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*****I**
REPORT

on the proposal for a directive of the European Parliament and of the Council
on recreational craft and personal watercraft
(COM(2011)0456 – C7-0212/2011 – 2011/0197(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Malcolm Harbour

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on recreational craft and personal watercraft
(COM(2011)0456 – C7-0212/2011 – 2011/0197(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0456),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0212/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 8 December 2011¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Transport and Tourism (A7-0213/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Decision No 768/2008/EC of the

Amendment

(6) Decision No 768/2008/EC of the

¹ OJ C 43, 15.2.2012, p. 30.

European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products provides common principles and reference provisions for the purposes of legislation based on the New Approach principles. In order to ensure consistency with other sectoral product legislation, it is appropriate to align certain provisions of this Directive to that Decision, in so far as sectoral specificities do not require a different solution. Therefore, certain definitions, the general obligations of economic operators, the presumption of conformity, ***formal objections against harmonised standards***, rules on CE marking, requirements for conformity assessment bodies and notification procedures and the provisions concerning procedures dealing with products presenting a risk should be aligned to that Decision.

European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products provides common principles and reference provisions for the purposes of legislation based on the New Approach principles. In order to ensure consistency with other sectoral product legislation, it is appropriate to align certain provisions of this Directive to that Decision, in so far as sectoral specificities do not require a different solution. Therefore, certain definitions, the general obligations of economic operators, the presumption of conformity, rules on CE marking, requirements for conformity assessment bodies and notification procedures and the provisions concerning procedures dealing with products presenting a risk should be aligned to that Decision. ***Regulation (EU) No [.../...] of the European Parliament and of the Council of ... on European standardisation¹* provides for a procedure for objections to harmonised standards where those standards do not entirely satisfy the requirements of this Directive.***

¹ OJ L

* OJ: Please insert the number, date and OJ reference of that Regulation.

Justification

To be read in Conjunction with MH deletion AMs to Article 15 and Article 33

Amendment 2

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) It is also appropriate to provide definitions of 'watercraft built for own use' and of 'private importer' specific to this sector in order to facilitate the

Amendment

(8) It is also appropriate to provide definitions of 'watercraft built for own use' and of 'private importer' specific to this sector in order to facilitate the

understanding and uniform application of this Directive.

understanding and uniform application of this Directive. ***It is necessary to extend the current definition of 'propulsion engine' to also cover innovative propulsion solutions.***

Justification

It is necessary to introduce changes to the definition of 'propulsion engines' resulting from the introduction of new hybrid systems and other systems which might be brought to market in the future.

Amendment 3

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) For engines adapted for marine use, where the source engine is already type-approved in accordance with Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery¹ or Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles², manufacturers should be able to rely on the proof of conformity issued by the original engine manufacturer where those adaptations have not altered exhaust emission characteristics. Accordingly, the definition of

manufacturer set out in this Directive should be adapted to clarify what is covered within the scope of 'manufacturing' activity.

¹ *OJ L 59, 27.2.1998, p. 1.*

² *OJ L 275, 20.10.2005, p. 1.*

Justification

To be read in conjunction with the MH AM to Article 3, paragraph 1 point 13. Manufacturers who adapt engines for marine use, colloquially 'marinisers', have previously faced some legal uncertainty on engine certification. Adapting the definition of manufacturer in this Directive ensures that the current ambiguity faced by marinisers who do not change the emissions characteristics of the engine, can now clearly rely on the use of the original engine manufacturer's proof of conformity.

Amendment 4 **Proposal for a directive** **Recital 21**

Text proposed by the Commission

(21) Options for further reducing the exhaust emission limits of recreational marine engines have been assessed in the Report on the possibilities of further improving the environmental characteristics of recreational craft engines, submitted pursuant to Article 2 of Directive 2003/44/EC, amending Directive 94/25/EC relating to recreational craft . This report concluded that it is appropriate to set stricter limits than those set in Directive 2003/44/EC. Those limits should be set at a level that reflects the technical development of cleaner marine engine technologies and that allows a development towards the harmonisation of exhaust emission limits worldwide. The CO-limits, however, should be raised in order to allow the significant decrease of other air pollutants while ensuring that the compliance costs remain proportionate.

Amendment

(21) Options for further reducing the exhaust emission limits of recreational marine engines have been assessed in the Report on the possibilities of further improving the environmental characteristics of recreational craft engines, submitted pursuant to Article 2 of Directive 2003/44/EC, amending Directive 94/25/EC relating to recreational craft . This report concluded that it is appropriate to set stricter limits than those set in Directive 2003/44/EC. Those limits should be set at a level that reflects the technical development of cleaner marine engine technologies and that allows a development towards the harmonisation of exhaust emission limits worldwide. The CO-limits, however, should be raised in order to allow the significant decrease of other air pollutants while ensuring that the compliance costs remain proportionate. ***The proposed CO-limits are part of a strategy to achieve the most stringent***

overall emissions reductions, to reflect technological feasibility and to achieve the fastest possible implementation while ensuring that the socio-economic impact on this economic sector is acceptable.

Justification

The Commission has conducted extensive consultations before determining the exhaust emission limits contained in its proposal, which are widely accepted by all key stakeholders as the best compromise to minimise pollution.

Amendment 5

**Proposal for a directive
Recital 22**

Text proposed by the Commission

(22) Depending on the fuel and power category, the test cycles for engines in marine applications described in the relevant ISO standard should be used.

Amendment

(22) Depending on the fuel and power category, the test cycles for engines in marine applications described in the relevant ISO standard should be used. ***Test cycles should be developed for all combustion engines which are part of the propulsion system, including hybrid power installations.***

Justification

This modifies the text of DR 4, and furthermore covers DR 3, which the Rapporteur accordingly intends to withdraw, and when read in conjunction with DR 10 which remains, appropriately clarifies that charging engines used in serial hybrids installations are indeed covered by the scope of the directive.

Amendment 6

**Proposal for a directive
Recital 26**

Text proposed by the Commission

(26) In accordance with the principle of subsidiarity, the provisions of this Directive should not affect Member States' entitlement to lay down such requirements

Amendment

(26) In accordance with the principle of subsidiarity, the provisions of this Directive should not affect Member States' entitlement to lay down such requirements

as they may deem necessary concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to the watercraft which is in conformity with this Directive.

as they may deem necessary concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to the watercraft which is in conformity with this Directive ***and that those provisions are justified and proportionate to the objective to be achieved. The Commission should facilitate the exchange of best practices between Member States on the application of Article 5 of this Directive by setting up an adequate system for such exchange.***

Justification

The rapporteur takes the view that an exchange of views on best practices among Member States on the application of Article 5 would help to avoid disproportionate measures and should be promoted by the Commission.

Amendment 7 **Proposal for a directive** **Recital 26 a (new)**

Text proposed by the Commission

Amendment

(26a) There is no harmonisation or level playing field with regard to watercraft licences or technical checks, and tax evasion can still take place through the use of agricultural diesel. Therefore the Commission should consider submitting proposals to harmonise watercraft licences at Union level, to encourage regular technical checks and to prevent tax evasion by discouraging the use of agricultural diesel.

Amendment 8 **Proposition de directive**

Recital 28

Text proposed by the Commission

(28) It is crucial to make clear to manufacturers and users that by affixing the CE marking to the product, the manufacturer declares that the product is in conformity with all applicable requirements and takes full responsibility thereof.

Amendment

(28) It is crucial to make clear to manufacturers and users that by affixing the CE marking to a product, the manufacturer declares that the product is in conformity with all applicable requirements and takes full responsibility thereof. ***National market surveillance authorities should carry out systematic compliance checks.***

Amendment 9

Proposal for a directive
Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) In order to provide clear information about the acceptable operating environment of watercraft, the titles of the boat design categories, which were potentially misleading for users, should now be based on the essential environmental conditions for navigation, namely wind force and wave height, instead of indicating the area and type of navigation.

Justification

Boat design categories recital clarifying the issue.

Amendment 10

Proposal for a directive
Recital 31 b (new)

Text proposed by the Commission

Amendment

(31b) The environmental conditions referred to in design category A may be encountered on extended voyages, for

example across oceans, or inshore when unsheltered from the wind and waves for several hundred nautical miles. The conditions referred to in design category B may be encountered on offshore voyages of sufficient length or on coasts where shelter may not always be immediately available. Such conditions may also be experienced on inland seas of sufficient size for the wave height to be generated. The conditions referred to in design category C may be encountered on exposed inland waters, in estuaries, and in coastal waters in moderate weather conditions. The conditions referred to in design category D may be encountered on sheltered inland waters, and in coastal waters in fine weather.

Justification

This AM is a detailed explanation on the adjusted (newly proposed) boat design categories in the DR.

Amendment 11

Proposal for a directive Recital 39

Text proposed by the Commission

(39) In order to take into account the progress of technical knowledge and new scientific evidence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend Section 2 of Part B and Section 1 of Part C of Annex I, with the exception of direct or indirect modifications to exhaust or noise emission values and to the Froude and P/D ratio values, and Annexes V, VII and IX. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Amendment

(39) In order to take into account the progress of technical knowledge and new scientific evidence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend Section 2 of Part B ***of Annex I, in particular to include test cycles for hybrid engines and to introduce biofuel blended test fuels in the table of test fuels once those test fuels have been internationally accepted,*** and Section 1 of Part C of Annex I, with the exception of direct or indirect modifications to exhaust or noise emission values and to the Froude and P/D ratio values, and Annexes V, VII

and IX. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Justification

This AM is a technical adjustment on DR 6 which will be withdrawn. The AM still reflects the necessary changes resulting from new biofuel blends and the introduction of hybrid systems.

Amendment 12

Proposal for a directive Recital 44

Text proposed by the Commission

(44) Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

Amendment

(44) Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that they are implemented ***by services clearly designated for that purpose or by the competent national authorities***. Those penalties should be effective, proportionate and dissuasive, ***and they should be applied without undue delay***.

Amendment 13

Proposal for a directive Article 2 – paragraph 3

Text proposed by the Commission

3. The fact that the same watercraft could be used for charter or for recreational boating training shall not prevent it being covered by this Directive when it is placed on the Union market for recreational purposes.

Amendment

3. Watercraft also used for charter or for recreational boating training ***shall be*** covered by this Directive.

Justification

The RCD Guidelines 2008 state that hired recreational craft are covered by the Directive, as are recreational craft used for recreational boating training. This clarification will ensure a common interpretation across Member States which furthermore has particular relevance to the application of the IMO MARPOL convention.

Amendment 14

Proposal for a directive Article 3 – point 2

Text proposed by the Commission

2. ‘recreational craft’ means any **boat** 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;

Amendment

2. ‘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;

Justification

This AM adjusts DR 8 aligning the definition of a recreational craft to the international standard "vessel". This also aligns the definition of recreational craft in this respect to the reference to "vessel" in DR 9 defining personal watercraft. There is no definition of a 'boat' in this proposal for a Directive. Accordingly DR 8 will be withdrawn.

Amendment 15

Proposal for a directive Article 3 – point 3

Text proposed by the Commission

3. ‘personal watercraft’ means a **watercraft intended for sports and leisure purposes** of less than 4 m in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;

Amendment

3. ‘personal watercraft’ means a **vessel** less than 4 m in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;

Justification

This replaces the proposed definition with that in Dir 2003/44/EC which is the international definition including the relevant ISO standard.

Amendment 16
Proposal for a directive
Article 3 – point 5

Text proposed by the Commission

5. ‘propulsion engine’ means any spark or compression ignition, internal combustion engine used for propulsion purposes;

Amendment

5. ‘propulsion engine’ means any spark or compression ignition, internal combustion engine used ***directly or indirectly*** for propulsion purposes;

Justification

This Amendment ensures all types of hybrid installation will have to conform to the exhaust emission requirements of Annex I.B

Amendment 17
Proposal for a directive
Article 3 – point 7

Text proposed by the Commission

7. ‘major craft conversion’ means a conversion of a watercraft which changes the means of propulsion of the watercraft, involves a major engine modification, or alters the watercraft to such an extent that ***it is considered a new watercraft***;

Amendment

7. ‘major craft conversion’ means a conversion of a watercraft which changes the means of propulsion of the watercraft, involves a major engine modification, or alters the watercraft to such an extent that ***the applicable essential safety and environmental requirements laid down in this Directive are affected***;

Justification

‘Major craft conversion’ would benefit from a more precise definition since the original text is open to interpretation. ‘Major engine modification’ is defined in this Directive and this wording is carefully balanced to avoid that any change to the engines’ attributes inadvertently qualifies as a major conversion.

Amendment 18

Proposal for a directive
Article 3 – point 13

Text proposed by the Commission

13. ‘manufacturer’ means any natural or

Amendment

13. ‘manufacturer’ means any natural or

legal person who manufactures a product or has such a product designed or manufactured and markets that product under his name or trademark;

legal person who manufactures a product or has such a product designed or manufactured and markets that product under his name or trademark; ***this shall include any natural or legal person who adapts engines for marine use where the source engine is already type-approved in accordance with Directive 97/68/EC or Directive 2005/55/EC without altering the exhaust emissions characteristics of the engine;***

Justification

This AM 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.

Amendment 19

Proposal for a directive Article 5

Text proposed by the Commission

The provisions of this Directive shall not prevent Member States from adopting provisions concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to watercraft conforming to this Directive.

Amendment

The provisions of this Directive shall not prevent Member States from adopting provisions concerning navigation on certain waters for the purpose of protection of the environment, ***including from noise pollution***, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to watercraft conforming to this Directive ***and that those provisions are justified and proportionate. The Commission shall facilitate the exchange of best practices between Member States and set up an adequate system for such exchange.***

Justification

The rapporteur takes the view that an exchange of views on best practices among Member States on the application of Article 5 would help to avoid disproportionate measures and should be promoted by the Commission.

Amendment 20

Proposal for a directive Article 6 – paragraph 4

Text proposed by the Commission

4. Member States shall not impede the making available on the market or putting into service of *any of the following*:

(a) propulsion engines, whether or not installed in watercraft, complying with this Directive;

(b) engines type-approved in accordance with Directive 97/68/EC of the European Parliament and the Council²³ which are in compliance with stage IIIA, IIIB or stage IV emission limits for CI engines used in other applications than propulsion of inland waterway vessels, locomotives and railcars, as provided for in point 4.1.2. of Annex I to that Directive;

(c) engines type-approved in accordance with Directive 2005/55/EC of the European Parliament and the Council²⁴ where the manufacturer declares in accordance with point 9 of Annex IV that the engine will meet the exhaust emission requirements of this Directive when installed in a watercraft in accordance with the manufacturer's supplied instructions.

Amendment

4. 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.***

Justification

This corrects a formatting error in the Commission proposal and ensures that this provision from the Current RCD 1994/25 is carried over effectively and clearly. The contents of point a) has in fact not been deleted but has been moved to MH AM to Article 6, paragraph 4, introductory part. The contents of point b) has in fact not been deleted but has been moved to MH AM on Article 6 paragraph 4a (new) point a). The contents of the first part of point c) has in fact not been deleted but has moved to MH AM on Article 6 paragraph 4a (new) point b). "where the manufacturer declares" onwards is the format error and has moved and has moved to the second subparagraph as it was intended to apply to both points.

Amendment 21

Proposal for a directive

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Paragraph 4 shall also apply to:

(a) engines type-approved in accordance with Directive 97/68/EC which are in compliance with stage IIIA, IIIB or IV emission limits for CI engines used in other applications than propulsion of inland waterway vessels, locomotives and railcars, as provided for in point 4.1.2. of Annex I to that Directive; and

(b) engines type-approved in accordance with Directive 2005/55/EC,

where the manufacturer declares in accordance with point 9 of Annex IV that the engine will meet the exhaust emission requirements of this Directive when installed in a watercraft in accordance with the manufacturer's supplied instructions.

Justification

This corrects a formatting error in the Commission proposal and ensures that this provision from the Current RCD 1994/25 is carried over effectively and more clearly than in the Commission's proposal.

Amendment 22

Proposal for a directive

Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. Manufacturers shall ensure that the product is accompanied by instructions and safety information in a language or languages which can be easily understood by consumers and other end-users, **as** determined by the Member State concerned.

7. Manufacturers shall ensure that the product is accompanied by instructions and safety information in a language or languages which can be 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.

Amendment 23
Proposal for a directive
Article 12 – title

Text proposed by the Commission

Amendment

Obligations of private importers

Obligations of private importers *where post-construction assessment applies*

Justification

The original headline of Article 12 can be misleading because it is not clear that all three paragraphs relate to Post Construction Assessment. If the heading does not specify this, then this Article would apply to all private imports, regardless of whether the importer is importing a boat which requires PCA or whether the importer is importing a boat which already has a CE marking.

Amendment 24

Proposal for a directive
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Formal objection to a harmonised standard

1. When a Member State or the Commission considers that a harmonised standard does not entirely satisfy the requirements which it covers and which are set out in Article 4(1) and Annex I, the Commission or the Member State concerned shall bring the matter before the Committee set up by Article 5 of Directive 98/34/EC, giving its arguments. The Committee shall, having consulted the relevant European standardisation bodies, deliver its opinion without delay.

2. In the light of the Committee's opinion, the Commission shall decide to publish, not to publish, to publish with restriction,

to maintain, to maintain with restriction or to withdraw the references to the harmonised standard concerned in or from the Official Journal of the European Union.

3. The Commission shall inform the European standardisation body concerned and, if necessary, request the revision of the harmonised standards concerned.

Justification

A horizontal legislative revision of the EU standardisation system is currently underway (2011/0150(COD)) which covers this general provision on objections to standards, which explains why we should delete this article in this proposal for a sectoral Directive. A corresponding AM to recital 6 refers to the Standardisation Regulation.

Amendment 25
Proposal for a directive
Article 18 – paragraph 1 – point d

Text proposed by the Commission

(d) inboard engines and stern drive engines without integral exhaust which are regarded as meeting the exhaust emission requirements set out in **Parts B and C** of Annex I.

Amendment

(d) inboard engines and stern drive engines without integral exhaust which are regarded as meeting the exhaust emission requirements set out in **Part B** of Annex I.

Justification

Annex C concerns noise emission limit values and is not applicable here. The CE marking for inboard and stern drive engines without integral exhaust only covers exhaust emissions and not noise, since the sound test for these types of engines are (and must be) carried out by the boat builder, once the engine is fitted into the hull.

Amendment 26
Proposal for a directive
Article 21 – paragraph 1 – point b – point ii – indent 1

Text proposed by the Commission

– where the harmonised standards relating to points 3.2 and 3.3 of Part A of Annex I are complied with: **Module A1 (internal production control plus supervised**

Amendment

– where the harmonised standards relating to points 3.2 and 3.3 of Part A of Annex I are complied with: module B (EU type-examination) together with module C, D, E

product testing), module B (EU type-examination) together with module C, D, E or F, module G (conformity based on unit verification); or module H (conformity based on full quality assurance);

or F, module G (conformity based on unit verification); or module H (conformity based on full quality assurance);

Justification

This Amendment restores in the text of this Directive rules which have been in force since 1994. It is not appropriate that a Category C watercraft over 12m can go out to sea where the design has not been checked by a notified body. The testing proposed by this amendment duplicates the testing for stability and buoyancy but includes appropriate additional testing.

Amendment 27

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

A production type referred to in Module B may cover several versions of the product provided that the differences between the versions do not affect the level of safety and the other requirements concerning the performance of the product.

Amendment

A production type referred to in Module B may cover several versions of the product provided that:

a) the differences between the versions do not affect the level of safety and the other requirements concerning the performance of the product; and

b) versions of a product are referred to in the corresponding EU type examination certificate, if necessary through amendments to the original certificate.

Justification

It may happen that products are placed on the market with a different type designation than stated on the EU type examination certificate. This leads to confusion as to whether the product is covered by the certificate or not. This amendment closes this loophole.

Amendment 28

Proposal for a directive

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Formal objection to a harmonised standard

Where a Member State or the Commission has a formal objection to the harmonised standards referred to in Article 32, the provisions of Article 15 shall apply.

Justification

A horizontal legislative revision of the EU standardisation system is currently underway (2011/0150(COD)) which covers this general provision on objections to standards, which explains why we should delete this article in this proposal for a sectoral Directive. A corresponding AM to recital 6 refers to the Standardisation Regulation.

Amendment 29

**Proposal for a directive
Article 49 – paragraph 2**

Text proposed by the Commission

Amendment

The amendments referred to in point (a) may include amendments to reference fuels and to the requirements for exhaust and noise emissions testing and to durability criteria.

The amendments referred to in point (a) may include amendments to reference fuels and to the requirements for exhaust and noise emissions testing and to durability criteria. ***In particular such amendments may include test cycles for hybrid engines and introduce biofuel blended test fuels in the table of test fuels set out in Section 2 of Part B of Annex I once those test fuels have been agreed in the form of internationally accepted standards.***

Justification

This replaces DR 17 and DR 18 which will be withdrawn, and clarifies the scope of the delegation of powers conferred on the Commission.

Amendment 30

Proposal for a directive
Article 50 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 49 shall be conferred for ***an indeterminate period of time*** from the date specified in Article 60.

Amendment

2. The delegation of power referred to in Article 49 shall be conferred for ***seven years*** from the date specified in Article 60. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Amendment 31
Proposal for a directive
Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Not later than ...* and taking into account any major market initiatives, the Commission shall submit a report to the European Parliament and to the Council on the technical feasibility for 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. That report shall, if appropriate, be accompanied by a legislative proposal to that effect.

**** OJ: please insert the date five years after the date referred to in the second subparagraph of Article 57(1).***

Justification

This amendment proposes to consider the introduction of a future emissions' stage (Stage 3). The first clause is worded to ensure a flexible approach by the Commission to ensure they

participate early in any initiative by the US Environmental Protection Agency on new rules for recreational marine SI (petrol) and CI (diesel) engines.

Amendment 32

Proposal for a directive Article 53 a (new)

Text proposed by the Commission

Amendment

Article 53a

Review

By ...*, the Commission shall report to the European Parliament and to the Council 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.

**** OJ: Please insert the date: two years after the date referred to in the second subparagraph of Article 57(1).***

Justification

As an alternative to the revised boat design categories proposed by the Rapporteur in the DR and as adjusted in the AMs to this Draft Report, this AM leaves it to the Commission to carry out thorough stakeholder consultation on this subject and report back within a reasonable timeframe. IMCO Coordinators agreed to commission a briefing paper to assess the relative merits of the revised boat design categories, for IMCO Members to make an informed voting decision between both options.

Amendment 33

**Proposal for a directive
Article 58 – paragraph 1**

Text proposed by the Commission

1. Member States shall not impede the making available on the market or the putting into service of products covered by Directive 94/25/EC which are in conformity with that Directive and which were placed on the market or put into service before *[dd/mm/yyyy](1 year after the date referred to in the second subparagraph of Article 57)*.

Amendment

1. Member States shall not impede the making available on the market or the putting into service of products covered by Directive 94/25/EC which are in conformity with that Directive and which were placed on the market or put into service before ...*.

** OJ: please insert the date referred to in the second subparagraph of Article 57(1), or 31 December 2014, whichever is the latest.*

Justification

This corrects a mistake in DR 20, which will be withdrawn, the intention remaining the same: Except for SI (spark ignition petrol) engines covered by the special provision laid down in Article 58.2, engine manufacturers of other engine types will be able to comply with the Directive from the end of 2014, so this AM proposes that this is clarified in the Directive.

**Amendment 34
Proposal for a directive
Annex I – part A – point 1 – table – column 1**

Text proposed by the Commission

Design category
A – '*Ocean*'
B – '*Offshore*'
C – '*Inshore*'
D – '*Sheltered waters*'

Amendment

Design category
A
B
C
D

Justification

To be read in conjunction with the amended design categories below. This amendment states the upper limits to design category A for both wind force and wave height (consistent with those in the standard). Design category A excludes "abnormal conditions", however only the

European Commission’s Application Guide gives examples of what constitutes such conditions. Recreational craft with a length up to 24m cannot withstand tougher conditions than those stated in this AM.

Amendment 35

Proposal for a directive Annex I – part A – point 1 – point A

Text proposed by the Commission

A. OCEAN: Designed for extended voyages where conditions may exceed wind force 8 (Beaufort scale) and significant wave heights of 4 m and above but excluding abnormal conditions, **and vessels largely self-sufficient.**

Amendment

A. 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 heights of 4 m and above but excluding abnormal conditions **such as storm, violent storm, hurricane, tornado and extreme sea conditions or rogue waves.**

Justification

After further consultation with stakeholders to adjust the definitions, this new definition maintains the existing design category A, but deletes the area and type of navigation (“Ocean”) because the conditions which need to be taken into account by the user are the wind force and the wave height. It also maintains current limits in terms of wind force and significant wave height, but brings legal certainty by describing abnormal conditions. DR 22, 23 & 24 will as a consequence be withdrawn.

Amendment 36

Proposal for a directive Annex I – part A – point 1 – point B

Text proposed by the Commission

B. OFFSHORE: Designed for offshore voyages where conditions up to, and including, **wind force** 8 and significant wave heights up to, and including, 4 m **may be experienced.**

Amendment

B. A recreational craft given design category B is considered to be designed for wind force up to, and including, 8 and significant wave heights up to, and including, 4 m.

Justification

After further consultation with stakeholders to adjust the definitions, this new definition maintains the existing design category B, but deletes the area and type of navigation

(“Offshore”) because the conditions which need to be taken into account by the user are the wind force and the wave height. As a consequence DR 25 will be withdrawn.

Amendment 37

Proposal for a directive

Annex I – part A – point 1 – point C

Text proposed by the Commission

C. INSHORE: Designed for voyages in coastal waters, large bays, estuaries, lakes and rivers where conditions up to, and including, wind force 6 and significant wave heights up to, and including, 2 m may be experienced.

Amendment

C. A watercraft given design category C is considered to be designed for a wind force up to, and including, 6 and significant wave heights up to, and including, 2 m.

Justification

After further consultation with stakeholders to adjust the definitions, this new definition maintains the existing design category C, but deletes the area and type of navigation (“Inshore”) because the conditions which need to be taken into account by the user are the wind force and the wave height. As a consequence DR 26 will be withdrawn.

Amendment 38

Proposal for a directive

Annex I – part A – point 1 – point D

Text proposed by the Commission

D. SHELTERED WATERS: Designed for voyages on sheltered coastal waters, small bays, small lakes, rivers and canals when conditions up to, and including, wind force 4 and significant wave heights up to, and including, 0,3 m may be experienced, with occasional waves of 0,5 m maximum height, for example from passing vessels.

Amendment

D. A watercraft given design category D is considered to be designed for a wind force up to, and including, 4 and significant wave heights up to, and including, 0,3 m with occasional waves of 0,5 m maximum height.

Justification

After further consultation with stakeholders to adjust the definitions, this new definition maintains the existing design category D, but deletes the area and type of navigation (“Sheltered waters”) because the conditions which need to be taken into account by the user are the wind force and the wave height. As a consequence DR 27 will be withdrawn.

Amendment 39
Proposal for a directive
Annex I – part A – point 1 – paragraph 2

Text proposed by the Commission

Amendment

Recreational craft in each Category must be designed and constructed to withstand the parameters in respect of stability, buoyancy, and other relevant essential requirements listed in Annex I, and to have good handling characteristics.

Watercraft in each Category must be designed and constructed to withstand the parameters in respect of stability, buoyancy, and other relevant essential requirements listed in Annex I, and to have good handling characteristics.

Justification

'Boat design categories' should also apply to 'personal watercraft' and not only to 'recreational craft' by referring to the definition of 'watercraft' in Article 3, point 1 which includes any recreational craft as well as personal watercraft.

Amendment 40
Proposal for a directive
Annex I – part A – point 2 – point 2.1 – paragraph 1 – point 30

Text proposed by the Commission

Amendment

(30) country **of manufacture**,

(30) country **code of the authority issuing the manufacturer's code**,

Justification

To improve traceability, this AM clarifies that the location of the manufacturers' legal head office needs to feature in the 14 digit identification number along with the manufacturer's code (MIC) (see point 29). The Rapporteur also considered the automotive sector's system, but this is not appropriate because Vehicle Identification Numbers comprising a manufacturer code and a plant code would require changing the established international system for watercraft identification numbers.

Amendment 41
Proposal for a directive
Annex I – part A – point 2 – point 2.2 – paragraph 2

Text proposed by the Commission

Amendment

In the case of private import, the contact

deleted

details and the recommendations referred to in points (a), (d) and (e) shall include those of the notified body which has carried out the conformity assessment.

Justification

This requirement is not needed because the Craft Identification Number (CIN) already shows the identity of the Notified Body so traceability is already provided for and the Notified Body always keeps reports on conformity.

Amendment 42
Proposal for a directive
Annex I – part A – point 2 – point 2.2 a (new)

Text proposed by the Commission

Amendment

2.2a. Importer's plate

Each watercraft shall carry a permanently affixed plate, mounted separately from the boat hull identification number, containing the importer's name, registered trade name or trademark, and full address.

Justification

The information requirements of Article 9 paragraph 3 as regards the importer's details are most easily met by including this information on an "importer's plate", and this amendment repeats the details of what information this plate needs to contain.

Amendment 43
Proposal for a directive
Annex I – part A – point 3 – point 3.3 – paragraph 1

Text proposed by the Commission

Amendment

The watercraft shall be constructed as to ensure that it has buoyancy characteristics appropriate to its design category according to point 1.1, and the manufacturer's maximum recommended load according to point 3.6. ***All*** habitable multihull craft shall be so designed ***that it is either not susceptible to inversion or it has*** sufficient buoyancy to remain afloat in

The watercraft shall be constructed as to ensure that it has buoyancy characteristics appropriate to its design category according to point 1.1, and the manufacturer's maximum recommended load according to point 3.6. Habitable multihull craft ***that are susceptible to hull inversion*** shall be so designed ***as to have*** sufficient buoyancy to remain afloat in the

the inverted position.

inverted position.

Justification

This amendment introduces the notion of risk of inversion which is highly variable from one craft to another.

Amendment 44
Proposal for a directive
Annex I – part A – point 3 – point 3.7

Text proposed by the Commission

All **watercraft** of categories A and B, and **watercraft** of categories C and D longer than six metres shall be provided with one or more stowage points for a life raft (life rafts) large enough to hold the number of persons the boat was designed to carry as recommended by the manufacturer. Life raft stowage point(s) shall be readily accessible at all times.

Amendment

All **recreational craft** of categories A and B, and **recreational craft** of categories C and D longer than six metres shall be provided with one or more stowage points for a life raft (life rafts) large enough to hold the number of persons the boat was designed to carry as recommended by the manufacturer. Life raft stowage point(s) shall be readily accessible at all times.

Justification

It is highly impractical to equip personal watercraft with life raft(s) or to have stowage point(s).

Amendment 45

Proposal for a directive
Annex I – part A – point 5 – point 5.1 – point 5.1.5 a (new)

Text proposed by the Commission

Amendment

5.1.5a. Tiller-controlled outboard engines
Tiller-controlled outboard engines shall be equipped with an emergency stopping device which can be linked to the helmsman (emergency stop switch with lanyard).

Amendment 46

Proposal for a directive

Annex I – part A – point 5 – point 5.2 – point 5.2.2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Petrol fuel tank spaces shall be ventilated.

Justification

This amendment details the ventilation requirement to avoid mistakes in transposition. It restores the wording of Directive 1994/25 but limits the requirement to petrol fuel tank spaces only, since there is no safety issue with diesel fuel requiring ventilation.

Amendment 47

Proposal for a directive

Annex I – part A – point 5 – point 5.3 – paragraph 2

Text proposed by the Commission

Amendment

Attention shall be paid to the provision of overload and short-circuit protection of all circuits, except engine starting circuits, supplied from batteries.

Attention shall be paid to the provision of ***adequate*** overload and short-circuit protection of all circuits, except engine starting circuits supplied from batteries. ***Electric propulsion circuits shall be designed and installed to prevent any unwanted interaction with all other circuits. The installation shall ensure that devices which store electrical energy do not exceed the manufacturer's recommended maximum temperature limits.***

Justification

Hybrid propulsion installations can introduce new risks to the boat in terms of batteries overheating with potentially catastrophic results and voltage spikes from the powerful hybrid electric motor disabling all electronic devices on the boat including engine controls if not properly isolated from other circuits. The comma before the words "from batteries" to avoid and misinterpretation.

Amendment 48

Proposal for a directive

Annex I – part A – point 5 – point 5.3 – paragraph 3

Text proposed by the Commission

Ventilation shall be provided to prevent the accumulation of gases, ***which might be emitted from batteries***. Batteries shall be firmly secured and protected from ingress of water.

Amendment

Ventilation shall be provided to prevent the accumulation of ***explosive*** gases. Batteries shall be firmly secured and protected from ingress of water.

Justification

This adjusts DR 36. Gas explosions are the most significant hazard and a key safety concern on boats. This AM broadens the scope of this safety measure.

Amendment 49

Proposal for a directive

Annex I – part A – point 5 – point 5.5 – paragraph 3

Text proposed by the Commission

All watercraft with a permanently installed gas system shall be fitted with an enclosure to contain all gas cylinders. The enclosure shall be separated from the living quarters, accessible only from the outside and ventilated to the outside so that any escaping gas drains overboard.

Amendment

All watercraft with a permanently installed gas system shall be fitted with an enclosure to contain all gas cylinders. The enclosure shall be separated from the living quarters, accessible only from the outside and ventilated to the outside so that any escaping gas drains overboard. ***Any permanent gas system shall be tested after installation.***

Justification

This clarifies a safety requirement which features in Directive 1994/25 Annex I A paragraph 5.5 which was deemed too detailed for an essential requirement in this proposal for a Directive under New Legislative Framework principles. Post-installation gas system testing needs to be explicit because this is a key safety concern on boats. This amendment ensures that the whole gas installation is tested, not just the stand alone appliance.

Amendment 50

Proposal for a directive

Annex I – part B – point 2 – point 2.3 – title

Text proposed by the Commission

2.3. Test cycles ***and reference fuels***:

Amendment

2.3. Test cycles:

Justification

Reference fuels are covered in 2.5

Amendment 51

Proposal for a directive

Annex I – part C – point 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. DETAILED REQUIREMENTS

Detailed requirements for the testing of watercraft noise emissions levels are set out in the relevant harmonised standard.

Justification

Directive 2003/44/EC states that noise emissions are measured in accordance with tests defined in the harmonised standard. This was removed in the current proposal since all specific references to harmonised standards were removed in line with NLF principles. A degree of certainty for using the harmonised standard for noise testing is defined in the modular choices in Art 23. However to ensure that the harmonised standard is indeed used, this text has been reproduced from Annex A 2.1.

EXPLANATORY STATEMENT

Key industry metrics and intended scope

The proposal for a new Directive on recreational craft and personal watercraft substantially modernises existing EU rules on safety and environmental performance requirements for 'watercraft' designed for private use activities i.e. leisure, sporting and training activities including when hired, with or without crews.

'Watercraft' in this Directive means boats from 2.5m to 24m in length and covers 'recreational craft' (motor boats and sailing yachts including those equipped with inboard or outboard engines) and 'personal watercraft', essentially water scooters, clarifying that these are now also covered by the rules.

An important distinction to bear in mind, the Directive applies to recreational and personal watercraft whether these are designed for use at sea or in inland waterways but it does not concern those vessels designed and used for commercial passenger transport (which are regulated by Directive 2009/45/EC on Passenger Ships and/or Directive 2006/87/EC on Inland Waterway Vessels).

In short, the Directive covers everything from a small inflatable boats with an outboard engine one might use on a lake to go fishing to the kind of large motor yachts you will find on the Italian Riviera.

The main essential requirements which the concerned vessels need to meet include stability and floatation, engine and electrical safety, exhaust and noise emissions. The key elements of the proposal are:

- 1) A modernisation exercise to align the existing rules to the principles of the New Legislative Framework (NLF). Furthermore, a general safety clause will be added, meaning that products covered by this Directive can only be placed on the market if the general safety requirements of the Directive's annexes are satisfied.
- 2) Further clarification on the scope and definitions
- 3) Alignment to harmonised standards (see below)
- 4) The limits for noise emissions are maintained, with the possibility for national measures to go further in sensitive geographical areas (typically regulations on speed or minimum distance from the shore).
- 5) The mandatory installation of holding tanks or on-board water treatment systems to watercraft fitted with toilets for better marine environmental protection.
- 6) Rules on post construction assessments carried out by any natural or legal person within the Community who places a product covered by the Directive on the market in cases where neither the manufacturer, nor his authorised representatives fulfils the responsibility for evaluating the conformity of the product. This follows from the existing rules but personal watercrafts will now be explicitly covered; the status and obligations of private importers will also be clarified.

7) As regards the obligation to affix CE marking, this will now extend to all inboard and stern drive engines without integral exhaust.

8) Updated rules on exhaust and noise emissions (see below).

9) New rules on reporting. Within 5 years, EU Member States must report to the Commission on enforcing the Directive's provisions.

10) Alignment with the horizontal rules on accreditation, CE marking, market surveillance and control of products marketed in the EU.

11) Introduction of more flexible conformity assessment procedures.

The European Commission conducted extensive consultations with key stakeholders including Member States, notified bodies, the European boating industry (heavily dominated by SMEs), engine manufacturers, and boating associations (users).

In preparing this Draft Report, your Rapporteur has taken into account broad stakeholder views and it appears there is a general consensus that the Commission's proposal is well balanced. This also explains why your Rapporteur has only proposed a limited number of essentially technical adjustments and clarifications in this Draft Report.

Your Rapporteur focussed his amendments on adjusting definitions to make them more precise, and on clarifying the precise scope of application of a number of specific provisions. Furthermore, your Rapporteur has aimed to clarify importer responsibilities with regards to Post Construction Assessment; he has introduced proposals for improving product traceability, for specifying where CE marking is necessary, and he has also ensured that existing controls by Notified Bodies for larger potentially sea-going vessels are maintained. Your Rapporteur also considered necessary to provide more detail on the exact application of a number of important safety requirements (flotation, electricity, gas, and fuel tank ventilation).

Your Rapporteur has also decided to table an updated system for defining 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, which is more precise and appropriate. This suggested change reflects furthermore the terms used in the relevant international harmonised standard. The Rapporteur however maintains a reserve on this if the proposal proves too costly for EU manufacturers to adapt to. Your Rapporteur will consider asking MEP colleagues for approval to commission an IMCO Committee limited Impact Assessment before maintaining or withdrawing these Amendments, as these suggested changes to the system were not covered in the Commission's impact assessment accompanying the proposal.

Global alignment

The Commission proposal aligns the EU with the latest US Environmental Protection Agency regulations for both SI and CI engines. This means that the USA, Canada, the EU and Japan will have common recreational marine engine emissions limits which should provide powerful motivation for other jurisdictions such as Australia - which are considering regulating this sector - to adopt this approach.

The recreational marine engine sector is small. Even the largest engine segment (outboard engines), only had total global sales in 2009 of 457,000 units spread across 105 engine families. The next generation of outboard, personal watercraft and CI diesel engines using after treatment with very significant development and manufacturing costs will demand a global approach to make them affordable. The Commission's proposal starts this process and AM 19 is intended to ensure this global approach is maintained in the next stage of exhaust emissions' reduction.

Exhaust emissions

It is widely perceived that this sector has a limited impact on the environment given the low numbers of watercraft in circulation as compared to other motorised vehicles, compounded by the declining sales volumes since 2007 (they have been halved) and the limited hourly use per year. In this context, the manufacturing sector has pushed environmental considerations as far as is possible with current applied technologies and supported the earliest possible implementation at an acceptable cost to the industry. The Rapporteur agrees with the Commission's conclusion in its Impact Assessment that the proposed limits for exhaust emissions reflect the most stringent but feasible reduction within the given timeline.

The proposal introduces a reduction of CO emission limit values for certain categories Spark Ignition gasoline inboard and stern drive engines and no change for diesel (CI) engines which in any case produce low CO levels. More significant reduction of all three pollutants (HC, NO_x and CO) on SI engines is only possible through exhaust gas after-treatment introducing three-way catalyst technology, but which is unfortunately not yet sufficiently developed on outboard and personal watercraft engines. There are physical constraints and the investment required is not affordable for the industry at this point.

The proposal does reduce overall HC and NO_x emissions for outboard and personal watercraft engines by at least 25% but to achieve this demands an increase in CO. There is a direct combustion trade off here. If HC and NO_x emissions are reduced, this means CO emissions increase. The Rapporteur urges MEP colleagues to bear this in mind and support the Commission proposals on this key environmental emissions point.

The Rapporteur did however note industry's efforts to comply with emissions requirements early on, and supports shortening the transitional period originally proposed by the Commission, and have full working rules in place by the end of 2014 for most engines (see AM 20). The longer transitional period would be limited to spark plug ignition (SI) outboard engines with power below 15 kilowatts and which are manufactured by SMEs only, where more time is needed, see Commission proposal Art 58 paragraph 2.

Furthermore, your Rapporteur has tabled an Amendment to promote the take up of biofuels, and has also proposed that the Commission investigate within 5 years, the possibility of rolling out a further engine emissions reduction stage.

Noise emissions

Preliminary discussions in Committee suggest that MEPs will look more closely at environmental noise emission levels. On this point, your Rapporteur would also like colleagues to bear in mind the physical constraints as regards any improvement on the requirements proposed by the Commission in consultation with stakeholders.

By way of background, following extensive industry noise testing on boats, a comprehensive data set on boat sound was collected to develop both the Directive's limit values and an ISO test standard. The results were independently confirmed by an FP6 project. Towing a typical 5.5m speedboat at 70km/h revealed that noise from the hull on the water = 72dB at 25m from the microphone. Engine manufacturers agreed that their engines should not be louder than the boat hull and some design changes were achieved to get within this limit. Accordingly, a hull and engine noise of 72db each, combines into a value of 75db which is the requirement set in the Directive. Lower values were developed for smaller boats and engines and an additional allowance of 3db was necessary for multiple engine installations.

Today the testing method is set out in harmonised standard EN ISO 14509 Part 1. The limits set out in this proposal represent what can be achieved with current boat design. It is your Rapporteur's position that engine noise can make no further significant contribution to reduce further boat sound. For example, if a target for further reducing engine sound is proposed as 10dB (which is not achievable), it would only reduce the overall sound levels of the boat by 3dB. It is your Rapporteur's conclusion that any significantly stricter measures on noise would require re-designing boats entirely which would negatively impact on accommodation space and importantly on safety (hull strength, boat stability and seaworthiness).

Finally, since boats do not, for the most part, run on smooth surfaces, waves are the major component of boat noise when they impact on the hull. Noise can be an issue on small or calm lakes or some stretches of river and canal, but clearly not in the majority of real life situations. Public perception may also be affected by the many boats on the water dating from before the introduction of EU sound limits. Furthermore noise is mainly linked to the behaviour of the user rather than the underlying technology, so noise is in any case best reduced by appropriate speed limits and policing. Your Rapporteur would advise MEP colleagues to not amend the Commission proposal on noise emissions.

25.4.2012

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council on recreational craft and personal watercraft
(COM(2011)0456 – C7-0212/2011 – 2011/0197(COD))

Rapporteur: Salvatore Tatarella

SHORT JUSTIFICATION

Background

The purpose of the Commission proposal for a directive on recreational craft and personal watercraft is to revise a directive adopted in 1994 – Directive 94/25/EC – which laid down basic safety standards for watercraft placed on the market. Directive 94/25/EC has already been amended by Directive 2003/44/EC, which introduced a set of limit values for exhaust emissions and noise levels for watercraft. This new Commission proposal imposes stricter emission limits to reflect the technological progress of recreational marine engines; this will have the effect of harmonising limits worldwide and, in particular, bringing them into line with the limits imposed in the US. The recreational craft sector has limited impact on the environment, given the small number of watercraft compared to motor vehicles in general and the fact that they are only used for a few months of the year.

The directive lays down maximum exhaust emission levels for pollutants such as particulates, nitrogen oxides and hydrocarbons. It does not address CO₂.

Before finalising the draft directive, the Commission conducted wide-ranging consultations with interested parties: the nautical industries, engine manufacturers, nautical associations and the Member States. There was general consensus among all stakeholders on the proposal. The draft directive lays down new rules for a sector which employs 270 000 people and includes 37 000 businesses. The nautical sector mainly consists of SMEs (which account for 95% of the businesses concerned). The Commission therefore was careful to take particular account of SMEs in the recreational marine craft and engine sector, bearing in mind that some small-volume engine manufacturers only supply the European market. Since 2007 the sector has been seriously affected by the economic crisis, with total sales of recreational craft falling by half.

The rapporteur's position

The rapporteur welcomes the Commission proposal, and particularly supports its objective of harmonising the existing legislation. It is very important to ensure that the new directive, while tightening up some provisions to comply with environmental criteria, helps to boost the sector's competitiveness by bringing it into line with the most advanced sectors of the market at world level. This would enable the industry to beat off strong competition from the US and allow the European Union to play a leading role in the sector.

One key element of the directive is the granting of a transitional period to allow manufacturers to adapt to the new emission requirements. The rapporteur welcomes the extension of the transitional period to three years for small and medium sized engine manufacturers placing on the EU market outboard engines below 15 kW. In the case of noise pollution, however, no change to the current limit values is proposed, since noise emissions relate not only to engine noise, but also to external environmental conditions: these two factors make it very difficult to amend the existing rules.

Your rapporteur strongly believes that noise emissions should be controlled at local level by measures to tighten up speed restrictions. Noise levels are closely correlated to the behaviour of watercraft users and compliance with the rules applying to the recreational use of such craft. Your rapporteur calls on the Commission to examine, within the next five years, the feasibility of a further stage to reduce emissions from marine engines while taking account of technological developments and including the problem of fuel spillage in the scope of the legislation. Finally, your rapporteur considers that the proposal should be adopted as a matter of the greatest urgency, to ensure that the directive is transposed and implemented by the Member States as soon as possible.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Depending on the fuel and power category, the test cycles for engines in marine applications described in the relevant ISO standard should be used.

Amendment

(22) Depending on the fuel and power category, the test cycles for engines in marine applications described in the relevant ISO standard should be used. *A special test cycle for marine hybrid power*

installations should be developed for hybrid power installations that have different technical characteristics from standard internal combustion engines.

Amendment 2

Proposal for a directive Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Member States should check whether they are taking effective regionally specific national measures, such as the introduction or adjustment of speed limits, in order to reduce noise emissions as much as possible.

Amendment 3

Proposal for a directive Recital 28

Text proposed by the Commission

Amendment

(28) It is crucial to make clear to manufacturers and users that by affixing the CE marking to the product, the manufacturer declares that the product is in conformity with all applicable requirements and takes full responsibility thereof.

(28) By affixing the CE marking to the product, manufacturers should take full responsibility for the product being in conformity with the applicable requirements. Manufacturers and users should be given more information about this in order to achieve the objectives of CE marking.

Amendment 4

Proposal for a directive Article 53 – paragraphs 2 a and 2 b (new)

Text proposed by the Commission

Amendment

Not later than five years after the date referred to in the second subparagraph of Article 57(1), 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; and

- the need to reduce fuel spillage.

The report shall be accompanied, if appropriate, by a legislative proposal to that effect.

PROCEDURE

Title	Recreational craft and personal watercraft
References	COM(2011)0456 – C7-0212/2011 – 2011/0197(COD)
Committee responsible Date announced in plenary	IMCO 13.9.2011
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 13.9.2011
Rapporteur(s) Date appointed	Salvatore Tatarella 28.9.2011
Discussed in committee	20.3.2012
Date adopted	25.4.2012
Result of final vote	+: 56 –: 0 0: 6
Members present for the final vote	Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sandrine Bélier, Lajos Bokros, Martin Callanan, Nessa Childers, Yves Cochet, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Jill Evans, Karl-Heinz Florenz, Elisabetta Gardini, Gerben-Jan Gerbrandy, Matthias Grootte, Françoise Grossetête, Jolanta Emilia Hibner, Dan Jørgensen, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Holger Krahmer, Corinne Lepage, Peter Liese, Kartika Tamara Liotard, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Vladko Todorov Panayotov, Gilles Pargneaux, Antonyia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Frédérique Ries, Oreste Rossi, Daciana Octavia Sârbu, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Bogusław Sonik, Claudiu Ciprian Tănăsescu, Salvatore Tatarella, Anja Weisgerber, Åsa Westlund, Glenis Willmott
Substitute(s) present for the final vote	Vicky Ford, Jacqueline Foster, Julie Girling, Judith A. Merkies, Miroslav Mikolášik, Vittorio Prodi, Michèle Rivasi, Renate Sommer, Struan Stevenson, Anna Záborská, Andrea Zaroni

24.4.2012

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council on recreational craft and personal watercraft
(COM(2011)0456 – C7-0212/2011 – 2011/0197(COD))

Rapporteur: Roberts Zile

SHORT JUSTIFICATION

The European Commission's proposal for a revision of the Recreational Craft Directive (94/25/EC) (RCD) aims at improving the environmental performance of recreational craft and personal watercraft by considering revising limits for exhaust emissions from marine engines and limits for noise and substantially modernising existing safety requirements. The initiative's additional objective is to ensure equal regulatory conditions with the EU's main trading partners and a smooth functioning of the internal market for watercrafts. It covers motor boats, sailing boats, personal watercraft (jet skis), their engines and the components which are not used for commercial purposes. The new legislation is expected to enter into force by mid 2015.

Exhaust emissions

By setting stricter limits for NO_x and hydrocarbons (HC), the revised Directive brings the exhaust emission of recreational marine engines in line with the - stricter - US rules. The same emission limits for the EU and the US, Canada and Japan markets, will save costs for EU manufactures with respect to the development, manufacturing and certification of their product lines. Your rapporteur agrees with the Commission and the main committee's rapporteur on the following: The proposed limits for exhaust emissions reflect the most stringent but feasible reduction within the given timeline. More significant reductions of all three pollutants (HC, NO_x and CO) on SI engines are only possible through exhaust gas after-treatment introducing three-way catalyst technology. The required technology is, however, not yet sufficiently developed and would require an investment which is not affordable for the industry at this point. Furthermore, your rapporteur agrees with the Commission's proposal for a transitional period of 3 years for all engine manufactures and an additional 3 years for small and medium enterprises which manufacture SI outboard engines ≤ 15 kW in order to ensure

minimal economical and social losses.

The Commission's proposal for a new construction requirement of a mandatory fitting of holding tanks or on board water treatment systems has to be welcomed for the sake of environmental protection as far as it prevents the discharge of sewage at sea.

Noise emissions

Your rapporteur supports the Commission's proposal to maintain current limits for noise emissions, as any further reduction would require engines to be significantly redesigned. It has to be kept in mind that noise emitted by recreational craft is affected by a number of factors such as the engine, the hull, and the concentration of boats, the speed, user's behaviour, geography and the weather conditions. That is why the Directive allows undertaking national measures in order to set stricter limits, such as speed limits, a minimum distance from the shore or a ban of boats in specific areas. Your rapporteur considers that an exchange of views on best practices among Member States would promote proportionality of relevant national provisions and help to take appropriate measures. In this context, your rapporteur refers to several Court cases of the Court of Justice of the European Union (notably on cases C-142/05 and C-433/05). Amendments no. 2 and 5 aim at inviting the Commission to facilitate this process.

Safety requirements

Your rapporteur stresses the importance of the new general safety clause which presents the legal basis for taking unsafe watercraft out of the market if the product does not satisfy the Directive's safety requirements or if the product represents, in general terms, a danger to the safety and health of persons, property or the environment.

Your rapporteur welcomes stricter obligations for manufactures, importers and distributors to demonstrate the conformity of their products (i.e. CE marking) via appropriate conformity assessment procedures. As most of the privately imported boats are imported from third countries, it is welcomed that private importers are now to be explicitly included under the Directive's obligations of Post Construction Assessment. However, in order to ensure that these boats correspond to the reinforced requirements of this Directive, Member States need to ensure that adequate and efficient checks are performed both at the EU external borders and within the Union itself.

Hybrid technologies

Your rapporteur takes the view that the development of the technology of hybrid engines for recreational craft should be taken into consideration - within the Directive - as an innovative solution for propulsion systems. The rapporteur's amendments no. 1, 3, 6 and 7 ensure that innovative propulsion solutions and test cycles for hybrid engines are covered by the Directive.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Appropriate measures should also be taken in future to collect data on carbon dioxide (CO₂) emissions from engines on recreational craft and personal watercraft.

Justification

The carbon footprint of the six million recreational craft and personal watercraft should be calculated, in order firstly to assess the scale of the problem and then to tackle it. According to the Commission, there is still no inventory of carbon emissions from recreational craft and personal watercraft.

Amendment 2

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) It is also appropriate to provide definitions of 'watercraft built for own use' and of 'private importer' specific to this sector in order to facilitate the understanding and uniform application of this Directive.

(8) It is also appropriate to provide definitions of 'watercraft built for own use' and of 'private importer' specific to this sector in order to facilitate the understanding and uniform application of this Directive. ***It is necessary to extend the definition of 'propulsion engine' set out in Directive 94/25/EEC so that it also covers innovative propulsion solutions.***

Justification

This amendment aims at broadening the definition of 'propulsion engines', since the new technologies of hybrids which are now in place and which might expand in the future, were not taken into account in this Directive.

Amendment 3

Proposal for a directive Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Having regard to the specific nature of the business carried out by SMEs producing recreational craft and personal watercraft, such SMEs should be subject to a special form of support in view of the significant investment burden associated with such a business.

Amendment 4

Proposal for a directive Recital 15

Text proposed by the Commission

Amendment

(15) When placing a product covered by this Directive on the market, importers should indicate on the product their name and the address at which they can be contacted. ***Exceptions should be provided for in cases where*** the size or nature of a component does not allow for such an indication.

(15) When placing a product covered by this Directive on the market, importers should indicate on the product their name and the address at which they can be contacted. ***Where*** the size or nature of a component does not allow for such an indication, ***importers should supply appropriate documentation by which such a component can be identified.***

Amendment 5

Proposal for a directive Recital 26

Text proposed by the Commission

Amendment

(26) In accordance with the principle of subsidiarity, the provisions of this Directive should not affect Member States' entitlement to lay down such requirements as they may deem necessary concerning navigation on certain waters for the purpose of protection of the environment,

(26) In accordance with the principle of subsidiarity, the provisions of this Directive should not affect Member States' entitlement to lay down such requirements as they may deem necessary concerning navigation on certain waters for the purpose of protection of the environment,

the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to the watercraft which is in conformity with this Directive.

the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to the watercraft which is in conformity with this Directive ***and that those provisions are justified and proportionate to the objective to be achieved. The Commission should facilitate the exchange of best practices between Member States on the application of Article 5 of this Directive by setting up an adequate system for such exchange.***

Justification

The rapporteur takes the view that an exchange of views on best practices among Member States on the application of Article 5 would help to avoid disproportionate measures and should be promoted by the Commission.

Amendment 6

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) In order to take into account the progress of technical knowledge and new scientific evidence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend Section 2 of Part B and Section 1 of Part C of Annex I, with the exception of direct or indirect modifications to exhaust or noise emission values and to the Froude and P/D ratio values, and Annexes V, VII and IX. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Amendment

(39) In order to take into account the progress of technical knowledge and new scientific evidence, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend Section 2 of Part B and Section 1 of Part C of Annex I, with the exception of direct or indirect modifications to exhaust or noise emission values and to the Froude and P/D ratio values, ***to include test cycles for hybrid engines, to introduce biofuel blended test fuels in the table of test fuels once those test fuels have been internationally accepted and to amend Annexes V, VII and IX.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work,

including at expert level.

Justification

This amendment introduces the hybrid systems into the Directive which were not taken into account by the Commission when the proposal for the Directive had been finalised, due to a lack of information at that time.

Amendment 7

Proposal for a directive

Recital 44

Text proposed by the Commission

(44) Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

Amendment

(44) Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that they are implemented ***by services clearly designated for that purpose or by the competent national authorities***. Those penalties should be effective, proportionate and dissuasive, ***and they should be applied without undue delay***.

Amendment 8

Proposal for a directive

Article 2 – paragraph 2 – point a – point xiii

Text proposed by the Commission

(xiii) amphibious craft;

Amendment

(xiii) amphibious craft ***able to operate on both water and dry land***;

Amendment 9

Proposal for a directive

Article 3 – point 5

Text proposed by the Commission

5. ‘propulsion engine’ means any spark or compression ignition, internal combustion engine used for propulsion purposes;

Amendment

5. ‘propulsion engine’ means any spark or compression ignition, internal combustion engine used ***directly or indirectly*** for

propulsion purposes;

Justification

This amendment intends to ensure that all types of hybrid installation will have to conform to the exhaust emission requirements of Annex I.B, since the technology of hybrids has not been taken into account in this Directive.

Amendment 10

**Proposal for a directive
Article 5**

Text proposed by the Commission

The provisions of this Directive shall not prevent Member States from adopting provisions concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to watercraft conforming to this Directive.

Amendment

The provisions of this Directive shall not prevent Member States from adopting provisions concerning navigation on certain waters for the purpose of protection of the environment, ***including from noise pollution***, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to watercraft conforming to this Directive ***and that those provisions are justified and proportionate. The Commission shall facilitate the exchange of best practices between Member States and set up an adequate system for such exchange.***

Justification

The rapporteur takes the view that an exchange of views on best practices among Member States on the application of Article 5 would help to avoid disproportionate measures and should be promoted by the Commission.

Amendment 11

**Proposal for a directive
Article 49 – paragraph 1 – point aa (new)**

Text proposed by the Commission

Amendment

(aa) point 2.3.1 of Part B of Annex I, to

include test cycles for hybrid propulsion engines;

Justification

This amendment proposes to add, under the Commission's delegated powers, hybrid test cycles once a common set of such tests cycles has been agreed internationally.

Amendment 12

**Proposal for a directive
Article 50 – paragraph 2**

Text proposed by the Commission

2. The delegation of power referred to in Article 49 shall be conferred for ***an indeterminate period of time*** from the date specified in Article 60.

Amendment

2. The delegation of power referred to in Article 49 shall be conferred for ***seven years*** from the date specified in Article 60. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Amendment 13

**Proposal for a directive
Annex 1 – point A – point 2.3**

Text proposed by the Commission

Watercraft shall be designed to minimise the risks of falling overboard and to facilitate reboarding.

Amendment

Watercraft shall 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.***

Justification

Design of watercraft should allow for unaided reboarding for safety reasons, particularly important in cold water conditions. The amendment also aligns the text to existing

requirements in the US.

Amendment 14

Proposal for a directive

Annex 1 – part A – point 5 – point 5.3 – paragraph 2

Text proposed by the Commission

Attention shall be paid to the provision of overload and short-circuit protection of all circuits, except engine starting circuits, supplied from batteries. Ventilation shall be provided to prevent the accumulation of gases, which might be emitted **from batteries**. Batteries shall be firmly secured and protected from ingress of water.

Amendment

Attention shall be paid to the provision of **adequate** overload and short-circuit protection of all circuits, except engine starting circuits supplied from batteries. ***Electric propulsion circuits shall be designed and installed to prevent any unwanted interaction with all other circuits. The installation shall ensure that devices which store electrical energy do not exceed the manufacturer's recommended maximum temperature limits.*** Ventilation shall be provided to prevent the accumulation of **explosive** gases which might be emitted. Batteries shall be firmly secured and protected from ingress of water.

Justification

Hybrid propulsion installations can introduce new risks to the boat in terms of batteries overheating with potentially catastrophic results and voltage spikes from the powerful hybrid electric motor disabling all electronic devices on the boat including engine controls if not properly isolated from other circuits. A separate electric circuit is needed where the radio/safety equipment needs to stay operational even if an electric failure occurs on the electric propulsion circuit.

PROCEDURE

Title	Recreational craft and personal watercraft	
References	COM(2011)0456 – C7-0212/2011 – 2011/0197(COD)	
Committee responsible Date announced in plenary	IMCO 13.9.2011	
Committee(s) asked for opinion(s) Date announced in plenary	TRAN 13.9.2011	
Rapporteur(s) Date appointed	Roberts Zīle 17.10.2011	
Discussed in committee	26.3.2012	23.4.2012
Date adopted	24.4.2012	
Result of final vote	+: 35 –: 0 0: 1	
Members present for the final vote	Magdi Cristiano Allam, Georges Bach, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Jörg Leichtfried, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Petri Sarvamaa, Vilja Savisaar-Toomast, Olga Sehnalová, Debora Serracchiani, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Giommara Uggias, Artur Zasada, Roberts Zīle	
Substitute(s) present for the final vote	Spyros Danellis, Eider Gardiazábal Rubial, Dominique Riquet, Anna Rosbach, Alfreds Rubiks, Sabine Wils, Tatjana Ždanoka	

PROCEDURE

Title	Recreational craft and personal watercraft			
References	COM(2011)0456 – C7-0212/2011 – 2011/0197(COD)			
Date submitted to Parliament	20.7.2011			
Committee responsible Date announced in plenary	IMCO 13.9.2011			
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 13.9.2011	TRAN 13.9.2011		
Rapporteur(s) Date appointed	Malcolm Harbour 27.9.2011			
Discussed in committee	24.1.2012	28.2.2012	25.4.2012	21.6.2012
Date adopted	21.6.2012			
Result of final vote	+: -: 0:	30 1 0		
Members present for the final vote	Pablo Arias Echeverría, Adam Bielan, Sergio Gaetano Cofferati, Birgit Collin-Langen, Lara Comi, Anna Maria Corazza Bildt, Cornelis de Jong, Christian Engström, Evelyne Gebhardt, Malcolm Harbour, Philippe Juvin, Toine Manders, Hans-Peter Mayer, Sirpa Pietikäinen, Robert Rochefort, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Andreas Schwab, Róza Gräfin von Thun und Hohenstein, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler			
Substitute(s) present for the final vote	Raffaele Baldassarre, Simon Busuttil, Pier Antonio Panzeri, Laurence J.A.J. Stassen, Marc Tarabella, Kyriacos Triantaphyllides, Anja Weisgerber, Kerstin Westphal			
Date tabled	26.6.2012			