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[...](2022) **XXX** draft

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

of **XXX**

laying down rules for the application of Directive 2014/90/EU of the European Parliament and of the Council, as regards design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2021/1158

(Text with EEA relevance)

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(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/EC¹, and in particular Article 35(2) thereof,

Whereas:

- (1) The design, construction and performance requirements and testing standards in respect of marine equipment falling within the scope of Directive 2014/90/EU are provided for in international instruments defined in Article 2(5) of that Directive.
- (2) In order to take into account the most recent changes, the list of the applicable international instruments should be updated. Marine equipment which has become subject to harmonised Union requirements under Directive 2014/90/EU following changes to international instruments, should be explicitly listed.
- (3) Commission Implementing Regulation (EU) 2021/1158² should therefore be repealed.
- (4) It is reasonable and proportionate to allow for a transitional period during which 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, can continue to be placed on the market and on board an EU ship as defined in Article 2(2) of Directive 2014/90/EU.
- (5) In order to allow the marine equipment industry and other stakeholders to adapt to the measures provided for in this Regulation, this Regulation should enter into force 40 days following its publication in the *Official Journal of the European Union*.
- (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 established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council³,

¹ OJ L 257, 28.8.2014, p. 146.

² Commission Implementing Regulation (EU) 2021/1158 of 22 June 2021 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2020/1170 (OJ L 254, 16.7.2021, p. 1).

³ Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The design, construction and performance requirements and the testing standards provided for in the international instruments defined in Article 2(5) of Directive 2014/90/EU shall apply to each item of marine equipment listed in the Annex to this Regulation.

Article 2

Implementing Regulation (EU) 2021/1158 is repealed.

Article 3

1. Marine equipment listed as a ‘new item inserted by Implementing Regulation 2020/1170’ in column 1 of the Annex, which is in compliance with the national requirements for type-approval in force before 1 September 2020 in a Member State, may continue to be placed on the market and on board an EU ship until 1 September 2023.

2. Marine equipment listed as a ‘new item inserted by Implementing Regulation (EU) 2021/1158’ in column 1 of the Annex, which is in compliance with the national requirements for type-approval in force before 25 August 2021 in a Member State, may continue to be placed on the market and on board an EU ship until 25 August 2024.

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 [OP - 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 [OP - 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 fortieth 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