Commission Implementing Regulation (EU) 2020/1170 of 16 July 2020 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2019/1397 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1170

of 16 July 2020

on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2019/1397

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC[(1)], and in particular Article 35(2) thereof,

Whereas:

(1) The Commission is empowered to indicate, by means of implementing acts, the design, construction and performance requirements and testing standards in respect of marine equipment falling within the scope of application of Directive 2014/90/EU as well as the dates from which the testing standards are to apply. Those requirements and standards are provided for in the international instruments referred to in Directive 2014/90/EU.

(2) In order to take into account the most recent changes, the list of the applicable international instruments should be regularly updated. In order to provide a comprehensive list containing all products belonging to the scope of Directive 2014/90/EU, Commission Implementing Regulation (EU) 2019/1397[(2)] should be repealed.

(3) Marine equipment newly subject to harmonised Union requirements under Directive 2014/90/EU should be explicitly listed as new items in column 1 of the Annex to this Regulation.

(4) It is reasonable and proportionate to allow a new item which is in conformity with the national requirements for type-approval in force in a Member State before the entry into force of this Regulation to continue to be placed on the market and on board an EU ship for a transitional period of reasonable duration.

(5) In order to facilitate a harmonised, rapid and simple implementation of Directive 2014/90/EU, implementing acts adopted pursuant to that Directive should take the form of Implementing Regulations.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1170. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

The design, construction and performance requirements and the testing standards provided for in the international instruments referred to in Directive 2014/90/EU shall apply to each item of marine equipment as set out in the Annex.

Article 2

Implementing Regulation (EU) 2019/1397 is repealed.

Article 3

1 Marine equipment listed as a 'new item inserted by Implementing Regulation (EU) 2018/773' in column 1 of the Annex, which is in compliance with the national requirements for type-approval in 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.

2 Marine equipment listed as a 'new item inserted by Implementing Regulation 2019/1397' in column 1 of the Annex, which is in compliance with the national requirements for type-approval in force before 3 October 2019 in a Member State, may continue to be placed on the market and on board an EU ship until 3 October 2022.

3 Marine equipment listed as a 'new item inserted by Implementing Regulation 2020/1170' in column 1 of the Annex, which is in compliance with the national requirements for type-approval in force before 1 September 2020 in a Member State, may continue to be placed on the market and on board an EU ship until 1 September 2023.

Article 4

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 July 2020.

For the Commission

The President

Ursula VON DER LEYEN

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1170. (See end of Document for details)*

ANNEX

General note: references to 'SOLAS' Regulations refer to the provisions of the International Convention for the Safety of Life at Sea, as amended.

List of acronyms used

A.1, Amendment 1 concerning Standard Documents other than IMO.

A.2, Amendment 2 concerning Standard Documents other than IMO.

AC, Amending Corrigendum concerning Standard Documents other than IMO.

CAT, Category for radar equipment as defined in section 1.3 of IEC 62388 (2007)

Circ., Circular.

COLREG, International Regulations for Preventing Collisions at Sea.

COMSAR, IMO's Sub-Committee on Radiocommunications and Search and Rescue.

EN, European Standard.

ETSI, European Telecommunication Standardisation Institute.

FSS, International Code for Fire Safety Systems.

FTP, International Code for Application of Fire Test Procedures.

HSC, High Speed Craft Code.

IBC, International Bulk Chemical Code.

ICAO, International Civil Aviation Organization.

IEC, International Electrotechnical Commission.

IGC, International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk.

IMO, International Maritime Organization.

ISO, International Organisation for Standardization.

ITU, International Telecommunication Union.

LSA, Life saving appliance.

MARPOL, International Convention for the Prevention of Pollution from Ships.

MED, Marine Equipment Directive.

MEPC, Marine Environment Protection Committee.

MSC, Maritime Safety Committee.

NOx, Nitrogen Oxides.

O_2/HC systems: Oxygen Hydro Carbon systems.

SOLAS, International Convention for the Safety of Life at Sea.

SOx, Sulphur Oxides.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1170. (See end of Document for details)*

Reg., Regulation.

Res., Resolution.

Notes applicable to the whole of this Annex

(a) General: In addition to the testing standards specifically referred to in this Annex, type-examination (type approval) requires compliance with the applicable requirements of the international conventions and the relevant resolutions and circulars of the IMO. Such compliance is referred to in the modules for conformity assessment in Directive 2014/90/EU.

(b) Column 3: Where two sets of testing standards are separated by "or", each set fulfils all the testing requirements to meet IMO Performance Standards; thus testing to one of those sets is sufficient to demonstrate compliance with the requirements of the relevant international instruments. On the contrary, when other separators (such as comma) are used all the listed references apply.

(c) Column 6: In order to take into consideration the timeframes for shipbuilding, depending on the characteristics of the specific marine equipment, the term 'placing on board' shall be understood as meaning (as indicated in brackets behind the dates):

I	:	first installation of the equipment in its functional position on board an EU ship;
II	:	first installation of the equipment in its functional position or stowing in its functional position on board an EU ship;
III	:	delivery of the equipment to the shipyard if this takes place within 30 months before the first installation of the equipment in its functional position.

(d) Where there are two rows for one marine equipment entry (e.g. MED/3.12), the second (lower) row contains the updated requirements of the international instruments in respect to the ones shown in the first (upper) row.

(e) In the situations referred to in point (d) where no date is given in columns 5 and 6, this indicates that there has been no change in the testing standards and that the marine equipment item concerned shall comply with the requirements indicated in the (second) lower row.

(f) Where there are more than two rows for one marine equipment entry (such as MED/3.51a), the lowest row contains the updated requirements of the international instruments in respect to the ones shown in the upper rows.

1. **Life-saving appliances**

Column 2: IMO MSC/Circular 980 shall apply except when superseded by the specific instruments referred to in Column 2.

Number and item designation	Regulations of SOLAS 74, as amended, and the relevant resolutions and	Testing standards	Modules for conformity assessment	First placing on the market	Last placing on board

	circulars of the IMO, as applicable				
1	2	3	4	5	6
MED/1.1 Lifebuoys Row 1 of 1	Type approval requirements — SOLAS 74 Reg. III/4, — SOLAS 74 Reg. X/3.	— IMO Res. MSC.81(70), as amended.	B+D B+E H+F		
	Carriage and performance requirements — SOLAS 74 Reg. III/7, — SOLAS 74 Reg. III/34, — IMO Res.MSC.36(63)-(1994 HSC Code) 8, — IMO Res.MSC.48(66)-(LSA Code) I, — IMO Res.MSC.48(66)-(LSA Code) II, — IMO Res.MSC.97(73)-(2000 HSC Code) 8.				