



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate D - Waterborne  
D.2 - Maritime safety

Brussels,  
MOVE/D2/MS

Marine Equipment Expert Group

Ships and Maritime Equipment  
Association (SEA Europe)

European Community Shipowner's  
Association (ECSA)

Cruise Lines International  
Association Europe (CLIA Europe)

MarED Technical Secretariat

**Subject: Provisions for marine equipment in the draft EU – UK Withdrawal Agreement**

Dear stakeholders,

On 28 February 2018 the Commission published a Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

In its chapter on goods, it contains a number of provisions which are also relevant for marine equipment:

In Article 36 (Definitions relating to goods placed on the market) the term "putting into service" is defined as follows:

*d) "putting into service" means the first use of a good within the Union or the United Kingdom by the end user for the purposes for which it was intended or, in the case of marine equipment, placing on board.*

Further on, Article 37.1 (Continued circulation of goods placed on the market) determines that any good that was lawfully placed on the Union market or the United Kingdom's market before the end of the transition period may:

*(a) be further made available on the market of the Union or of the United Kingdom and circulate between these two markets until it reaches its end-user:*

(b) where provided in the applicable provisions of Union law, be put into service in the Union or in the United Kingdom.

With these provisions legal certainty is created regarding the treatment of marine equipment lawfully placed on the EU or UK market before the end of the transition period foreseen to end by 31 December 2020.

Article 38 (Proof of placing on the market) also requires that:

*Where an economic operator relies on Article 37(1) with respect to a specific good, that operator shall bear the burden of proof of demonstrating, on the basis of any relevant document, that the good was placed on the Union market or the United Kingdom's market before the end of the transition period.*

In addition, Article 42 (Making available of information held by notified bodies established in the United Kingdom or in a Member State) will put an obligation on UK notified bodies (and vice versa) to transfer information in relation to their activities as a notified body to an EU 27 notified body if requested by a conformity assessment certificate holder. The EU 27 notified body will then be able to issue the required new certificates for EU ships.

The draft agreement is available on the Commission's website: [https://ec.europa.eu/commission/publications/draft-withdrawal-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community\\_en](https://ec.europa.eu/commission/publications/draft-withdrawal-agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community_en).

See also: [https://ec.europa.eu/growth/content/brexit-%E2%80%93-guidance-stakeholders-impact-field-industrial-products\\_en](https://ec.europa.eu/growth/content/brexit-%E2%80%93-guidance-stakeholders-impact-field-industrial-products_en)

Yours sincerely,

(E-signature)  
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Head of Unit