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REPORT

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft
(PE-CONS 3615/2003 – C5-0109/2003 – 2000/0262(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Martin Callanan

Symbols for procedures

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

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

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PROCEDURAL PAGE

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

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

At the sitting of 10 September 2002 Parliament adopted amendments to the common position.

By letter of 21 January 2003 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 18 February 2003.

In the light of subsequent dialogues and delegation meetings agreement was reached by a letter sent by the Parliament to the Council on 12 March 2003.

By letter of 25 March 2003 the President of Parliament informed the Council that it was necessary to extend the period for the period for the work in committee, as laid down in Article 251(7) of the EC Treaty.

At its meeting of 12 March 2003 the Parliament delegation approved the results of the conciliation unopposed, with 2 abstention.

The following took part in the vote: Renzo Imbeni, Vice-President and chairman of the delegation, Caroline F. Jackson; chair of the Committee on the Environment, Public Health and Consumer Safety, Martin Callanan, rapporteur; David Robert Bowe, Robert Goodwill, Françoise Grossetête, Bernd Lange, Riitta Myller, Karin Scheele, Erik Meijer and Alexander de Roo.

On 9 April 2003 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 24 April 2003.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (PE-CONS 3615/2003 – C5-0109/2003 – 2000/0262(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3615/2003 – C5-0109/2003),
 - having regard to its position at first reading¹ on the Commission proposal and amended proposal to Parliament and the Council (COM(2000) 639² and COM(2001) 636³),
 - having regard to its position at second reading⁴ on the Council common position⁵,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 602 - C5-0518/2002)⁶,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0119/2003),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council to have it published in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 65 E, 14.3.2002, p. 310.

² OJ C 62 E, 27.2.2001, p. 139.

³ OJ C 51, 26.2.2002, p. 339.

⁴ P5_TA-PROV(2000)0447.

⁵ OJ C 170 E, 16.7.2002, p. 1.

⁶ OJ C not yet published.

EXPLANATORY STATEMENT

Introduction

Developments since the adoption of Directive 94/25/EC of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, made it necessary to amend that Directive.

The propulsion engines on recreational craft produce exhaust emissions, noise emissions and particle emissions which affect both human health and the environment. Hence the intention of this directive is, by laying down limits to those emissions, to protect the environment and to promote sustainable development. In addition, as provisions in force in the Member States differ and are likely to affect the free movement of products and constitute barriers to trade within the Community, a binding Community instrument is proposed.

The provisions on exhaust and noise emissions laid down in this Directive are to apply to all engines, whether inboard, outboard or stern drive with or without integral exhaust, and to personal watercraft in order to ensure optimum effectiveness in the protection of human health and environment.

In view of the nature of the risks involved, conformity assessment procedures are included to ensure the necessary level of protection. The manufacturer or the person placing the product on the market should ensure that the products comply with the relevant essential requirements.

Finally, for the sake of legal certainty and to ensure the safe use of recreational craft, a number of technical issues are addressed relating to the essential construction requirements concerning the boat design categories, the maximum recommended load, the craft identification number and the fuel tanks.

The Commission is to closely monitor the evolution of engine technology and the need to meet future environmental protection requirements in order to examine the possibility of further reducing emission limit values for noise and exhaust emissions.

First and second reading

The subject was addressed in the Martin CALLANAN (EPP-ED, UK) report, adopted at first reading on 5 July 2001 and containing 42 amendments.

The Commission modified its proposal on 31 October 2001. It accepted, among others, the amendments on simplification of noise testing procedures, on exempting craft built for own use from the noise requirements and on deletion of the obligation to place a CE mark on personal watercraft engines.

The Council adopted its common position by unanimity on 22 April 2002. It maintained the approach proposed by the Commission and some of the Parliament's amendments to regulate exhaust and noise emissions from engines on recreational craft. It introduced some

innovations on exceptions for craft built for own use, provisions on fire fighting equipment, simplification of noise testing for SMEs and possible items to be included in the Commission's report.

At second reading (26 September 2002) Parliament adopted 17 amendments. It reinstated, wholly or in part, a number of amendments adopted at first reading and calling for:

- steam-powered craft to be excluded from the directive,
- engines on craft built for own use to be exempted from the relevant exhaust emission requirements,
- the application of more stringent limit values for exhaust emissions in specific inland waters,
- a system of in-use compliance testing,
- a minimum 3dB allowance to apply to all engines types and
- limits to the scope of comitology.

The directive in conciliation

The Council decided it could not accept all Parliament's amendments and the EP delegation was constituted on 23 October 2002.

Three more delegation meetings took place on 15 January, 12 February and 12 March 2003. Three trialogues took place on 14 January, 29 January and 11 March. The conciliation was formally opened as an "A" point on 18 February.

After the last trialogue and delegation meetings in March, a final agreement was reached with the following content:

- seven amendments were accepted by the Council without modification relating to the scope of the directive the use of synthetic biodegradable lubrication oils, transitional arrangements or sound measurement tests,
- on comitology, agreement was based on a new text which includes a list of issues to be dealt with, as well as a negative list of issues which should not be dealt with by the executive committee; among the latter, the revision of the Froude and P/D ratio values,
- the exclusion of steam powered craft with regard to design and construction,
- the exemption of replica diesel engines installed in craft built for own use, from the exhaust and noise emission requirements,
- 3 dB noise allowance for all engine types,
- the submission by the Commission of a report on the possibilities of further improving the environmental characteristics of engines and consider the need to revise the boat design categories,
- the Parliament withdrew the amendments aiming at creating an in-use compliance system,
- finally, the dates for transposition and implementation were postponed by one year to take account of the time taken by legislative procedure.

Conclusions

The delegation regards the end result of conciliation as very satisfactory for Parliament, as the joint text has incorporated most of its amendments, either in full or in a reworked form. It therefore proposes that the House adopt the text at third reading.