



MIN 590 Amendment 4 (M+F)

United Kingdom conformity assessment procedures for marine equipment following the transition period

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 (“the Regulations”) as amended by the Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 SI 2019/470 and by the Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019, MSN 1874 Amendment 4 (M+F), MGN 544 (M+F) and MGN 607 (M+F). This MIN expires 31 January 2023.
This MIN updates and replaces MIN 590 Amendment 3.*

Summary

This Information Note explains the United Kingdom’s procedures for conformity assessment and acceptance of marine equipment for UK ships following the end of the transition period on 1 January 2021.

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') withdrew from the European Union ('EU'), its regulatory regime relied on 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 The UK left the EU on 31 January 2020 with a Withdrawal Agreement which included a transition period (also referred to in the legislation as the Implementation Period") which will end at 11:00 p.m. on 31 December 2020. During the transition period, the MED and other EU legislation continue to apply to the UK. However, the MED will no longer apply after the transition period has ended.
- 1.4 The Maritime and Coastguard Agency (MCA) has therefore brought forward regulations to establish UK conformity assessment procedures that will apply after the transition period has ended. These procedures 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. This note gives information on these new UK conformity assessment procedures.
- 1.5 "The Regulations" shall mean the Merchant Shipping (Marine Equipment) Regulations 2016 (SI 2016/1025), as amended.

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 providing wherever practicable a system similar to the existing MED procedures and therefore facilitating a smooth transition from MED conformity assessment procedures to UK conformity assessment procedures.
- 2.2 Businesses are encouraged to be ready for full implementation of the new UK regime as soon as possible after the transition period ends. However, to allow businesses time to adjust, **MED approved equipment can continue to be placed on UK ships until 1 January 2023**, provided MED and UK standards remain equivalent. The government is committed to ensure that the supply of necessary equipment to UK ships is uninterrupted and it has undertaken to conduct an open consultation before ending recognition of MED approved equipment.
- 2.3 MED approved marine equipment placed on board a UK flagged vessel can remain on board for the duration of its operational life and only when items are replaced, after 1st January 2023 must they be replaced with UK approved marine equipment in accordance with the requirements in this MSN.
- 2.4 This approach gives UK ship operators a choice regarding the marine equipment they procure. In summary, from 1 January 2021, UK ships may place on board either:
- 2.4.1 Marine equipment holding UK conformity approval granted by one or more UK Approved Bodies, bearing the UK conformity mark for marine equipment and otherwise compliant with the Regulations; or
- 2.4.2 Until 1 January 2023, marine equipment holding MED conformity approval granted by one or more EEA Notified Bodies, bearing the MED conformity mark and otherwise compliant with the MED; or



2.4.3 Marine equipment in Annex 6 of the latest MSN 1874 (M+F), approved by the US Coast Guard, accompanied by a US declaration of conformity and affixed with the UK conformity mark.

2.5 More detailed information is set out below and is split into sections with each aimed at a specific stakeholder group.

3. Information for UK ship operators

3.1 In accordance with the IMO Conventions, UK ships must 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 had to place marine equipment on board which was 'MED approved'. This marine equipment had to have the necessary certification granted by one or more EU 'Notified Bodies' authorised to carry out conformity assessment tasks under the MED and the MED's conformity mark (the 'Wheel Mark') affixed to it. These requirements will continue to apply in the transition period. From 1 January 2021, the UK conformity assessment regime will come into effect. However, MED approved equipment will continue be recognised until 1 January 2023.

3.3 It must be noted that with respect to the 1 January 2023 date and in order to take into consideration timeframes for shipbuilding, depending on the characteristics of the specific marine equipment, the following meanings of 'placing on board' apply,

- delivery of the equipment to the shipyard if this takes place within 30 months before the first installation of the equipment in its functional position.

3.4 The UK's conformity assessment procedures create a comparable system of 'Approved Bodies'. Organisations that are already designated as EU 'Notified Bodies' in the UK, will continue to be accepted as Approved Bodies for the purposes of conformity assessment tasks for marine equipment in the UK. These conformity assessment tasks include issuing the relevant UK certification and affixing the UK's conformity mark to UK approved marine equipment.

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 had to be approved in accordance with the MED's requirements by one or more EU notified bodies. The equipment had 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'). These requirements continue to apply in the transition period.



4.3 As regards time-limited acceptance of MED approved marine equipment, the reader should note that further legislation will be needed to phase out the recognition of such equipment. The MCA will work closely with the industry to ensure clear guidance is provided well before 1 January 2023.

4.4 The following key points should be observed regarding UK conformity assessment procedures:

4.4.1 The applicable international standards to be met by marine equipment are listed in Annex 1 to the latest version of MSN 1874 (M+F).

4.4.2 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);

4.4.3 The routes to conformity approval are specified in the Regulations;

4.4.4 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;

4.4.5 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 regulation 14 of the Regulations; and

4.4.6 Marine equipment which has been granted UK conformity approval must be affixed with the UK conformity mark which is detailed in Annex 5 of the latest MSN 1874 (M+F) (and is described in the annex to this information note).

4.5 Additionally, the following transitional provisions in the Regulations will apply to ease the transition from the MED conformity assessment regime to the UK conformity assessment regime:

4.5.1 Firstly, any ongoing application for MED conformity approval lodged with a UK based notified body before the end of the transition period will be treated after the end of the transition period as if it is an application to a UK Approved Body for UK conformity approval;

4.5.2 Secondly, MED approved marine equipment made available on the EU market or placed on board EU ships before the end of the transition period may continue to be made available on the UK market or placed on board a UK ship after the transition period; and

4.5.3 Thirdly, MED conformity assessment certificates issued by UK based Notified Bodies before the end of the transition period will be treated on or after the end of the transition period as if it had been issued by a UK approved body.



5. Information for UK 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, was the notifying authority for EU Notified Bodies for marine equipment in the UK and has designated ten UK based EU Notified Bodies.
- 5.2 At the end of the transition period, 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 and meet the requirements specified in Schedules 2 and 3 of the Regulations, respectively. These procedures/ requirements include:
- 5.3.1 The modular (modules B, D, E, F and G) conformity assessment of marine equipment.
- 5.3.2 The applicable international standards to be applied during conformity assessment are detailed in Annex 1 of the latest MSN 1874 (M+F).
- 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 the end of the transition period 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.
- 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 554 which explains the procedures to be followed in seeking designation.

6. The UK's Conformity Mark for Marine Equipment

- 6.1 Before the end of the transition period, 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 When the transition period ends, the UK's conformity assessment procedure will become applicable, requiring any UK approved equipment to have the UK conformity mark affixed to it, or to its supporting paperwork, in accordance with the Regulations.



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

6.4 The latest version of 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.

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 a GOV.UK website as is seen in the MarED database of marine equipment bearing MED approval.

8. Information regarding Northern Ireland and the Marine Equipment Directive

8.1 The UK conformity assessment procedures described in this note will apply for all UK approved equipment manufactured or installed on board UK ships in Northern Ireland, including UK ships with their home port in Northern Ireland. The Marine Equipment Directive will continue to have effect for MED approved equipment in Northern Ireland. Manufacturers and other economic operators based in Northern Ireland who wish to place marine equipment on board ships registered in EU and EEA states after the end of the transition period will need to ensure that such equipment complies with the relevant EU conformity assessment procedures.



9. Supporting Documentation

9.1 The full range of guidance and information can be found in the following MSN and MGN's

9.1.1 MSN 1874 – Amendment 3 marine equipment directive, other approval & standards

<https://www.gov.uk/government/publications/msn-1874mf-amendment-3-marine-equipment-directive-other-approval-standards>

9.1.2 MGN 554 – Marine equipment directive UK applicant Notified Bodies

<https://www.gov.uk/government/publications/mgn-554-mf-marine-equipment-marine-equipment-directive-uk-applicant-notified-bodies>

9.1.3 MGN 557 - Marine equipment directive - strategy and reporting

<https://www.gov.uk/government/publications/mgn-557-mf-marine-equipment-marine-equipment-directive-market-surveillance-strategy-reporting-and-enforcement>

More Information

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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 the latest Merchant Shipping Notice 1874 and the Regulations respectively.

