

Council Directive 96/98/EC of 20 December 1996 on marine equipment (repealed)

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of 20 December 1996

on marine equipment (repealed)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 84 (2) thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty⁽³⁾,

- (1) Whereas within the framework of the common transport policy further measures must be adopted to ensure safety in maritime transport;
- (2) Whereas shipping accidents are a matter of serious concern to the Community, in particular those that cause loss of human life and pollution of the Member States' seas and coastlines;
- (3) Whereas the risk of shipping accidents can be effectively reduced by means of common standards that ensure high safety levels in the performance of the equipment carried on board ships; whereas testing standards and testing methods can have great influence on the future performance of equipment;
- (4) Whereas international conventions require flag States to ensure that the equipment carried on board ships complies with certain safety requirements and to issue the relevant certificates; whereas to that end testing standards for certain types of marine equipment have been developed by the international standardization bodies and by the International Maritime Organization (IMO); whereas the national testing standards implementing the international standards leave a margin of discretion certification authorities, which themselves have different levels of qualifications and experience; whereas that leads to varying levels of safety for products which the competent national authorities have certified as complying with the relevant international safety standards and to great reluctance on the part of Member States to accept that without further verification ships flying their flags carry equipment approved by other Member States;
- (5) Whereas common rules must be laid down to eliminate differences in the implementation of international standards; whereas such common rules will result in the elimination of unnecessary costs and administrative procedures relating to the approval of equipment, the improvement of operating conditions and of the competitive position of Community shipping and the elimination of technical barriers to trade by means of the mark of conformity affixed to equipment;

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- (6) Whereas in its resolution of 8 June 1993 on a common policy on safe seas⁽⁴⁾ the Council urged the Commission to submit proposals for harmonizing the implementation of IMO standards and the procedures for the approval of marine equipment;
- (7) Whereas action at Community level is the only possible way of achieving such harmonization, since Member States acting independently or through international organizations cannot establish the same level of safety performance in equipment;
- (8) Whereas a Council Directive is the appropriate legal instrument as it provides a framework for uniform and compulsory application of the international testing standards by Member States;
- (9) Whereas it is appropriate in the first place to address equipment the carriage of which on board ship and the approval of which by national administrations in accordance with safety standards laid down in international conventions or resolutions is mandatory under the main international conventions;
- (10) Whereas there are various Directives that ensure the free movement of certain products which could be used *inter alia*, as equipment on board ships but which do not concern the Member States' certification of equipment in accordance with the relevant international conventions; whereas equipment to be placed on board ships must therefore be regulated exclusively by new common rules;
- (11) Whereas new testing standards must be laid down, preferably at international level, for equipment for which such standards do not already exist or are not sufficiently detailed;
- (12) Whereas Member States should ensure that the notified bodies that assess the compliance of equipment with testing standards are independent, efficient and professionally competent to carry out their tasks;
- (13) Whereas compliance with international testing standards can best be demonstrated by means of conformity-assessment procedures such as those laid down in Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity-assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonization Directives⁽⁵⁾;
- (14) Whereas nothing in this Directive restricts the right granted to a flag State administration by international conventions to carry out operational-performance tests on board a ship for which it has issued a safety certificate, provided such tests do not duplicate the conformity-assessment procedures;
- (15) Whereas equipment covered by this Directive should, as a general rule, bear a mark to indicate its compliance with the requirement of this Directive;
- (16) Whereas Member States may in certain cases take provisional measures to limit or prohibit the use of equipment bearing the mark of conformity;
- (17) Whereas the use of equipment not bearing the mark of conformity may be allowed in exceptional circumstances;

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(18) Whereas a simplified procedure involving a regulatory committee must be followed for the amendment of this Directive,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ No C 218, 23. 8. 1995, p. 9.](#)
- (2) [OJ No C 101, 3. 4. 1996, p. 3.](#)
- (3) European Parliament opinion of 29 November 1995 ([OJ No C 339, 18. 12. 1995, p. 21](#)), Council common position of 18 June 1996 ([OJ No C 248, 26. 8. 1996, p. 10](#)) and European Parliament Decision of 24 October 1996 ([OJ No C 347, 18. 11. 1996](#)).
- (4) [OJ No C 271, 7. 10. 1993, p. 1.](#)
- (5) [OJ No C 220, 30. 8. 1993, p. 23.](#)