



EUROPEAN COMMISSION  
Impact Assessment Board

Brussels,  
D(2012)

**Opinion**

**Title**                    **DG MOVE - Impact Assessment on a proposed directive on marine equipment**

**(resubmitted draft version of 23 July 2012)\***

**(A) Context**

In order to ensure high safety levels in the performance of the equipment carried on board ships, international conventions adopted under the auspices of the International Maritime Organization (IMO) require marine equipment to conform to certain safety regulations. In this context, the Marine Equipment Directive (MED) has laid down common standards which provide a harmonised interpretation and implementation of the above mentioned IMO rules for the performance of marine equipment to be placed on board ships flying the flag of one of the EU Member States. Through this framework, the objective of this Directive is to contribute to safety at sea, to prevent marine pollution and to ensure the free movement of marine equipment within the EU. The legislative technique used in MED to achieve its policy objectives is largely based on the principles defined in the New Approach for the area of free movement of goods, which has been revised in 2008 to establish the New Legislative Framework (NLF). Pursuant to this reform, the Commission proposed the alignment of 10 technical harmonisation directives in 2011. Due to its important specificities (marine equipment has to fulfil IMO international standards, and some of these requirements may differ from existing product requirements under existing EU legislation), the MED was not included in this mainstream alignment, but remained a separate exercise.

**(B) Overall assessment**

**The report has been significantly improved along the lines of most of the recommendations issued by the Board in its first opinion. Further work should be done to strengthen the baseline scenario. The expected simplification and regulatory burden reduction benefits should be analysed more explicitly, especially as SMEs represent the majority of the equipment sector. More detail should be given on the monitoring and evaluation arrangements, especially with regard to impact indicators that will help overcome the data problems encountered in the drafting of the present IA and the content, focus and timing of the planned evaluation. Finally the report should provide more references to stakeholder input throughout the report.**

\* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

### **(C) Main recommendations for improvements**

**(1) Strengthen the baseline scenario.** The report should strengthen the presentation of the expected development under the baseline scenario, preferably with some quantitative indicators of the magnitude of the problem for the different actors involved. The report should also be more explicit about the way in which updated consultation input is reflected in the analysis. It should explain why apparently no comprehensive ex-post evaluation of the directive has been undertaken before its revision, to complement stakeholder input. The references in Annex 6 to the IA for the revision of the New Approach should be made more precise (page references, links to supporting documents etc.).

**(2) Explain and present the simplification and regulatory burden reduction benefits more clearly.** The report should assess in greater detail how the different options deliver on the simplification objective, and how the benefits for different actors, especially for SMEs are expected to work out in practice. The report should improve the cross-links to the quantitative information in the Annexes (e.g. Annex 12) and provide some quantitative illustration of the simplification benefits and regulatory burden reductions for the main policy options.

**(3) Strengthen the monitoring and evaluation section.** Because the report explains that there are serious data problems, it should provide more detail on the ways in which the revised directive will improve this in an effective way. It should also list a number of relevant indicators that will be used to monitor the effectiveness and efficiency of the new market surveillance arrangements. The report should also be more explicit about the content, focus and timing of the planned evaluation.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report*

### **(D) Procedure and presentation**

The report should provide more references to stakeholder input and their different views throughout the report. The list of relevant Maritime Conventions in Annex 13 should also give links to enable the reader to consult the full relevant texts.

### **(E) IAB scrutiny process**

Reference number	2008/MOVE/004
External expertise used	No
Date of IAB meeting	Written procedure An earlier version of this report was submitted to the IAB in July 2009, for which the Board has issued an opinion on 11 September 2009.