

# Gibraltar Merchant Shipping (Safety, etc.)

## GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

Regulations made under s. 59 and 118.

## GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

**Repealed by LN. 2016/187 as from 18.9.2016**

**(LN. 2002/061)**

**12.11.2002**

Amending enactments	Relevant current provisions	Commencement date
LN. 2004/053	r. 2(1) and Sch.1	1.7.2004
2010/058	rr. 2(1), 5(3) & (4), 6(4), 23, 24(1) & Sch.1	29.3.2010
2012/025	rr. 2(1), 5(1), (2)(a) & (5)	5.3.2012
2012/130	r.5(6)	4.10.2012
2013/166	r. 5(5) & (6)	30.11.2013
2014/215	r. 5(6)	4.12.2014
2015/110	r. 5(6)	14.8.2015
2016/087	r. 5(5) & (6)	30.4.2016

### **Transposing:**

Directive 96/98/EC

Directive 2011/75/EU

Directive 2012/32/EU

Directive 2013/52/EU

Directive 2014/93/EU

### **EU Legislation/International Agreements involved:**

Directive 98/85/EC

Directive 2001/53/EC

Directive 2002/75/EC

Directive 2002/84/EC

Directive 2010/68/EU

Regulations

**PART I  
PRELIMINARY**

1. Title.
2. Interpretation.
3. Application of these Regulations.
4. Designation of bodies or agencies.

**PART II  
REQUIREMENTS FOR EQUIPMENT**

5. Standards for equipment.
6. Exception for technical innovation.
7. Exception for testing or evaluation.
8. Transfer of a ship to the Gibraltar register.
9. Replacement of equipment outside European Community.

**PART III  
EC CONFORMITY-ASSESSMENT PROCEDURE**

10. EC conformity-assessment procedure.
11. EC type-examination.
12. EC declaration of conformity to type procedure.
13. EC production quality assurance and product quality assurance procedures.
14. EC product verification procedure.
15. EC full quality assurance.
16. EC unit verification.
17. Affixing of mark of conformity.

**PART IV  
ENFORCEMENT**

18. Duty to maintain copies, etc.
19. Withdrawal of approval of quality system.
20. Unauthorised use of mark of conformity.
21. Sample checks on equipment.
22. Defective equipment.
23. Delegation of powers.
24. Appeals.
25. Offences and penalties.
26. Defence to offences.
27. Power to detain.

**Gibraltar Merchant Shipping (Safety, etc.)**  
**GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT)**  
**REGULATIONS, 2002**

---

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

**SCHEDULE 1**  
ARTICLE 2 OF THE DIRECTIVE

**SCHEDULE 2**  
MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER  
STATES FOR THE DESIGNATION OF BODIES

**SCHEDULE 3**  
TECHNICAL DOCUMENTATION TO BE SUPPLIED BY THE  
MANUFACTURER TO THE NOTIFIED BODY

**SCHEDULE 4**  
MARK OF CONFORMITY

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

*In exercise of the powers conferred on it by sections 59 and 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other enabling powers, and for the purposes of transposing into the law of Gibraltar Council Directive 96/98/EC on Marine Equipment as amended from time to time, the Government has made the following Regulations:*

#### **PART I** **PRELIMINARY**

##### **Title.**

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Marine Equipment) Regulations, 2002.

##### **Interpretation.**

- 2 .(1) In these Regulations—

“Annex A” means Annex A to the Directive in its up-to date version as in force at the time of reference;

““Annex A.1” means Annex A.1 to the Directive;

“Annex A.2” means Annex A.2 to the Directive;

“applicable international standards” means the requirements of the relevant international conventions as specified in Merchant Shipping Notice MSN 1734(M+F) which the equipment must satisfy;

“Directive” means Council Directive 96/98/EC of 20 December 1996 on marine equipment as amended from time to time;

“EC declaration of conformity to type procedure” means the procedure specified in regulation 12 ;

“EC design-examination certificate” means the certificate issued by a notified body in respect of equipment under regulation 15(7);

“EC full quality assurance procedure” means the procedure specified in regulation 15;

“EC production quality assurance procedure” means the procedure specified in regulation 13;

# Gibraltar Merchant Shipping (Safety, etc.)

## GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

“EC product quality assurance procedure” means the procedure specified in regulation 13;

“EC product verification procedure” means the procedure specified in regulation 14;

“EC type-examination certificate” means the certificate issued by the notified body in respect of equipment under regulation 11(5);

“EC type-examination procedure” means the procedure specified in regulation 11;

“EC unit verification conformity-assessment procedure” means the procedure specified in regulation 16;

“flag member State” includes all Administrations operating a Registry of Ships which are considered as a Member State’s register;

“international voyage” means a voyage–

- (i) from a country to which the 1974 International Convention for the Safety of Life at Sea applies to a port outside that country, or conversely ; or
- (ii) between Gibraltar and a port outside Gibraltar;

“mark of conformity” means the mark referred to in regulation 17;

“Maritime and Coastguard Agency” means the executive agency so named of the United Kingdom;

“Member State” means a State within the European Economic Area;

“MSN 1734 (M+F)” means the Merchant Shipping Notice of the Maritime and Coastguard Agency on Type Approval of Marine Equipment (EC Notified Bodies) and reference to MSN 1734 (M+F) includes reference to any Merchant Shipping Notice amending or replacing that Notice which is considered by the Minister to be relevant from time to time;

“notified body” means the agency or body designated under regulation 4.

(2) Unless given a different meaning in these Regulations, words and expressions specifically given a meaning by Article 2 of the Directive which is set out in Schedule 1 shall have that meaning in these Regulations.

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

(3) Where a ship is managed by a person other than the owner, whether on behalf of the owner or of some other person or on his own behalf, a reference in these Regulations to the owner shall mean the owner or the bare-boat charterer or an organization or a person who assumes the responsibility for the operation of the ship.

#### **Application of these Regulations .**

3. These Regulations shall apply to—

- (a) all ships registered in Gibraltar which are over 24m in length; and
- (b) other ships which—
  - (i) are below that size but employed in commercial activity;
  - (ii) are passenger ships; or
  - (iii) trade in ships engaged on an international voyage.

#### **Designation of bodies or agencies.**

4.(1) Where it appears to the Minister that any relevant body or agency, who has qualifications and technical experience in maritime affairs, satisfies the minimum criteria specified in Schedule 2, he may, on its application or otherwise, with or without any condition, designate that body or agency by notice in the Gazette, to carry out any of the functions mentioned in subregulation (2).

(2) The designation referred to in subregulation (1) may be made—

- (a) for the purposes of all or any of the functions to be performed by notified bodies under these Regulations;
- (b) in relation to all equipment to which these Regulations apply or only such equipment as may be specified;
- (c) for an unlimited period, or for a specified period, or for specified purposes; and
- (d) subject to conditions (including conditions which are to apply upon or following withdrawal of the designation).

(3) The Minister may withdraw a designation if—

- (a) the designated body so requests;
- (b) the body fails to comply with any condition imposed under subregulation (2); or
- (c) the designated body is unable to comply with the minimum criteria specified in Schedule 2.

(4) The Minister may vary or amend a designation if—

- (a) the designated body so requests; or
- (b) having regard to these Regulations or the Directive, it appears to him necessary or expedient to do so.

(5) The Minister may, from time to time, carry out inspections of the functions performed by a designated body under these Regulations with a view to verifying whether the body complies with the conditions attached to its designation and the provisions of these Regulations and the Directive, and in particular, the inspection shall verify that the body still complies with the minimum criteria specified in Schedule 2.

(6) Where the Minister—

- (a) refuses an application for designation under subregulation (1) or imposes any condition more onerous than those proposed by the body;
- (b) withdraws a designation under subregulation (3); or
- (c) varies or amends a designation under subregulation (4)(b),

he shall inform the body in writing of the grounds for his decision.

(7) If for any reason a designated body ceases to be a designated body under this regulation, the Minister may designate another designated body to take over its functions in respect of such cases as he may specify.

## **PART II**

### **REQUIREMENTS FOR EQUIPMENT**

#### **Standards for equipment.**

5.(1) Subject to subregulation (3) and regulations 6, 7 and 9 of these Regulations, equipment specified in Annex A which is placed on board either a new ship or an existing ship, unless it is placed on board the ship to

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

replace equipment carried on the ship and the relevant international convention which requires that such equipment be carried makes different provision as to the standard of performance or assessment for such replacement equipment, on or after the date on which these Regulations come into force, shall comply with the applicable international standards.

(2) Equipment shall not be taken to comply with the applicable international standards referred to in subregulation (1) unless—

- (a) it satisfies the testing standards of the relevant international conventions, as specified in Annex A; and
- (b) it has been manufactured in accordance with the EC conformity-assessment procedure as specified in regulation 10 and the mark of conformity, identification and last two digits of the year in which the mark was affixed, have been affixed in pursuance of regulation 17.

(3) Notwithstanding subregulation (1), equipment may be—

- (a) supplied for use or exposed or offered for supply in Gibraltar; and
- (b) placed on board a ship, the relevant safety certificate of which was issued by or on behalf of a Member State in accordance with the relevant international convention,

if the equipment meets the relevant transitional conditions as specified in MSN 1734 (M+F).

(4) For the purposes of subregulation (3), transitional conditions specified by MSN 1734 (M+F) shall only be relevant if they arise from or in connection with the Directive.

(5) Where any equipment listed in column 1 of Annex A.1 as having been transferred from Annex A.2 which was manufactured before 30 April 2016 in conformity with procedures for type-approval already in force before that date, may continue to be placed on the market and on board a Community ship until 30 April 2018.

#### **Exception for technical innovation.**

6.(1) Notwithstanding regulation 5, in exceptional circumstances of technical innovation, the Minister may allow equipment which does not comply with the EC conformity-assessment procedures specified in regulation 10 to be placed on board a ship if he is satisfied, by trial or

otherwise, that such equipment is at least as effective as the equipment which does comply with those procedures.

(2) The Minister shall only allow radio communications equipment to be placed on board a ship in the circumstances mentioned in subregulation (1) if he is satisfied that such equipment does not unduly affect the requirements of the radio-frequency spectrum.

(3) The Minister shall issue a certificate in respect of any equipment which he allows to be placed on board a ship under subregulation (1) which certificate shall—

- (a) record the Minister's approval of the equipment;
- (b) specify any restrictions or conditions on the use of the equipment; and
- (c) be carried on board the ship with the equipment at all times.

(4) If a ship registered other than in Gibraltar with equipment on board which has received the approval of its flag member State in pursuance of Article 14 of the Directive is transferred to the Gibraltar register, the Maritime Administrator may take the necessary measures, including carrying out such tests and practical demonstrations as are considered necessary, to ensure that the equipment is at least as effective as the equipment which does comply with the EC conformity-assessment procedures.

**Exception for testing or evaluation.**

7.(1) Notwithstanding regulation 5, the Minister may allow equipment which does not comply with either the EC conformity-assessment procedures specified in regulation 10 or regulation 6 above, to be placed on board a ship to facilitate the testing or evaluation of such equipment if—

- (a) the Minister issues a certificate in respect of the equipment which complies with the conditions specified in subregulation (2);
- (b) the permission in respect of the equipment is limited to a short period of time; and
- (c) the equipment is not exclusively relied on in place of equipment which satisfied the requirements of regulation 5 or used to replace any such equipment.

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

(2) The conditions mentioned in subregulation (1) in respect of a certificate issued under that subregulation are—

- (a) it shall record the Minister's approval for the equipment to be placed on board;
- (b) it shall specify any restrictions or conditions on the use of the equipment; and
- (c) it shall be carried with the equipment at all times.

(3) The Minister shall only allow radio communications equipment to be placed on board a ship in the circumstances mentioned in subregulation (1) if he is satisfied by trial or otherwise that such equipment does not unduly affect the requirements of the radio-frequency spectrum.

#### **Transfer of a ship to the Gibraltar register.**

8.(1) Where a ship is transferred to the Gibraltar register, the Minister shall inspect the equipment on board to which these Regulations apply to verify that the condition of such equipment corresponds to its safety certificates and that either it complies with regulation 5 or is equivalent.

(2) If the Minister is not satisfied that equipment on a ship transferred to the Gibraltar register complies with regulation 5 or is equivalent, he shall direct in writing that the owner replace the equipment.

(3) Notwithstanding regulation 5, if, in respect of a ship transferred to the Gibraltar register, the Minister considers that any equipment on board does not comply with regulation 5 but is equivalent he shall issue a certificate in respect of such equipment which shall—

- (a) record the Minister's approval of the equipment;
- (b) specify any restriction or conditions on the use of the equipment; and
- (c) be carried on board the ship with the equipment at all times.

(4) The provisions of regulation 7(3) apply to the case of radiocommunications equipment on board a ship transferred to the Gibraltar register.

(5) For the purposes of this regulation, any piece of equipment that complies with the applicable international standards shall be considered equivalent.

**Replacement of equipment outside European Community.**

9.(1) Notwithstanding regulation 5, where equipment to which these Regulations apply must be replaced in a port outside the European Community and it is not practicable for reasons of time, delay or cost to replace the equipment with equipment which complies with the requirements of regulation 5, equipment which does not comply with that regulation may be placed on board the ship if the conditions specified in subregulation (2) are complied with.

(2) The conditions referred to in subregulation (1) are—

- (a) the replacement equipment shall be accompanied by documentation issued by an organization equivalent to a body designated under regulation 4 which is recognised, on the basis of a mutual agreement, by a Member State and the country in which the port is located; or
- (b) if it is impossible to comply with paragraph (a), the equipment shall be accompanied by documentation issued by a member State of the International Maritime Organisation which is a party to the relevant international convention certifying that the equipment complies with the applicable international standard.

(3) If equipment is replaced on a ship in accordance with subregulation (1), the owner of the ship shall inform the Minister immediately of the nature and characteristics of the equipment and the circumstances rendering it impracticable to place equipment on board which complied with the requirements of regulation 5.

(4) The Minister shall ensure that equipment replaced outside the European Community under subregulation (1) complies with the requirements of regulation 5 and may carry out such tests on the equipment as he considers necessary for this purpose.

(5) The provisions of regulation 7(3) apply if the equipment which is replaced in a port outside the Community under to subregulation (1) is radiocommunications equipment.

**PART III**

**EC CONFORMITY-ASSESSMENT PROCEDURE**

**EC conformity-assessment procedure.**

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

10.(1) Subject to subregulation (2), the EC conformity-assessment procedure in accordance with which equipment shall be manufactured is—

- (a) the EC type-examination procedure and, subject to the limitations specified in Annex B to MSN 1734 (M+F), one of the following—
  - (i) the EC declaration of conformity to type procedure;
  - (ii) the EC production quality assurance procedure;
  - (iii) the EC product quality assurance procedure; or
  - (iv) the EC product verification procedure; or
- (b) the EC full quality assurance procedure.

(2) Equipment produced individually or in small quantities and not in series or in mass may be manufactured in accordance with the EC unit verification conformity-assessment procedure.

#### **EC type-examination.**

11.(1) An application for EC type-examination made to a notified body in respect of equipment may be made in writing by the manufacturer or his authorised representative within the Community (in this regulation referred to as “the applicant”).

- (2) An application under subregulation (1) shall include—
  - (a) the name and address of the manufacturer and, if the application is lodged by the manufacturer’s authorised representative, the name and address of that person;
  - (b) a written declaration that the same application has not been lodged simultaneously with any other notified body; and
  - (c) the technical documentation specified in Schedule 3.
- (3) The applicant shall place at the disposal of the notified body a specimen representative of the product envisaged and shall provide further specimens if so requested by the notified body.
- (4) On an application made to it under subregulation (1) a notified body shall—

- (a) examine the technical documentation submitted by the applicant and verify that the specimen has been manufactured in accordance with the technical documentation;
- (b) agree with the applicant where the examinations and tests shall be carried out; and
- (c) carry out the appropriate examinations and tests to check whether the applicable international standards are satisfied.

(5) Where the notified body is satisfied, after performing its functions under subregulation (4), that the specimen satisfies the applicable international standards, it shall issue an EC type-examination certificate to the applicant.

(6) An EC type-examination certificate issued under subregulation (5) shall include—

- (a) the name and address of the manufacturer;
- (b) details of the equipment to which it relates;
- (c) the results of the examinations and tests carried out;
- (d) the conditions, if any, of its validity; and
- (e) the information necessary to identify the approved specimen,

and a list of the relevant parts of the technical documentation shall be annexed to the certificate and a copy kept by the notified body.

(7) Where a notified body refuses to issue an EC type-examination certificate, it shall give in writing detailed reasons for its decision to the applicant.

(8) If an applicant reapplies for an EC type-examination for equipment in respect of which an EC type-examination certificate has been previously refused, he shall, in his new application to the notified body, include all relevant documentation, including—

- (a) the original examination and test results;
- (b) the detailed reasons provided by the notified body for the previous refusal; and

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

- (c) details of all modifications made to the equipment since the previous application.

(9) If any modifications are made to equipment in respect of which an EC type-examination certificate has been issued, the applicant shall inform the notified body which issued the certificate.

(10) If any modifications made under subregulation (9) are such that they may affect the equipment's compliance with applicable international standards, the notified body shall satisfy itself, by further examinations and tests if necessary, that the equipment as modified complies with the applicable international standards and, if so satisfied, shall—

- (a) approve the modifications to the equipment; and
- (b) issue an addition to the original EC type-examination certificate in respect thereof.

(11) A notified body shall—

- (a) on request, provide flag member States and other notified bodies with all relevant information concerning the EC type-examination certificates and additions thereto it has issued, including any it has withdrawn;
- (b) on request, provide other notified bodies with copies of the EC type-examination certificates and additions thereto it has issued; and
- (c) keep at the disposal of other notified bodies the annexes to the EC type-examination certificates it has issued.

#### **EC declaration of conformity to type procedure.**

12.(1) If a manufacturer decides to apply the EC declaration of conformity to type procedure to equipment in respect of which an EC type-examination certificate has been issued, the manufacturer or his authorised representative established within the Community shall—

- (a) ensure and declare that the items of equipment—
  - (i) conform to the specimen in respect of which the EC type-examination certificate was issued; and
  - (ii) satisfy the applicable international standards;

- (b) affix the mark referred to in regulation 17 to each item of equipment to which it relates; and
- (c) draw up a written declaration of conformity.

(2) A manufacturer applying the EC declaration of conformity to type procedure to equipment shall take all measures necessary to ensure that the equipment's manufacturing process ensures that the equipment—

- (a) conforms to the specimen in respect of which the EC type-examination certificate was issued; and
- (b) satisfies the applicable international standards.

**EC production quality assurance and product quality assurance procedures.**

13.(1) A manufacturer who decides, to apply either the EC production quality assurance procedure or the EC product quality assurance procedure to equipment in respect of which an EC type-examination certificate has been issued, may apply to a notified body for approval of his quality assurance system; and such an application shall be made in writing and shall include—

- (a) all relevant information for the equipment category envisaged;
- (b) the documentation concerning the system;
- (c) the technical documentation of the specimen of the equipment and a copy of the EC type-examination certificate issued in respect of it; and
- (d) an undertaking by the manufacturer—
  - (i) to fulfill the obligations arising from the approved system; and
  - (ii) to maintain the system as approved so that it remains adequate and efficient.

(2) On an application made to it under subregulation (1), the notified body shall evaluate the manufacturer's quality assurance to determine whether—

- (a) on an application for approval of a system to be used in a production quality assurance procedure, it satisfies the

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

requirements referred to in paragraph 3(2) of the section entitled “Production-Quality Assurance (Module D)” of Annex B to MSN 1734 (M+F);

- (b) on an application for approval of a system to be used in a product quality assurance procedure, it satisfies the requirements referred to in paragraph 3(2) of the section entitled “Product-Quality Assurance (Module E)” of Annex B to MSN 1734 (M+F);

and, if the system implements the relevant harmonised standard, it shall be taken to satisfy the said requirements.

(3) When determining whether a manufacturer’s quality assurance system satisfies the requirements referred to in subregulation (2), the notified body shall—

- (a) include on the relevant auditing team at least one person with experience of assessment in the equipment technology concerned; and
- (b) include within the assessment procedure at least one visit to the manufacturer’s premises.

(4) Where the notified body is satisfied, on an application made to it under subregulation (1) and after evaluating the manufacturer’s quality assurance system, that the system satisfies the relevant requirements referred to in subregulation (2) it shall grant to the manufacturer an approval of the system.

(5) In its approval under subregulation (4) the notified body shall include the conclusions of any examinations and the evaluation carried out by it.

(6) A manufacturer to whom an approval has been granted in respect of a quality assurance system under subregulation (4) shall have authority to make EC declarations of conformity in accordance with subregulation (13).

(7) Where the notified body is not satisfied under subregulation (4), it shall inform the manufacturer in writing—

- (a) of its decision to refuse to grant an approval in respect of the system; and
- (b) the conclusions of any examinations and the evaluation carried out by it.

(8) Where a notified body has granted an approval under subregulation (4), it shall periodically carry out audits of the approved system to ensure that the manufacturer maintains and applies the approved system and fulfills his obligations arising out of the approved system.

(9) The notified body shall provide the manufacturer with an audit report in respect of each periodic audit undertaken in accordance with subregulation (8).

(10) In addition to the periodic audits referred to in subregulation (8), the notified body may make unannounced visits to the manufacturer's premises for the same purposes, and in the course of such visits may carry out tests, or cause tests to be carried out, if such tests are necessary to check whether the approved system is functioning correctly.

(11) The notified body shall provide the manufacturer—

- (a) if it performs a visit as is referred to in subregulation (10), with a visit report; and
- (b) if it performs such tests as are referred to in subregulation (10), with a test report.

(12) Where a manufacturer has been granted an approval by a notified body in respect of his quality assurance system, he shall—

- (a) ensure and declare that the items of equipment concerned conform to the specimen in respect of which the EC type-examination certificate was issued;
- (b) allow the notified body access for purposes of inspection to his premises where the equipment is manufactured, inspected, tested and stored; and
- (c) provide the notified body with all necessary information to enable it to perform its surveillance functions under these Regulations, in particular—
  - (i) the documentation relating to the system; and
  - (ii) the relevant quality records, such as inspection reports and test data, calibration data and qualification reports in relation to the personnel involved in the system.

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

(13) Where a manufacturer has been granted an approval under subregulation (4) by a notified body, the manufacturer or his authorised representative established within the Community shall—

- (a) affix the mark referred to in regulation 17 to each item of equipment which mark shall be accompanied by the identification symbol and number of the notified body responsible for the auditing referred to in subregulation (8);
- (b) draw-up a written declaration of conformity; and
- (c) inform the notified body in writing of any intended modification of the system.

(14) Where a notified body is informed under subregulation (13)(c) that a manufacturer intends to modify an approved system, it shall—

- (a) assess the modifications proposed and determine whether the modified system would still satisfy the relevant requirements referred to in subregulation (2) or whether a reassessment is required; and
- (b) inform the manufacturer of its decision in writing, including the conclusions of any examinations and the evaluation carried out.

(15) A notified body shall, on request, provide a flag member State and other notified bodies with the relevant information concerning the approvals granted by it under subregulation (4), including those withdrawn under regulation 19(1).

#### **EC product verification procedure.**

14.(1) A manufacturer who decides, to apply the EC product verification procedure to equipment in respect of which an EC type-examination certificate has been issued, may apply to a notified body for the carrying out of the appropriate examinations; and such an application shall be made in writing and shall include—

- (a) a copy of the EC type-examination certificate in conformity with which the equipment is to be manufactured; and
- (b) a statement as to whether the manufacturer requires the notified body to examine each item of equipment or only such batches of equipment as are selected by the body on a random basis.

(2) On an application under subregulation (1), the notified body shall carry out appropriate examinations and tests in accordance with paragraphs 3, 4(1) and 5(2) (as appropriate), of the section entitled “Product Verification (Module F)” of Annex B to MSN 1734 (M+F) to check that the equipment complies with the applicable international standards.

(3) Where, after conducting the appropriate examinations and tests, the notified body is satisfied that an item of equipment or a batch of equipment has been manufactured in conformity with the EC type-examination certificate it shall affix, or cause to be affixed, to that item or to each item of a batch of equipment its identification control symbol and number and draw-up a written certificate of conformity relating to the examinations and tests carried out.

(4) Where, after conducting the appropriate examinations and tests in relation to a batch of equipment, the notified body is not satisfied as is required by subregulation (3) it shall inform the manufacturer in writing—

- (a) of its decision;
- (b) of the conclusions of the examinations and tests carried out;
- (c) that the batch of equipment shall not be placed on the market, supplied for use or exposed or offered for supply within Gibraltar.

(5) Where a manufacturer’s equipment is examined and tested by a notified body under this regulation, the manufacturer or his authorised representative established within the Community shall—

- (a) ensure and declare that the items of equipment conform to the specimen in respect of which the EC type-examination certificate was issued;
- (b) affix the mark referred to in regulation 17 to each item of equipment to which it relates;
- (c) draw-up a written declaration of conformity; and
- (d) when the equipment has been placed on board a ship, ensure that he is able to supply the notified body’s certificate of conformity referred to in subregulation (3), on request, to the ship’s flag State.

(6) The manufacturer shall—

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

- (a) take all measures necessary to ensure that the manufacturing process ensures that the equipment conforms to the specimen in respect of which the EC type-examination certificate was issued; and
- (b) if the equipment is to be examined in batches—
  - (i) present the equipment to the notified body in homogeneous batches; and
  - (ii) take all measures necessary to ensure that the manufacturing process ensures the homogeneity of each batch manufactured.

(7) Where the examinations are carried out on batches of equipment the manufacturer may, with the authority of the notified body conducting the examinations and tests, affix the body's identification control symbol and number to the items of equipment during the manufacturing process.

#### **EC full quality assurance.**

15.(1) A manufacturer who decides, in accordance with regulation 10(1), to apply the EC full quality assurance procedure to equipment, may apply to a notified body for approval of his quality assurance system (in this regulation referred to as "the system"); and such an application shall be made in writing and shall include—

- (a) all relevant information for the equipment category envisaged; and
- (b) the documentation concerning the system.

(2) On an application made to it under subregulation (1), the notified body shall evaluate the system to determine whether it satisfies the requirements referred to in paragraph 3(2), of the section entitled "Full-Quality Assurance (Module H)" of Annex B to MSN 1734 (M+F) and, if the system implements the relevant harmonised standard, it shall be taken to satisfy the said requirements.

(3) Subregulations (3) to (15) of regulation 13 shall apply in relation to a system which is the subject of an application under this regulation as they apply to the production quality assurance system and product quality assurance system under that regulation, as if—

- (i) at subregulation (4) of regulation 13 it was stipulated that subregulations (1) and (2) of that regulation refer to this regulation; and
- (ii) for subregulation (12)(a) there were substituted the following:
  - “(a) ensure and declare that the items of equipment concerned satisfy the applicable international standards;”

(4) In addition to the application under subregulation (1), the manufacturer shall apply to a notified body for an approval of the design of the equipment which is to be subject to the EC full quality assurance procedure.

(5) An application under subregulation (4) shall include all documentation necessary to enable the notified body to understand the design, manufacture and operation of the equipment and to assess its compliance with the applicable international standards; and in particular—

- (a) the technical design specifications, including standards, that have been applied to the design; and
- (b) the necessary supporting evidence, including the results of any tests carried out in an appropriate laboratory by the manufacturer, or on his behalf, for the adequacy of the technical design specifications, in particular where the standards specified in regulation 5 have not been applied in full.

(6) On an application made to it under subregulation (4), the notified body shall examine the design to determine whether it satisfies the applicable international standards.

(7) Where a notified body is satisfied, after examining the design as referred to in subregulation (6), that the design satisfies the applicable international standards it shall issue to the manufacturer an EC design-examination certificate.

- (8) A certificate issued under subregulation (7) shall include—
  - (a) the conclusions of the examination;
  - (b) the conditions of its validity;
  - (c) the data necessary to identify the approved design; and

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

(d) if relevant, a description of the equipment's functioning.

(9) Where the notified body is not satisfied after the examination referred to in subregulation (7), it shall inform the manufacturer in writing—

- (a) of its decision to refuse to grant an approval in respect of the design; and
- (b) the conclusions of any examinations and the evaluation carried out by it.

(10) If any modification is made to a design in respect of which an EC design-examination certificate has been issued, the applicant shall inform the notified body which issued the certificate.

(11) If a modification such as is referred to in subregulation (10) is such that it may affect the equipment's compliance with the applicable international standards or any prescribed conditions for the use of the equipment, the notified body shall satisfy itself, by further examinations and tests, if necessary, that the design as modified complies with the applicable international standards and, if so satisfied, shall—

- (a) approve the modifications to the design; and
- (b) issue an addition to the original EC design-examination certificate in respect thereof.

(12) A notified body shall on request, provide a flag member State and other notified bodies with all relevant information concerning—

- (a) EC design-examination certificates, and additions thereto, it has issued, including any it has withdrawn; and
- (b) EC design approvals, and additions thereto, it has granted, including any it has withdrawn.

#### **EC unit verification.**

16.(1) A manufacturer who decides, in accordance with regulation 10(2), to apply the EC unit verification conformity-assessment procedure to equipment may apply to a notified body for the carrying out of the appropriate examinations; and such application shall be made in writing and include the technical documentation specified in the Appendix to Annex B to MSN 1734 (M+F) relating to the equipment to enable the notified body to perform its functions under subregulation (2).

(2) On an application under subregulation (1), the notified body shall carry out appropriate examinations and tests in accordance with paragraph 2, of the section entitled “Unit Verification (Module G)” of Annex B to MSN 1734 (M+F) to establish whether the equipment complies with the applicable international standards.

(3) Where, after conducting the appropriate examinations and tests, the notified body is satisfied that an item of equipment has been manufactured in conformity with the applicable international standards it shall affix, or cause to be affixed, to the item its identification control symbol and number and draw-up a written certificate of conformity relating to the examinations and tests carried out.

(4) Where a manufacturer’s equipment is examined and tested by a notified body under this regulation, the manufacturer or his authorised representative established within the Community shall–

- (a) ensure and declare that the items of equipment satisfy the applicable international standards;
- (b) affix the mark referred to in regulation 17 to each item of equipment to which it relates;
- (c) draw-up a written declaration of conformity; and
- (d) when the equipment has been placed on board a ship, ensure that he is able to supply the notified body’s certificate of conformity as referred to in subregulation (3), on request, to the ship’s flag member State.

**Affixing of mark of conformity.**

17.(1) Subject to subregulation (2), the mark to be affixed by the manufacturer or his authorised representative within the Community in accordance with the relevant EC conformity-assessment procedure shall be affixed–

- (a) to each item of equipment to which it relates; or
- (b) to a data plate attached to the equipment,

and shall satisfy the requirements of subregulation (3).

(2) If it is not possible or warranted due to the nature of the item of equipment to affix the mark as required by subregulation (1), the mark shall be affixed to–

**Gibraltar Merchant Shipping (Safety, etc.)**  
**GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT)**  
**REGULATIONS, 2002**

---

- (a) the packaging of the item of equipment;
  - (b) a label on the item of equipment or its packaging; or
  - (c) a leaflet distributed with the item of equipment.
- (3) The requirements referred to in subregulation (1) are that the mark shall be affixed to the item of equipment or data plate so as to be visible, legible and indelible throughout the anticipated life of the equipment.
- (4) The form of the mark to be affixed shall be the Mark of Conformity set out in Schedule 4.
- (5) The mark as affixed shall be followed by—
- (a) the identification symbol and number of the notified body which carried out the EC conformity-assessment procedure if that body was involved in the production control phase; and
  - (b) the last two digits of the year in which the mark was affixed.
- (6) Where the identification symbol and number of the notified body is to be affixed under subregulation (5)(a), it shall be affixed under the responsibility of the notified body either by that body itself or by the manufacturer or his authorised representative established in the Community.
- (7) No marks or inscriptions which are likely to mislead any person with regard to the meaning or the graphics of the mark shall be affixed.
- (8) The mark shall be affixed at the end of the production phase.

**PART IV**  
**ENFORCEMENT**

**Duty to maintain copies, etc.**

18. (1) A manufacturer or his authorised representative established within the Community shall maintain—
- (a) in respect of an EC type-examination certificate issued to him, a copy of the technical documentation submitted with the application and the EC type-examination certificate, and any additions thereto, for at least 10 years after the last item of equipment to which the certificate relates has been manufactured; and

- (b) a copy of the declaration of conformity referred to in regulation 12 (1)(c) for at least 10 years after the last item of equipment to which it relates has been manufactured;

(2) Where a manufacturer has been granted an approval in respect of his quality assurance system under regulation 13, he shall maintain at the disposal of the Minister, for at least 10 years after the last item of equipment to which the system relates has been manufactured, the documentation concerning—

- (i) the system,
- (ii) any modification of the system,
- (iii) the approval of the system under regulation 13(4),
- (iv) matters referred to in regulation 13(7),
- (v) each of the periodic audit reports referred to in regulation 13(9), and
- (vi) the visit report or test report referred to in regulation 13 (11).

(3) Where a manufacturer's equipment is examined and tested under regulation 14 or 15, the manufacturer or his authorised representative established within the Community shall maintain a copy of the declaration of conformity for at least 10 years after the last item of equipment to which it relates has been manufactured.

**Withdrawal of approval of quality system.**

19.(1) If it appears to a notified body, upon an audit, an unannounced visit or otherwise, in relation to any quality assurance system approved by it in pursuance of these Regulations, that—

- (a) an undertaking given under regulation 13(1)(d) has not been complied with;
- (b) regulation 13(12)(b) or (c), including those provisions as applied by regulation 15(3), has not been complied with; or
- (c) the manufacturer has failed to maintain or fulfil his obligations arising out of the approved system and the system has serious shortcomings,

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

it may, after giving the manufacturer the opportunity of making representations to it as to why its approval should not be withdrawn, by notice given to the manufacturer withdraw approval for the quality system concerned.

(2) The notice given under subparagraph (1) shall—

- (a) be in writing;
- (b) specify the date on which it is to take effect; and
- (c) specify the grounds for decision.

(3) The notified body shall send to the Minister a copy of any notice given under subregulation (1).

#### **Unauthorised use of mark of conformity.**

20.(1) Subject to subregulation (2), any person who, in respect of any item of equipment—

- (a) save as provided under regulations 12 to 16, affixes to it the mark of conformity or identification number or symbol referred to in the said regulations;
- (b) affixes a mark of conformity in contravention of regulation 17;
- (c) forges or counterfeits or in any other manner alters or defaces any mark of conformity or identification number or symbol affixed in accordance with these Regulations;
- (d) removes any mark of conformity or identification number or symbol affixed in accordance with these Regulations; or
- (e) makes any alteration to the equipment after a mark of conformity or identification number or symbol has been affixed to it in accordance with these Regulations so that the equipment no longer complies with the applicable international standards,

shall be guilty of an offence.

(2) A person shall not be guilty of an offence under subregulation (1) by reason solely of alteration, defacement or removal of a mark of conformity or identification symbol or number in the course of the adjustment or repair of any item of equipment by, or by the duly authorised agent of, a person

who is a manufacturer of such equipment or is regularly engaged in the business of the repair of such equipment.

(3) Any person who places on the market, supplies, or exposes or offers for supply, an item of equipment which to his knowledge—

- (a) bears a mark of conformity or identification number or symbol which is a forgery or counterfeit, or which has been transferred from another item of equipment, or which has been altered or defaced otherwise than in accordance with these Regulations; or
- (b) does not comply with the applicable international standards by reason of any alteration made to it after any mark of conformity or identification number or symbol was affixed to it in accordance with these Regulations.

shall be guilty of an offence.

(4) Any equipment in respect of which an offence under this regulation has been committed shall be liable to be forfeited.

(5) References in this regulation to other provisions of these Regulations include references to corresponding provisions under the laws of a Member State.

**Sample checks on equipment.**

21.(1) Notwithstanding that equipment bears the mark of conformity, the Minister may carry out sample checks on such equipment placed on the market, supplied for use or exposed or offered for supply in Gibraltar but not yet placed on board a ship to ensure that the equipment complies with the requirements of these Regulations.

(2) Subject to subregulation (3), notwithstanding that equipment placed on board a Gibraltar ship bears the mark of conformity, the Minister may, if the applicable international instruments require that operational performance tests be performed for safety or pollution prevention purposes, carry out such tests.

(3) The Minister shall not carry out any test referred to in subregulation (2) if such test duplicates the EC conformity-assessment procedure with which the equipment complies under the Directive.

(4) If the Minister carries out any test referred to in subregulation (2) on an item of equipment he may require that the manufacturer, his authorised

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

representative established within the Community or the person responsible for marketing the equipment within the Community provides an inspection or testing report on the equipment.

#### **Defective equipment.**

22.(1) If the Minister is satisfied, after carrying out sample checks or performance tests on the equipment, or otherwise, that equipment which bears the mark of conformity, when correctly installed on board a ship, maintained and used for its intended purpose, may compromise the health or safety of the ship's crew, passengers, or other persons or adversely affect the marine environment, he may—

- (a) direct that the equipment be withdrawn from the market;
- (b) prohibit the equipment being placed on the market, or restrict the extent to which it can be so placed; or
- (c) prohibit the equipment being used on board ships for which he issues safety certificates in accordance with the relevant international conventions, or restrict the extent to which it may be so used.

(2) Before issuing any direction, prohibition or restriction under subregulation (1) in respect of equipment, the Minister shall serve a written notice of his intention to do so on the manufacturer of the equipment, or his authorised representative in the Community, and shall provide the manufacturer or his authorised representative (as appropriate) with an opportunity to make representations to him on the proposed direction, prohibition or restriction.

(3) Any direction, prohibition or restriction issued by the Minister under subregulation (1) in respect of equipment shall be given in writing to the manufacturer of the equipment, or his authorised representative in the Community.

(4) The Minister may withdraw or vary any direction, prohibition or restriction issued under subregulation (1) if he is satisfied that the equipment in relation to which the direction, prohibition or restriction was issued, when correctly installed on board a ship, maintained and used for its intended purpose, no longer compromises the health or safety of the ship's crew, passengers, or other persons or adversely affects the marine environment.

(5) A manufacturer who fails to comply with a direction, prohibition or restriction given to him under subregulation (1) shall be guilty of an offence.

**Delegation of powers.**

23. The Minister may, for administering the provisions of these Regulations, delegate by notice in the Gazette such of his powers to the Maritime Administrator as he may deem fit and proper.

**Appeals.**

24.(1) Where a person is aggrieved by a decision of a notified body or the Maritime Administrator who performs a function under a delegation referred to in regulation 23, that person may prefer an appeal to the Minister.

(2) The decision of the Minister given on an appeal referred to in subregulation (1) shall be final and conclusive.

**Offences and penalties.**

25.(1) If any piece of equipment is carried on a ship otherwise than in compliance with regulation 5(1), the owner and master of the ship shall each be guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(2) If any piece of equipment which the Minister has allowed to be placed on board a ship under regulation 6 or 7, or in respect of which he has issued a certificate under regulation 8(3), is being used otherwise than in compliance with any restriction or condition imposed under regulation 6(3)(b), 7(2)(b) or 8(3)(b) (as appropriate) the owner and master of the ship shall each be guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(3) A manufacturer who fails to comply with regulation 18, shall be punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

(4) Any person guilty of an offence under regulation 20(1) or 20(3), shall be punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(5) A manufacturer who is guilty of an offence under regulation 22(5), shall be punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

**Defence to offences.**

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

## Gibraltar Merchant Shipping (Safety, etc.)

---

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

26. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that he took all reasonable steps to avoid the commission of the offence.

#### **Power to detain.**

27. In any case where equipment on board a ship does not comply with the requirements of these Regulation, or the owner of a ship has not complied with a direction under regulation 8(2) to replace equipment on board the ship, the ship shall be liable to be detained and dealt with in accordance with the relevant provisions of the Gibraltar Merchant Shipping (Safety etc.,) Act.

**Gibraltar Merchant Shipping (Safety, etc.)**  
**GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT)**  
**REGULATIONS, 2002**  
**SCHEDULE 1**

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

ARTICLE 2 OF THE DIRECTIVE

Regulation 2(2).

**Article 2**

For the purposes of this Directive—

- (a) ‘Conformity-assessment procedures’ shall mean the procedures set out in Article 10 and Annex B;
- (b) ‘equipment’ shall mean items listed in Annexes A.1 and A.2 which must be placed on board a ship for use in order to comply with international instruments or are voluntarily placed on board for use, and for which the approval of the flag State administration is required according to international instruments;
- (c) ‘radiocommunications equipment’ shall mean equipment required by Chapter IV of the 1974 SOLAS Convention, in its up-to-date version as in force at the time of reference, and survival craft two-way VHF radiotelephone apparatus required by Regulation III/6.2.1 of the same Convention;
- (d) ‘international conventions’ shall mean—
  - the 1966 International Convention on Load Lines (LL66),
  - the 1972 Convention on the International Regulations for Preventing Collisions at Sea ( Colreg),
  - the 1973 International Convention for the Prevention of Pollution from Ships (Marpol) and
  - the 1974 International Convention for the Safety of Life at Sea (Solus),
  - together with their Protocols and the amendments thereto in its up-to date version as in force at the time of reference;
- (e) ‘international instruments’ shall mean the relevant international conventions, the relevant resolutions and circulars of the International Maritime Organization (IMO), and the relevant international testing standards;

## Gibraltar Merchant Shipping (Safety, etc.)

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

- (f) ‘mark’ shall mean the symbol referred to in Article 11 and set out in Annex D;
- (g) ‘notified body’ shall mean an organization designated by the competent national administration of a Member State in accordance with Article 9;
- (h) ‘placed on board’ shall mean installed or placed on board a ship;
- (i) ‘safety certificates’ shall mean the certificates issued by or on behalf of Member States in accordance with international conventions;
- (j) ‘ship’ shall mean a ship falling within the scope of international conventions; warships shall not be covered;
- (k) ‘Community ship’ shall mean a ship for which safety certificates are issued by or on behalf of Member States under international conventions. This definition shall not include a Member State administration’s issuing a certificate for a ship at the request of a third country’s administration;
- (l) ‘new ship’ shall mean a ship the keel of which is laid or which is at a similar stage of construction on or after the date of the entry into force of this Directive. For the purposes of this definition, ‘a similar stage of construction’ shall mean the stage at which—
  - (i) construction identifiable with a specific ship begins, and
  - (ii) assembly of that ship has commenced, comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;
- (m) ‘existing ship’ shall mean a ship which is not a new ship;
- (n) ‘testing standards’ shall mean the standards set by –
  - the International Maritime Organization (IMO),
  - the International Organization for Standardization (ISO),
  - the International Electrotechnical Commission (IEC),
  - the European Committee for Standardization (CEN),

# Gibraltar Merchant Shipping (Safety, etc.)

## **GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002**

the European Committee for Electrotechnical Standardization (Cenelec), and

the European Telecommunication Standards Institute (ETSI)

in its up-to date version as in force at the time of reference, and established in accordance with the relevant international conventions and with the relevant IMO resolutions and circulars to define testing methods and test results, but only in the form referred to in Annex A;

- (o) ‘type-approval’ shall mean the procedures for evaluating equipment produced in accordance with the appropriate testing standards and the issue of the appropriate certificate.

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

**Gibraltar Merchant Shipping (Safety, etc.)**  
**GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT)**  
**REGULATIONS, 2002**

---

**SCHEDULE 2**

Regulation 4(1).

**MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY  
MEMBER STATES FOR THE DESIGNATION OF BODIES**

1. Notified bodies must fulfill the requirements of the relevant EN 45000 series.
2. A notified body must be independent and must not be controlled by manufacturers or by suppliers.
3. A notified body must be established within the territory of the Community.
4. Where type-approvals are issued by a notified body on behalf of a Member State, the Member State must ensure that the qualifications, technical experience and staffing of the notified body are such as will enable it to issue type-approvals which comply with the requirements of this Directive and to guarantee a high level of safety.
5. A notified body must be in a position to provide necessary maritime expertise.

A notified body is entitled to perform conformity-assessment procedures for any economic operator established within or outwith the Community.

A notified body may perform conformity-assessment procedures in any Member State or State outwith the Community using either its home-based means or the personnel of its branch office abroad.

If a subsidiary of a notified body performs conformity-assessment procedures, all documents relating to the conformity-assessment procedures must be issued by and in the name of the notified body and not in the name of the subsidiary.

A subsidiary of a notified body which is established in another Member State may, however, issue documents relating to conformity-assessment procedures if it is notified by that Member State.

**Gibraltar Merchant Shipping (Safety, etc.)**  
**GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT)**  
**REGULATIONS, 2002**  
**SCHEDULE 3**

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

Regulation 11(2)(c).

**TECHNICAL DOCUMENTATION TO BE SUPPLIED BY THE  
MANUFACTURER TO THE NOTIFIED BODY**

1. The technical documentation must comprise all relevant data or means used by the manufacturer to ensure that the equipment complies with the relevant international standard.
2. The technical documentation must enable understanding of the design, manufacture and operation of the product and assessment of conformity with the relevant international standards.
3. The technical documentation shall, so far as is relevant to the particular assessment include—
  - (a) a general description of the specimen;
  - (b) conceptual design, build standard and manufacturing drawings and schemes of components, and relevant supporting drawings;
  - (c) descriptions and explanations necessary for the understanding of those drawings and schemes, including any necessary descriptions and explanations of the equipment;
  - (d) results of design calculations made, impartial examinations carried out, etc.;
  - (e) impartial test reports; and
  - (f) manuals for installation, use and maintenance.
4. Where appropriate, the design documentation must contain the following elements—
  - (a) attestations relating to the equipment incorporated in the appliance;
  - (b) attestations and certificates relating to the methods of manufacture and/or inspection and/or monitoring of the specimen; and
  - (c) any other document making it possible for the notified body to better perform its assessment.

**1995-13**  
**Repealed**  
**Subsidiary**  
**2002/061**

## Gibraltar Merchant Shipping (Safety, etc.)

---

### GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT) REGULATIONS, 2002

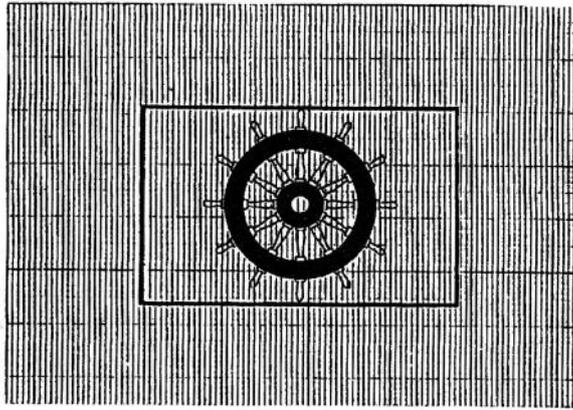
5. A specimen may cover several versions of the equipment provided that the differences between the versions do not affect the level of safety or the other relevant international standards.

**SCHEDULE 4**

Regulation 17(4).

**MARK OF CONFORMITY**

The mark of conformity referred to in regulation 17(4) must take the following form:



If the mark is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The various components of the mark must have substantially the same vertical dimension, which may not be less than 5 mm.

The minimum dimension may be waived for small devices.