

## Regulations of XXX on marine equipment

**Legal basis:** Laid down by the Norwegian Maritime Authority on XXXXXX under the Act of 16 February 2007 No. 9 on ship safety and security (Ship Safety and Security Act) sections 9, 32 and 45, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 29 June 2007 No. 849, Act of 16 June 1994 No. 20 relating to Notified Bodies responsible for carrying out conformity assessments section 7, cf. Formal Delegation of 10 December 1998 No. 1568 and Act of 11 June 1976 No. 79 relating to the control of products and consumer services (Product Control Act) sections 4 and 8, cf. Formal Delegation of 22 September 2003 No. 1924, cf. Formal Delegation of 9 May 2003 No. 567.

**EEA references:** XXXX

### Section 1. *Scope of application*

These Regulations apply to marine equipment placed on board Norwegian ships and mobile offshore units after the dates set out in Annex IV, and to marine equipment to be placed on board ships and mobile offshore units flying an EEA flag.

Marine equipment means equipment listed in Annex A.

### Section 2. *Requirements for marine equipment*

Marine equipment shall satisfy the design, construction, performance and testing requirements set out in Annex A.

Relevant conformity assessments procedures referred to in Annex II shall be used to demonstrate that the marine equipment satisfies the requirements of Annex A.

Marine equipment satisfying the requirements of the second and third paragraphs shall be wheel-marked.

### Section 3. *Wheel-marking of marine equipment*

The form of the wheel mark shall be in accordance with Annex I.

The wheel mark shall be affixed visibly and indelibly to the product or to its data plate. Where relevant, the wheel mark shall be shown in the product's software.

Where affixing pursuant to the second paragraph is not possible on account of the nature of the product, the wheel mark shall be affixed to the packaging or to the accompanying documentation.

The wheel mark shall be affixed at the end of the production phase, along with the year in which the mark is affixed and the identification number of the notified body that has been involved in the quality assurance of the production process.

### Section 4. *The manufacturer's responsibilities*

In addition to ensuring that the relevant requirements of Annex II are satisfied, the manufacturer is responsible for guaranteeing that products to which the wheel mark is affixed are in compliance with section 2, and that the relevant conformity assessment procedure has been carried out. Manufacturer means any person who manufactures marine equipment or has marine equipment designed or manufactured, and markets that equipment under its name or trademark.

The manufacturer shall mark the product with a serial number or similar element that can identify the product. The product shall moreover be marked with contact address and the manufacturer's name or registered trademark.

Where marking pursuant to the second paragraph is not possible on account of the nature of the product, the information shall be indicated on the packaging or in the accompanying documentation.

The product shall be accompanied by the necessary information for correct installation, proper use and maintenance of the product.

When the manufacturer has reason to believe that a product which is wheel-marked by that manufacturer, is not in conformity with section 2, corrective measures shall be implemented immediately to bring that product into conformity. If necessary, the manufacturer shall recall products that have been placed on the market or on board. Where the product presents a risk, the manufacturer shall immediately inform the Norwegian Maritime Authority.

#### Section 5. *Importers and distributors*

Persons or companies established in the EEA are considered importers if they place marine equipment from a third country on the market in the EEA.

Persons or companies in the supply chain other than the manufacturer or the importer, are considered distributors.

The importer shall ensure that the product is marked with the importer's name or registered trademark and contact address.

Where marking pursuant to the third paragraph is not possible on account of the nature of the product, the information shall be indicated on the packaging or in the accompanying documentation.

An importer or distributor who places marine equipment on the market or makes marine equipment available on the market under its name or trademark, has the same responsibilities as the manufacturer when:

- a) such equipment is placed on board an EEA ship;
- b) modifications have been made to products already placed on the market, and these modifications may affect whether the product is in compliance with section 2.

#### Section 6. *Conformity assessment procedures*

The manufacturer or the manufacturer's representative shall choose conformity assessment procedures set out in Annex II. Annex A sets out the conformity assessment procedures that are allowed for the equipment in question.

If module B is used, module D, E or F shall also be used.

Conformity assessments shall be carried out by companies designated as notified bodies pursuant to the Act of 16 June 1994 No. 20 relating to notified bodies.

#### Section 7. *Declaration of conformity*

The manufacturer or the manufacturer's representative shall issue a declaration of conformity in English in accordance with Annex III.

The manufacturer shall provide a copy of the declaration of conformity to the company and to the notified bodies that carried out the conformity assessments.

The company shall keep the declaration of conformity on board the ship or unit where the equipment is placed.

#### Section 8. *Market surveillance*

The Norwegian Maritime Authority has the authority to undertake market surveillance of marine equipment.

The Norwegian Maritime Authority shall be given access to the manufacturer's premises, and the Norwegian Maritime Authority may instruct the manufacturer to make product samples available for control. When the Norwegian Maritime Authority so requires, manufacturers or their representatives, importers and distributors (economic operators) shall

provide all necessary information and documentation in Norwegian or English to demonstrate that a product is in compliance with section 2.

Manufacturers who are not established in the EEA shall, by a written mandate, appoint an authorised representative who can fulfil the manufacturer's obligations to provide information and documentation and to cooperate with the market surveillance authorities.

Economic operators shall keep information about other economic operators to whom they have supplied products or who have supplied them with products. The information shall be kept for at least 10 years after the products were wheel-marked, and in no case for a shorter period than the expected life of the products.

#### *Section 9. Marine equipment presenting a risk to life, health, the environment or material values*

If any marine equipment is found to present a risk to life, health, the environment or material values, the economic operators are obliged to cooperate with the Norwegian Maritime Authority and to see to that necessary corrective measures are implemented for equipment placed on the market and for equipment placed on board.

If any marine equipment is found not to be in compliance with section 2, or when the Norwegian Maritime Authority has reason to believe that a product that is in compliance with section 2, nevertheless presents a risk to life, health, the environment or material values, the Norwegian Maritime Authority may instruct economic operators to implement appropriate corrective measures. If necessary, such instructions may include that products that have been placed on the market or on board, are recalled.

#### *Section 10. Formal non-compliance*

If marine equipment does not satisfy the requirements for marking, technical documentation or declaration of conformity pursuant to sections 3, 4 and 7, the Norwegian Maritime Authority may instruct the economic operators to implement corrective measures.

If the economic operators do not implement sufficient corrective measures in accordance with the first paragraph, the Norwegian Maritime Authority may restrict or prohibit the marine equipment being made available on the market, or require the marine equipment to be recalled.

#### *Section 11. Exemptions from requirement for wheel-marked equipment for technical innovations*

In the event of technical innovation, the Norwegian Maritime Authority may in exceptional circumstances permit marine equipment which is not wheel-marked, to be placed on board. The company must document, by trial or otherwise, that the safety is properly ensured.

For such equipment, the Norwegian Maritime Authority shall issue a certificate as evidence that the equipment may be placed on board. Restrictions or other conditions relating to the use of the equipment shall be set out in the certificate. The certificate shall be kept on board and shall follow the equipment.

#### *Section 12. Exemptions from requirement for wheel-marked equipment for testing and evaluation of equipment*

The Norwegian Maritime Authority may permit marine equipment which is not wheel-marked, and which is not covered by section 11, to be placed on board when the purpose is testing and evaluation of the equipment. Such equipment may not replace, nor be used in such a way that it may interfere with, equipment required pursuant to section 2.

The Norwegian Maritime Authority shall issue a certificate as evidence that the equipment may be placed on board. Restrictions or other conditions relating to the use of the equipment shall be set out in the certificate. The certificate shall be kept on board, be time-limited and shall follow the equipment.

*Section 13. Exemptions from requirement for wheel-marked equipment when replacing equipment in a port outside the EEA*

In exceptional circumstances when marine equipment needs to be replaced in a port outside the EEA, and where it would take unreasonably long time or cause unreasonably high costs to obtain wheel-marked equipment, other equipment may be placed on board.

Such equipment shall be accompanied by a certificate issued by, or on behalf of, a State which has acceded to the relevant convention or conventions. The certificate shall attest compliance with the requirements of the relevant international conventions.

The company shall ensure that the Norwegian Maritime Authority is informed at once of the nature of such other equipment, and shall give a description of its characteristics. In addition, the circumstances causing such equipment to be placed on board shall be described in full.

The company shall as soon as possible provide the Norwegian Maritime Authority with sufficient documentation, including documentation of testing, to enable the Norwegian Maritime Authority to assess whether the equipment complies with section 2.

*Section 14. Exemptions from requirement for wheel-marked equipment when wheel-marked equipment is not available on the market*

When the company can document that any specific wheel-marked equipment is not available on the market, the Norwegian Maritime Authority may permit other equipment to be placed on board.

The equipment shall comply, as much as possible, with the requirements of section 2, and shall be accompanied by an interim certificate issued by the Norwegian Maritime Authority or by another EEA State. The certificate shall provide information on:

- a) the wheel-marked equipment being replaced;
- b) the background for and the necessity of the certificate being issued;
- c) the design, construction and performance requirements on which the certification is based; and
- d) the testing standards applied, if any, for the certification.

*Section 15. Transfer of a ship to the Norwegian flag*

Ships being transferred to the Norwegian flag from a register outside the EEA shall carry marine equipment required in accordance with the relevant international conventions.

The marine equipment shall be wheel-marked. Compliance with international conventions may alternatively be documented in another equivalent way. For such equipment, the Norwegian Maritime Authority shall issue a certificate. Restrictions or other conditions relating to the use of the equipment shall be set out in the certificate.

Marine equipment not satisfying the requirements of the second paragraph shall be replaced.

*Section 16. Exemptions*

For ships with national certificates and mobile offshore units, the Norwegian Maritime Authority may, upon written application, grant exemptions from the requirements of these Regulations if it is necessary and justifiable in terms of safety.

Section 17. *Entry into force*

These Regulations enter into force on 18 September 2016. As from the same date, the Regulations of 29 December 1998 No. 1455 on marine equipment are repealed.