Commission Directive (EU) 2015/559 of 9 April 2015 amending Council Directive 96/98/EC on marine equipment (Text with EEA relevance)

COMMISSION DIRECTIVE (EU) 2015/559

of 9 April 2015

amending Council Directive 96/98/EC on marine equipment

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 96/98/EC of 20 December 1996 on marine equipment[(1)], and in particular Article 17 thereof,

Whereas:

(1) For the purposes of Directive 96/98/EC, the international conventions and testing standards should apply in their up-to-date versions.

(2) A number of amendments to the international conventions and applicable testing standards have entered into force since the adoption of the last amending act to Directive 96/98/EC. Those amendments should be incorporated into Directive 96/98/EC.

(3) During the same period, the International Maritime Organisation and the European standardisation organisations have also adopted standards, including detailed testing standards, for a number of items of equipment which are listed in Annex A.2 to Directive 96/98/EC or which, albeit not listed, are considered relevant for the purpose of that Directive. Therefore such items of equipment should be included in Annex A.1 or transferred from Annex A.2 to Annex A.1, as appropriate.

(4) Directive 96/98/EC should therefore be amended accordingly.

(5) It is reasonable to allow equipment newly subject to harmonised requirements under this Directive and manufactured before the expiry of the time limit for the implementation of this Directive to be placed on the market and on board a Community ship during a transitional period.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex A to Directive 96/98/EC is replaced by the text in the Annex to this Directive.

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Article 2

Equipment listed in column 1 of Annex A.1 as having been transferred from Annex A.2 which was manufactured before 30 April 2016 in conformity with procedures for type-approval already in force before that date within the territory of a Member State, may continue to be placed on the market and on board a Community ship until 30 April 2018.

Article 3

1 Member States shall adopt and publish, by 30 April 2016 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 30 April 2016.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 9 April 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

ANNEX A General note for Annex A: SOLAS Regulations refer to SOLAS, as amended.

General note for Annex A: Within certain item designations, column 5 shows some possible product variants under the same item designation. Product variants are independently provisioned and separated by a dotted lined from each others. For certification purpose only the relevant product variant shall be chosen, as appropriate (Example: A.1/3.3).

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 Electro-technical Commission.

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

IMO, International Maritime Organization.

ISO, International Standardisation Organisation.

ITU, International Telecommunication Union.

LSA, Life saving appliance.

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

MEPC, Marine Environment Protection Committee

MSC, Maritime Safety Committee.

NO_x, Nitrogen Oxides.

O_2/HC systems: Oxygen Hydro Carbon systems.

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

SO_x, Sulphur Oxides.

Reg., Regulation.

Res., Resolution.

ANNEX A.1

EQUIPMENT FOR WHICH DETAILED TESTING STANDARDS ALREADY EXIST IN INTERNATIONAL INSTRUMENTS

Notes applicable to the whole of Annex A.1

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(a) General: in addition to the testing standards specifically mentioned, a number of provisions, which must be checked during type-examination (type approval) as referred to in the modules for conformity assessment in Annex B, are to be found in the applicable requirements of the international conventions and the relevant resolutions and circulars of the IMO.

(b) Column 1: Article 2 of Commission Directive 2013/52/EU[(2)] may apply. (9th Amendment of MED Annex A).

(c) Column 1: Article 2 of Commission Directive 2014/93/EU[(3)] may apply. (10th Amendment of MED Annex A).

(d) Column 5: Where IMO Resolutions are cited, only the testing standards contained in relevant parts of the Annexes to the Resolutions are applicable and exclude the provisions of the Resolutions themselves.

(e) Column 5: International conventions and testing standards apply in their up-to-date version. For the purpose of identifying correctly the relevant standards, test reports, certificates of conformity and declarations of conformity shall identify the specific testing standard applied and its version.

(f) Column 5: Where two sets of identifying standards are separated by "or", each set fulfils all the testing requirements to meet IMO Performance Standards; thus testing to one of these sets is sufficient to demonstrate compliance with the requirements of the relevant International Instruments. Conversely, when other separators (comma) are used all the listed references apply.

(g) The requirements laid down in this annex shall be without prejudice to carriage requirements in the international conventions

1. **Life-saving appliances**

Column 4: IMO MSC/ Circular 980 should apply except when superseded by the specific instruments referred to in Column 4.

No.	**Item designation**	**Regulation SOLAS 74, as amended, where "type approval" is required**	**Regulations of SOLAS 74, as amended, and the relevant resolutions and circulars of the IMO, as applicable**	**Testing standards**	**Modules for conformity assessment**
1	2	3	4	5	6
A.1/1.1	Lifebuoys	— Reg. III/4, — Reg. X/3.	— Reg. III/7, — Reg. III/34, — IMO Res. MSC.36(63)-	— IMO Res. MSC.81(70).	B + D B + E B + F

				(1994 HSC Code) 8, — IMO Res. MSC.48(66)-(LSA Code) I, II, — IMO Res. MSC.97(73)-(2000 HSC Code) 8.		
A.1/1.2	Position-indicating lights for life-saving appliances: (a) for survival craft and rescue boats, (b) for lifebuoys, (c) for lifejackets.	— Reg. III/4, — Reg. X/3.		— Reg. III/7, — Reg. III/22, — Reg. III/26, — Reg III/32, — Reg. III/34, — IMO Res. MSC.36(63)-(1994 HSC Code) 8, — IMO Res. MSC.48(66)-(LSA Code) II, IV, — IMO Res. MSC.97(73)-(2000 HSC Code) 8.	— IMO Res. MSC.81(70).	B + D B + E B + F
A.1/1.3	Lifebuoys self-activating smoke signals	— Reg. III/4, — Reg. X/3.		— Reg. III/7, — Reg. III/34,	— IMO Res. MSC.81(70).	B + D B + E B + F