



# Gibraltar Maritime Administration

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## Shipping Guidance Notice 093 – Marine Equipment: Design, Construction, Performance and Testing Standards

(This Guidance notice replaces SGN 036 Confirmation of Marine Equipment Directive (No 96/98/EC) Compliance)

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To: Ship Owners, Operators, Master's, Classification Societies and Recognised Organisations

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### 1. Introduction

The International Maritime Organization (IMO) International Conventions require flag States to ensure that certain types of safety and pollution prevention equipment (collectively “marine equipment”) carried on board ships flying their flag comply with international design, construction, performance and testing standards and to ensure such equipment is approved as meeting those standards.

Gibraltar’s regulatory regime has relied on implementation of the EU’s marine equipment directive (2014/90/EU) (“MED”) to discharge these international obligations and to meet its objectives to enhance safety at sea and to prevent marine pollution from ships.

The UK left the EU on 31 January 2020 with a Withdrawal Agreement which included a transition period (also referred to in the legislation as the Implementation Period”) which will end at 11:00 p.m. on 31 December 2020. During the transition period, the MED and other EU legislation have continued to apply to the UK and Gibraltar. However, the MED will no longer apply after the transition period has ended.

The UK Maritime and Coastguard Agency (MCA) has therefore brought forward regulations to establish UK conformity assessment procedures that will apply after the transition period has ended. Gibraltar has drafted legislation on the relevant subject matter, which will come into force on 01 January 2020.

These procedures ensure that Gibraltar can continue to comply with its international obligations by applying international standards to marine equipment to be placed on Gibraltar ships.

This guidance notice gives information on these new UK conformity assessment procedures which will also be applicable to Gibraltar.

### 2. Objective

The objective in establishing the UK’s conformity assessment procedures for marine equipment is to create as little disruption to UK (and Gibraltar) industry as possible by providing wherever practicable a system similar to the existing MED procedures and therefore facilitating a smooth transition from MED conformity assessment procedures to UK conformity assessment procedures.

MED approved equipment can continue to be placed on Gibraltar ships until 1 January 2023, provided MED and UK standards remain equivalent.

This approach gives Gibraltar ship operators a choice regarding the marine equipment they procure.

In summary, from *1 January 2021*, Gibraltar ships may place on board either:

- a) Marine equipment holding UK conformity approval granted by one or more UK Approved Bodies, bearing the UK conformity mark for marine equipment and otherwise compliant with the Regulations; or
- b) Until 1 January 2023, marine equipment holding MED conformity approval granted by one or more EEA Notified Bodies, bearing the MED conformity mark and otherwise compliant with the MED; or;
- c) Marine equipment in Annex 6 of the latest MSN 1874 (M+F), approved by the US Coast Guard, accompanied by a US declaration of conformity and affixed with the UK conformity mark.

### **3. Information for Gibraltar ship operators**

In accordance with the IMO Conventions, Gibraltar ships must carry marine equipment which has been approved to the applicable international standards.

Before the UK's and Gibraltar's withdrawal from the EU, Gibraltar ships had to place marine equipment on board which was 'MED approved'. This marine equipment had to have the necessary certification granted by one or more EU 'Notified Bodies' authorised to carry out conformity assessment tasks under the MED and the MED's conformity mark (the 'Wheel Mark') affixed to it. These requirements will continue to apply in the transition period.

*From 1 January 2021*, the UK conformity assessment regime will come into effect. However, MED approved equipment will continue to be recognised until *1 January 2023*.

It must be noted that with respect to the *1 January 2023* date and in order to take into consideration timeframes for shipbuilding, depending on the characteristics of the specific marine equipment, the following meanings of 'placing on board' apply:

- 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.

The UK's conformity assessment procedures create a comparable system of 'Approved Bodies'. Organisations that are already designated as EU 'Notified Bodies' in the UK, will continue to be accepted as Approved Bodies for the purposes of conformity assessment tasks for marine equipment in the UK.

These conformity assessment tasks include issuing the relevant UK certification and affixing the UKs conformity mark to UK approved marine equipment.

Before the UK's exit from the European Union, marine equipment placed or to be placed on board a Gibraltar ship had to be approved in accordance with the MED's requirements by one or more EU notified bodies. The equipment had to be accompanied by a declaration of conformity issued by the manufacturer, hold valid MED certification, and bear the EU's conformity mark for marine equipment (the 'Wheel Mark'). These requirements continue to apply in the transition period.

As regards time-limited acceptance of MED approved marine equipment, the reader should note that further legislation will be needed to phase out the recognition of such equipment. Clear guidance on this issue will be provided well before *1 January 2023*.

The applicable international standards to be met by marine equipment are listed in Annex 1 to the latest version of UK MSN 1874 (M+F) as amended. Marine equipment which has been granted UK conformity approval will be affixed with the UK conformity mark which is detailed in Annex 5 of UK MCA MSN 1874 (M+F) as amended.

#### **4. The UK's Conformity Mark for Marine Equipment**

Before the end of the transition period, marine equipment to be placed on board a UK or Gibraltar ship must have the EU's Wheel mark affixed to it or its supporting documentation as per the MED.

When the transition period ends, the UK's conformity assessment procedure will become applicable, requiring any UK approved equipment to have the UK conformity mark affixed to it, or to its supporting paperwork, in accordance with the Regulations.

The UK's conformity mark for marine equipment is described in Annex 5 to the latest UK MSN 1874 as well as instructions for its use. This has been replicated for information in the annex to this information note.

The latest version of UK MCA MSN 1874 (Amendment 3) confirms that the UK conformity mark must be affixed in the same way as the wheel mark on MED approved products.

The MCA will also maintain a list of marine equipment which has been granted UK conformity assessment and make this publicly available on a GOV.UK website as is seen in the MarED database of marine equipment bearing MED approval.

#### **5. Non-MED / Equipment not carrying the UK Conformity Mark**

The Administration will review any non-MED or equipment not carrying the UK Conformity Marked in relation to carriage requirements.

Dylan Cocklan  
Maritime Administrator (Ag)

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All notices are available through [www.gibraltarship.com](http://www.gibraltarship.com)

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