

WRITTEN QUESTION E-0565/04
by Martin Callanan (PPE-DE)
to the Commission

Subject: Clarification on the scope of the Recreational Craft Directive

The Recreational Craft Directive (94/25/EC¹) is based on the principles of the New Approach which provide for CE marking.

The Commission's 'Guide to the implementation of directives based on the New Approach and the Global Approach' states in Section 2: 'Scope of New Approach directives' – 'A product, which has been subject to important changes that aim to modify its original performance, purpose or type after it has been put into service, may be considered as a new product.'

The Commission's document entitled 'Recreational Craft Directive and Comments to the Directive Combined' refers in Article 4(5) (viii) Summary of the application of the Directive after 16 June 1998 – to 'Boats already in the EEA which are transformed into recreational craft when they were previously used for another purpose. e.g. experimental craft, racing boats, former commercial boats.' However this section goes on to say that 'the Directive does not contain any retrospective provisions and, as such, existing boats in service (in use) in the EEA lie outside of the Directive whatever their origin of build.'

Will the Commission now give a ruling on whether an ex-commercial craft henceforth put to use for recreational purposes needs to be CE marked in accordance with the RCD, even if no physical changes have been made to the craft? Does the fact that an ex-commercial craft was built before Directive 94/25/EC came into force alter the situation?

Finally, if ex-commercial craft are to be CE marked, this would prove difficult, since the process of CE marking of ex-commercial craft would have to be 'Post Constructional Certification'. Will the Commission indicate how this is to be achieved at the present time?

¹ OJ L 164, 30.6.1994, p. 15.