



Merchant Shipping Directorate



COMPLIANCE WITH THE NEW MED DIRECTIVE 2014/90/EU

Merchant Shipping Notice 136

*Notice to Shipowners, Ship Operators, Managers, Masters,
Owners' Representatives and Recognised Organisations*

The Directorate reminds all concerned of the implementation of [Directive 2014/90/EU of the European Parliament and of the Council on marine equipment and repealing Council Directive 96/98/EC](#) (hereinafter referred to as “the MED”). The MED applies to equipment placed or to be placed on board a Maltese ship and for which the approval of the Directorate is required by international instruments, regardless of whether the ship is situated in the European Union at the time when it is fitted with the equipment. The MED has been transposed into Maltese legislation through the [Merchant Shipping \(Marine Equipment\) Regulations \(S.L.234.40\)](#).

Inter alia, the MED requires that when marine equipment is placed on board a ship flagged in an EU Member State a copy of the EU declaration of conformity covering the equipment concerned is provided and maintained onboard the ship until the said equipment is removed or replaced from that ship. Such EU declaration of conformity may be in an electronic format.

It is also reminded that [Commission Implementing Regulation \(EU\) 2017/306 indicating design, construction and performance requirements and testing standards for marine equipment](#) (hereinafter referred to as “the Implementing Regulation”) came into effect on 16 March 2017. The Annex to the Implementing Regulation replaces the requirements for marine equipment specified in Amendment 11 to Directive 96/98/EC as set out in Article 35 and 40 of the MED. Such Annex indicates design, construction and performance requirements and testing standards provided for in the international instruments and elaborates how such standards are to apply to each item of marine equipment, as well as the dates from which those requirements and testing standards are to apply.

In terms of the transitional measures provided in Article 2 to the Implementing Regulation, equipment listed as a new item in column 1 of the Annex, which complies with the applicable requirements for type-approval in force before 16 March 2017, may continue to be placed on board a Maltese ship until 16 March 2020.

In accordance with Regulation 10 of the Merchant Shipping (Marine Equipment) Regulations, in exceptional circumstances, which shall be duly justified to this Directorate, when marine equipment needs to be replaced in a port outside the EU, where it is not practicable in terms of reasonable time, delay and cost to place on board equipment which bears the wheel mark, other marine equipment may be placed on board provided that:

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- the marine equipment placed on board shall be accompanied by documentation, certifying its compliance with the relevant international requirements; and
- this Directorate is informed at once of the nature and characteristics of such other marine equipment.

Furthermore, it is noted that equipment covered by Council Decision 2004/425/EC on the conclusion of an agreement between the European Community and the United States of America on the mutual recognition of certificates of conformity for marine equipment does not require prior authorization from this Directorate.

Recognised organisations shall inform this Directorate in cases where it has been proven or suspected that MED equipment placed on board a Maltese ship is not compliant with the applicable EU and international legislation or whenever any suspected fraudulent conformity documents/wheel marks are found onboard.

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