



COMPLIANCE WITH DIRECTIVE 2014/90/EU ON MARINE EQUIPMENT

Merchant Shipping Notice 145

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

The Directorate reminds all concerned 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.

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.

Implementing Regulation

The Directorate reminds all concerned that Commission Implementing Regulation (EU) 2018/773 of 15 May 2018 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2017/306 (hereinafter referred to as "the Implementing Regulation") entered into force on 19 June 2018. The Annex to the Implementing Regulation in its up-to-date version indicates design, construction and performance requirements and testing standards in respect of marine equipment falling within the scope of application of the MED.

In terms of transitional measures provided in Article 2 of the Implementing Regulation, marine equipment listed as a 'new item inserted by Implementing Regulation (EU) 2017/306' in column 1 of the Annex to Implementing Regulation (EU) 2018/773, which complied with the national requirements for type-approval in force before 16 March 2017 in a Member State, may continue to be placed on the market and on board an EU ship until 16 March 2020. Marine equipment listed as a 'new item inserted by Implementing Regulation (EU) 2018/773' in column 1 of the Annex, which complies with the national requirements for type-approval in

Malta Transport Centre
Hal Lija LJA 2021, Malta

Tel: +356 2125 0360
Email: mershipmalta.tm@transport.gov.mt
www.transport.gov.mt/ship-registration



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force before 19 June 2018 in a Member State, may continue to be placed on the market and on board an EU ship until 19 June 2021.

Exemptions

In accordance with Article 32 of the MED, 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:

- 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.

Equivalencies

Please note that this Directorate has introduced a new [Non-MED Equipment Form](#). Upon registration and change of flag, should any non-MED marine equipment be identified onboard, the said form shall be completed (can be filled by ship-owners or their authorized representative, however such a list will have to be endorsed or stamped by the vessel's class) providing the details of the non-MED items already placed/installed onboard.

This Office will subsequently decide whether the said equipment is considered to be equivalent and can therefore be retained onboard or whether it needs to be duly replaced. Furthermore, in accordance with Article 7(4) of the MED, this Office may also impose any restrictions or lay down any provisions relating to the use of the equipment.

Electronic Tagging

All concerned are also reminded about Commission Delegated Regulation (EU) 2018/414 of 9 January 2018 supplementing Directive 2014/90/EU as regards the identification of specific items of marine equipment which can benefit from electronic tagging.

This Notice supersedes Merchant Shipping Notice 136 - "Compliance with the new MED Directive 2014/90/EU".

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Malta Transport Centre
Hal Lija LJA 2021, Malta

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Email: mershipmalta.tm@transport.gov.mt
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