



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.10.2002
COM(2002) 602 final

2000/0262 (COD)

OPINION OF THE COMMISSION
pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments to the Council's common position
regarding the proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
modifying Directive 94/25/EC on the approximation of the laws, regulations
and administrative provisions of the Member States relating to recreational craft

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 17 amendments proposed by Parliament.

2. BACKGROUND

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| Transmission of the Proposal to the Council and the European Parliament - COM(2000)639 - 2000/0262 (COD) - in accordance with article 251(2) and 95 of the Treaty | 12 October 2000 |
| Opinion of the Economic and Social Committee | 28-29 March 2001 |
| Opinion of the European Parliament - first reading | 5 July 2001 |
| Amended Commission proposal | 31 October 2001 |
| Adoption of the Council common position | 22 April 2002 |
| Opinion of the European Parliament - second reading | 26 September 2002 |

3. PURPOSE OF THE PROPOSAL

The proposal introduces harmonised provisions on exhaust and noise emissions limit values from engines on recreational craft. It also includes a number of modifications on the construction aspects of recreational craft covered by this Directive (e.g. the inclusion of jet-skis in the scope of the original Directive).

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission (n° 6, 14 and 21)

- Amendments 6 and 21 can be accepted, as they provide editorial consistency with the terminology used elsewhere in the Common Position concerning "placing on the market and/or putting into service".
- Amendment 14 on 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.

4.2. Amendments rejected by the Commission (n° 2, 3, 4, 5, 7, 8, 9, 10, 12, 15, 17, 18, 19 and 24)

- The Commission cannot accept amendments 2 and 7, which seek to exclude craft 'for own use' undergoing major craft conversion from the noise emission requirements. Major craft conversion, according to the definition of the Directive, involves either a change of the propulsion means, or a major engine modification or the alteration of the craft to such extent that it can be considered a new craft. In all these situations it is fully justified that the new or modified engine complies with the noise emission requirements, irrespective of whether or not the craft will be placed on the market within 5 years following conversion.
- Amendment 3, calling for the introduction of national support policies to encourage the use of synthetic biodegradable lubrication oils and for the introduction of EU measures during the review of the Directive, cannot be accepted. The issue of encouraging more environment-friendly techniques has been acknowledged in substance and taken up in the more detailed and all-encompassing Article 2. A special recommendation for EU-wide environmental measures in a certain field (biodegradable lubrication oils) in a recital is therefore not considered as being necessary.
- Amendments 4, 5 and 12 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). These amendments are, therefore, not acceptable.
- The need to exclude steam powered craft from the scope of the design and construction requirements of the Directive, as proposed by Amendment 8, is not supported by sufficient evidence. This amendment cannot, therefore, be accepted.
- Amendments 9 and 10 seek to exempt engines on craft built for own use from the relevant exhaust emission requirements. These amendments cannot be accepted, as the responsibility for demonstrating compliance with the exhaust emission requirements lies with engine manufacturers and not with the individuals building boats for their own use.
- Amendment 15 cannot be accepted as it would 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 inconsistent with the rest of the proposal.
- Amendments 17, 18, 19 and 24 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. They cannot be accepted as they would impose too binding commitments upon the Commission and restrict its right of initiative.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.