

CIRCULAR N.º 57 | Rev. 2**PORTUGUESE MARITIME ADMINISTRATION**

SUBJECT | Marine Equipment Directive 2014/90/UE (MED)

To | Recognized Organizations (RO), ship owners, companies, operators and masters of Portuguese flagged vessels

DISCLAIMER | This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources

REFERENCES | Directive 2014/90/EU; Commission Directive 2014/93/EU; Commission Implementing Regulation (EU) 2020/1170; Decree-Law nr 63/2017

1. OBJECTIVE

The goal of this circular is to provide guidance related to the verification of compliance with MED including the application of its article 7 referring the ships' transfer of flag.

2. APPLICATION

This procedure applies to ships falling within the scope of the international conventions and relevant applicable EU Regulations flying, or transferring to, the Portuguese flag.

3. INTRODUCTION

The Marine Equipment Directive 2014/90/EU (MED) has repealed MED previous version, Directive 96/98/EC, with effect from 18 September 2016.

MED lays down common rules to eliminate differences in the implementation of international standards by means of a clearly identified set of requirements and uniform certification procedures applicable to marine equipment to be placed on board ships flying the flag of any EU Member State.

When Member States issue, endorse or renew the certificates of the ships flying their flag as required by the international conventions, they shall ensure that marine equipment on board those ships complies with MED requirements.

Therefore, the Portuguese Administration must establish procedures to ensure that compliance and particularly address the cases of transfer of flag, where guidance is most required.

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4. MAIN REQUIREMENTS

4.1. MED requires that Marine Equipment installed on board shall:

4.1.1. Bear the wheel mark;

4.1.2. Have a MED Certificate of approval and the manufacturer's Declaration of Conformity.

4.2. Marine Equipment which is not MED compliant can only be installed on board on specific circumstances as foreseen in MED articles 30 and 32.

4.3. However, Marine Equipment already installed on board at the time of transfer of flag, which is neither MED certified nor wheel marked, can be kept on board if considered as equivalent (not applicable to Marine Equipment installed under articles 30 and 32).

4.4. To be considered as equivalent Marine Equipment shall comply with MED requirements and testing standards which were in force at the date of the installation of the equipment on board.

4.5. When statutory ships certificates are endorsed or renewed it shall be ensured that marine equipment on board those ships complies with MED requirements.

5. MED PROCEDURES AT TRANSFER OF FLAG

5.1. When the losing flag is an EU flag:

5.1.1. Verification of the requirements mentioned above in 4.1.1 and 4.1.2;

5.1.2. Verification of Certificates of Equivalence issued by a former EU flag, when applicable;

5.1.3. Non-complying equipment shall be replaced;

5.2. When the losing flag is a non-EU flag:

5.2.1. Verification of the requirements mentioned above in 4.1.1 and 4.1.2;

5.2.2. Verification of Certificates of Equivalence issued by a former EU flag, when applicable;

5.2.3. Identification of Marine Equipment falling in the scope and complying with the requirements mentioned above in 4.3 and 4.4. Relevant Certificates of Equivalence shall be issued (refer to MED, article 7);

5.2.4. Identification of equipment to which neither of the above applies. This equipment shall be replaced.

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6. ISSUANCE OF CERTIFICATES OF EQUIVALENCE

- 6.1. Certificates of Equivalence shall clearly identify the concerned equipment and the standards complied with, including, when applicable, the relevant IMO requirements.
- 6.2. As long as complying with the above, one Certificate of Equivalence may certify several pieces of marine equipment installed on board a ship.
- 6.3. Certificates of Equivalence are issued by DGRM at Companies/Owners request.
- 6.4. Applications for Certificates of Equivalence shall be submitted by Companies/Owners through the concerned RO. Annex 1 - M-DSAM-501(2) to be filled.
- 6.5. Certificates of equivalence shall be kept on board and available for inspection by relevant Authorities at any time.

7. TEMPORARY NON-COMPLIANCE

- 7.1. If at the moment of transfer of flag, compliance with the requirements described in the above sections cannot be completed, namely the issue of applicable Certificates of Equivalence, the relevant statutory certificate shall be issued conditionally valid for 2 months.
- 7.2. During this 2-month period, the issuance of Certificates of Equivalence and/or replacement of equipment shall be completed, or a detailed compliance plan shall be submitted by Companies/Owners through concerned RO to the Administration for evaluation and decision.
- 7.3. Marine equipment installed on board in the scope of articles 30 and 32 can be temporarily kept on board pending authorization by DGRM on a case by case basis.

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8. RO OBLIGATIONS

ROs are therefore authorised to perform the above mentioned tasks on behalf of Portuguese Administration (excluding para. 6.3).

ROs acting on behalf of Administration under the scope of MED verification of compliance are required to keep evidence of the processes, for auditing purposes, taking also in consideration the guidance provided in this circular.

Lisbon, 14 April 2021

The General Director of Natural Resources, Safety, and Maritime Services

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