EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT

DIRECTORATE G - Maritime transport, Galileo & Intelligent transport
G.1 - Maritime transport policy: Regulatory questions, maritime safety, seafarers

Brussels, 14 January 2009
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Subject: Stakeholder Consultation on the revision of the Marine Equipment Directive 96/98/EC, Brussels, 27 November 2008

Background

After nearly ten years of implementation of Directive 96/98/EC on marine equipment (MED), a number of issues have been raised by the stakeholders concerning the scope and operation of the MED. The general conclusion of the stakeholder meeting on 27 November 2008 is that there is a need for improvement as regards uniformity of application, legal certainly, as well as efficient mechanisms to implement the MED for all parties concerned.

Minutes of the meeting

Industry comments (morning session)

1. Scope Annex A

- Annex A should remain;
- If Annex extended beyond SOLAS this might have market supply implications;
- Currently we are having different interpretation of standards;
- Add a 7th column stating date of entry into force for every item and the date of validity of certificates;
- Need of more functional division of the Annexes;
- Make Annex A available on the web and update it constantly with the latest testing standards**;**
- Produce forecasts for manufacturers to be aware (before the entry into force) in advance on changes concerning standards;

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- Convert Annex A into a Regulation or a Commission decision with direct applicability;
- Provide legal certainty as regards implementation dates.

2. Notified Bodies

- To give legal status to MarED Group of NB;
- Uniform criteria for auditing with a common methodology. The COM to have a role;
- Support accreditation by a 3rd party;
- Manufacturers would like to identify which NB are good service providers and which are not;
- To preclude NB to promote unfair competition;
- To set up a formal complain procedure against NB in case of substandard service provided.

3. Market Surveillance

- No actions have been taken against non compliant equipment;
- MS must have the obligation to provide resources to carry out Market Surveillance;
- Following Market Surveillance campaigns a positive list of tested equipment should be publish on the Internet.

4. IPR

- EMEC stated that the issue of MED certificates basically ignores the IPR;
- EMEC feels that the mechanisms considered to protect IPR are electronic tagging and requirement to provide IPR information in the type approval dossier;
- NB stressed that they should be restricted to their actual competences and not to act as the MED police;
- Good operation of the safety mechanisms would lead to safety of products and protect from counterfeit;
- There are failures and mistakes in the list of approved equipment.

Member States administrations comments (afternoon session)

1. Scope Annex A

- UK: in favour of the 7th column stating date of entry into force for every item and the date of validity of certificates. A forecast on standardization should be provided. Annexes considered vital.
- LU: Annex A to be put apart of Directive, upload on a website but first measure legal implications.
- FR: Annex A upload on a website. Also in favour of adding a 7th column stating the date of entry into force for every item. Personal Protection Equipment to be put out of MED. Scope to be reduced.
- DK: Scope should remain unchanged. In favour to upload Annex A on a website.
- EL: Equipment in service must be reviewed. Annex A update every two years-more flexible procedure. Upload Annex A on a website indicating also the entry into force of any amendments. Certification procedures should be better described.
- ES: Upload Annex A on a website but first check legal certainty. Manufacturers should be recommended to use the most updated version of the standards, even if these are not quoted in the Annex and enhance competitiveness. In favour of the 7th column stating date of entry into force for every item. Merging columns 4, 5 and 6 is also an option.
- PT: To make updates via the website. Annex A should be converted into a Regulation or Commission Decision in order to have direct applicability.
- CY: The scope of Annex A should not be extended. A regulation would be better than a Directive. CIRCA site could be a good tool instead of another website application.

2. Notified Bodies

- FR: Does not believe in the Accreditation system. Accreditation bodies are lacking maritime expertise. Regardless if accreditation is set up in the EU, the EU MS should keep the right to intervene.
- ES: ES supports FR. It also offers human expertise concerning maritime knowledge to set up accreditation and audit teams.
- DE: Welcomes the MED revision initiative. The notification criteria should be part of the directive. This way it would be easier to monitor NB

performance and competences. The model of the Class Directive could be used in this case.

- UK: MED already addresses the use of the EN 45000 series to ensure the right notification of NB. There is a concern as regards lack of maritime expertise in the Accreditation Bodies. Supports DE and the need to develop specific quality standards.

3. Safeguard Clause. Article 13

- NO: MS must be capable to identify major shortcomings.
- FR: Article 13 is an initial question concerning only the professional staff. When a problem is identified and is repeated then the COM should be alerted. The COM should provide a pool of independent experts and lead a coordination process and develop cooperation among administrations.

4. Market Surveillance

- DE: There is lack of transparency from others administrations. DE has taken initiatives for surveillance. Surveillance should be a coordinated action in the EU and EMSA should have a supervisory role.
- DK: Asked if EMSA has taken any action concerning Market Surveillance.
- FR: Control should be done by sampling methods. FR would like to have the right to request the Declaration of Conformity (DoC) on board of every ship. The DoC is not on board every ship and currently in many cases it is impossible to identify who is the responsible to put the product into the market.
- UK: In favour of making compulsory use of official templates for DoC and Technical Files. Also in favour of facilitating the access to the concerned documentation on board.
- CY: The PSC Officers have problem in finding the Marine Equipment certificates when there are changes of ownership.
- MS and MARED unanimously supported that each product should precisely define the conformity checking file.

5. IPR

- UK: In favour of the tagging system and to take advantage of this kind of technology.

- FR: can share the experience of containers labelling for assessment of the suitability of using RFID tags.
- CY: Wandered what should be the consequences to the ships if the DoC is missing and what would be the impact of the DoC being required on board.

Conclusion of the meeting

The Commission thanked all participants for their contributions and invited them to provide their additional written comments by 15/12.

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