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- Sdir: 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
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Others:

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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 the Regulations on marine equipment concerning design, construction and performance requirements and testing standards

## 1. Introduction

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

Regulation (EU) 2020/1170, which supersedes Regulation (EU) 2019/1397, was published in the EU Official Journal on 12 August 2020, and the requirements will come into effect in the EU on 1 September 2020. The Regulation is currently being considered for incorporation into the EEA Agreement. Implementing acts adopted pursuant to the Marine Equipment Directive are pre-assessed as being EEA-relevant and acceptable and therefore follow the fast-track procedure of the EFTA process. Nevertheless, it has not been possible to incorporate the Regulation into the EEA Agreement before its entry into force in the EU on 1 September 2020.

It is of great importance to the notified bodies designated by Norway, as well as Norwegian and foreign manufacturers who make use of these, that they at all times can follow the same regulations as their competitors elsewhere in the EEA. In this regard, the Norwegian Maritime Authority has laid down amendments to the Regulations of 30 August 2016 No. 1042 on marine equipment. The amendments correspond to the material content of Regulation (EU) 2020/1170 and come into force on 1 September 2020, simultaneously with the entry into force of Regulation (EU) 2020/1170 in the EU.

## 2. Consultation

The Regulation was adopted by the EU Commission pursuant to Article 35(2) of Directive 2014/90/EU after consideration by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS). The Regulation defines and amends the design, construction and performance requirements and testing standards for marine equipment.

The proposed amendments to Regulations on marine equipment were circulated for review from 7 July to 17 August 2020. The amendments are not controversial, and the maritime administrations, the industry and the notified bodies have been involved throughout the process leading up to adoption. 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.

The Norwegian Maritime Authority has received a couple of comments to the wording of the Regulation, and these will be reported to the EU Commission for consideration in the next revision.

### **3. Details on the legislation**

Directive 2014/90/EU on marine equipment entered into force in the EEA 18 September 2016. The Directive superseded former Directive 98/96/EC and regulates marine equipment that is required by international Conventions SOLAS, MARPOL and COLREG. The objective of the Directive is to ensure harmonised implementation in the EU/EEA, as well as ensure equal conditions of competition. Pursuant to Article 35(2) the Commission shall explicitly indicate the dates from which requirements are to apply for marine equipment, and regular updates are necessary. Based on experience, these Regulations are amended on a yearly basis.

Directive 2014/90/EU regulates, inter alia, the placement of marine equipment on the market. Not only does the Directive regulate rights and obligations of companies, but also of notified bodies and manufacturers of marine equipment and other economic operators. The objective of the Directive is to ensure harmonised implementation in the EU/EEA, as well as ensure equal conditions of competition.

Regulation (EU) 2020/1170 sets out in a table the requirements for design, construction and performance requirements and testing standards in respect of marine equipment falling within the scope of application of the Directive. 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. 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.

### **4. Details about the proposed amendments**

Regulations of 30 August 2016 No. 1042 on marine equipment is amended so that the reference to Regulation (EU) 2019/1397 in sections 2 and 6 is removed and replaced with a reference to new Appendix V.

### **5. 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 implementation of the testing standards and technical requirements of Regulation (EU) 2020/1170 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.*