Sjøfartsdirektoratet
Norwegian Maritime Authority

Circular - Series R

Circular Series R (Regulations) supersedes previous Series F.
In the new Series R, relevant legal amendments and amendments to conventions are also published.

Circular recipients: (check box)

- ☐ Sdir: The Norwegian Maritime Authority
- ☐ A: 16 specially authorised employment offices
- ☐ U: Selected foreign service missions
- ☐ P: Equipment manufacturers, any subgroups
- ☐ OFF: Offshore companies/OIM/operators
- ☒ Hov: Main organisations
- ☒ H.i. Consultative bodies
- ☐ Others:

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Reference to: Rules for marine equipment

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 Regulation concerning amendments to Regulations of 30 August 2016 No 1042 on marine equipment.

Regulation (EU) 2019/1397 was published in the EU Official Journal on 13 September 2019, and the requirements come into force in the EU on 3 October 2019. 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 27 September 2019. The regulatory amendments now laid down incorporate the EU Regulation into Norwegian law.

2. Consultation

The proposed amendments were circulated for review from 2 August to 13 September 2019. 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. The NMA received two comments related to references to no longer valid standards and recommendations to the actual Regulation. These have been reported to the EU Commission, and no more comments have been received.

3. Details about the legislation

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

The structure of Regulation (EU) 2019/1397 is continued from Regulation (EU) 2018/773, where the requirements for design, construction, performance and testing for each piece of equipment are listed in a table. The table includes reference 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.

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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.

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 do 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.

Lars Alvestad (by authority)
Acting Director General of Shipping and Navigation

Bjørn Egil Pedersen
Head of Department

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