Basic information

2000/0262(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC) **Subject** 3.40.04 Shipbuilding, nautical industry 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution 3.70.07 Noise pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	CALLANAN Martin (PPE-DE)	18/10/2002

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	CALLANAN Martin (PPE-DE)	24/01/2001
ENVI Environment, Public Health, Consumer Policy	CALLANAN Martin (PPE-DE)	24/01/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2480	2003-01-21
Competitiveness (Internal Market, Industry, Research and Space)	2510	2003-05-19
Agriculture and Fisheries	2422	2002-04-22
Environment	2378	2001-10-29

European Commission

Commission DG	Commissioner

	Internal Market, Industry, Entrepreneurship and SMEs

Key events

Date	Event	Reference	Summary
12/10/2000	Legislative proposal published	COM(2000)0639	Summary
27/10/2000	Committee referral announced in Parliament, 1st reading		
19/06/2001	Vote in committee, 1st reading		Summary
19/06/2001	Committee report tabled for plenary, 1st reading	A5-0218/2001	
05/07/2001	Decision by Parliament, 1st reading	T5-0395/2001	Summary
05/07/2001	Debate in Parliament		
31/10/2001	Modified legislative proposal published	COM(2001)0636	Summary
22/04/2002	Council position published	15546/2/2001	Summary
30/05/2002	Committee referral announced in Parliament, 2nd reading		
10/09/2002	Vote in committee, 2nd reading		Summary
10/09/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0288/2002	
25/09/2002	Debate in Parliament		
26/09/2002	Decision by Parliament, 2nd reading	T5-0447/2002	Summary
21/01/2003	Parliament's amendments rejected by Council		
18/02/2003	Formal meeting of Conciliation Committee		
12/03/2003	Final decision by Conciliation Committee		Summary
12/03/2003	Report tabled for plenary, 3rd reading	A5-0119/2003	
09/04/2003	Joint text approved by Conciliation Committee co-chairs	3615/2003	
13/05/2003	Debate in Parliament		
14/05/2003	Decision by Parliament, 3rd reading	T5-0208/2003	Summary
19/05/2003	Decision by Council, 3rd reading		
16/06/2003	Final act signed		
16/06/2003	End of procedure in Parliament		
26/08/2003	Final act published in Official Journal		

Technical information

Procedure reference	2000/0262(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation

Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/16827

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0218/2001	19/06/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0395/2001 OJ C 065 14.03.2002, p. 0175-0310 E	05/07/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0288/2002	10/09/2002	
Text adopted by Parliament, 2nd reading		T5-0447/2002 OJ C 273 14.11.2003, p. 0200-0267 E	26/09/2002	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0119/2003	12/03/2003	
Text adopted by Parliament, 3rd reading		T5-0208/2003 OJ C 067 17.03.2004, p. 0136-0174 E	14/05/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	15546/2/2001 OJ C 170 16.07.2002, p. 0001 E	22/04/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0639 OJ C 062 27.02.2001, p. 0139 E	12/10/2000	Summary
Modified legislative proposal	COM(2001)0636 OJ C 051 26.02.2002, p. 0339 E	31/10/2001	Summary
Commission communication on Council's position	SEC(2002)0436	23/04/2002	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0602	31/10/2002	Summary
Follow-up document	COM(2007)0313	11/06/2007	Summary
	SEC(2007)0770		

Follow-up document		11/06/2007	
Follow-up document	SEC(2007)0819	11/06/2007	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0397/2001 OJ C 155 29.05.2001, p. 0001	28/03/2001	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3615/2003	09/04/2003	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2003/0044
OJ L 214 26.08.2003, p. 0018-0035 Summary

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 05/07/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Martin Callanan (EPP-ED, UK). A majority backed the view of the rapporteur regarding the scope of the Directive and adopted amendments accordingly. Among the technical amendments adopted, one seeks to impose stricter limit values for exhaust gases on recreational craft using lakes. It was argued that lakes, as standing waters, were particularly vulnerable and that they might be used as a source of drinking water. Parliament also called on Member States to consider promoting the use of biodegradable fuels at national level as a way of drastically reducing the pollution of water by lubrification oils.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 23/04/2002 - Commission communication on Council's position

The Commission delivers a favourable opinion on the Common Position and notes that the Council has reached unanimity on this dossier. The Commission made two statements when the Council reached a political agreement on this proposal concerning conformity assessment procedures on the construction of personal watercraft and concerning a possible further stage of limit values in Article 2. These statements are also in line with its position at the European Parliament. In addition, the Commission has a reservation on the text on the 3 dB allowance for twin and multiple engines in Annex I, part C, item 1.1. A statement by the Commission was attached to the minutes of the Council to this respect. The reasons of the Commission's position are included in the Council minutes. Furthermore, the Commission and the Council issued a joint declaration undertaking to find a solution concerning boat design category D before the final adoption of the proposed legislation. In response to this undertaking, the Commission can accept the solution adopted by the Council which is also in line with the substance of the EP amendment.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 16/06/2003 - Final act

PURPOSE : to harmonise provisions on exhaust and noise emissions from engines intended to be installed on recreational craft. COMMUNITY MEASURE : Directive 2003/44/EC of the European Parliament and of the Council amending directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft. CONTENT : Certain developments since the adoption of Directive 94/25/ have made it necessary to amend that Directive. The propulsion engines on recreational craft and personal watercraft produce exhaust emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NOx), noise emissions and particle emissions which affect both human health and the environment. Exhaust emissions produced by the engines of such recreational craft and personal watercraft and noise emissions produced by such craft are also not covered by Directive 94/25/EC. However, there are laws in force in some Member States limiting noise and exhaust emissions from recreational craft and engines in order to protect human health, the environment and, where appropriate, domestic animal health. Those measures differ and are likely to affect the free movement of such products and constitute barriers to trade within the Community. This Directive harmonises national laws in order to abolish such barriers to trade and unfair competition found in the internal market: -the provisions on exhaust and noise emissions laid down in this Directive apply to all engines, whether inboard, outboard or stern drive with or without integral exhaust, and to personal watercraft; -engines undergoing major modifications are included as regards exhaust emissions; -craft with stern drive engines without integral exhausts or inboard propulsion engine installations undergoing major craft conversion are included as regards noise emissions when placed on the Community market within five years following conversion; -maximum authorised levels are laid down for exhaust emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxide (NOx) and particulate pollutants; -as far as noise emissions are concerned, the maximum levels are broken down as a function of the power of such engines and the number and type of engines on board; -Member States should consider introducing national support measures to encourage the use of synthetic biodegradable lubrication oils to reduce water pollution by recreational craft. The introduction of measures at Community level will be considered during the review of this Directive; -the data certifying conformity to noise and engine emissions must always accompany the recreational craft. Conformity assessment procedures are adopted to ensure the necessary level of protection. The manufacturer must ensure that the products covered by this Directive comply with relevant essential requirements, when they are placed on the market and/or put into service. -as far as exhaust emissions are concerned, all types of engines must bear the CE mark affixed by the manufacturer. There is aprescribed list of exceptions. -as far as noise emissions are concerned, only outboard engines and stern drive engines with integral exhaust must bear the CE mark affixed by the manufacturer; -to ensure the safe use of recreational craft, the Directive clarifies a number of technical issues relating to the essential construction requirements of recreational craft concerning the boat design categories, the maximum recommended load, the craft identification number, the fuel tanks, the fire fighting equipment and the discharge prevention. -there are transitional arrangement enabling certain products complying with the national rules in force on the date of entry into force of this Directive to be placed on the market and/or put into service, DATE OF TRANSPOSITION : 30/06/04. DATE APPLICABLE : 01/01/05.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 14/05/2003 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text agreed by the conciliation committee. (Please see the summary dated 12/03/03.)

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 26/09/2002 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Martin CALLANAN (EPP-ED, United Kingdom) on recreational craft. (Please refer to the document dated 10/09/02.) Parliament also inserted a clause to the effect that, in the context of in-use compliance testing, Member States' competent authorities may, in the case of justified suspicion, inspect a representative proportion of craft place on the market to verify whether emission limit values are being complied with. Such in-use compliance testing will be free of charge.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 31/10/2001 - Modified legislative proposal

Other than those amendments which simply add clarity to the text, the main amendments which the Commission feels able to accept in full can be summarised as follows: - Provisions for the simplification of noise testing procedures. This amendment introduces an alternative method to demonstrate compliance with the noise provisions, thereby alleviating the compliance cost for small boat builders producing low speed craft. - Changes concerning the distinction of stern drive engines into two categories. - Deletion of the obligation to place a CE mark on personal watercraft engines. Given that these engine form an integral part of the final product, the Commission agrees with the Parliament that it is sufficient to affix the CE mark to

the personal watercraft. Those amendments accepted in part or in principle can be summarised as follows: - In terms of exempting craft built for own use from the noise requirements, the Commission can accept this, with the following qualification; " craft built for own use, provided that they are not subsequently placed on the Community market during a period of five years". - Engines subjected to a major overhaul should fall under the scope of the Directive with regard to exhaust emissions when "first placed on the market and/or put into service after the date of entry into force of the present Directive." - Similarly, in terms of noise emissions the Commission accepts in principle the clarification that the proposed Directive applies to products "first placed on the market and/or put into service after the dat of entry into force of the present Directive." - The Commission can accept in principle the introduction of a distinction for stern drive engines into two categories, namely those with integral exhaust and those without integral exhaust. - The introduction of a distinction between replacement of the engine, major modification of an engine and major conversion of a craft. Those amendments rejected by the Commission can be summarised as follows: - Deletion of the provisions relating to comitology. The Commission continues to aim for a regulatory Committee to advise the Commission on measures relating to the modification of technical provisions. - The exclusion of steam powered craft from the Directive. - The exemption of engines on craft built for own use from the relevant exhaust emission requirements. The Commission points out that exhaust emission is the responsibility of the engine manufacturer. - A more generic definition of classic engines is rejected by the Commission on the grounds that it is contrary to the intention of the initial proposal to exempt vintage engines of a unique design and fitted to a historical craft only. - The application of more stringent limits in specific inland waters at national level is rejected since this falls under Member State legislation. - More stringent emission limits for ecologically sensitivewaters is rejected. - An amendment requiring ignition protected equipment to refer to petrol engines only. - An amendment seeking the exemption for manufacturers of stern drive engines with integral exhausts from affixing the CE mark. - An amendment introducing changes to the definition of boat design category D is rejected. - Removing the allowance of 3dB for twin engines and multiple engine units is similarly rejected on the grounds that the limits foreseen are thought to be technologically achievable for single engine boats.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 11/06/2007 - Follow-up document

Requirements for the design and construction of recreation craft are set out in the Recreational and Craft Directive (RCD), as amended in 2003. The 2003 amendment sets out harmonised limits for exhaust and noise emission. Under the terms of the Directive the Commission is required to submit a report, by end 2006, considering whether or not firstly, to further improve the environmental characteristics of engines and secondly, to consider the need to revise the boat design categories. The following points require particular attention: the need to further reduce emissions of air pollutants and noise; the possible benefits of a system for “in-use compliance”; cost efficient techniques for controlling emissions; reducing evaporation and fuel spillage; international standards for exhaust and noise emissions; and the possible simplification of the conformity assessment procedures.

In line with the general objectives of the Better Regulation Action Plan and the Community’s guidelines on Impact Assessments, the report seeks to identify the most suitable policy options prior to submitting legislative proposals. Before preparing this Communications the Commission undertook: a stocktaking study; an impact assessment study; a series of stakeholder consultations; and dialogue within EU-US Trans-Atlantic Business Dialogue.

Reducing emissions further: based on the stocktaking study, the Commission concludes that the recreational boating sector does not contribute significantly to overall air pollution. The study did, however, identify areas for improvement. For example, changing from two-stroke technology to direct injection and four-stroke technology. Any changes would, however have a social impact in terms of lost jobs (13-15 jobs lost for each kiloton annual pollution reduction). On the other hand, from a monetary valuation point of view, the damage avoided by reducing emissions could amount to between EUR 2500 and EUR 8200 for each ton of NOx emissions avoided per year and between EUR 13 000 and EUR 51 000 for each ton of PT emissions avoided per year. The figures suggest that compliance cost for emission reduction does not outweigh the monetary environmental benefits – and as such should be an incentive to strive for higher emission reductions.

To achieve further emission reductions, the Commission first intends to consider the technology and emission rules applied in other parts of the world and the US in particular. Any new measure would have to accompanied with provisions that provide an optimum balance between maximum emission reductions and minimal social costs.

More time and study is needed to fully asses the impact of minimising the effect of motorised recreation craft on climate change. The effect of such a policy on SME’s would also have to be taken into account. The Commission, therefore, proposes that it will prepare a complementary impact assessment study in close consultation with all stakeholders and report back to the European Parliament and Council at a later stage, with a view to establishing whether proposing legislative measures is appropriate.

Reducing noise emissions further: given that it is not always technologically feasible to reduce noise emissions further, the study concludes that noise abatement in environmentally sensitive areas should be achieved by other means – such as operational measures regulating the use of such craft.

A system for “in-use compliance”: the “in-use compliance” system would be used to verify the durability of an engine. However, the report concludes that in view of the limited environmental benefits of such a system and in view of the technical and logistical difficulties associated with it, it would not be appropriate to submit a legislative proposal for recreational craft.

Cost efficient techniques for controlling emissions: emission control technology that goes beyond the calibration of existing engine components may be possible – but at a considerable cost. After-treatment technology, in particular, using oxidation catalysts is being developed and tested for its reliability. It may prove to be an effective and efficient technique to maximise the emission reduction potential of marine recreational craft.

Reducing evaporation and fuel spillage: fuel spillage occurs mainly when crafts are being refuelled with jerry-cans. This problem has to be addressed locally and in line with the subsidiary principle. The Commission, therefore, concludes that it is up to the Member States to decide on operational measures, if needed, to reduce pollution caused by spillage.

Agreeing international standards for exhaust and noise emissions: substantial progress has been made on international standards for noise emission testing based on the EU funded “Soundboat” research projects This will allow for an alternative and more cost effective methodology for noise emission compliance testing within the context of ISO standard 14509. As this standard has already been referred to in the RCD, there is no need for further legislation.

Simplification of conformity assessment procedures: the Commission is of the view that simplifying the system of conformity assessment procedures should be dealt with in a wider context and should await the outcome of the inter-institutional discussions on the Commission proposal to review the principles governing the New Approach legislation.

Boat design categories: as far as revising the criteria of boat design is concerned the report concludes that there is no strong evidence to suggest that the overall safety of recreational craft needs to be improved through changing current categories or by adding new ones.

Conclusion: the Commission states that it intends to explore further the possibility of maximising the potential to reduce recreational craft emissions further still. This requires an impact assessment on the application of the most stringent, technology driven emission limits for recreational craft engines and what impact this would have, not on only the climate, but on the competitivity of European industry as well. Depending on the results of this assessment the Commission may consider the tabling of appropriate proposals at a later stage.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 22/04/2002 - Council position

The Common position maintains the approach proposed by the Commission, but takes on board some of the 42 amendments adopted by the European Parliament. Some of those amendments had also already been accepted by the Commission in its modified proposal. This approach is justified, because some modifications are of a technical nature or intended to clarify certain issues related to Directive 94/25/EC. Others deal with exhaust gas and noise emissions but for example aim to avoid unnecessary restrictions on boats intended for personal use and not put on the Community market. In some cases, provisions have been clarified in order to take account of the latest technical developments. The Commission is pleased to note that the Common Position adopted by the Council satisfies to a large extent the intention of the Commission's proposal to regulate exhaust and noise emissions from engines on recreational craft and offers very good technical solutions. The Common Position introduces the following important innovations to the original Commission proposal: - exception for craft built for own use : an exception for noise emissions regarding craft built for own use and not put on the Community market simplifies issues and avoids high costs for individuals who should not face an unnecessary burden; - definition of Boat Design Category D : this sub-paragraph includes an amended definition of Boat Design Category D, as suggested by the Task Force which has been convened by the Commission; - provisions on fire fighting equipment : the harmonised provisions on fire fighting equipment have been strengthened and clarified; - simplification of noise testing for SMEs : in order to ease the burden for SMEs, the reference boat procedure and the relevant noise tests have been complemented by the alternative of applying simple limit values; - more detailed list of possible items to be included in the Commission's report : the subject of constantly improving EU legislation in order to further reduce emissions and increase environmental protection has been strengthened by inserting detailed points for consideration in the report to be presented by the Commission to the Council and to the European Parliament.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 31/10/2002 - Commission opinion on Parliament's position at 2nd reading

The amendments accepted by the Commission concern those which : - provide editorial consistency with the terminology used elsewhere in the Common Position concerning "placing on the market and/or putting into service"; - refer to the 3dB allowance for noise limits is accepted as it re-instates the original provision in the Commission's original proposal concerning the application of this allowance to all types of engines. Those amendments rejected by the Commission concern in particular those which : - seek to exclude craft 'for own use' undergoing major craft conversion from the noise emission requirements; - call for the introduction of national support policies to encourage the use of synthetic biodegradable lubrication oils an for the introduction of EU measures during the review of the Directive. The issue of encouraging more environment-friendly techniques has been acknowledged in substance and taken up in more detailed and all encompassing Article 2; - require the deletion of the provisions relating to comitology and are, therefore, contrary to the principles of the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1999/468/EC); - need to exclude steam powered craft from the scope of the design and construction requirements of the Directive; - seek to exempt engines on craft built for own use from the relevant exhaust emission requirements; - seek to limit the scope of recreational craft that can make use of the alternative method do demonstrate compliance with the noise emission requirements and would be consist with the rest of the proposal; - seek to change the timing and the scope of the future work to be undertaken by the Commission to further reduce emissions and review the boat design categories.

Recreational craft industry: exhaust and noise emissions from boat engines (amend. Directive 94/25/EC)

2000/0262(COD) - 12/10/2000 - Legislative proposal

PURPOSE: to modify Directive 94/25/EC on the approximation of provisions of the Member States relating to recreational craft. CONTENT: Directive 94/25/EC is a New Approach Directive dealing with the design and construction of recreational craft. It became fully operational in June 1998, after a 4-year transition period. The purpose of the proposed amendment to this Directive is to include harmonised provisions on exhaust and noise emissions from engines intended to be installed on recreational craft. The proposed Directive lays down limits: - for exhaust emissions of carbon monoxide, hydrocarbons, nitrogen oxides and particulate pollutants, with different limits depending on engine rated power for 2-smoke spark-ignition, 4-stroke spark-ignition and compression-ignition engines; - for noise emissions for the boat/engine installation, depending on power rating and the type of engine and its installation (e.g. inboard/stern drive, outboard drive, personal watercraft, single or multiple engine installations). Against this background, the main justification for this proposed Directive is the fact that environment and industrial policies are both important pillars for the achievement of sustainable development and increased interrelation between these policies will promote environmental protection, competitiveness, innovation and employment. Moreover, the aim of the proposed modification to is to: - contribute to the smooth functioning of the internal market; - promote harmonised Community legislation to regulate exhaust and noise emission of recreational marine engines and avoid fragmentation and possible barriers ot trade; - protect human health, the well-being of citizens and the environment by reducing exhaust and noise emissions of petrol and diesel engines intended for recreational craft and personal watercraft. The legal basis of the proposed Directive is Article 95 of the Treaty. The objectives of the proposed modification aims to ensure the free movement of products within the Community and to protect the health and well-being of citizens and the environment. Discrepancies in the national regulations to control exhaust and noise emissions of recreational marine engines could lead to barriers to trade and infringe on the free movement of products, which is the exclusive competence of the Commission. Finally, the proposed measure is a shared competence with the Member States of the EU.