

**Circular by the Ship Safety Division (Dienststelle Schiffssicherheit)
of BG Verkehr regarding Directive 2014/90/EU (MED)**

Hamburg, 19 July 2021

**American Bureau of Shipping (ABS)
Bureau Veritas (BV)
Det Norske Veritas (DNV)
Lloyds Register (LR)
Korean Register (KR)
Nippon Kaiji Kyokai (ClassNK)
Registro Italiano Navale (RINA)
Russian Maritime Register of Shipping (RS)**

reporting:

Federal Ministry of Transport and Digital Infrastructure (Bundesministerium für Verkehr und digitale Infrastruktur)

Federal Maritime and Hydrographic Agency (Bundesamt für Seeschifffahrt und Hydrographie)

German Shipowners' Association (Verband Deutscher Reeder)

Deutscher Fischereiverband

Subject: Verification of marine equipment
Reference: Article 7 of Directive 2014/90/EU

In light of recent events, the Ship Safety Division (Dienststelle Schiffssicherheit) of BG Verkehr advises all authorities and classification societies concerned to observe Directive 2014/90/EU of the European Parliament and the European Council of 23 July 2014 on Marine Equipment and repealing Council Directive 96/98/EC (referred to below as "MED"). The national implementation of the MED occurs under the German "Schiffssicherheitsgesetz" (section D, number 10 of the annex) and the German "Schiffsausrüstungsverordnung".

The MED applies to any equipment listed in the Implementing Regulation that is or is to be placed on an EU ship and that requires an approval by the administration of the flag state, according to international instruments, notwithstanding whether the ship is within the Union as the equipment is being placed on board.

Among other things, the MED requires that for the marine equipment on board a ship flying the flag of an EU member state a copy of the EU declaration of conformity for the equipment concerned is to be issued and carried on board together with the equipment at all times, up until the equipment concerned is removed from the ship. The declaration of conformity may also be present as electronic copy.

Moreover, it is noted that equipment that comes under the Council Decision 2004/425/EC of 21 April 2004 on the Conclusion of an Agreement between the European Community and the

United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment does not require previous approval by the Ship Safety Division.

The recognized organizations notify the Ship Safety Division of any cases where it has been proven or is suspected that there is equipment on board a ship under German flag to which the MED applies that does not conform with applicable EU and international legislation or of any cases of suspicion of forged conformity documents or wheel marks.

Implementing Regulation

The Ship Safety Division also refers all parties concerned to Implementing Regulation (EU) 2021/1158 of the Commission of 22 June 2021 on Design, Construction and Performance Requirements and Testing Standards for Marine Equipment and Repealing Implementing Regulation (EU) 2020/1170 (referred to below as "Implementing Regulation").

The Annex of the Implementing Regulation, as amended, contains design, construction and performance requirements and testing standards for marine equipment within the scope of the MED.

Exceptions

In accordance with Article 32 of the MED, in exceptional circumstances, which shall be duly justified to the flag state administration, when marine equipment needs to be replaced in a port outside the Union where it is not practicable in terms of reasonable time, delay and cost to place on board equipment which bears the wheel mark, other marine equipment may be placed on board provided that:

- the marine equipment on board is accompanied by documentation certifying compliance with the relevant international requirements; and

- the Ship Safety Division is at once informed of the nature and characteristics of such other marine equipment.

Equivalence verification

Hereby the Ship Safety Division publishes a new form to record any pieces of equipment not complying with the MED (Non-MED Equipment Form). Upon registration and change of flag, any pieces of equipment that do not conform to the MED and do not bear a wheel mark are to be entered into the form.

The list must be verified and endorsed by a recognized classification society and must provide the details of the non-MED equipment pieces already placed or installed on board.

Subsequently, in accordance with Article 7 of the MED, the Ship Safety Division will decide if said equipment is equivalent and thus may remain on board or if it must be replaced appropriately.

Moreover, in accordance with Article 7 paragraph 4 of the MED, the Ship Safety Division may impose any restrictions or lay down any provisions relating to the use of the equipment.



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LISTE NICHT RICHTLINIEN KONFORMER AUSRÜSTUNG/ NON-MED EQUIPMENT FORM

Liste, die von der RO / Flaggenstaat erstellt werden soll. Auflistung von Nicht-MED-Ausrüstungen durch einen beauftragten Besichtiger vor Ausstellung der gesetzlichen Bescheinigungen über einen Flaggenwechsel von einer Nicht-EU-Flagge zur deutschen Flagge (Keine Nicht-MED-Ausrüstung sollte ohne Genehmigung der Dienststelle Schiffssicherheit der BG Verkehr an Bord von Schiffen unter Deutscher Flagge platziert werden.)

List to be compiled by the RO/Gov. Appointed Surveyor to list any Non-MED equipment before the issuance of the statutory certificates on a Change of Flag from a non-EU flag to German flag (No Non-MED equipment should be placed on board ships under German flag without the authorisation of Ship Safety Division of the BG Verkehr).

Angaben zum Schiff

Particulars of ship

Schiffsname <i>Name of ship:</i>
IMO-Nummer <i>IMO No:</i>
Kiellegungsdatum <i>Keel laying date:</i>
Auslieferungsdatum (ausser bei Neubauten) <i>Delivery date:</i> (N/A in case of a new building)
BRZ <i>Gross Tonnage:</i>
Vorherige Flagge <i>Previous Flag:</i>
Land, in dem das Schiff gebaut wurde <i>Country in which the ship was built:</i>
Schiffstyp <i>Ship type</i>



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Additional Remarks:

Class/Gov. Appointed Surveyor's verification/endorsement:

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