



Brussels, **XXX**  
[...](2020) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**on design, construction and performance requirements and testing standards for marine  
equipment and repealing Implementing Regulation (EU) 2019/1397**

(Text with EEA relevance)

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2019/1397**

(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<sup>1</sup>, and in particular Article 35(2) thereof,

Whereas:

- (1) The Commission is empowered to indicate, by means of implementing acts, the design, construction and performance requirements and testing standards in respect of marine equipment falling within the scope of application of Directive 2014/90/EU as well as the dates from which the testing standards are to apply. Those requirements and standards are provided for in the international instruments referred to in Directive 2014/90/EU.
- (2) In order to take into account the most recent changes, the list of the applicable international instruments should be regularly updated. In order to provide a comprehensive list containing all products belonging to the scope of Directive 2014/90/EU, Commission Implementing Regulation (EU) 2019/1397<sup>2</sup> should be repealed.
- (3) Marine equipment newly subject to harmonised Union requirements under Directive 2014/90/EU should be explicitly listed as new items in column 1 of the Annex to this Regulation.
- (4) It is reasonable and proportionate to allow a new item which is in conformity with the national requirements for type-approval in force in a Member State before the entry into force of this Regulation to continue to be placed on the market and on board an EU ship for a transitional period of reasonable duration.
- (5) In order to facilitate a harmonised, rapid and simple implementation of Directive 2014/90/EU, implementing acts adopted pursuant to that Directive should take the form of Implementing Regulations.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

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<sup>1</sup> OJ L 257, 28.8.2014, p. 146.

<sup>2</sup> Commission Implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2018/773 (OJ L 237, 13.9.2019, p. 1).

HAS ADOPTED THIS REGULATION:

*Article 1*

The design, construction and performance requirements and the testing standards provided for in the international instruments referred to in Directive 2014/90/EU shall apply to each item of marine equipment as set out in the Annex.

*Article 2*

Implementing Regulation (EU) 2019/1397 is repealed.

*Article 3*

1. Marine equipment listed as a ‘new item inserted by Implementing Regulation (EU) 2018/773’ in column 1 of the Annex, which is in compliance with the national requirements for type-approval in force before 19 June 2018 in a Member State, may continue to be placed on the market and on board an EU ship until 19 June 2021.

2. Marine equipment listed as a ‘new item inserted by Implementing Regulation 2019/1397’ in column 1 of the Annex, which is in compliance with the national requirements for type-approval in force before 3 October 2019 in a Member State, may continue to be placed on the market and on board an EU ship until 3 October 2022.

3. Marine equipment listed as a ‘new item inserted by Implementing Regulation [OP – please insert the number of this Regulation]’ in column 1 of the Annex, which is in compliance with the national requirements for type-approval in force before [please insert date of the entry into force of this Regulation] in a Member State, may continue to be placed on the market and on board an EU ship until [please insert 3 years after the date of entry into force of this Implementing Regulation].

*Article 4*

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,

*For the Commission*  
*The President*

*Ursula VON DER LEYEN*