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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Delegations will find attached document COM(2019) 34 final.

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
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**on the exercise of power to adopt delegated acts conferred on the Commission under  
Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on  
marine equipment**

# REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

## on the exercise of the power to adopt delegated acts conferred on the Commission under Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment

### 1. BACKGROUND

Article 37(1) of Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment<sup>1</sup> confers on the Commission the power to adopt delegated acts subject to the conditions laid down in the article. Under Article 37(2) of the Directive, the power to adopt delegated acts is conferred for a period of five years from 17 September 2014. The period ends on 17 September 2019. The Commission is authorised in accordance with Article 37 to adopt delegated acts referred to in Articles 8, 11, 27 and 36 of the Directive.

These delegated acts may concern:

- Article 8: the adoption of harmonised technical specifications and testing standards
  - in the absence of an international standard and
  - due to a serious weakness or anomaly in an existing standardfor a specific item of marine equipment in exceptional circumstances where duly justified by an appropriate analysis and in order to remove a serious and unacceptable threat to maritime safety, to health or to the environment and taking into account any ongoing work at IMO level.
- Article 11: the identification of specific items of marine equipment which can benefit from an electronic tagging.
- Article 27: interim harmonised requirements and testing standards for specific items of marine equipment subject to an EU safeguard procedure where the non-compliance of the marine equipment is attributed to shortcomings in the testing standards.
- Article 36: updates of the references to standards contained in Annex III dealing with the requirements to be met by conformity assessment bodies in order to become notified bodies (currently EN ISO/IEC 17065:2012 and EN ISO/IEC 17025/2005).

In accordance with Article 37(2) of Directive 2014/90/EU, the Commission must draw up a report on the delegation of power not later than nine months before the end of the five-year period. The delegation of power is to be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

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<sup>1</sup> OJ L 257, 28.08.2014, p. 168.

**2. COMMISSION EXERCISE OF DELEGATED POWERS UNDER DIRECTIVE 2014/90/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 23 JULY 2014 ON MARINE EQUIPMENT**

The Commission has exercised the power to adopt delegated acts conferred on it by Directive 2014/90/EU once during the reporting period.

The adopted act is the Commission Delegated Regulation (EU) 2018/414 of 9 January 2018 supplementing Directive 2014/90/EU of the European Parliament and of the Council as regards the identification of specific items of marine equipment which can benefit from electronic tagging.

It was adopted in accordance with Article 11 of the Marine Equipment Directive. This identification of marine equipment which can benefit from electronic tagging was necessary in order to enable the voluntary use of electronic tags by economic operators, to facilitate market surveillance and to prevent the counterfeiting of specific items of marine equipment.

**3. CONCLUSIONS**

The Commission sees the need to extend the empowerment because of the need to supplement or amend respective provisions of the Directive to a constantly changing list of marine equipment items falling into the scope of the Directive (Article 11), to updated international standards linked to the requirements to be met by conformity assessment bodies (Article 36) and in order to remove serious and unacceptable threats to maritime safety, to health or to the environment within a short time span should this become necessary (Articles 8 and 27).