Commission Delegated Regulation (EU) 2018/414 of 9 January 2018 supplementing Directive 2014/90/EU of the European Parliament and of the Council as regards the identification of specific items of marine equipment which can benefit from electronic tagging (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2018/414

of 9 January 2018

supplementing Directive 2014/90/EU of the European Parliament and of the Council as regards the identification of specific items of marine equipment which can benefit from electronic tagging

(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 11(3) thereof,

Whereas:

(1) In order to enable the voluntary use of electronic tags by economic operators, to facilitate market surveillance and to prevent the counterfeiting of specific items of marine equipment, Directive 2014/90/EU confers powers to the Commission to adopt delegated acts in order to identify specific items of marine equipment which can benefit from electronic tagging.

(2) It is important to ensure that the objectives of Directive 2014/90/EU are achieved uniformly throughout the Member States. This is achieved by adopting a Regulation, offering legal certainty for all stakeholders, including marine equipment manufacturers, competent authorities and ship builders and operators. The form of a Regulation ensures a coherent framework for all market operators and is the best possible guarantee for a level playing field and uniform conditions of competition. Furthermore it ensures the direct applicability of the list of specific marine equipment which can benefit from electronic tagging. The recourse to a regulation allows, in addition, to avoid the administrative burden for Member State administrations as it requires no further transposition at national level.

(3) In accordance with Directive 2014/90/EU the Commission should carry out a cost-benefit analysis concerning the use of electronic tags as a supplement to or a replacement of the wheel mark.

(4) The cost-benefit analysis demonstrated that, due to the electronic tagging of marine equipment, manufacturers should benefit from an improved prevention of counterfeiting, shipowners and operators should be able to carry out equipment

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/414. (See end of Document for details)*

traceability and stock control more easily and market surveillance authorities should benefit from direct and easy access to the relevant databases, which will improve the validation checks of certificates.

(5) The cost-benefit analysis concluded that overall investments will be low compared to the expected benefits and that costs for authorities and industry are affordable because of a possible stepwise voluntary implementation. Through further investments by the private and public sector additional benefits can be realised.

(6) Within the context of the cost-benefit analysis the Commission carried out several consultations, workshops and demonstration projects with Member State's experts and stakeholders.

(7) During those consultations stakeholders agreed that it could be technically feasible to tag equipment placed or to be placed on board an EU ship and for which the approval of the flag state administration is required by the international instruments defined in Article 2 of Directive 2014/90/EU by using different methods of tagging. Therefore such equipment should be able to benefit from electronic tagging,

HAS ADOPTED THIS REGULATION:

Article 1

The specific items of marine equipment listed in the Annex of this Regulation may benefit from electronic tagging.

Article 2

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, 9 January 2018.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/414. (See end of Document for details)*

ANNEX

The items in this list can benefit from electronic tagging:

1. **Lifesaving appliances**

Number and item designation
MED/1.1

Lifebuoys
MED/1.2a

Position-indicating lights for lifesaving appliances:

(a) for survival craft and rescue boats;

(b) for lifebuoys;

(c) for lifejackets.
MED/1.3

Lifebuoys self-activating smoke signals
MED/1.4

Lifejackets
MED/1.5

Immersion suits and anti-exposure suits designed to be worn in conjunction WITH a lifejacket:

(a) immersion suit without inherent insulation;

(b) immersion suit with inherent insulation;

(c) anti exposure suits.
MED/1.6

Immersion suits and anti-exposure suits designed to be worn WITHOUT a lifejacket:

(a) immersion suit without inherent insulation;

(b) immersion suit with inherent insulation;

(c) anti exposure suits.
MED/1.7

Thermal protective aids
MED/1.8

Rocket parachute flares (pyrotechnics)
MED/1.9

Hand flares (pyrotechnics)
MED/1.10

Buoyant smoke signals (pyrotechnics)
MED/1.11

Line-throwing appliances
MED/1.12

Inflatable liferafts

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MED/1.13

Rigid liferafts
MED/1.14

Automatically self-righting liferafts
MED/1.15

Canopied reversible liferafts
MED/1.16

Float-free arrangements for liferafts (hydrostatic release units)
MED/1.17

Lifeboats:

(a) davit-launched lifeboats:
- — partially enclosed,
- — totally enclosed;

(b) free-fall lifeboats.
MED/1.18

Rigid rescue boats
MED/1.19

Inflated rescue boats
MED/1.20

Fast rescue boats:

(a) inflated;

(b) rigid;

(c) rigid-inflated.
MED/1.21

Launching appliances using falls (davits)
MED/1.23

Launching appliances for free-fall lifeboats
MED/1.24

Liferaft launching appliances

(davits)
MED/1.25

Fast rescue boat launching appliances

(davits)
MED/1.26

Release mechanism for:

(a) lifeboats and rescue boats (launched by a fall or falls);

(b) liferafts (launched by a fall or falls);

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(c) free-fall lifeboats.
MED/1.27

Marine evacuation systems
MED/1.28

Means of rescue
MED/1.29

Embarkation ladders
MED/1.30

Retro-reflective materials
MED/1.33

Radar reflector for lifeboats and rescue boats

(passive)
MED/1.36

Lifeboat/rescue boat propulsion engine
MED/1.37

Rescue boat propulsion engine — outboard motor
MED/1.38

Searchlights for use in lifeboats and rescue boats
MED/1.39
— Open reversible liferafts
MED/1.41

Winches for survival craft and rescue boats:

(a) davit-launched lifeboats;

(b) free-fall lifeboats;

(c) liferafts;

(d) rescue boats;

(e) fast rescue boats.
MED/1.43

Rigid/inflated rescue boats

2. **Marine pollution prevention**
Number and item designation
MED/2.1

Oil-filtering equipment (for an oil content of the effluent not exceeding 15 ppm)
MED/2.2

Oil/water interface detectors
MED/2.3

Oil-content meters
MED/2.5

Oil discharge monitoring and control system for oil tankers