

Recreational craft and personal watercraft

2011/0197(COD) - 26/07/2011 - Legislative proposal

PURPOSE: to set stricter limits for NOx, hydrocarbons (HC) and particulate matters for new recreational crafts.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: the Recreational Craft Directive 94/25/EC was adopted in 1994 to regulate the placing on the market of pleasure boats on the European market. It was amended by Directive 2003/44/EC which introduces a set of limit values for exhaust emissions for propulsion engines and noise levels for watercrafts with propulsion engines, for both the compression ignition (CI) engines and the spark ignition (SI) engines. Furthermore, it enlarges the scope of the Recreational Craft Directive to cover also personal watercraft.

The same amending Directive provides a review clause which aims at reinforcing emission limits to reflect the technological progress of recreational marine engines as well as the need to harmonise the limits worldwide, particularly with the US. At the same time the vulnerable position of the SMEs should be taken into account as this sector consists mainly of small and medium enterprises (more than 95% of businesses are SMEs).

The Commission issued a [report](#) in 2007 in which it announced that it would assess options to further reducing the exhaust emission limits of recreational marine engines.

IMPACT ASSESSMENT: the impact assessment focuses on the following three areas of the revision having substantial impacts:

A. Exhaust emission limits for engines

Option 1 - No change (existing exhaust emissions are maintained).

Option 2 - Stricter exhaust emission limits (Stage II): in the context of this option, the scenario harmonises the limits with the US for both: Spark ignition (SI) engines and compression ignition (CI) engines.

Option 3 - Stricter exhaust emission limits (Stage II) combined with mitigating measures to limit negative economic/social effects:

Sub-option 3.1 – Use of a flexibility scheme.

Sub-option 3.2 – Use of a transitional period for all engine manufacturers (3 years).

Sub-option 3.3 – Use of a transitional period for all engine manufacturers + a specific transitional period for small and medium sized engine manufacturers placing on the EU market the SI outboard engines < 15 kW (3+3 years). This last sub-option was selected in the impact assessment as the preferable option.

B. Noise emission limits for watercrafts with propulsion engines.

Option 1 - No change (existing noise emission limits are maintained).

Option 2 – Stricter noise emission limits.

Option 1 (keeping the current limit values) was found to be the preferred option.

C. Alignment of the RCD with the New Legislative Framework: the Commission is engaged to align the sectorial legislation to the new legislative framework, the impact assessment concentrated in analysing the impacts of the alignment only. These impacts should be mostly positive, since the horizontal provisions are clarifying certain issues which are subject to uncertainty for the moment.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the main elements of the proposed revision are as follows:

Clarifying scope and concepts of the Directive: in the past, there have been debates about the content of the term “recreational craft” in the Directive which has been sometimes claimed to be an overall term covering both recreational craft and personal watercraft. This lack of clarity is now eliminated by introducing into the definitions a new overall concept “watercraft” which covers both recreational craft and personal watercraft. For reasons of consistency and clarification it is also specified that only personal watercraft intended for sports and leisure is included in the Directive, and not for instance personal watercraft intended for rescue and police services.

General safety requirement: it is necessary to specify explicitly that that products covered by this Directive may only be placed on the market or put into service if they meet the general requirement imposing them to be without danger to the safety and health of persons, property or environment and only if they meet the essential requirements set out in Annex I.

Exhaust emissions: new stricter limits are foreseen for the exhaust emission of Nitrogen Oxides (NO_x), Hydrocarbons (HC) and the Particulates (PT).

For CI engines these limits are set applying the US EPA standards for marine diesel recreational engines (40 CFR Part 1042). For SI engines, the limits are set using the US EPA emission standards for new non-road SI engines, equipment and vessels (40 CFR Part 1045).

A general **three years transitional period** for the industry is foreseen. In addition, as regards exhaust emission requirements, a supplementary 3 years is granted to **SME** engine manufacturers who place on the market the SI engines below 15 kW.

Constructional requirements: a new requirement is foreseen to impose mandatory installation of holding tanks to watercraft fitted with toilets in order to contribute to the marine environmental protection.

Post construction assessment and private importer: Directive 94/25/EC contains rules on the post construction assessment of recreational craft which is carried out by any natural or legal person established within the Community who places the product on the market in cases, where neither the manufacturer, nor his authorized representative fulfils the responsibilities for evaluating the conformity of products to the Directive. For consistency, it is appropriate to extent the scope of this procedure to cover not only recreational craft but also personal watercraft.

For clarity, it must be specified by whom and in which situations exactly this procedure can be used. These are:

- private importer, that is a natural or legal person who imports in the course of non-commercial activity a product from a third country into the Union with the intention of putting it into service for his own use;

- any person placing on the market or putting into service an engine or a watercraft after a major modification or conversion thereof or any person changing the intended purpose of a watercraft not covered by the scope this Directive in a way that it falls under its scope;
- any person placing on the market a watercraft built for own use before the end of the 5 year period.

As regards **importing** recreational craft and personal watercraft, it should be noted that compared to Directive 94/25/EC, the use of Post construction assessments is restricted to cases of non commercial import by private importers. In order to ensure a reliable assessment of the conformity of the product by the notified body with regard to the post construction assessment, there is a need to widen the obligations of the person asking for the post construction assessment to provide documents to the notified body. It is foreseen that he has to provide all the documents necessary for the assessment of the conformity of the product.

Affixing of the CE-marking: the CE marking must be affixed on the watercraft, engines and components. In case of components, where that are not possible or not warranted on account of the size or nature of that product, it can alternatively be affixed to the packaging and to the accompanying documents.

Reporting: in order to enforce the monitoring and the efficiency of this Directive, a new obligation is foreseen for the Member States to send every 5 years a report on the application of the Directive to the Commission.

Aligning the Recreational Craft Directive with the New Legislative Framework (NLF) and the applicable conformity assessment procedures: consequently to the adoption of Regulation (EC) No 765/2008 and of Decision 768/2008/EC, the Recreational Craft Directive has to be brought in line with the principles of New Legislative Framework. It means basically the inclusion of the chapters describing the obligations of economic operators, the competences of conformity assessment bodies and market surveillance authorities, new conformity assessment modules and the status of CE marking.

BUDGETARY IMPLICATION: this proposal has no budgetary implication for the Union budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.