessary to ensure that Norwegian design, construction and performance requirements and testing standards comply with the requirements in force in the EU at all times. A shortened response period for the consultation was considered to be in accordance with the Instructions for Official studies and Reports. We have received a few comments of editorial character to the actual EU Regulation, but otherwise no comments.

### 3. Details about the legislation

The EU Regulation has been implemented by incorporation into section 2 of the Regulations, and the EU Regulation will therefore apply as regulation as is, word for word.

The structure of Regulation (EU) 2018/773 is continued from Regulation (EU) 2017/306, where the design, construction and performance requirements and testing standards for each piece of equipment are listed in a table. The table includes references to the origin of the requirements in the relevant international conventions and further indicates the relevant modules for conformity assessment for each piece of equipment. References to the international instruments that set out requirements for design, construction and performance shall be understood as reference to the version of these instruments in force at all times. With regard to testing standards, however, the table sets out the relevant standard with version numbering.

Where requirements are amended, the table will indicate the first allowed placing on the market of equipment that satisfies the new requirement, and the last allowed placing on board for equipment certified in accordance with the old requirements.

EU regulations and other legal acts that are incorporated into the EEA Agreement are translated into Norwegian, but it may take a relatively long time before an official translation is available. For that reason, an unofficial Norwegian translation of the EU Regulation will be published together with the Regulations on Lovdata for information purposes, as soon as it is available.

In addition to the amendments mentioned above, we have seen that there is a need for some minor changes. These are changes that will help make the content of the provisions easier to understand, they are not meant to change the substance of the provisions.

#### Section 1 on scope of application

The scope of application is currently described as follows:

*These Regulations apply to marine equipment placed or to be placed on board Norwegian ships and mobile offshore units on or after the dates set out in Appendix IV, and to marine equipment to be placed on board EEA ships.*

A purpose of the provisions on marine equipment is to regulate rights and obligations for market participants making marine equipment available on the EEA market in line with the Marine Equipment Directive. It will not always be clear to a market participant making equipment available on the market which flag the ship taking on board the equipment is flying. If the equipment is wheel-marked, however, it will be presumed that the product has been made available on the market for placement on board EEA ships. The phrase "... to be placed on board EEA ships..." is therefore somewhat imprecise, and should be amended in order to make the content easier to understand.

#### Section 5 on importers and distributors

The provision sets out that an importer or distributor who places marine equipment on the market or makes marine equipment available on the market under their name or trademark, has the same responsibilities as the manufacturer when such equipment is placed on board an EEA ship. The provision transforms Article 14 (3) of the Directive. The Directive sets out that in order for the obligations of the manufacturer to apply, it is sufficient that e.g. the importer markets the equipment under its trademark. In the Regulations, the provision was phrased in such a way that it could seem like the equipment also had to be placed on board an EEA ship in order for the manufacturer obligations to apply, which was not the intention. In order to make the content of the provision easier to understand, we propose a new phrasing.

#### Amendments to Appendix IV

In addition to ships with international certificates, the Regulations on marine equipment have largely been made applicable to marine equipment placed or to be placed on board Norwegian ships with domestic certificates and mobile offshore units. Appendix IV to the Regulations includes a table that gives an overview of when wheel-marked marine equipment is required, based on the criteria vessel type, gross tonnage, length, certificates and/or date for placement on board. However, the table does not include an overview of when wheel-marked equipment is required for small fishing vessels. The requirements for this vessel group are laid down in the Regulations of 22 November 2013 No. 1404 on fishing vessels of less than 15 meters in overall length. Life-saving appliances placed on board after 1 January 2014 must be wheel-marked. Furthermore, portable fire extinguishers are required to be wheel-marked, with a transitional arrangement for vessels of less than 10.67 metres in overall length. We have made some additions to the table in order to reflect these requirements.

## **4. Economic and administrative consequences of the proposal**

The system for conformity assessment and certification of marine equipment implements a common European regime for approval and certification of such equipment based on the requirements imposed by international conventions (SOLAS, MARPOL, COLREG). The international requirements and testing standards change over time and trigger corresponding needs to update the Marine Equipment Directive.

The pan-European regime ensures harmonised implementation of the requirements of the international conventions and promotes equal conditions of competition for manufacturers and notified bodies. Common rules also help reduce transaction costs associated with placing such equipment on the market. The regime shall at the same time ensure that marine equipment which is sold and installed or placed on board Norwegian ships has a proper standard of safety.

The proposed amendments does not change the regime for conformity assessment and certification as such and will therefore not have further administrative or financial consequences for the industry than those arising from the international conventions. The financial and administrative consequences for the authorities are limited to the participation in EU processes in order to draw up amendments to the Marine Equipment Directive and implement such amendments into Norwegian legislation.

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*This document has been electronically approved, and therefore does not contain handwritten signatures.*