



STATUTORY INSTRUMENTS.

S.I. No. 540 of 2014



EUROPEAN UNION (MARINE EQUIPMENT) REGULATIONS 2014

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I, PASCHAL DONOHOE, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive No. 96/98/EC of 20 December 1996¹ (as amended by Commission Directive 98/85/EC of 11 November 1998², Commission Directive 2001/53/EC of 10 July 2001³, Commission Directive 2002/75/EC of 2 September 2002⁴, Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002⁵, Commission Directive 2008/67/EC of 30 June 2008⁶, Commission Directive 2009/26/EC of 6 April 2009⁷, Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009⁸, Commission Directive 2010/68/EU of 22 October 2010⁹, Commission Directive 2011/75/EU of 2 September 2011¹⁰, Commission Directive 2012/32/EU of 25 October 2012¹¹ and Commission Directive 2013/52/EU of 30 October 2013¹²), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Marine Equipment) Regulations 2014.

(2) These Regulations come into operation on 04 December 2014.

Interpretation

2. (1) In these Regulations—

“Irish ship” means a ship known as such under section 9 of the Mercantile Marine Act 1955 (No. 29 of 1955) that falls within the scope of the international conventions mentioned in Article 2(d) of the Marine Equipment Directive;

“Marine Equipment Directive” means Council Directive No. 96/98/EC of 20 December 1996¹ (as amended by Commission Directive 98/85/EC of 11 November 1998², Commission Directive 2001/53/EC of 10 July 2001³, Commission Directive 2002/75/EC of 2 September 2002⁴, Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002⁵, Commission

¹OJ No. L46, 17.2.1997, p.25

²OJ No. L315, 25.11.1998, p.14

³OJ No. L204, 28.7.2001, p.1

⁴OJ No. L254, 23.9.2002, p.1

⁵OJ No. L324, 29.11.2002, p.53

⁶OJ No. L171, 1.7.2008, p.16

⁷OJ No. L113, 6.5.2009, p.1

⁸OJ No. L188, 18.7.2009, p.14

⁹OJ No. L305, 20.11.2010, p.1

¹⁰OJ No. L239, 15.9.2011, p.1

¹¹OJ No. L312, 10.11.2012, p.1

¹²OJ No. L304, 14.11.2013, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd December, 2014.*

Directive 2008/67/EC of 30 June 2008⁶, Commission Directive 2009/26/EC of 6 April 2009⁷, Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009⁸, Commission Directive 2010/68/EU of 22 October 2010⁹, Commission Directive 2011/75/EU of 2 September 2011¹⁰, Commission Directive 2012/32/EU of 25 October 2012¹¹ and Commission Directive 2013/52/EU of 30 October 2013¹²);

“Minister” means Minister for Transport, Tourism and Sport;

“surveyor of ships” has the same meaning as it has in section 2 of the Merchant Shipping Act 2010 (No. 14 of 2010);

(2) A word or expression that is used in the Marine Equipment Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

Prohibition on placing certain equipment on board Irish ships

3. (1) Equipment of a kind specified in an item of Annex A.1 to the Marine Equipment Directive shall not be placed on board an Irish ship unless the equipment—

(a) meets the requirements of the international instruments specified in columns 3 and 4 of the item, and has been tested and assessed for conformity as specified in columns 5 and 6 of the item, and

(b) bears a mark in accordance with Article 11 of and Annex D to the Directive.

(2) A person who contravenes this Regulation commits an offence and is liable on summary conviction to a class A fine.

Exemption for replacement of equipment in foreign ports, etc.

4. (1) This Regulation applies where—

(a) equipment needs to be replaced on an Irish ship in a port outside the European Union, and

(b) it is not practicable, for reasons of time, cost or delay, to replace the equipment with equipment that complies with Regulation 3.

(2) Notwithstanding Regulation 3, where this Regulation applies, equipment (in this Regulation referred to as “replacement equipment”) that does not comply with the requirements of that Regulation may be placed on board an Irish ship—

(a) if an agreement has been concluded between the European Union and the third country concerned on the mutual recognition of organisations equivalent to notified bodies, and the replacement equipment is accompanied by documentation issued by such an organisation, or

(b) if, although it is not possible to comply with subparagraph (a), the replacement equipment is accompanied by documentation, issued by a member State of the International Maritime Organisation which is party to the relevant conventions, certifying that the equipment complies with the relevant International Maritime Organisation requirements.

(3) The master of the ship concerned shall ensure that the Minister is notified, as soon as possible, of the nature and characteristics of the replacement equipment.

(4) It is a condition of the use of the replacement equipment that the equipment does not unduly affect the requirements of the radio-frequency spectrum.

Revocation, etc., of safety certificates

5. If, on inspection by a surveyor of ships or a person appointed by the Minister for the purpose, any item of the equipment on an Irish ship that is required to comply with Regulation 3 does not do so, the Minister shall not grant a safety certificate, and may revoke any safety certificate already granted, for the ship.

Inspection before registration of foreign ship

6. (1) Where a new ship (within the meaning given by Article 3(1) of the Marine Equipment Directive) that is not registered in a Member State is to be registered in the State, the Minister shall cause equipment on board that is of a kind specified in an item of Annex A.1 to the Marine Equipment Directive to be inspected to verify that—

(a) the condition of the equipment corresponds to its safety certificates, and

(b) the equipment complies with Regulation 3 or an equivalent.

(2) Where the Minister is not satisfied that equipment on a ship referred to in paragraph (1) complies with Regulation 3 or its equivalent, he or she shall direct the owner in writing to replace the equipment.

(3) A person who fails to comply with a direction under paragraph (2) commits an offence and is liable on summary conviction to a class A fine.

(4) Notwithstanding Regulation 3, where the Minister considers that equipment on board a ship referred to in paragraph (1) does not comply with Regulation 3 but is equivalent to equipment that so complies, he or she shall issue a certificate in respect of the equipment—

(a) stating that he or she has approved the equipment, and

(b) specifying any restrictions or conditions that he or she has imposed on the use of the equipment.

(5) The Minister may impose a condition or restriction relating to the use of the equipment, and in the case of a certificate issued for radiocommunications

equipment shall impose a condition or restriction intended to ensure that the equipment does not unduly affect the operation of any other part of the ship's equipment that makes use of the radio-frequency spectrum.

(6) A certificate issued under paragraph (4) shall be carried with the item of equipment to which it refers while ever that item is on board the ship concerned.

(7) Where there is a contravention of paragraph (6), the master of the ship concerned commits an offence and is liable on summary conviction to a class C fine.

Equipment dangerous to persons or the environment, etc.

7. (1) Where the Minister is satisfied that particular equipment of a kind specified in Annex A.1 to the Marine Equipment Directive, even though it bears a mark referred to in Regulation 3(b), and even though correctly installed, maintained and used for its intended purpose, may compromise the health or safety of the crew of the ship on board which it is, or the health or safety of the ship's passengers or other persons, or adversely affect the marine environment, he or she may—

(a) direct that the piece of equipment be withdrawn from the market in the State, or

(b) prohibit or restrict its being placed on the market or being used on board an Irish ship.

(2) If the Minister makes a direction, prohibition or restriction under this Regulation about equipment, that equipment is not to be taken to comply with Regulation 3.

(3) Notice of the making of a direction, prohibition or restriction under this Regulation shall be published in the *Iris Oifigiúil*.

(4) A person who contravenes a direction, prohibition or restriction under this Regulation commits an offence and is liable on summary conviction to a class A fine.

Inspection of ships

8. A surveyor of ships may board and inspect a ship for the purposes of these Regulations.

Transitional—temporary exemption for certain equipment previously type-approved

9. Notwithstanding Regulation 3, equipment referred to in Annex A.1 to the Marine Equipment Directive (as in force on 04 December 2014), and referred to in that Annex as a new item or as having been transferred from Annex A.2 to the Directive to Annex A.1, being equipment that does not comply with the requirements of that Regulation, may be placed on board an Irish ship until 04 December 2016 if the equipment was manufactured before 04 December 2014 in accordance with procedures for type approval in force before that date within the territory of a Member State.

Prosecution of offences

10. An offence under these Regulations may be prosecuted summarily by the Minister.

Revocations

11. The following are revoked:

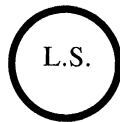
the European Communities (Marine Equipment) Regulations 2009 (S.I. No. 259 of 2009);

the European Communities (Marine Equipment) (Amendment) Regulations 2010 (S.I. No. 86 of 2010);

the European Communities (Marine Equipment) (Amendment) Regulations 2011 (S.I. No. 448 of 2011);

the European Communities (Marine Equipment) (Amendment) Regulations 2012 (S.I. No. 257 of 2012);

the European Communities (Marine Equipment) (Amendment) Regulations 2013 (S.I. No. 199 of 2013).



GIVEN under my Official Seal,
26 November 2014.

PASCHAL DONOHOE,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Commission Directive 2013/52/EU of 30 October 2013 updates the principal Directive 96/98/EC on marine equipment by substituting a new Annex A that sets out the marine equipment to be placed on board ships and the testing standards that apply under the international maritime conventions of the International Maritime Organisation for MARPOL (prevention of pollution), SOLAS (safety at sea), Load Lines and the Collision Regulations.

These Regulations transpose Directive 2013/32/EU with effect from 04 December 2014 and restate the provisions of the principal Directive. They provide that transitional arrangements apply until 04 December 2016 in respect of certain marine equipment that was manufactured before 04 December 2014.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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