



MIN 590
Amendment 2 (M+F)

United Kingdom conformity assessment procedures for marine equipment - United Kingdom's Withdrawal from the European Union

Notice to all

- **Manufacturers and Distributors of Marine Equipment**
- **Masters, Officers and Skippers of: Merchant Ships, Fishing Vessels, Small Commercial Vessels and Pleasure Vessels**
- **Ship: Builders, Designers, Operators, Owners and Managers**
- **Marine Consultants, Recognised Organisations, Certifying Authorities and Approved and Nominated Bodies**

*This notice should be read with The Merchant Shipping (Marine Equipment) Regulations 2016 SI 2016/1025 as amended by the Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 SI 2019/470 ("the Regulations"), MSN 1874 Amendment 3 (M+F), MGN 606 (M+F) and MGN 607 (M+F). This MIN expires 31 October 2020
This MIN updates and replaces MIN 590 Amendment 1*

Summary

This Information Note explains the United Kingdom's procedures for conformity assessment and acceptance of marine equipment for UK ships in the event that the UK Withdraws from the European Union without a deal on exit day (31 October 2019).

This Amendment has been issued in light of the UK Government bringing forward Regulations to re-define 'exit day' in the Withdrawal Act 2018. This changes exit day from the 12 April to 31 October 2019 in a 'no-deal' scenario and therefore defers the entry into force of the UK's conformity assessment procedures to 31 October 2019.

1. Introduction

- 1.1 The International Maritime Organization (IMO) International Conventions require flag States to ensure that certain types of safety and pollution prevention equipment (collectively "marine equipment") carried on board ships flying their flag comply with



international design, construction, performance and testing standards and to ensure such equipment is approved as meeting those standards.

- 1.2 Before the United Kingdom ('UK') Withdraws from the European Union ('EU'), its regulatory regime relies on the implementation of the [EU's marine equipment directive \(2014/90/EU\)](#) ('MED') to discharge these international obligations and to meet its objectives to enhance safety at sea and to prevent marine pollution from UK ships.
- 1.3 If the UK withdraws from the EU on 31 October 2019 ('exit day') without a deal, the UK will no longer be part of the MED regime. The Maritime and Coastguard Agency (MCA) has therefore brought forward Regulations, to come into force on exit day to establish UK conformity assessment procedures to ensure that the UK can continue to comply with its international obligations by applying international standards to marine equipment to be placed on UK ships and for the enforcement of those standards. This information note gives information on these UK conformity assessment procedures and highlights the key practical changes from the MED to the UK conformity assessment regime as well as general information on marine equipment acceptance.

2. Objective

- 2.1 The objective in establishing the UK's conformity assessment procedures for marine equipment is to create as little disruption to UK industry as possible by mirroring wherever practicable the existing MED procedures and otherwise facilitating a smooth transition from MED conformity assessment procedures to UK conformity assessment procedures.
- 2.2 More detailed information is set out below and is split into sections with each aimed at a specific stakeholder group.

3. Information for UK ships

- 3.1 In accordance with the IMO Conventions, UK ships are required to carry marine equipment which has been approved to the applicable international standards. The MCA on behalf of the Secretary of State is responsible for discharging this responsibility to approve marine equipment as the flag Administration for UK ships.
- 3.2 Before the UK's withdrawal from the EU, UK ships are required to place marine equipment on board which is 'MED approved'. This marine equipment must have the necessary certification granted by one or more EU 'notified bodies' authorised to carry out conformity assessment tasks under the MED and has the MED's conformity mark (the 'Wheel Mark') affixed to it.
- 3.3 The UK's conformity assessment procedures create a comparable system which utilises 'approved bodies'. These are the previous 'notified bodies' in the UK which are designated by the MCA to carry out conformity assessment activities for marine equipment in the UK. These conformity assessment tasks include issuing the relevant UK certification and affixing the UK's conformity mark (detailed in the annex) to UK approved marine equipment.



- 3.4 To ensure the continued and uninterrupted supply of equipment to UK ships, the Regulations enable marine equipment that meets the MED's requirements to be placed on board UK ships. This is intended to be a time-limited measure.
- 3.5 This continuity approach gives UK ship operators a choice regarding the marine equipment they procure. In summary, on or after exit day, UK ships may place on board either:
- 3.5.1 Marine equipment holding UK conformity approval granted by one or more UK approved bodies, bearing the UK's conformity mark for marine equipment and otherwise compliant with the Regulations; or
 - 3.5.2 Marine equipment holding MED conformity approval granted by one of more EU notified bodies, bearing the EU conformity mark and otherwise compliant with the MED.
- 3.6 However, attention is drawn to the fact that continued acceptance on board UK ships of MED approved marine equipment is intended to be a time limited measure. The reader should note that further legislation would need to be brought forward to phase out the recognition of MED approved equipment and the MCA will continue to work closely with industry before taking a decision on when this continuity should end.

4. Information for manufacturers and other economic operators

- 4.1 Economic operators which produce, sell, make available on the UK market or otherwise offer for supply marine equipment to a UK ship must take into consideration the conformity assessment procedures marine equipment must undergo and the associated certification and conformity marking marine equipment must hold before being placed on board a UK ship.
- 4.2 Before the UK's exit from the European Union, marine equipment placed or to be placed on board a UK ship is required to be approved in accordance with the MED's requirements by one or more EU notified bodies. The equipment is required to be accompanied by a declaration of conformity issued by the manufacturer, hold valid MED certification, and bear the EU's conformity mark for marine equipment (the 'Wheel Mark').
- 4.3 If the UK withdraws from the EU on or after 31 October 2019 without a deal, the UK's conformity assessment procedures for marine equipment will apply. UK ships may then choose between marine equipment holding UK approval and marine equipment holding MED approval. Economic operators wishing to supply equipment to UK ships should be aware that the continued acceptance by the UK of MED approved marine equipment is intended to be a time limited measure.
- 4.4 Regarding the intent to time limit this measure, the reader should note that further legislation would need to be brought forward to phase out the recognition of MED approved equipment and the MCA will continue to work closely with industry before taking a decision on when this continuity should end.



4.5 Economic operators should be aware that UK conformity assessment procedures closely mirror MED conformity assessment procedures for continuity purposes and to minimise disruption to industry. The following key points should be observed regarding UK conformity assessment procedures:

- 4.5.1 The applicable international standards to be met by marine equipment are the same as for MED approved equipment and are listed in Annex 1 to MSN 1874 (M+F) Amendment 3;
- 4.5.2 Conformity assessment activities are conducted on behalf of the MCA by designated UK approved bodies (which were previously EU notified bodies based in the UK);
- 4.5.3 The routes to conformity approval are the same as for MED approved equipment and are based on the modular system (modules B, D, E, F and G) and are specified in schedule 2 of the Regulations;
- 4.5.4 A manufacturer based outside the UK may still opt to appoint an authorised representative in the UK by way of a mandate. However, unlike the EU system, the appointment of an authorised representative is not a mandatory requirement under the UK system;
- 4.5.5 A manufacturer must issue a UK declaration of conformity with marine equipment and the minimum information to be contained in the declaration as specified in Schedule 5 of the Regulations is the same minimum information as required for a MED declaration of conformity; and
- 4.5.6 Marine equipment which has been granted UK conformity approval must be affixed with the UK's conformity mark which is detailed in Annex 5 of MSN 1874 (M+F) Amendment 3 (and is described in the annex to this note for information).

4.6 Additionally, the following transitional/ saving provisions in the Regulations will apply to ease the transition from the MED conformity assessment regime to the UK conformity assessment regime.

- 4.6.1 Firstly, any ongoing application for MED conformity approval lodged with a UK based notified body before exit day will be treated after exit day as if it is an application to a UK approved body for UK conformity approval;
- 4.6.2 Secondly, MED approved marine equipment made available on the EU market or placed on board EU ships before exit day may continue to be made available on the UK market or placed on board a UK ship after exit day; and
- 4.6.3 Thirdly, MED conformity assessment certificates issued by UK based notified bodies before exit day will be treated on or after exit day as if it had been issued by a UK approved body.

5. Information for approved bodies (previously UK notified bodies)



- 5.1 Before the United Kingdom's withdrawal from the EU the MCA, on the authority of the Secretary of State, is the notifying authority for EU notified bodies for marine equipment in the UK and has designated ten UK based EU notified bodies.
- 5.2 On EU exit day, the Regulations provide that these UK based EU notified bodies will automatically become UK approved bodies authorised to carry out UK conformity assessment activities.
- 5.3 The approved bodies will be responsible for the conformity assessment of marine equipment seeking UK approval in accordance with the Regulations. Approved bodies must follow the conformity assessment procedures specified in Schedule 2 of the Regulations and meet the requirements specified in Schedule 3 of the Regulations. These specified procedures and requirements mirror the familiar MED conformity assessment procedures and EU notified body requirements. These procedures/ requirements include:
- 5.3.1 The modular (modules B, D, E, F and G) conformity assessment of marine equipment which are the same as for the MED;
- 5.3.2 The applicable international standards to be applied during conformity assessment are the same as for the MED and are detailed in Annex 1 of MSN 1874 (M+F) Amendment 3;
- 5.3.3 The EU's interpretations of the applicable international standards and of the MED (the MarED Recommendations) will apply as UK interpretations to UK conformity assessment. The MCA will work with the approved bodies to roll over Approved MarED Recommendations in force before exit day to become UK interpretations.
- 5.3.4 A recognised test laboratory meeting ISO/IEC 17025:2017 must be used if the testing is not directly supervised by the approved body itself, as with the MED;
- 5.3.5 The approved body must continue to submit itself for assessment with the United Kingdom Accreditation Service (UKAS) and hold valid accreditation with UKAS to ISO/IEC 17065:2012 in accordance with the Regulations; and
- 5.4 Conformity assessment bodies seeking designation by the Secretary of State for status as an approved body for marine equipment should also be aware of the designation procedure specified in Schedule 4 of the Regulations and read the guidance given in MGN 606 (which replaces MGN 554) which explains the procedures to be followed in seeking designation.

6. The UK's Conformity Mark for Marine Equipment

- 6.1 Before the UK withdraws from the EU, marine equipment to be placed on board a UK ship must have the EU's Wheel mark affixed to it or its supporting documentation as per the MED.
- 6.2 If the UK Withdraws from the EU without a deal and the UK's conformity assessment procedures become applicable, any equipment approved to the UK



system will be required to have the UK conformity mark affixed to it or its supporting paperwork in accordance with the Regulations.

6.3 The UK's Conformity mark for marine equipment is described in Annex 5 to MSN 1874 Amendment 3 as well as instructions for its use. This has been replicated for information in the annex to this information note.

6.4 MSN 1874 Amendment 3 confirms that the UK conformity mark must be affixed in the same way as the wheel mark on MED approved products including but not limited to:

6.4.1 Being legible and permanently marked on the equipment;

6.4.2 Contrasting the background it is marked on such that is either printed or etched on a block white background or transparent background, providing legibility is maintained; and

6.4.3 That the vertical dimension of the conformity mark should be at least 5mm with the ability to waive this for smaller products and/ or where the size of the conformity mark would not provide for legibility due to the size or nature of the product or it is not otherwise practicable to place the mark on the product in which case the mark should be placed on the accompanying paperwork or packaging as with the MED.

7. General information on the administration of the UK's procedures for conformity assessment

7.1 The MCA on behalf of the Secretary of State will continue to act as the Regulatory Authority in the UK for marine equipment. The MCA will continue to monitor the activity of the approved bodies in cooperation with UKAS, conduct market surveillance of marine equipment bearing the UK conformity mark, and will otherwise enforce the Regulations.

7.2 The MCA will also maintain a list of marine equipment which has been granted UK conformity assessment and make this publicly available on the gov.uk website as is seen in the MarED database of marine equipment bearing MED approval.

More Information

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telephone numbers are correct at time of publishing

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Annex – UK Conformity Mark for Marine Equipment

The reader should note that the below image is for information only and that the authoritative version of the UK Conformity mark and requirements for affixing it to marine equipment are in Merchant Shipping Notice 1874 Amendment 3 and the Regulations respectively.

