



Council of the  
European Union

Brussels, 29 February 2024  
(OR. en)

7202/24

MAR 38  
DELECT 39

#### COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	26 February 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2024) 890 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 26.2.2024 on harmonised technical specifications and testing standards for fire hoses

Delegations will find attached document C(2024) 890 final.

Encl.: C(2024) 890 final



EUROPEAN  
COMMISSION

Brussels, 26.2.2024  
C(2024) 890 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 26.2.2024**

**on harmonised technical specifications and testing standards for fire hoses**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

#### **Marine equipment directive**

The objective of the Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (hereafter called ‘the Directive’) is to enhance safety at sea and to prevent marine pollution through the uniform application of the relevant international instruments relating to marine equipment to be placed on board EU ships, and to ensure the free movement of such equipment within the Union.

In accordance with article 35(2) of the Directive, the Commission shall:

*‘Indicate by means of implementing acts the respective design, construction and performance requirements and the testing standards provided for in the international instruments’.*

In accordance with article 8 of the Directive:

*‘In the absence of an international standard for 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, the Commission shall be empowered to adopt, by means of delegated acts in accordance with Article 37, harmonised technical specifications and testing standards for that specific item of marine equipment’.*

#### **Analysis**

##### **Testing standards**

Equipment falling under the scope of the Directive is identified by means of an Implementing Regulation adopted in accordance with Article 35(2) of the Directive. The Implementing Regulation lists testing standards as defined in Article 2(4) of the Directive that have been developed by the IMO, ISO, IEC, CEN/Cenelec, ITU or ETSI.

##### **Lay flat fire-fighting hoses**

A lay flat hose is a hose with a soft wall which, when unpressurized internally, collapses to such an extent that the inner faces of the inside diameter make contact and the hose takes up a flat cross-sectional appearance. The current Implementing Regulation contains a test standard for lay flat fire-fighting hoses (EN 14540:2014). This standard specifies the requirements and test methods for non-percolating lay flat firefighting hoses intended for use at a maximum working pressure of 1,5 MPa over a range of inside diameters from 25 mm to 52 mm.

Fire hoses with internal diameters greater than 52 mm are currently not included in the Implementing Regulation as there is no suitable testing standard as defined under Article 2(4) of the Directive. This means that such hoses cannot be conformity assessed and ‘wheel marked’ in accordance with the Directive.

##### **On-going work by IMO, CEN CENELEC, and ISO**

Currently, there is no on-going work by IMO, ISO or CEN/Cenelec to develop testing standards for lay flat firefighting hoses with an inside diameter greater than 52 mm.

In order to also have a testing standard for fire hoses with an inside diameter of greater than 52 mm, the Commission issued a standardisation request to CEN CENELEC (C (2017) 8343

final) in 2017. CEN CENELEC were unable to fulfil this request, as there were insufficient experts proposed by the national Standardisation Organisations to work on the request.

The development of a ship fire-fighting hoses standard was also discussed in ISO/TC 8/SC 1/WG 3 (22 May 2019), which concluded:

‘WG3 noted that each maritime Administration, under SOLAS, has (its) own method of type approval using their national standards’ and therefore work item ‘ISO/PWI 22844 ed.1- id.74036 Ships and marine technology – Fire hoses on board ships’ was discontinued.

#### Issues identified

The implementation of the Directive is supported by a Member State expert group, a group of Notified Bodies (MarED and a group of market surveillance authorities (Adco). There have been several cases where a market surveillance authority has identified fire hoses with internal diameters of greater than 52 mm that have been incorrectly provided with conformity assessment certificates issued by notified bodies. Moreover, some of the larger non-percolating lay flat firefighting hoses have been placed on board EU ships that have not been conformity assessed and are not subject to market surveillance as there are no appropriate testing standards.

The lack of harmonisation leads to varying levels of safety of products onboard EU ships potentially leading to the failure of such products while in use onboard EU ships. In addition, the testing standard for lay flat fire-fighting hoses (EN 14540:2014) does not contain an abrasion test which potentially could lead to the early failure of such products when used on board EU ships. This potentially creates a serious and unacceptable risk to maritime health and safety.

#### Approval of equipment not listed in the Implementing Regulation

Items of equipment that are not within the scope of the implementing regulation may still be required to be approved by the International Convention for the Safety of Life at Sea (SOLAS) by an individual Member State for use onboard ships on their flag. This is problematic because of the absence of appropriate testing standards, as explained above, and creates an administrative burden for Member States. SOLAS requires fire hoses to be approved by the Administration <sup>(1)</sup> although the regulation contains no details of the testing requirements.

#### Equipment not fully defined for inclusion in the Implementing Regulation

Section 9 of the Implementing Regulation contains a list of marine equipment for which the set of standards for certification are not complete. Non-percolating lay flat firefighting hoses with an inside diameter of greater than 52 mm have been listed in section 9 since 2014.

#### **Proposed delegated regulation**

##### Testing Standard

In the absence of relevant international testing standard, the European Commission is proposing a Delegated Act in accordance with Article 8 of the Directive. The act will set out the testing standards for all non-percolating lay flat fire-fighting hoses, including those with an inside diameter of greater than 52 mm. The Commission’s delegated act refers to two national standards: DIN 14811 (January 2008) and NF S 61-112 (June 2019).

##### Abrasion testing

–

<sup>1</sup> Ref: SOLAS, Chapter II-2, Reg 10.2.3.1.

While carrying out background research for this delegated act, it was noted that the current EN standard for non-percolating firefighting hoses from 25 mm to 52 mm contains no requirement for abrasion testing unlike other national testing standards. The use of firefighting hoses on board ships can lead to abrasion of hoses. The Commission's delegated act therefore introduces abrasion resistance testing in accordance with DIN 14811 (January 2008) and NF S 61-112 (June 2019).

#### Update Implementing Regulation

Following adoption of the Delegated Act, an Implementing Regulation laying down rules for the application of Directive 2014/90/EU of the European Parliament and of the Council, as regards design, construction and performance requirements and testing standards for marine equipment will refer to the delegated act and will thus enable the respective products to be conformity assessed in accordance with Directive 2014/90/EU and appropriately marked. The Implementing Regulation will make the abrasion testing of non-percolating lay flat firefighting hoses with an inside diameter from 25 mm to 52 mm optional for manufacturers of such products.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Stakeholders were consulted in the framework of a meeting of the Marine Equipment Expert Group (Group E02653 in the Commission's Register of Expert Groups), which comprises the Member States, competent authorities and stakeholders, on 25 May 2023. An open public consultation took place on the Commission's 'Have your say' website from 27 November until 25 December 2023. During the latter consultation several stakeholders suggested that coated and covered hoses, for which there is no international or EN standard, and which therefore can currently not be approved for use on EU ships, should also be taken into account in the draft as they offer higher degrees of external protection with greater abrasion resistance than that of non-coated/covered hoses. The Commission services have accepted these comments and amended the draft Delegated Act accordingly. The Marine Equipment Expert Group members have been re-consulted by written procedure.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

This Delegated Act introduces harmonised technical specification and testing standards for all non-percolating lay-flat firefighting hoses with an inside diameter greater than 25 mm in accordance with the provisions of Article 8.2 of Directive 2014/90/EU.

# COMMISSION DELEGATED REGULATION (EU) .../...

of 26.2.2024

## on harmonised technical specifications and testing standards for fire hoses

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC<sup>2</sup>, and, in particular, Article 8(2) thereof,

Whereas:

- (1) The uniform application of international testing standards and procedures for the approval of marine equipment is ensured by Directive 2014/90/EU.
- (2) Marine equipment to be placed on EU ships is to meet the requirements of Directive 2014/90/EU, in accordance with implementing acts adopted pursuant to Article 35(2) of that Directive, indicating the respective design, construction and performance requirements and the testing standards provided for in the international instruments regarding such marine equipment.
- (3) For safety reasons, the International Convention for the Safety of Life at Sea (SOLAS) requires the carriage and approval of fire hoses on board of ships.
- (4) Currently there are no international standards for the technical specification and testing of non-percolating lay-flat firefighting hoses with an inside diameter greater than 52 mm and therefore such hoses are not covered by Union legislation in force. The absence of international standards means that such hoses cannot be conformity assessed and approved for use on board of EU ships in accordance with Directive 2014/90/EU. The lack of harmonisation leads to varying levels of safety of products onboard EU ships, potentially leading to the failure of such products while in use, which is creating a serious and unacceptable risk to maritime health and safety, and an administrative burden for Member States.
- (5) There are also no international standards for testing the abrasion resistance of non-percolating lay-flat firefighting hoses with an inside diameter between 25 mm and 52 mm and therefore such standards are not covered by Union legislation in force. In the absence of international standards, such hoses cannot be conformity assessed as regards abrasion resistance in accordance with Directive 2014/90/EU. The lack of harmonisation for abrasion tests leads to potential early failure of such products when used on board EU flagged ships, which is creating a serious and unacceptable risk to maritime health and safety.
- (6) Therefore, harmonised technical specifications and testing standards for all non-percolating lay-flat firefighting hoses with an inside diameter greater than 25 mm

-

<sup>2</sup> OJ L 257, 28.8.2014, p. 146, ELI: <http://data.europa.eu/eli/dir/2014/90/oj>.

should be established. Those specifications and testing standards should remain applicable until the international instruments have been amended to incorporate appropriate testing standards for such hoses,

HAS ADOPTED THIS REGULATION:

*Article 1*

The technical specifications and testing standards set out in the Annex shall apply to non-percolating lay flat firefighting hoses with an inside diameter greater than 25 mm.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26.2.2024

*For the Commission*  
*The President*