

Decree on Marine Equipment
(925/1998; amendments up to 528/2004 included)

Section 1 — *Scope of application*

- (1) This Decree applies to marine equipment in the case of:
 - 1) new ships; or
 - 2) existing ships
 - a) which have not previously had such equipment; or
 - b) when a piece of equipment that has been used on a ship is renewed if international treaties do not require otherwise.
- (2) This Decree applies to the equipment referred to in annex A.1 of the Marine Equipment Directive.

Section 2 — *Definitions*

For the purposes of this Decree:

- (1) *the Marine Equipment Directive* refers to Council Directive 96/98/EC on marine equipment, as amended by Commission Directives 98/85/EC, 2001/53/EC and 2002/75 EC and the European Parliament and Council Directive 2002/84/EC; (16.6.2004/528)
- (2) *supervisory authority* refers to the Finnish Maritime Administration and, with regard to the properties and technical construction of radio equipment, the Telecommunications Administration Centre;
- (3) *international conventions* refers to the 1966 International Convention on Load Lines (LL; Treaty Series 52/1968), the Convention on the International Regulations for the Prevention of Collisions at Sea, 1972 (ColReg; Treaty Series 30/1977), the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL; Treaty Series 51/1983) and the International Convention for the Safety of Life at Sea, 1974 (SOLAS; Treaty Series 11/1981), and to protocols and later amendments relating to these; (16.6.2004/528)
- (4) *testing standards* refers to standards drawn up by the International Maritime Organization (IMO), International Standards Organization (ISO), International Electrotechnical Commission (IEC), European Committee for Standardization (CEN), European Committee for Electrotechnical Standardization (CENELEC) and European Telecommunications Standards Institute (ETSI) that have been drawn up to determine testing methods and test results under international conventions and the resolutions and circulars of the International Maritime Organization (IMO), as they stand in annex A.1 of the Marine Equipment Directive and as later amended; (16.6.2004/528)
- (5) *module* refers to methods of conformity assessment;
- (6) *ship* refers to ships falling under the scope of international conventions, excluding warships;

- (7) *new ship* refers to a ship whose keel was laid or a ship in a similar stage of construction on or after 17 February 1997; and
- (8) *existing ship* refers to ships that are not new ships.

Section 3 — *Equipment requirements*

- (1) Equipment referred to in this Decree that has been installed or placed on Finnish ships after this Decree comes into force shall conform to the requirements of international conventions, International Maritime Organization (IMO) resolutions and circulars, and international test standards, as laid down in the Marine Equipment Directive.
- (2) Conformity must be proved in accordance with appropriate test standards and conformity assessment. In the case of equipment covered by both IEC and ETSI test standards, either standards may be applied, and the manufacturer or its representative established within the Community may choose the standard to be applied from among corresponding standards.

Section 4 — *Free movement of equipment*

Equipment that is covered by this Decree and carries a mark indicating that it conforms to requirements or is otherwise in compliance with this Decree may be freely placed on the market and installed or placed on a Finnish ship.

Section 5 — *Conformity assessment procedure*

The conformity assessment procedure comprises:

- (1) An EC type examination (module B) and one of the following EC declarations of conformity according to the choice of the manufacturer or its authorized representative established within the Community, made before the product is placed on the market (with the options allowed in annex A.1 of the Marine Equipment Directive):
 - a) conformity to type (module C);
 - b) production quality assurance (module D);
 - c) product quality assurance (module E); or
 - d) product verification (module F);
- (2) full EC quality assurance (module H); or
- (3) where sets of equipment are manufactured individually or in small quantities and not in series or in mass, EC unit verification (module G).

Section 6 — *Conformity mark*

- (1) A conformity mark shall be affixed by the manufacturer or its authorized representative established within the Community on equipment referred to in this Decree that meets the requirements of section 3, subsection 1, and has been manufactured in compliance with the conformity assessment procedure.
- (2) The mark shall be affixed to the piece of equipment or its data plate so that it will remain legible throughout its anticipated useful life. If this is not possible or warranted because of the nature of the piece of equipment, the mark shall be affixed to the product's packaging or label, or a leaflet that must be retained.
- (3) Other marks may not be affixed if it is possible that third parties may mistake them for the mark referred to in this section.
- (4) The mark shall be affixed at the end of the production stage.

Section 7 — *Marked equipment and preliminary inspection*

- (1) Using a piece of equipment with a conformity mark in compliance with this Decree may not be made subject to requirements concerning its other use.
- (2) For the purpose of ensuring compliance with the requirements of this Decree, the supervisory authority may, at its own expense, inspect equipment available on the Finnish market that carries the conformity mark but has not yet been installed or placed on a ship.
- (3) The supervisory authority may assess a piece of equipment installed or placed on a Finnish ship, notwithstanding a mark affixed to it, if international legal documents on safety or the prevention of environmental pollution require operative tests on board ship. Conformity assessments that have already been performed may not be repeated in connection with such tests. In such cases, the manufacturer of the piece of equipment, the manufacturer's representative established within the Community or the person that has placed the piece of equipment on the Community's market shall provide the supervisory authority with any inspection and test reports it requests.

Section 8 — *Prohibitions and restrictions*

The Government shall immediately notify the Commission and the Member States of prohibitions or restrictions referred to in section 10 of the Water Traffic Act (463/1996) and covered by this Decree concerning the marketing and use of a piece of equipment covered by this Decree.

Section 9 — *Unauthorized mark*

If the conformity mark has been affixed to a piece of equipment that does not conform to requirements, the supervisory authority shall take appropriate action against the party that has affixed the mark. The supervisory authority shall notify the Commission and the Member States of the measures it has taken.

Section 10 — *Technical innovations*

- (1) The supervisory authority may allow the instalment or placement on a Finnish ship of a piece of equipment that is deemed an exceptional technical innovation, even if it does not conform to requirements, provided that it can be shown by tests that treat equipment produced in other states equally or otherwise that such a piece of equipment is at least as effective as a piece of equipment that does conform with the requirements. Radio equipment may not have an adverse effect with regard to requirements concerning radio frequency spectrums.
- (2) The supervisory authority shall issue a certificate concerning equipment referred to in subsection 1 which must always accompany the equipment and which includes a permit to install or place the equipment if the terms and regulations referred to in the certificate are observed.
- (3) The supervisory authority shall provide the Commission and the Member States with detailed information on measures referred to in subsection 1, and also provide them with all reports on tests and assessments conducted and conformity assessment procedures.

- (4) The supervisory authority may take necessary action to verify that a piece of equipment is effective as required in subsection 1 when a ship registered abroad that has such equipment is transferred to the Finnish ship register.

Section 11 — *Equipment tests*

- (1) Notwithstanding the provisions of section 3, the supervisory authority may allow equipment that does not conform to requirements or a technical innovation referred to in section 10 to be installed or placed on a Finnish ship, provided that the following terms are met:
 - a) the supervisory authority has issued a certificate for the equipment that must always accompany the equipment and includes a permit to install or place the equipment on the ship under the terms laid down therein;
 - b) the permit is valid for a short time; and
 - c) the ship has corresponding equipment that conforms to requirements and is in working condition and ready for immediate use.
- (2) Radio equipment shall not have an adverse effect with regard to requirements of the radio frequency spectrum.

Section 12 — *Exceptional circumstances*

- (1) If equipment on a Finnish ship has to be replaced outside the European Community in exceptional circumstances, which must be justified to the supervisory authority, and if it is not possible to install or place a product that has EC type approval in reasonable time or because of delays or cost, some other product may be installed or placed on the ship, if:
 - 1) it is accompanied by documents issued by a recognized body corresponding to a notified body, and if the European Community has entered into an agreement on the mutual recognition of such bodies with the state where the body is located; or
 - 2) where paragraph 1 cannot be applied if the documents accompanying the equipment have been issued by a member state of the International Maritime Organization (IMO), which must, as a party to international conventions, observe International Maritime Organization (IMO) requirements concerning the equipment, and if subsection 2 does not provide otherwise.
- (2) The supervisory authority shall be notified immediately of equipment referred to in subsection 1. The supervisory authority must ensure as soon as possible that such equipment and its test documents meet appropriate requirements. Radio equipment shall not have an adverse effect with regard to requirements of the radio frequency spectrum.

Section 13 — *Notified body*

- (1) The Council of State nominates the bodies authorized to function as notified bodies in conformity assessment procedures.
- (2) To become a notified body, a body must meet the requirements of such bodies. The Centre for Metrology and Accreditation verifies the competency of a body before it is nominated, and verifies at least every other year that it continues to meet the requirements. The body must provide the Centre for Metrology and Accreditation with the information required for the assessment of competence.

- (3) When a notified body no longer meets the requirements referred to in subsection 2, the Council of State may cancel its nomination as a notified body.
- (4) It is the Council of State's duty to notify the Commission and the authorities of Member States of nominations referred to in subsection 1 and of cancellations referred to in subsection 3.

Section 14 — *Certain duties of the supervisory authority*

- (1) When the supervisory authority grants and renews safety certificates, it shall ensure that the equipment of a Finnish ship conforms to this Decree.
- (2) When a ship sailing under the flag of a state that is not a member of the European Community is transferred to the Finnish register, the supervisory authority shall, during the transfer process, ensure that the condition of the ship's equipment complies with safety certificates and that the equipment conforms to this Decree or corresponds to equipment as required by this Decree. The supervisory authority shall grant a certificate to equipment it deems to correspond; the certificate shall be kept with the equipment and it shall include a permit to install or place the equipment on the ship under the terms laid down therein.
- (3) If the equipment of the ship to be transferred does not carry a conformity mark or if the supervisory authority does not deem it to be corresponding equipment as referred to in subsection 2, the authority shall order the ship's equipment to be replaced.
- (4) The supervisory authority shall ensure that the ship's radio equipment do not have an adverse effect with regard to requirements of the radio frequency spectrum.

Section 15 — *More detailed provisions and regulations*

- (1) When needed, the competent ministry may issue more detailed provisions on the implementation of this Decree.
- (2) The Finnish Maritime Administration will issue more detailed regulations and instructions on the equipment referred to in this Decree, the conformity assessment procedure, the requirements concerning notified bodies, and the conformity mark.
- (3) The Telecommunications Administration Centre may issue more detailed regulations and instructions concerning the properties and technical construction of radio equipment.

Section 16 — *Entry into force and transitional provisions*

- (1) This Decree enters into force on 1 January 1999. Measures required to implement this Decree may be taken before it comes into force.
- (2) Equipment referred to in this Decree and manufactured before 1 January 1999, may be installed or placed on Finnish ships for a period of two years as of said date, provided that the equipment has been manufactured in compliance with the type approval procedures in force in Finland before 20 December 1996.

Council Directive 96/98/EC, Official Journal L046, 17/02/1997, p. 25.