

S.I. No. 86/2010 — European Communities (Marine Equipment) (Amendment) Regulations 2010.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th March, 2010.*

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Council Directive No. 96/98/EC of December 1996 ¹ as amended by Commission Directive 2009/26/EC of 6 April 2009 ², hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Marine Equipment) (Amendment) Regulations 2010.

(2) These Regulations come into operation on 6 April 2010.

2. The European Communities (Marine Equipment) Regulations 2009 (S.I. No. 259 of 2009) are amended—

(a) in Regulation 3(1) by substituting for the definition of “Marine Equipment Directive” the following:

“ “Marine Equipment Directive” means Council Directive No. 96/98/EC of 20 December 1996¹ (as amended by Commission Directive 98/85/EC of 11 November 1998³, Commission Directive 2001/53/EC of 10 July 2001⁴, Commission Directive 2002/75/EC of 2 September 2002⁵, Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002⁶, Commission Directive 2008/67/EC of 30 June 2008⁷, and Commission Directive 2009/26/EC of 6 April 2009²,”

(b) by substituting for Regulation 8 the following:

“Equipment dangerous to persons or the environment, etc.

8. (1) If the Minister is satisfied that particular equipment of a kind specified in Annex A.1 to the Marine Equipment Directive, even though it bears a mark of conformity, and even though correctly installed, maintained and used for its intended purpose, may compromise the health or safety of the crew of the ship on board which it is, or the health or safety of the ship’s passengers or other persons, or adversely affect the marine environment, he or she may—

(a) direct that the piece of equipment be withdrawn from the market in the State, or

(b) prohibit or restrict its being placed on the market or being used on board an Irish ship.

(2) If the Minister makes a direction, prohibition or restriction under this Regulation about equipment, that equipment is not to be taken to comply with Regulation 4.

(3) Notice of the making of a direction, prohibition or restriction under this Regulation shall be published in the *Iris Oifigiúil*.

(4) A person who contravenes a direction, prohibition or restriction under this Regulation commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(5) An offence under this Regulation may be prosecuted by the Minister.

Inspection of ships.

8A.— A surveyor of ships appointed under section 724 of the Merchant Shipping Act 1894 may board and inspect a ship for the purposes of these Regulations.”, and

(c) by inserting after Regulation 9 the following:

“9A. Despite Regulation 4, equipment referred to in Annex A.1 to the Marine Equipment Directive (as in force on 6 April 2010), and referred to in that Annex as a new item or as having been transferred from Annex A.2 to that Directive to Annex A.1, being equipment that does not comply with the requirements of that Regulation, may be placed on board an Irish ship until 6 April 2012 if the equipment was manufactured before 6 April 2010 in accordance with procedures for type approval in force before that date within the State or the territory of another Member State.”.



GIVEN under my Official Seal,

25 February 2010.

NOEL DEMPSEY,

Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The European Communities (Marine Equipment) Regulations 2009 (S.I. No. 259 of 2009) are amended to transpose Commission Directive 2009/26/EC. This Directive is the latest amendment of Council Directive 96/98/EC on marine equipment. The purpose of the 1996 Directive (and of the amendments to it over the years) is to enhance safety at sea and to prevent marine pollution through the uniform application of the relevant international instruments relating to certain marine equipment. These regulations give effect to the latest amendment to replace the text in Annex A.1. to the 1996 Directive — this annex sets out a list of marine equipment for which detailed testing standards already exist in international instruments. The regulations also provide that transitional arrangements apply until 6 April 2012 for certain marine equipment that was manufactured before 6 April 2010.

1 O.J. No. L46, 17.2.1997, p.25.

2 O.J. No. L113, 6.5.2009, p.1.

3 O.J. No. L315, 25.11.1998, p.14.

4 O.J. No. L204, 28.7.2001, p.1.

5 O.J. No. L254, 23.9.2002, p.1.

6 O.J. No. L324, 29.11.2002, p.53.

7 O.J. No. L171, 1.7.2008, p.16.