



STATUTORY INSTRUMENTS.

S.I. No. 448 of 2011



EUROPEAN COMMUNITIES (MARINE EQUIPMENT) (AMENDMENT)
REGULATIONS 2011

(Prn. A11/1626)

EUROPEAN COMMUNITIES (MARINE EQUIPMENT) (AMENDMENT)
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I, Leo Varadkar, Minister for Transport, Tourism and Sport, 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 1996¹, as amended by Commission Directive 2010/68/EU of 22 October 2010², hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Marine Equipment) (Amendment) Regulations 2011.

(2) These Regulations come into operation on 10 December 2011.

2. In these Regulations “Regulations of 2010” means the European Communities (Marine Equipment) (Amendment) Regulations 2010 (S.I. No. 86 of 2010).

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

(a) in Regulation 3(1) (inserted by Regulation 2(a) of the Regulations of 2010) 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, Commission Directive 2009/26/EC of 6 April 2009⁸ and Commission Directive 2010/68/EU of 22 October 2010²);”, and

(b) by inserting after Regulation 9A (inserted by Regulation 2(c) of the Regulations of 2010) the following:

¹O.J. No. L46, 17.2.1997, p.25.

²O.J. No. L305, 20.11.2010, p.1.

³O.J. No. L315, 25.11.1998, p.14.

⁴O.J. No. L204, 28.7.2001, p.1.

⁵O.J. No. L254, 23.9.2002, p.1.

⁶O.J. No. L324, 29.11.2002, p.53.

⁷O.J. No. L171, 1.7.2008, p.16.

⁸O.J. No. L113, 6.5.2009, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th September, 2011.*

“9B. Despite Regulation 4, equipment referred to in column 1 of Annex A.1 to the Marine Equipment Directive (as in force on 10 December 2011), 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 10 December 2013 if the equipment was manufactured before 10 December 2011 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,
5 September 2011.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

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

The purpose of this Statutory Instrument is to transpose Commission Directive 2010/68/EU on marine equipment by 10 December 2011. The 2010 Directive amends Council Directive 96/98/EC on marine equipment by substituting a new Annex A. The principal requirement of these Directives is that the equipment placed on board an Irish ship meets the applicable requirements of the international conventions, including MARPOL (prevention of pollution), SOLAS (safety at sea), load lines and collision regulations. The relevant marine equipment is listed in Annex A. Ireland's national legislation on marine equipment is the European Communities (Marine Equipment) Regulations 2009 (S.I. No. 259 of 2009) as amended in 2010. This new Statutory Instrument further amends the 2009 Regulations to substitute an updated Annex A and provide that transitional arrangements apply until 10 December 2013 in respect of certain marine equipment that was manufactured before 10 December 2011.

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