Marine Equipment Directive

MED, New Approach, MS implementation
Training on Passenger Ship Safety

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EMSA

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New Approach Directives (NAD) - Concept

Cornerstones of the single market:

- Safety assurance oriented to protect persons and animals
- Free movements of goods

The mechanisms in place to achieve this aim are based on prevention of new barriers to trade, mutual recognition and technical harmonisation. They are legal acts:

21 NewApp Directives for CE Marking and

3 Directives based on NewApp with not CE provisions:

MED belongs to the latter

Standard elements of New Approach Directives

In general:

- Harmonisation is limited to essential requirements (ER).
- Only products fulfilling ER may be placed on the market or put into service.
- Harmonized std's (HS) provide conformance presumption.
- The application of HS is voluntary.
- Manufacturers may choose the conformity assessment procedure.(CAP)

In MED:

- Annex A, Part A.1 provides testing std's + dedicated CAP
- Equipment approval is carried out by NB on behalf of MS.

Reference to EU Treaty

Marine Equipment activity refers to the Treaty establishing the European Community as a major highest reference ruling the EU.

The objectives for the MARINE EQUIPMENT Directive chiefly refer to three aspects of the Treaty:

- **Maritime Transport Safety (Art.70(c));**
- **Environmental Protection (Art.174);**
- **Internal Market (Art.5, 83(b), 85(1), 85(2), 95, 133);**

Reference to International Conventions

Marine Equipment activity refers to the United Nations International Conventions as established at the International Maritime Organization (IMO).

Maritime International Conventions address a number of Marine Equipment pieces to work as expected in their operational environment which is on board ships. (SOLAS, MARPOL, COLREG, etc).

Conventions basically address:

- Ship carriage requirements and
- Type Approval from the Administrations

MED implements EU Policies and IMO Recommendations

Marine Equipment Directive is a EU legal act addressing that activity refers to the

United Nations International Conventions as

established at the International Maritime Organization (IMO).

A piece of marine equipment as listed into the MED text must be deemed to be “good enough” for getting access to

- EU Market
- EU Ships

and to operate as intended within it working environment, according to its specific technical standards (converted into Law by the MED text).

MED - Objective and History(NAD)

"…to enhance safety at sea and the prevention of marine pollution through the uniform application of relevant international instruments…"
MED Article 1

Council Directive 96/98/EC, 20 Dec.1996 on marine equipment.

Amended by:

M1: Commission Dir. 98/85/EC, 11.Nov.1998, (Annex A 1st Amend.)

M2: Comm. Dir. 2001/53/EC, 10 Jul.2001, (Annex A, 2nd Amend.)

M3: Comm. Dir. 2002/75/EC, 2.Sep.2002, (Annex A, 3rd Amend.)

M4: EP+Council Dir. 2002/84/EC, 5.Nov.2002 (Art.2, 17 & 18, Legal Basis 1st Amend.)

M5: Comm. Dir. 2008/67/EC, 30.Jun.2008, (Annex A, 4th Amend.)

M6: Comm. Dir. 2009/26/EC, 06.Apr.2009, (Annex A, 5th Amend.)

M7: Comm. Dir. 2010/68/EU, 22.Oct.2010, (Annex A, 6th Amend.)

M8: Comm. Dir. 2011/75/EU, 02.Sep.2011, (Annex A, 7th Amend.)

M9: Comm. Dir. 2012/32/EU, 25.Oct.2012, (Annex A, 8th Amend.)

M10: Comm. Dir. 2013/52/EU, 30.Oct.2013, (Annex A, 9th Amend.)

M11: Comm. Dir. 2014/93/EU, 18.Jul.2014, (Annex A, 10th Amend.)

M12: Comm. Dir. 2015/xx/EU, xx.xxx.2015, (Annex A, 11th Amend.)

(Also on 5.Nov.2002 the EP+Council. Reg 2099/2002 established the COSS the Committee of Safe Seas and Prevention Pollution from Ships).

NAD-based MED

“MED takes from NAD doctrine the following elements for implementing EU policies and IMO recommendations according to its Article 1, and thus:

…to enhance safety at sea and the prevention of marine pollution through the uniform application of relevant international instruments…”

(MED Article 1, Council Directive 96/98/EC, 20 Dec.1996 on marine equipment)

Namely,

MED Article 7 MED Article 2 (c, d, n) Standardization and the most updated version of the standard.

MED Article 9: Notified Bodies.

MED Article 10: EC Declaration of Conformity, Type Approval and Conformity-Acceptance Procedures.

MED Article 11: Wheel Mark.

MED Article 12: Market Surveillance.

MED Article 13: Safeguard Clause.

MED Article 17: Update of technical provisions.

MED - The role of Member States Administrations (MS)

The main implementation requirements (other than the standard legal aspects) are legally based on:

Art.1: To enhance safety, to ensure free ME movement.

Art.4: ME on board Community ships meet MED provisions.

Art.6: No Wheel Marked product shall be prohibited (market + on board).

Art.9: To notify NB and to audit once every two years.

Art.12: Market Surveillance (market + on board).

Art.13: Safeguard (failure to comply, incorrect app., Std shortcm).

Member States have the obligation to implement the MED

MED - The role of Notified Bodies (NB)

-To provide MS with complete evidence about Annex C criteria.

-To carry out the Art.10 conformity-assessment procedures. To justify decisions.

- To hold updated technical doc. concerning the certificates issued. (including acceptable ME design modifications along the cycle of production life).

-To carry out manufacturer-product surveillance as per WM exhibits.

-To undergo periodic audit by designating MS.

NB must ascertain and attest that the approved products comply with the provisions of the international instruments that apply to it along the whole cycle of life of production

MED NB – A trustful, competent Group

EU MS Administrations appointing NB for acting on their behalf on marine equipment certification under MED scope must verify they are trustful and competent…

- **Why?: NB sign on behalf of you <> TOTAL TRUST**
- **How?: Following "audit by the appointing Administration" and/or by a third party National Accreditation Body (EA Member)…**

…Let's comment on **EA, EN 17065 (+EN 17025)** and the necessary huge **technical competence to be checked**….

MED NB – A hard working Group

- LSA, 43 items, 37,000 certificates (lifeboats, launching app.).
- MPP, 7 items, 4,700 certificates (Oil filtering, sewage treatment).
- FIRE, 50 items, 44,000 certificates (ABdivisions coverings, vales).
- NAV, 39 items, 8,100 certificates (Radars, Nav indicators, GPS).
- RAD, 18 items, 600 certificates (406 MHz SARSAT, MF/HF radio).

94,500 pieces of ME have been approved until 22 May 2015

39 Notified Bodies made it possible

TRADE Figures:

In the EU, Marine Equipment Trade amounts > **25 Giga €** (10^{9})

Marine Equipment Industry produce employment for > **0,4 Mega Citizen**.

Additionally, the U.S.-EC Marine Equipment MRA represents an important mechanism to facilitate transatlantic trade, it amounts to approximately **0,5 Giga €** (All…annually).

Finding NB and their related activity

The outcome of the NB work can be found at:

www.mared.org,

as addressed at MED Art.10.4 COM must make public the list of approved equipment

In this website you can also find ADR, AR, statistics, technical open discussions, make questions, etc.

MED learnt lessons

- NB MarED Group. A powerful tool to monitor certification
- Accreditation of NB and test LABs. Periodic auditing.
- Standardization “..in its up-to-date version…”. Dir P+C 2002/84/EC
- Safeguard clause, Article 13.
- Follow up of granted certification.

Conclusions

1. MS to transpose Directive text to national order.

2. MS to require NB accreditation as per EN ISO/IEC 17065.

3. MS to follow up NB activity by auditing once/2 years.

4. MS to carry out Market surveillance.

5. MS to lead Art 13 activity when invoked.

6. MS to cooperate with each other to implement /enforce MED.

7. NB to implement MarED Approved Recommendations.

8. NB to subcontract Test Labs EN 17025 accredited.

Thank you all very much! EMSA-UNIT B.2. Ship Safety

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European Maritime Safety Agency