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*****II**

RECOMMENDATION FOR SECOND READING

on the common position adopted by the Council with a view to the adoption of a European Parliament and Council directive amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft
(15546/2/2001 – C5-0226/2002 – 2000/0262(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Martin Callanan

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At the sitting of 5 July 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (COM(2000) 639 - 2000/0262 (COD)).

At the sitting of 30 May 2002 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (15546/2/2001 - C5-0226/2002).

The committee had appointed Martin Callanan rapporteur at its meeting of 24 January 2001.

It considered the common position and draft recommendation for second reading at its meetings of 17 June 2002 and 10 September 2002.

At the last meeting it adopted the draft legislative resolution by 28 votes to 13, with 6 abstentions.

The following were present for the vote: Caroline F. Jackson, chairman; Mauro Nobilia and Alexander de Roo, vice chairmen; Martin Callanan, rapporteur; María del Pilar Ayuso González, Jean-Louis Bernié, Hans Blokland, Armonia Bordes, David Robert Bowe, John Bowis, Dorette Corbey, Avril Doyle, Jillian Evans (for Patricia McKenna), Anne Ferreira, Karl-Heinz Florenz, Pernille Frahm, Cristina García-Orcoyen Tormo, Laura González Álvarez, Robert Goodwill, Françoise Grossetête, Heidi Anneli Hautala (for Hiltrud Breyer), Christopher Heaton-Harris, Christa Klab, Eija-Riitta Anneli Korhola, Bernd Lange, Paul A.A.J.G. Lannoye (for Marie Anne Isler Béguin), Peter Liese, Rolf Linkohr (for María Sornosa Martínez), Giorgio Lisi (for Per-Arne Arvidsson), Torben Lund, Minerva Melpomeni Malliori, Emilia Franziska Müller, Rosemarie Müller, Giuseppe Nisticò, Neil Parish (for Raffaele Costa), Béatrice Patrie, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Inger Schörling, Jonas Sjöstedt, Renate Sommer (for Horst Schnellhardt), Catherine Stihler, Astrid Thors, Antonios Trakatellis, Kathleen Van Brempt, Phillip Whitehead.

The recommendation for second reading was tabled on 11 September 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (15546/2/2001 – C5-0226/2002 – 2000/0262(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position 15546/2/2001 – C5-0226/2002),
 - having regard to its position at first reading¹ on the Commission proposal and amended proposal to Parliament and the Council (COM(2000) 639² and COM(2001) 636³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0288/2002),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 65 of 14.3.2002, p. 175.

² OJ C 62 of 27.2.2001, p. 139

³ OJ C 51 of 26.2.2002, p. 339.

Amendment 1
RECITAL 8

(8) The harmonisation of national laws **is the only way** to abolish such barriers to trade and unfair competition found in the internal market. The objective of limiting noise and exhaust emissions cannot be satisfactorily met by the Member States individually. The measures provided for in this Directive lay down only **the essential** requirements for the free movement of recreational craft, personal watercraft and all the types of engines to which this Directive applies.

(8) The harmonisation of national laws **may help** to abolish such barriers to trade and unfair competition found in the internal market. The objective of limiting noise and exhaust emissions cannot be satisfactorily met by the Member States individually. The measures provided for in this Directive lay down only **minimum** requirements for **facilitating** the free movement of recreational craft, personal watercraft and all the types of engines to which this Directive applies. **Member States may, subject to compliance with Treaty provisions applicable to certain waters, in particular inland waters that are used, or are to be used, for the abstraction of drinking water, impose more stringent requirements for limiting emissions and protecting the environment.**

Justification

An adequate level of environmental and health protection must be guaranteed in the case of inland waters used for the abstraction of drinking water. It must remain possible for Member States to maintain stricter rules in the interests of environmental protection and drinking water quality. Reinstatement of Amendment 43 adopted at first reading.

Amendment 2
RECITAL 10

(10) The provisions on exhaust and noise emissions laid down in this Directive should apply to all engines, whether inboard, outboard or stern drive with or without integral exhaust, and to personal watercraft in order to ensure optimum effectiveness in the protection of human health and the environment. Engines undergoing major modifications should be included as regards exhaust emissions. Craft with stern drive engines without

(10) The provisions on exhaust and noise emissions laid down in this Directive should apply to all engines, whether inboard, outboard or stern drive with or without integral exhaust, and to personal watercraft in order to ensure optimum effectiveness in the protection of human health and the environment. Engines undergoing major modifications should be included as regards exhaust emissions. Craft with stern drive engines without

integral exhausts or inboard propulsion engine installations, undergoing major craft conversion should be included as regards noise emissions when placed on the Community market.

integral exhausts or inboard propulsion engine installations, undergoing major craft conversion should be included as regards noise emissions when placed on the Community market ***within 5 years following conversion.***

Justification

Individual users should not face obstacles when repairing, improving or modifying their craft by means of a 'major craft conversion', as a result of wear and tear, and routine updating. The limited advantages in terms of noise reduction is disproportionate to the substantial expense to the individual craft owners. The measure would also prove to be extremely difficult to implement and execute (linked to amendment 5)

Amendment 3 RECITAL 11 a (new)

(11a) Member States should consider introducing national support policies to encourage the use of synthetic biodegradable lubrication oils to reduce water pollution by the recreational sector. The introduction of EU-wide measures should be considered during the review of this Directive.

Justification

Member States wishing to lend particular support to their own boatbuilding industries, as some no doubt do, could take action in this way. This amendment reinstates Amendment 3 from the first reading.

Amendment 4
RECITAL 19

(19) In order to facilitate the application of measures concerning the efficient functioning of legislation, the procedure establishing a close cooperation between the Commission and Member States in the framework of a Committee should be maintained and reinforced. Deleted

Justification

The formation of a “Regulatory Committee” undermines the original right of the European Parliament and of Council to adopt limit values under the codecision procedure. Although exhaust and noise emission limit values are now excluded from the remit of the committee, Froude and P/D ratio limit values still are within their remit (linked to amendments to recital 20 and Article 6a (Directive 94/25/EC)).

Amendment 5
RECITAL 20

(20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. Deleted

Justification

Builds on amendment 19 adopted in first reading. The formation of a “Regulatory Committee” undermines the original right of the European Parliament and of Council to adopt limit values under the codecision procedure. Although exhaust and noise emission limit values are now excluded from the remit of the committee, Froude and P/D ratio limit values

still are within their remit.

Amendment 6
RECITAL 21

(21) It is necessary to provide for a 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 put into service,

(21) It is necessary to provide for a 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,

Justification

Correction of an inconsistency in the Common Position. The accepted phrase of “placed on the market and/or put into service” is used ten times in the Council common position document, However “/or” has been omitted at this point in the text.

Amendment 7
ARTICLE 1, POINT 1
Article 1, paragraph 1, point (c) (ii) (Directive 94/25/EC)

(ii) recreational craft with stern drive engines without integral exhausts or with inboard propulsion installations which are subject to a major craft conversion and subsequently placed on the Community market;

(ii) recreational craft with stern drive engines without integral exhausts or with inboard propulsion installations which are subject to a major craft conversion and subsequently placed on the Community market **within 5 years following conversion.**

Justification

Individual users should not face obstacles when repairing, improving or modifying their craft by means of a 'major craft conversion', as a result of wear and tear, and routine updating. The limited advantages in terms of noise reduction is disproportionate to the substantial expense to the individual craft owners. The measure would also prove to be extremely difficult to implement and execute.

Amendment 8
ARTICLE 1, POINT 1
Article 1, paragraph 2, point (a), point (xi a) (new) (Directive 94/25/EC)

(xia) steam powered craft;

Justification

A very small number of coal, oil or gas fired steam craft are constructed in the EU each year by or for enthusiasts. This amendment reintroduces amendment 9 in first reading.

Amendment 9
ARTICLE 1, POINT 1
Article 1, paragraph 2, point (b), indent 6 a (new) (Directive 94/25/EC)

- craft built for own use, provided that they are not subsequently placed on the Community market during a period of five years.

Justification

Builds on amendment 10 adopted in first reading. "Craft built for own use" was one of many exceptions from the "design & construction" requirements of the original RCD. However, it is no longer allowed an exemption from the exhaust emission requirements.

The Council/Commission statement that "the exception can only refer to noise emissions, because the responsibility for compliance testing for exhaust emissions lies with engine manufacturers and not boat builders" is not valid. To be valid, racing craft and other craft fitted with engines should also not be exempt from the exhaust emission requirements.

Amendment 10
ARTICLE 1, POINT 1
Article 1, paragraph 2, point (c), indent 2 (Directive 94/25/EC)

- craft built for own use, provided that they are not subsequently placed on the Community market during a period of five years

Deleted

Justification

“Craft built for own use” was one of many exceptions from the “design & construction” requirements of the original RCD. However, it is no longer allowed an exemption from the exhaust emission requirements.

The Council/Commission statement that “the exception can only refer to noise emissions, because the responsibility for compliance testing for exhaust emissions lies with engine manufacturers and not boat builders” is not valid. To be valid, racing craft and other craft fitted with engines should also not be exempt from the exhaust emission requirements.

Amendment 11

ARTICLE 1, POINT 2 a (new)

Article 4, paragraph 6 a (new) (Directive 94/25/EC)

The following paragraph 6a is added to Article 4:

'6a. By way of derogation from paragraphs 1 to 6 above, Member States may, in respect of inland waters,

- which are actually used, or are to be used, for the abstraction of drinking water and must therefore be particularly well protected against pollution, or

- which are in the vicinity of residential areas or protected natural habitats which must be afforded particular protection from noise,

lay down stricter environmental protection requirements and prohibit wholly, partly or temporarily the putting into service of the products specified in Article 1(1) if they do not comply with such stricter environmental protection requirements. If Member States make use of this possibility, they must notify the stricter national environmental protection requirements to the Commission at least one year before

they enter into force and have them published in the Official Journal of the European Union.'

Justification

An adequate level of environmental and health protection must be guaranteed in the case of inland waters used for the abstraction of drinking water. It must remain possible for Member States to maintain stricter rules in the interests of environmental protection and drinking water quality. Reinstatement of Amendment 15 adopted at first reading.

Amendment 12
ARTICLE 1, POINT 3
Article 6 a (Directive 94/25/EC)

"Article 6a

Deleted

Committee procedure

1. Amendments which are necessary, in the light of evolution of technical knowledge and new scientific evidence, to the requirements of Annex I.B.2 and Annex I.C.1 excluding direct or indirect modifications to exhaust or noise emission values, shall be adopted by the Commission assisted by the Standing Committee set up pursuant to Article 6(3), acting as a regulatory committee in accordance with the procedure referred to in paragraph 2. Issues to be dealt with shall include the reference fuels, the standards to be used for exhaust and noise emissions testing and revision of the Froude and P/D ratio values.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.";

Justification

Builds on amendment 16 adopted in first reading. The formation of a "Regulatory Committee" undermines the original right of the European Parliament and of Council to adopt limit values under the codecision procedure. Although exhaust and noise emission limit values are now excluded from the remit of the committee, Froude and P/D ratio limit values still are within their remit.

Amendment 13
ARTICLE 1, POINT 8
Annex I, Part B, point 2

Council common position

2. EXHAUST EMISSION REQUIREMENTS

Propulsion engines shall be designed, constructed and assembled so that when correctly installed and in normal use, emissions shall not exceed the limit values obtained from the following table:

Table 1

Type	Carbon monoxide $CO=A + B/P_N^n$ g/kWh			Hydrocarbons $HC=A + B/P_N^n$ g/kWh			Nitrogen oxides NO_x g/kWh	Particulates PT g/kWh
	A	B	n	A	B	n		
Two-stroke spark ignition	150.0	600.0	1.0	30.0	100.0	0.75	10.0	Not applicable
Four-stroke spark ignition	150.0	600.0	1.0	6.0	50.0	0.75	15.0	Not applicable
Compression ignition	5.0	0	0	1.5	2.0	0.5	9.8	1.0

Where A, B and n are constants in accordance with the table, P_N is the rated engine power in kW and the exhaust emissions are measured in accordance with the harmonised standard.

For engines above 130 kW either E3 (IMO) or E5 (recreational marine) duty cycles may be used.

The reference fuels to be used for the emissions test for engines fuelled with petrol and diesel shall be as specified in Directive 98/69/EC (Annex IX, Tables 1 and 2), and for those engines fuelled with Liquefied Petroleum Gas as specified in Directive 98/77/EC.

Amendment by Parliament

2. EXHAUST EMISSION REQUIREMENTS

Propulsion engines *for engines of recreational craft using the sea, coastal waters and rivers* shall be designed, constructed and assembled so that when correctly installed and in normal use, emissions shall not exceed the limit values obtained from the following table:

Table 1

Type	Carbon monoxide $CO=A + B/P_N^n$ g/kWh			Hydrocarbons $HC=A + B/P_N^n$ g/kWh			Nitrogen oxides NO_x g/kWh	Particulates g/kWh
	A	B	n	A	B	n		
Two-stroke spark ignition *	150.0	600.0	1.0	30.0	100.0	0.75	10.0	Not applicable
Four-stroke spark ignition	150.0	600.0	1.0	6.0	50.0	0.75	15.0	Not applicable
Compression ignition	5.0	0	0	1.5	2.0	0.5	9.8	1.0

Where A, B and n are constants in accordance with the table, P_N is the rated engine power in kW and the exhaust emissions are measured in accordance with the harmonised standard.

**** In the case of manufacturers which produce fewer than 5000 engines per year worldwide, these limit values shall apply as from 31 December 2007.***

For engines above 130 kW either E3 (IMO) or E5 (recreational marine) duty cycles may be used.

The reference fuels to be used for the emissions test for engines fuelled with petrol and diesel shall be as specified in Directive 98/69/EC (Annex IX, Tables 1 and 2), and for those engines fuelled with Liquefied Petroleum Gas as specified in Directive 98/77/EC.

Propulsion engines for engines of recreational craft using standing inland waters (lakes) shall be designed, constructed and assembled so that, when correctly installed and in normal use, emissions shall not exceed the limit values obtained from the following table:

Table 1a

Type	Carbon monoxide $CO = A + B/P_N^n$ g/kWh			Hydrocarbons $HC = A + B/P_N^n$ g/kWh			Nitrogen oxides $NO = A + B/P_N^n$ g/kWh			Particulates g/kWh
	A	B	n	A	B	n	A	B	n	
Two-stroke spark ignition	150.0	600.0	1.0	0.45	35.0	0.75	4.2	8.0	0.5	Not applicable
Four-stroke spark ignition	150.0	600.0	1.0	0.45	35.0	0.75	4.2	8.0	0.5	Not applicable
Compression ignition	5.0	600.0	1.0	0.45	35.0	0.75	9.8	0	0	0.14

Where *A*, *B* and *n* are constants in accordance with the table, P_N is the rated engine power in kW and the exhaust emissions are measured in accordance with the harmonised standard.

For engines above 130 kW either E3 (IMO) or E5 (recreational marine) duty cycles may be used.

The reference fuels to be used for the emissions test for engines fuelled with petrol and diesel shall be as specified in Directive 98/69/EC (Annex IX, Tables 1 and 2), and for those engines fuelled with Liquefied Petroleum Gas as specified in Directive 98/77/EC.

Justification

A second table with more stringent limit values for exhaust gases is introduced for recreational craft using lakes, in order to take account of the fact that lakes, as standing inland waters, are particularly vulnerable and are also a potential source of drinking water. Emission limit values more stringent than those proposed by the Commission already apply in some areas. Reinstatement from first reading (Amendments 29, 30 and 31).

In addition, a temporary derogation is introduced for small manufacturers which, in the light of their restricted production volumes, need more time to adjust to the new provisions.

Amendment 14
ARTICLE 1, POINT 8
ANNEX I, part C, section 1.1, subparagraph 2 (Directive 94/25/EC)

For twin-engine and multiple-engine units ***consisting of outboard-engines or stern-drive engines with integral exhaust*** an allowance of 3 dB may be applied.

For twin-engine and multiple-engine units ***of all engine types*** an allowance of 3 dB may be applied.

Justification

The 3 dB allowance for twin and multiple engine installations has nothing to do with exhaust noise. The current proposal does not take into account the need for higher powered recreational craft to have an extra 3dB allowance to provide for the increase in engine noise from twin/multiple engined boats from the addition of one or more engines. Fitting better exhaust systems will not negate the need for a minimum 3dB noise allowance, therefore it is essential that the allowance is reinstated for all engine types.

Amendment 15
ARTICLE 1, POINT 8
ANNEX I, part C, section 1.2 (Directive 94/25/EC)

1.2. As an alternative to sound measurement tests, recreational craft with inboard engine configuration or stern drive engine configuration, ***with or*** without integral exhaust, shall be deemed to comply with these noise requirements if they have a Froude number of ≤ 1.1 and a power displacement ratio of ≤ 40 and where the engine and exhaust system are installed in accordance with the engine manufacturer's specifications.

1.2. As an alternative to sound measurement tests, recreational craft with inboard engine configuration or stern drive engine configuration, without integral exhaust, shall be deemed to comply with these noise requirements if they have a Froude number of ≤ 1.1 and a power displacement ratio of ≤ 40 and where the engine and exhaust system are installed in accordance with the engine manufacturer's specifications.

Justification

The intention throughout the directive is for stern drive engines with integral exhaust to be certified for noise compliance only by the engine manufacturer not at the stage when installed into craft. Only stern drive engines without integral exhaust are intended to be certified when installed in craft.

Amendment 16

ARTICLE 2, introductory sentence

By 31 December 2005 the Commission shall submit a report on the possibilities of further ***reducing emissions from products referred to in Article 1(1) and consider the need to revise the boat design categories.*** In the light of this report, the Commission shall by 31 December 2006 submit appropriate proposals to the European Parliament and the Council ***on more stringent requirements and emissions values, and the creation of a supplementary boat design category.*** The Commission shall in the light of the experience gained take account of:

By 31 December 2005 the Commission shall submit a report on the possibilities of further ***improving the environmental characteristics of engines.*** In the light of this report, the Commission shall by 31 December 2006 submit appropriate proposals to the European Parliament and the Council. The Commission shall in the light of the experience gained take account of:

Justification

This amendment must be seen in connection with the two following amendments inserting the new Articles 2a and 2b.

Amendment 17

ARTICLE 2, point (a)

(a) the need to further reduce emissions of air pollutants and noise in order to meet environment protection requirements;

Deleted

Justification

This amendment must be seen in connection with the two following amendments inserting the

new Articles 2a and 2b.

Amendment 18
ARTICLE 2, point (b)

***(b) the possible benefits of a system for
'in-use compliance';*** ***Deleted***

Justification

This amendment must be seen in connection with the two following amendments inserting the new Articles 2a and 2b.

Amendment 19
ARTICLE 2 a (new)

Two years after the entry into force of this Directive, the Commission shall submit a proposal to the European Parliament and the Council on how and when to implement a system of in-use compliance testing.

In the context of in-use compliance testing, Member States' competent authorities may, in cases where there are grounds for suspicion, inspect a representative proportion of craft placed on the market to verify whether emission limit values are being complied with. Such in-use compliance testing shall be free of charge to operators.

In its proposal, the Commission shall take into account further provisions that ensure compliance with emission limit values throughout a craft's entire life cycle.

Justification

Reinstatement from first reading (Amendment 20).

Amendment 20
ARTICLE 2 b (new)

No later than three years following the entry into force of the Directive, the Commission shall submit a proposal for a further stage of requirements and limit values for emissions from recreational craft engines.

Justification

A further stage is introduced in order that requirements and limit values can be brought into line with technical progress. Reinstatement from first reading (Amendment 21).

Amendment 21
ARTICLE 3, PARAGRAPH 2

2. Member States shall permit the placing on the market ***and*** putting into service of products which comply with the rules in force in their territory on the date of entry into force of this Directive, as follows:

2. Member States shall permit the placing on the market ***and/or*** putting into service of products which comply with the rules in force in their territory on the date of entry into force of this Directive, as follows:

Justification

Correction of an inconsistency in the Common Position. The accepted phrase of “placed on the market and/or put into service” is used ten times in the Council common position document, However “/or” has been omitted at this point in the text.

EXPLANATORY STATEMENT

Introduction

The proposal amends Directive 94/25/EC of 16 June 94 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft. It became fully operational in June 1998 after a 4 year transition period.

The Commission was led to consider the inclusion of environmental aspects following the introduction of national legislation covering this area in several Member states. This was most notably seen in Germany, Switzerland, Austria and Sweden. The Swedish government has been waiting since 1996 to implement legislation in this area when it waived national proposals in order to observe the development of harmonised legislation at EU-level.

Member States observed that separate national legislation's on emissions might constitute an obstacle to the free movement of trade and fragment the internal market. EU harmonisation of emissions limits would ensure a fair and viable trading basis for the sale of engines throughout Europe.

Objectives

To complete the internal market in the recreational craft sector and contribute to its smooth functioning.

To promote harmonised Community legislation in order to regulate exhaust and noise emissions of recreational marine engines within the internal market.

To protect human health, the well-being of citizens and the environment by reducing exhaust emissions and noise emissions of petrol and diesel engines intended for recreational craft and personal watercraft.

Summary

The scope of the Directive breaks craft down into 3 sub-sectors corresponding to design and construction, exhaust emissions and noise emissions respectively. It lays down limits for exhaust emissions of CO, HC, NO_x and particulate pollutants, which vary depending on engine rated power for each sub-sector.

The noise emissions limits depend on power rating and the type of engine and its installation. The Directive also specifies exempted products and includes the definitions of the manufacturer and the authorised representative to clarify their role under the Directive.

Specifications relating to craft conformity with the proposed regulations aim to leave as wide a choice open as possible to the boat manufacturers whilst laying down the essential requirements in order to certify compliance of personal watercraft. In addition, it specifies the obligations of the person placing the products on the market in the absence of the manufacturer or his authorised representative. This is introduced through the Reference Boat Concept.

The Reference Boat Concept is a master list of reference boat/engine combinations which meet the proposed requirements. These combinations will have approval from a Notified Body after having successfully completed a full pass-by sound test. The boat may then be CE marked and manufacturers would be allowed to self-certify any boat/engine combination from this master list. Boat/engine combinations not on the list would be required to undergo a full pass-by sound test with 3rd party involvement.

Article 2 is a new addition whereby the Commission will submit a report to the European parliament and the Council within two years on whether to implement a system of in-use compliance testing. In addition the Commission have proposed a Regulatory Committee to adapt certain provisions of the Directive in the light of technical progress.

Other amendments relate to the clarification of technical matters which have come to light in the original Directive.

Rapporteur's position

Having reviewed the Council Common position your Rapporteur is pleased that the amendments passed at First Reading removing the retrospective nature of the original Directive have been maintained in the final document through new Article 1(1)(d). As a result the potentially serious repercussions on small and medium enterprises in the recreational craft sector, as well as private boat manufacturers and many users, have been successfully negated.

An outstanding concern remains that of craft undergoing a major craft conversion. These must have a new noise compliance test if subsequently placed on the Community Market, which would incur exorbitant costs, disproportionate to the amount of noise reduction, and which the individual owner would be obliged to bear.

Furthermore the rapporteur finds it inappropriate that craft built for personal use should be included in the scope of this Directive as this would not contribute to market harmonisation and would place unwarranted compliance costs on the individual boating enthusiast.

Attention must also be brought to the proposal of a report on how to implement a system of 'in-use' compliance testing. This could represent yet another unwarranted burden on EU boatowners who, if this is followed to its logical conclusion, would be required to submit their craft to annual tests similar to existing vehicle testing. Your rapporteur finds this proposal inappropriate as it is not a trade issue and could clearly impose unnecessary, exorbitant costs on boat owners.

Finally, the Parliamentary amendment to delete all reference to a Regulatory Committee has not been included. A concession has been made obliging modification proposals to exhaust and noise emission limit values to go through the codecision procedure, however Froude and Power/Displacement ratio numbers remain within the scope of its jurisdiction. Amendments are suggested to maintain Parliament's First reading position.

The Rapporteur hopes that, through this report, amendments will be made which deal appropriately with the need for gas and noise emissions regulations, without adversely affecting the interests of those involved in the European recreational craft industry, regardless of their contribution to the Internal Market.

