

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2011/0197(COD) Procedure completed
Recreational craft and personal watercraft Amended by 2017/0353(COD)	
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.20.03.01 Maritime safety 3.40.04 Shipbuilding, nautical industry 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution 3.70.07 Noise pollution 4.60.08 Safety of products and services, product liability	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	IMCO Internal Market and Consumer Protection		27/09/2011
		ECR HARBOUR Malcolm	
		Shadow rapporteur	
		PPE SCHWAB Andreas	
		S&D REPO Mitro	
		ALDE MANDERS Antonius	
		Verts/ALE RÜHLE Heide	
		EFD SALVINI Matteo	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety		28/09/2011
		PPE TATARELLA Salvatore	
	TRAN Transport and Tourism		17/10/2011
		ECR ZĪLE Roberts	
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	3271	15/11/2013
European Commission	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs	TAJANI Antonio	
European Economic and Social Committee			

Key events			
26/07/2011	Legislative proposal published	COM(2011)0456	Summary
13/09/2011	Committee referral announced in Parliament, 1st reading		
21/06/2012	Vote in committee, 1st reading		
	Committee report tabled for plenary, 1st		Summary

26/06/2012	reading	A7-0213/2012	
08/10/2013	Debate in Parliament		
09/10/2013	Results of vote in Parliament		
09/10/2013	Decision by Parliament, 1st reading	T7-0407/2013	Summary
15/11/2013	Act adopted by Council after Parliament's 1st reading		
20/11/2013	Final act signed		
20/11/2013	End of procedure in Parliament		
28/12/2013	Final act published in Official Journal		

Technical information

Procedure reference	2011/0197(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2017/0353(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/06714

Documentation gateway

Legislative proposal		COM(2011)0456	26/07/2011	EC	Summary
Document attached to the procedure		SEC(2011)0958	26/07/2011	EC	
Document attached to the procedure		SEC(2011)0959	26/07/2011	EC	
Economic and Social Committee: opinion, report		CES1851/2011	08/12/2011	ESC	
Committee draft report		PE480.885	10/02/2012	EP	
Amendments tabled in committee		PE486.112	02/04/2012	EP	
Committee opinion	TRAN	PE483.496	24/04/2012	EP	
Committee opinion	ENVI	PE480.787	25/04/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0213/2012	26/06/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0407/2013	09/10/2013	EP	Summary
Draft final act		00041/2013/LEX	20/11/2013	CSL	
Commission response to text adopted in plenary		SP(2013)872	27/11/2013	EC	

Follow-up document		COM(2018)0182	12/04/2018	EC	
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Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
<p>Directive 2013/53 OJ L 354 28.12.2013, p. 0090 Summary</p> <p>Corrigendum to final act 32013L0053R(01) OJ L 297 13.11.2015, p. 0009</p> <p>Final legislative act with provisions for delegated acts</p>

Recreational craft and personal watercraft

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 (NOx), 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 extend 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.

Recreational craft and personal watercraft

The Committee on Internal Market and Consumer Protection adopted the report by Malcolm HARBOUR (ECR, UK) on the proposal for a Directive of the European Parliament and of the Council on recreational craft and personal watercraft.

The parliamentary committee recommends that the European Parliament's position at first reading, following the ordinary legislative procedure, amends the Commission proposal as follows:

Scope of application: an amendment clarifies that watercraft also used for charter or for recreational boating training shall also be covered by this Directive.

Definitions: Members introduced changes to the definitions:

- recreational craft: recreational craft means any vessel of any type intended for sports and leisure purposes of hull length from 2.5 m to 24 m, measured according to the harmonised standard, regardless of the means of propulsion;
- personal watercraft: the proposed definition is replaced with that in Directive 2003/44/EC which is the international definition including the relevant ISO standard;
- propulsion engine: the amendment ensures all types of hybrid installation will have to conform to the exhaust emission requirements of Annex I. B;
- major craft conversion: the amendment provides a more precise definition to avoid that any change to the engines attributes inadvertently qualifies as a major conversion
- manufacturer: the amendment addresses the current ambiguity faced by those manufacturers who adapt engines for marine use and do not change the emissions characteristics of the engine, ensuring they are now clearly able to use the original engine manufacturer's proof of conformity.

Exchanges of best practice: the Commission should facilitate the exchange of best practices between Member States by setting up an adequate system for such exchanges. Members take the view that such an exchange of views on best practices would help to avoid disproportionate measures.

Free movement: an amendment stipulates that the Member States shall not impede the making available on the market or putting into service of propulsion engines, whether or not installed in watercraft, which comply with this Directive.

Manufacturers obligations: an amendment clarifies that manufacturers must ensure that their product is accompanied by instructions and safety information provided in a language or languages easily understood by consumers and other end-users in the Member States in which they place their products on the market. That language shall be determined by the Member State concerned.

Objections to a harmonised standard: a [horizontal legislative revision](#) of the EU standardisation system is currently underway which covers this general provision on objections to standards; Members propose the deletion of this article in this proposal for a sectoral Directive.

Restoration of the rules in force since 1994: Members wish to maintain the existing testing by notified bodies on large craft over 12m likely to sail in the open sea.

Changes to Annex I: Members amendments seek to:

- provide more details on the precise application of a certain number of important safety requirements (buoyancy, electricity, gas and ventilation of fuel tanks);
- offer an up-to-date system for the definition of boat design categories which removes the existing link between design category and intended use according to geographical location (e.g. off shore or sheltered waters) to instead leave wind strength and wave height as the main 2 parameters.

Report: no later than five years after the date of transposition, and taking into account any major market initiatives, the Commission shall submit a report on the technical feasibility of further reducing the emissions of recreational marine engines, taking into account the cost-efficiency of technologies and the need to agree globally harmonised values for the sector. The report shall be accompanied, if appropriate, by a legislative proposal to that effect.

Review: in the two years following the date of transposition, the Commission shall present a report on the impact of the boat design categories listed in Annex I, which are based on resistance to wind force and wave height, taking into account developments in international standardisation. That report shall include an evaluation of whether the boat design categories require additional specifications or subdivisions, in order to provide better information on actual use for consumers. The report shall also include an evaluation of the impact for the boat manufacturing industry. Where appropriate, it shall be accompanied by a legislative proposal.

Recreational craft and personal watercraft

The European Parliament adopted by 626 votes to 17, with 11 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on recreational craft and personal watercraft.

Parliament adopted its position at first reading, following the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise reached between the European Parliament and the Council. They amend the Commission proposal as follows:

Scope: this Directive should apply to personal watercraft and partly completed personal watercraft.

It should not apply to canoes and kayaks designed to be propelled solely by human power, gondolas and pedalos; surfboards designed solely to be propelled by wind and to be operated by a person or persons standing; watercraft built for own use; amphibious vehicles.

Products subject to CE marking: the following products should be subject to CE marking when they are made available on the market or put into service: (a) watercraft; (b) components; (c) propulsion engines.

In the case of watercraft, the CE marking shall be affixed on the watercraft builder's plate mounted separately from the watercraft identification number. In the case of a propulsion engine, the CE marking shall be affixed on the engine.

Watercraft design categories: the titles of the watercraft design categories should only be based on the essential environmental conditions for navigation, namely wind force and significant wave height.

Four design categories, A, B, C and D, specify ranges of wind force and of significant wave height for the purpose of design with explanatory notes

Market surveillance: where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by this Directive presents a risk to the health or safety of persons, to property or to the environment, they should carry out an evaluation in relation to the product concerned covering the relevant requirements laid down in this Directive.

In the case of a private importer, where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, the private importer shall be informed without delay of the appropriate corrective action to be taken to bring the product into compliance with those requirements, to suspend the putting into service of the product or to suspend the use of the product, commensurate with the nature of the risk.

General requirements: the amended text stipulates that watercraft should be designed to minimise the risks of falling overboard and to facilitate reboarding. Means of reboarding shall be accessible to or deployable by a person in the water unaided. For recreational craft, the main steering position shall give the operator, under normal conditions of use (speed and load), good all-round visibility.

Each product shall be provided with an owner's manual providing all the information necessary for safe use of the product drawing particular attention to set up, maintenance, regular operation, prevention of risks and risk management.

Integrity and structural requirements: all habitable multihull recreational craft susceptible of inversion shall have sufficient buoyancy to remain afloat in the inverted position.

Every sailing recreational craft and single-propulsion engine non-sailing recreational craft with remote-controlled rudder steering systems shall be provided with emergency means of steering the recreational craft at reduced speed.

Reporting: the Commission shall submit a report to the European Parliament and to the Council on the following:

- the technical feasibility for further reducing the emissions of marine propulsion engines and introducing requirements for evaporative emissions and fuel systems that apply to propulsion engines;
- the impact on consumer information and on manufacturers, in particular small and medium-sized enterprises, of the watercraft design categories listed in Annex I.

These reports shall, where appropriate, be accompanied by legislative proposals.

Transitional period: the new rules allow 3 years to industry from the date of entry into force to comply with the limits set by the Directive. Small and medium-sized enterprises which have manufactured engines with power equal to or less than 15 kW should be allowed a transition period of six years after the entry into force of this Directive.

Recreational craft and personal watercraft

PURPOSE: to ensure up-to-date requirements for the design and manufacture of recreational craft.

LEGISLATIVE ACT: Directive 2013/53/EU of the European Parliament and of the Council on recreational craft and personal watercraft and repealing Directive 94/25/EC.

CONTENT: this Directive updates the requirements for the design and manufacture of pleasure boats and personal watercraft such as sailing boats, motorboats and sea scooters, as well as provisions on their free movement in the Union.

It also clarifies the conditions for economic operators (manufacturers, representatives, importers, distributors) to place recreational craft on the internal market, including those imported from third countries. The aim is to increase the safety of users and environmental protection.

A first Directive (Directive 94/25/EC) was adopted to harmonise safety characteristics and to remove obstacles to trade in recreational crafts between EU countries. That Directive covered only recreational craft of a minimum hull length of 2.5 m and a maximum length of 24 m.

Directive 2003/44/EC of the Council and the European Parliament extended the scope of that Directive to include personal watercraft, and integrated environmental protection requirements into the amended Directive by adopting exhaust emission limits (CO, HC, NOx and particulates) and noise limits levels for propulsion engines.

The new directive further adapts the emission rules to reflect the technological developments that make it possible to improve the environmental performance of nautical engines. It also introduces the following new elements:

Design categories for boats: four design categories, A, B, C and D, of leisure boats are based on environmental conditions for navigation, and specify ranges of wind force and of significant wave height. For example, a recreational craft given design category A is considered to be designed for winds that may exceed wind force 8 (Beaufort scale) and significant wave height of 4 m and above.

CE marking: this is affixed to these boats is the marking of conformity indicating that the product complies with EU legislation. The following products are subject to CE marking: (a) watercraft; (b) components; (c) propulsion engines. In the case of watercraft, the CE marking shall be affixed on the watercraft builders plate mounted separately from the watercraft identification number. In the case of a propulsion engine, the CE marking will be on the engine.

Essential requirements: the Directive also provides, inter alia:

- each watercraft shall be marked with an identification number and carry the watercraft builders plate;
- watercraft shall be designed to minimise the risks of falling overboard and to facilitate reboarding;
- for recreational craft, the main steering position shall give the operator, under normal conditions of use (speed and load), good all-round visibility;
- each product shall be provided with an owners manual providing all the information necessary for safe use of the product;
- all habitable multihull recreational craft susceptible of inversion shall have sufficient buoyancy to remain afloat in the inverted position;
- tiller-controlled outboard propulsion engines shall be equipped with an emergency stopping device which can be linked to the helmsman.

Transition period: the new rules give industry three years from the date of their entry into force (until 18 January 2017) to conform to the Directives requirements. Small and medium-sized manufacturers of outboard spark-ignition propulsion engines with power equal to or less than 15 kW will have a transition period of six years (until 18 January 2020) to conform to the new rules.

ENTRY INTO FORCE: 17.01.2014.

TRANSPOSITION: 18.01.2016.

DELEGATED ACTS: the Commission may adopt delegated acts in order to take into account the progress of technical knowledge and new scientific evidence.

The power to adopt such acts is conferred on the Commission for a period of five years from 17 January 2014. The European Parliament or the Council may raise objections with regard to a delegated act within two months of the date of notification (which may be extended by two months). If Parliament or Council raise objections, the delegated act will not enter into force.