



Instruction to RO

Nr 18 (rev1) Application of the Marine Equipment Directive (MED) on board Dutch flag vessels.

Date Entry Into Force: 18-09-2016

Art. 33 to 37 of the Regulation Safety Seagoing Vessels regulates the placement on board of ship's equipment in accordance with the provisions of Directive 2014/90/EC of the European Parliament and of the Council on marine equipment (hereafter: Marine Equipment Directive – MED).

In 1996 the EU has established a Directive with harmonized standards for ship's equipment (Directive 96/98/EC), which determines that –as far as the MED is applicable- equipment shall only be placed on board when provided with the conformity mark described in Annex D to the MED (i.e. the wheelmark). This wheelmark replaced the previously required national type approval.

In 2014 Directive 96/98/EC was revised and renumbered to 2014/90/EC. This mainly in order to align the existing market surveillance provisions within the MED with the other EU market surveillance directives under EU regulation Nr. 765/2008. Moreover the review of the MED aims for more control on Notified Bodies, extra requirements for Notifying Authorities and more mandate for the European Commission with regard to the validity and use of the different test standards of marine equipment. The Netherlands transposed 2014/90/EC into the 'wet- en regeling scheepsuitrusting 2016'.

This instruction aims to provide clarification as to the practical application of the MED, and contains the following provisions:

1. The MED applies to equipment placed on board Netherlands flag ships, required by the SOLAS, MARPOL and COLREG conventions, herein to be approved by the administration. It also applies to equipment placed onboard Netherlands flag ships prior to 1 January 1999 (coming into force edition 96/98/EC) where such equipment was not previously carried on board, or where equipment which was previously carried on board is replaced, except where international conventions permit otherwise.
2. The RO shall ensure when issuing or renewing the relevant certificates that the equipment on board Netherlands flag ships complies with art. 32 to 37 of the Regulation Safety Seagoing Vessels (RSV).
Art.33 of the RSV regulates the placement on board of the so-called "wheelmark approved" equipment in accordance with the MED.
3. Where equipment, falling under the provisions of the MED, needs to be replaced in exceptional circumstances which shall be duly justified, and where it is not practicable in terms of reasonable time, delay and cost to place on board EC type-approved (i.e. wheelmarked) equipment, other equipment may be placed on board.



In such cases NSI shall be consulted prior to the equipment being placed on board, accompanied by a well founded proposal.

4. In the case of a ship which, irrespective of its flag, is to be transferred to the Netherlands register, such a ship shall, on transfer, be subject to inspection by the RO to verify that the actual condition of its equipment corresponds to its certificates and either complies with the MED and bears the wheelmark, and/or an electronic tag in accordance with article 11 of the MED, or is equivalent.
Equivalent in this respect means that the equipment is accompanied by documentation, issued by a Member State of the IMO which is a party to the relevant convention, certifying compliance with the same international instruments (i.e. testing and performance standards) as those mentioned in the MED.
NSI considers the issuance of the relevant certificates to a transferred ship and the endorsement of the record of equipment equivalent to the certificate referred to in article 7 of the MED. In case of doubt NSI shall be consulted.
5. Equipment certified by the United States Coast Guard in accordance with the Mutual Recognition Agreement (MRA) between the European Community and the USA (Council Decision 2004/425/EC) is considered equivalent to MED certified (i.e. wheelmarked) equipment in all cases.
6. RO's are requested to inform NSI in cases where it is proven or strongly suspected that MED equipment placed on board Dutch flagged vessels is non compliant to the relevant IMO performance and test standards applicable. RO's are kindly requested to include as many documented evidence, fail test results, suspected fraudulent conformity documents/wheelmarks, photographs etc. as possible.
7. All relevant MED equipment shall have an MED declaration of conformity available on board. This may be in an electronic format.
8. RO's are requested to inform NSI about any complaints received regarding Notified Bodies notified by the Netherlands and responsible for MED type approval of equipment placed onboard a ship of any EU flag State.
9. The implementing regulation replacing annex A1 of 96/98/EC, once into force, shall be used. Regarding the new columns 'first placing on the market' and 'last placing on board' RO's are requested to consult NSI in cases of doubt on a case by case basis.