APPLICATION GUIDE TO THE AMENDED RECREATIONAL CRAFT DIRECTIVE

A consolidated guide to the application of Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, as amended by Directive 2003/44/EC.

First edition

Endorsed by the RCD Experts group at its meeting of 20 February 2008

blue italics = legal text:

- **B** = *text of the basic Directive 94/25/EC as published in OJ L 164 of 30.6.1994, p. 15)*
- **M1** = *text amended by Directive 2003/44/EC, as published in OJEU L 214 of 26.8.2003, p. 18*
- **M2** = *text amended by Regulation (EC) No 1882/2003, as published in OJ L 284 of 31.10.2003*
- **C1** = *corrigendum, as published in OJ L 127of 10.6.1995, p. 27*
- **C2** = *corrigendum, as published in OJ L 41, 15.2.2000, p. 20*

FOREWORD

This document is the first edition of the consolidated guide to the application of Directive 94/25/EC on recreational craft as amended by Directive 2003/44/EC and sets out and comments on the provisions of the amended Directive relating to the design and construction requirements for recreational craft, personal watercraft and components, and to the exhaust and noise emission requirements.

This document consolidates the second edition of the guide to the application of Directive 94/25/EC with the first edition of the guide to the application of Directive 2003/44/EC, and replaces these two guides.

This guide is intended to be a reference document for all parties directly or indirectly involved with the recreational craft, personal watercraft, component and marine engine industry. It should be read and used as an aid to the application of the provisions of Directive 94/25/EC as amended by Directive 2003/44/EC, which have entered into application as from 1 January 2005. It does not, however, substitute for these Directives. It is the intention that it should explain and clarify certain important issues related to their application. In addition these guidelines are intended to promote a common understanding on the conditions for the free movement in the EU/EEA internal market of the products covered by the amended Recreational Craft Directive, and have for this purpose been presented to Member States' government experts, industry, notified bodies, users and other parties for comment. The services of the Commission very much appreciate the assistance given by all stakeholders during the preparation of the consolidated edition of this guide.

The Guide is publicly available, but it is not binding in the same sense as legal acts adopted by the Community. The legally binding provisions are those transposing the Directive and its amendments into the national legislation of the EU/EEA Member States.

Directive 2003/44/EC and Directive 94/25/EC are "New Approach" Directives. Additional guidance on the principles of the new approach can be found in the Guide to the implementation of Directives on the New Approach and the Global Approach. This guide has been published by the European Commission and can be downloaded from the Commission's website at the following URL:

http://ec.europa.eu/enterprise/newapproach/legislation/guide/index.htm 

It should be noted that the text of the Directive speaks of the "Community", "EU" or "EEA" in the sense of trade area this should be read to mean both the European Union (EU) and the European Economic Area (EEA).

[1] In addition to this guide issued by the Commission services, there are the Recreational Craft Sectoral Group (RSG) Guidelines. RSG is the group of notified bodies under the Directive with representatives of industry and users. These RSG guidelines give general guidance to notified bodies and manufacturers, on the uniform technical application and interpretation of the Directive and the conformity assessment procedures in particular.

CORPUS OF THE AMENDED RECREATIONAL CRAFT DIRECTIVE

CHAPTER I: SCOPE AND DEFINITIONS, PLACING ON THE MARKET AND PUTTING INTO SERVICE, ESSENTIAL REQUIREMENTS, FREE MOVEMENT, PRESUMPTION OF CONFORMITY, HARMONISED STANDARDS, COMMITTEE PROCEDURE AND SAFEGUARD CLAUSE

ARTICLE 1: SCOPE AND DEFINITIONS

- **M1**

Article 1

Scope and definitions

1. This Directive shall apply:

(a) with regard to design and construction, to:

(i) recreational craft and partly completed boats;

The design and construction requirements for recreational craft and partly completed boats are specified in Annex IA of the amended Directive.

Recreational craft are defined in Article 1.3(a).

A partly completed boat is a boat consisting of a hull or a hull and one or more components (other aspects of the boat than Annex II components). It might be possible that components, as referred to in Annex II, are installed on a partly completed boat. These Annex II components are subject to conformity assessment, as explained in the comments to Article 1.1.(iii) below. Boat kits consisting of panels and parts to make the boat and its hull, typically of wood or metal, are also to be considered as partly completed boats (see note on kit boats below).

The “partly completed boat” does not fulfil all the essential safety, health, environmental protection and consumer protection requirements of the Directive. It is either destined to be completed, i.e. completely fulfil the essential requirements, by another party who will be regarded as the manufacturer, or placed on the market as such.

The product becomes a completed craft when placed on the market and/or put into service as a completed craft. The final responsibility of this action lies with the one who places it on the market or puts it into service.

Partly completed personal watercraft are not considered to be covered by the provisions of the Directive concerning "partly completed boats", as Article 1.1.(a) refers to ”partly completed boats”(under point (i)) separately from “personal watercraft” (under point (ii)).

Craft, i.e. recreational craft and personal watercraft, which after their completion have been partly dismantled (e.g. having their propulsion engines taken out), and are placed on the market as such, cannot be considered as partly completed craft. For further clarification, see the comments to the provisions on post construction assessment under article 8.1.

Note: Kit Boats

Kit boats may be envisaged as partly completed boats purchased from a manufacturer where all parts necessary to complete the construction of the boat in compliance with the Essential Requirements of the Directive are provided. When the kit boat manufacturer has supplied all parts necessary for completion, as defined above, then subject to written confirmation that the boat was completed in accordance with the manufacturer's instructions being returned to the kit boat manufacturer, CE marking shall be fixed accordingly. Compliance with the Directive shall in these cases be ensured for all variations available from the manufacturer, especially those that would change the stability characteristics from the basic model e.g. variations in mast configuration and rigging.

The above does not absolve the kit manufacturer of his responsibilities, within the modular system, as detailed under Article 8 of the Directive. See also Paragraph 2(a)(vii) of this Article.

(ii) personal watercraft;

The scope of the amended Recreational Craft Directive has been extended to include personal watercraft, which were previously excluded under Directive 94/25/EC. The design and construction requirements for personal watercraft are specified in Annex I.A of the Directive. Requirements for exhaust and noise emissions of personal watercraft are provided by Article 1.1(b) and 1.1(c) below.

Application of the harmonised standard EN ISO 13590:2003/AC:2004 *Personal watercraft – Construction and system installation requirements* provides, in accordance with Article 5 of the Directive, a presumption of conformity with the Directive's relevant design and construction requirements for PWC, in as far as for those requirements are covered by this standard . Note however that EN ISO 8666:2002 Small craft – principal data remains the harmonized standard to be referenced for hull length measurement, and EN ISO 10087:2006 for the craft identification. In addition, separate harmonised standards apply for exhaust and noise emission measurement for personal watercraft – see Article 1.1 (b) and 1.1 (c) below as well as Annexes I.B and I.C.

Note: In article 1.3 of the amended Recreational Craft Directive (Directive 94/25/EC as amended by Directive 2003/44/EC) a clear distinction is made between the definition of "recreational craft" (see art.1.3.(a)) and "personal watercraft" (see art. 1.3.(b)). It should also be noted that in Annex I to the Directive, the preliminary observation mentions that for the purpose of the Annex, the term "craft" shall cover recreational craft and personal watercraft. However, some articles in the amended Directive also refer to "craft" generically. In line with the preliminary observation to Annex I, any reference to the generic term "craft" in the articles of the Directive, as well as in this Guide's clarifications, should therefore be understood as including both "recreational craft" and "personal watercraft".

(iii) components referred to in Annex II when placed on the Community market separately and when intended for installation;

Article 1.1;(a).(iii) has been amended to make it clear that the Directive's requirements apply to all components referred to in Annex II when they are placed separately on the Community market as components and when intended for installation on or in recreational craft and personal watercraft.

The provision that the Directive applies to components referred to in Annex II "when placed on the Community market separately and when intended for installation" means, in particular, that these components are subject to conformity assessment in accordance with Article 8 and CE marking before being placed on the market separately with the intention to be installed in recreational craft**.**

For clarification on what is considered to be "placed on the Community market" see the comments on Article 4 below, as well as the Guide to the implementation of Directives based on the new Approach and Global Approach.

When components are produced by the craft manufacturer and installed in the craft he is manufacturing, these components are not considered to be placed on the market separately and therefore the provisions of Article 1.1 (a) (iii) are not applicable to such components.

(b) with regard to exhaust emissions, to:

(i) propulsion engines which are installed or specifically intended for installation on or in recreational craft and personal watercraft;

The scope of Directive 94/25/EC is extended to include requirements on exhaust emissions of propulsion engines installed or intended for installation on recreational craft and personal watercraft. These exhaust emission requirements are prescribed in Annex I.B, and specify limit values for the quantities of specified exhaust pollutants from propulsion engines that may not be exceeded when these engines are in normal use. The exhaust emission requirements therefore apply only to engines, not the complete craft.

The exhaust emission requirements apply only to engines installed or specifically intended for installation for propulsion of the recreational craft or personal watercraft.

An engine installed or intended for installation to be used exclusively as an on-board generator, for example, is therefore outside of the scope of this Directive. See also comments to Article 1.3(c), the definition of "propulsion engines", and to Article 1.1(d) regarding the date of application of the exhaust emission requirements.

Whenever a craft with a propulsion engine installed is placed on the market that craft is only complying with the Directive if its propulsion engine is certified that it is complying with the exhaust emission requirements of the Directive.

(ii) propulsion engines installed on or in these craft that are subject to a "major engine modification";

A 'major engine modification' is defined by Article 1.3(d). Propulsion engines installed in or on recreational craft that are modified to the extent as defined in Article 1.3.(d) must comply with the exhaust emission requirements of this Directive when they are put into service after modification.

See also comments to Article 1.1(d) regarding the date of application of the exhaust emission requirements with regard to major engine modifications. This requirement also applies to propulsion engines installed on or in personal watercraft.

(c) with regard to noise emissions, to:

The scope of Directive 94/25/EC is extended to include requirements on noise emissions as specified in Annex I.C. Depending on the craft and/or engine type the noise emission requirements apply to either the boat/engine combination or just the propulsion engine as explained in sections (i) to (iv) below.

(i) recreational craft with stern drive engines without integral exhausts or inboard propulsion engine installations;

For recreational craft with inboard propulsion engines, the noise emission requirements apply to the craft with the installed propulsion engine(s) running. Ensuring compliance with the noise emission limits is therefore the responsibility of the craft builder, not the engine manufacturer. Stern drive engines that do not have integral exhaust systems are treated in the same way as inboard engines, so such engine installations are also the responsibility of the craft builder with regard to noise emissions. See also comments to Article 1.1(d) regarding the date of application of the noise emission requirements.

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

A 'major craft conversion' is defined in Article1.3(e). Recreational craft with inboard propulsion engines or stern drive engines without integral exhausts, that are converted to this extent must comply with the noise emission limits if they are placed on the market in the EEA within five years of the conversion. See also comments to Article1.1(d) regarding the date of application of the noise emission requirements with regard to major craft conversions.

(iii) personal watercraft;

For personal watercraft, the noise emission requirements apply to the complete craft when tested according to the harmonised standard – see comments on Annex I.C. See also comments to Article 1.1(d) regarding the date of application.

(iv) outboard engines and stern drive engines with integral exhausts intended for installation on recreational craft;

For outboard engines and stern drive engines with integral exhausts, the noise emission requirements apply to the engine only and ensuring compliance with the noise emission limits is the responsibility of the engine manufacturer. The noise emissions of outboard engines are measured with the engines installed on standard boats according to the harmonised standard – see comments on Annex I.C.

The noise emissions of sterndrive engines with integral exhausts are also measured with the engines installed in standard craft according to the harmonised standard (see Annex I.C). Stern drive engines with integral exhausts are engines designed so that the exhaust gases are expelled through the transmission/drive unit. It is not necessary for the engine supplier to also supply the transmission/drive unit, as long as the engine is certified for compliance with the noise emission limits when used with the specified transmission/drive unit.

Note that the requirement applies only to outboard engines and stern drive engines with integral exhausts that are intended for installation on recreational craft, and therefore such engines that are intended only for use on commercial craft are excluded from the scope of this Directive (for example, outboard engines used only for rescue or patrol craft).

(d) for products falling under (a)(ii), (b) and (c), the provisions of this Directive shall only apply from the first placing on the market and/or putting into service after the date of entry into force of this Directive.

This provision specifies that:

- the new design and construction requirements for products covered by Article 1.1.(a)(ii) (personal watercraft), and
- the exhaust emissions requirements for products covered by Article 1.1(b) and
- the noise emissions requirements for products covered by Article 1.1(c)

apply only to these products from their first placing on the Community market or first putting into service after the date of entry into force of the amended Directive.

The provisions of the amended Directive started to apply on the 1st January 2005 (date by which Member States had to start applying their national implementing measures transposing the amending provisions of Directive 2003/44/EC). The provisions of the amended Directive apply fully (after a transitional period as specified in Article 3 of Directive 2003/44/EC) from the 1st January 2006 for personal watercraft and for compression ignition and four-stroke spark ignition engines, and from the 1st January 2007 for two-stroke spark ignition engines. (See also comments to Article 3 of Directive 2003/44/EC below)

It follows from the above that for:

Personal watercraft with regard to design and construction:

Personal watercraft that are first placed on the market and/or put into service in the EEA prior to 1st January 2005 (date from which the provisions of Directive 2003/44/EC started to apply) are not required to comply with the Directive, even if subsequently placed on the market again as second hand products.

Personal watercraft that are first placed on the market and/or put into service in the EEA on or after the 1st January 2005 (date from which the provisions of Directive 2003/44/EC started to apply) and before or on the 31st December 2005 (end date of the transitional period specified in Article 3.2(a) of Directive 2003/44/EC) are not required to comply with the Directive, provided they do comply with the rules that were in force in the Member States on the date of entry into force of the Directive (26.08.2003) where they are placed on the market and/or put into service. They do not need to comply with the Directive if they would subsequently be placed on the market again as second hand products after the end date of the transitional period.

Personal watercraft that are placed on the market and/or put into service in the EEA after 31st December 2005 (end date of the transitional period specified in Article 3.2(a) of Directive 2003/44/EC) are required to comply with the Directive's requirements with regard to design and construction, and noise emissions, even if they are second hand products imported from outside the EEA (unless they have been previously placed on the market or put in service in the EEA). For PWC fitted with an engine of the type specified in Article 3.2 (b) of Directive 2003/44/EC (i.e. compression ignition or four-stroke spark ignition engine), these engines have also to comply with the Directive's requirements with regard to exhaust emissions when they are for the first time placed on the market and/or put into service in the Community after the 31st December 2005. For PWC fitted with two-stroke spark ignition engines, these engines have to comply with the Directive's requirements with regard to exhaust emissions when they are for the first time placed on the market and/or put into service in the Community after the 31st December 2006 (end date of the transitional period specified in Article 3.2(c) of Directive 2003/44/EC).

Propulsion engines with regard to exhaust emission requirements:

Propulsion engines installed or intended for installation on or in recreational craft or personal watercraft that are first placed on the market and/or put into service in the EEA prior to 1st January 2005 (date from which the provisions of Directive 2003/44/EC started to apply) or, ultimately either until the 31st December 2005 (end date of the transitional period specified in Article 3.2(b) of Directive 2003/44/EC) for compression ignition and four-stroke spark ignition engines or the 31st December 2006 (end date of the transitional period specified in Article 3.2(c) of Directive 2003/44/EC) for two-stroke spark ignition engines, are not required to comply with the exhaust emission requirements, even if they are subsequently placed on the market and/or put into service again as second hand products or are subject to a 'major engine modification' after the relevant end dates specified above.

Propulsion engines imported from third countries and placed on the market or put into service in the EEA after either the 31st December 2005 (end date of the transitional period specified in Article 3.2(b) of Directive 2003/44/EC) for compression ignition and four-stroke spark ignition engines or the 31st December 2006 (end date of the transitional period specified in Article 3.2(c) of Directive 2003/44/EC) for two-stroke spark ignition engines are required to comply with the exhaust emission requirements, even if they are second hand products. This requirement does not apply to propulsion engines that have been placed on the market and/or put into service in the EEA before the relevant end dates specified above, and being exported to a third country before these end dates, are returned back to the EEA after these end dates. (See the comments on the application of the Directive to existing products under Article 4 below).

Recreational craft and personal watercraft with regard to noise emissions:

Recreational craft and personal watercraft that were first placed on the market and/or put into service in the EEA prior to 1st January 2005 (date from which the provisions of Directive 2003/44/EC started to apply) or, ultimately until the 31st December 2005 (end date of the transitional period specified in Article 3.2(a) of Directive 2003/44/EC) are not required to comply with the noise emission requirements, even if they are subsequently placed on the market and/or put into service again as second hand products or if such recreational craft are subject to a 'major craft conversion' after this end date.

Recreational craft and personal watercraft imported from third countries and placed on the market and/ot put into service in the EEA after the 31st December 2005 (end date of the transitional period specified in Article 3.2(a) of Directive 2003/44/EC) are required to comply with the noise emission requirements, even if they are second hand products. This requirement does not apply to recreational craft and personal watercraft that have been placed on the market and/or put into service in the EEA before this end date, and which after being exported outside the EEA before this end date, are returned back to the EEA after that end date. (See the comments on the application of the Directive to existing products under Article 4 below).

Outboard engines and stern drive engines with integral exhaust, with regard to noise emissions:

Outboard engines and stern drive engines with integral exhaust that are first placed on the market and/or put into service in the EEA prior to 1st January 2005 (date of entry into application of the provisions of Directive 2003/44/EC) or, ultimately either until 31st December 2005 (end date of the transitional period specified in Article 3.2 (b) of Directive 2003/44/EC for compression ignition and four-stroke spark ignition engines) or 31st December 2006 (end date of the transitional period specified in Article 3.2(c) of Directive 2003/44/EC for two-stroke spark ignition engines), are not required to comply with the noise emission requirements, even if they are subsequently placed on the market and/or put into service again as second hand products or are subject to a 'major engine modification' on or after the relevant end dates for the transitional period as specified above.

Outboard engines and stern drive engines with integral exhaust imported from third countries and placed on the market and/or put into service in the EEA after either 31st December 2005 (end date of the transitional period specified in Article 3.2 (b) of Directive 2003/44/EC for compression ignition and four-stroke spark ignition engines) or 31st December 2006 (end date of the transitional period specified in Article 3.2(c) of Directive 2003/44/EC for two-stroke spark ignition engines), are required to comply with the noise emission requirements, even if they are second hand products. This requirement does not apply to outboard engines and stern drive engines with integral exhaust that have been placed on the market and/or put into service in the EEA on or before the relevant dates specified above, and after being exported to a third country, are returned back to the EEA after these dates. (See the comments on the application of the Directive to existing products under Article 4 below).

2. The following shall be excluded from the scope of this Directive:

(a) with regard to paragraph 1(a):

Paragraph 2(a) contains a list of craft, which, with regard to the design and construction requirements, are excluded from the scope of the Directive.

Whilst it is for the manufacturer to consider whether or not his craft is eligible under one of these exemptions or not, advice may be sought from the competent Member State Administration, in order, perhaps, to check the validity of the outcome of his consideration. The comments below may be used for guidance. If a Member State Administration is, at the end of the day, still unsure, even after consultation with a notified body, then advice may be sought from the Commission services. In this case advice would be sought on a wider basis by consulting the advisory committee referred to in Article 6 of the Directive or other groups created under the Directive.

(i) craft intended solely for racing, including rowing racing boats and training rowing boats, labelled as such by the manufacturer;

The exclusion in article 1.2.(a)(i) concerns craft intended solely for racing and designated as such by their builder. These include rowing racing boats and boats intended for rowing training that are designed exclusively for racing. Some racing boats are by their very design so extreme in their racing profile that they could in no way be assessed on their compliance with the design and construction requirements of the Directive. It is these designs for which this exclusion was drafted. In the remaining majority of craft, assessment of their compliance with the requirements of the Directive is considered to be feasible. That said, a manufacturer who decides, as it is his decision, to label the boat “intended solely for racing” is demonstrating the intended prime purpose of the boat to adequately compete with other boats (perhaps employing minimalist internal fittings). Such a labelling should be clearly visible affixed to the boat. If, in the future this boat is placed on the market and/or put into service no longer as a racing boat, perhaps because the design is no longer competitive, the boat then falls under the requirements of the Directive as this would constitute the “first placing on the market and/or putting into service” as a recreational craft.

(ii) canoes and kayaks, gondolas and pedalos;

The exclusions in article 1.2.(a)(ii) concern types of watercraft, which are by nature incompatible with some of the essential requirements but whose inclusion in the scope of the Directive with regard to design and construction requirements might be debatable.

Canoes and kayaks, gondolas and pedalos are considered to be craft designed to be propelled by human power excluding rowing. Rowing is considered to be the use of more than one oar.

If canoes are so designed and constructed that they can be fitted with a propulsion engine or with sails and placed on the market and/or put into service as such, they are covered by the Directive.

(iii) sailing surfboards;

The exclusion in article 1.2.(a)(iii) concerns craft whose design is incompatible with the essential requirements of the Directive.

(iv) surfboards, including powered surfboards;

The wording of this provision of the Directive has been amended to clarify that personal watercraft are no longer excluded from the scope of application of the Directive.

Surfboards and powered surfboards are considered to be craft carrying no more than 2 persons sitting, standing or kneeling on the craft's hull and fitted with flotation and fail-safe controls.

(v) original historical craft and individual replicas thereof designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;

The exclusion in article 1.2.(a)(v) is intended to exclude from the scope of the Directive craft designed before 1950. In addition this exclusion is also intended to exclude craft and/or types or classes of craft which were designed or developed before 1950 and of which replicas are individually constructed predominantly but not exclusively using the original materials. Builders of historical craft are able to build the same authentic bygone design, one boat after another.

These boats are still unique and individual, when built using methods and materials consistent with the original design, and retain their aesthetic charm and characteristics. In this respect, predominantly means using the original material for both the hull and the deck, but allowing contemporary use of materials e.g. plywood instead of solid timber, laminated frames, modern adhesives, paints, sealant and fastenings. Series production by means of moulds (e.g. GRP production) shall not be possible in these cases.

It is noted that some classes of boat that were designed before 1950 that were originally made exclusively of wood are now produced of modern plastics. These contemporary

constructions are considered to fall within the scope of the Directive as the criteria regarding "predominantly of original materials" is not fulfilled.

NB: Member States may have individual boat designs that are peculiar to that State or region thereof, e.g. "pattini" in Italy or "treehandiri" in Greece. These boats are generally:
– of a design pre-dating 1950,
– built in specialist yards of original materials.

Of the two indents above, the first takes predominance. The Member State must be satisfied that such an exclusion from the Directive would not give carte blanche for series production.

(vi) experimental craft, provided that they are not subsequently placed on the Community market;

The exclusion in article 1.2.(a)(vi) concerns experimental craft. Such craft may be placed on the market in the EEA only if their design and construction is subsequently certified in conformity with the Directive.

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

The exclusion in article 1.2.(a)(vii) concerns craft built by their future user, provided that they are not placed on the market in the EEA within five years of being put into service. This does not preclude the sub-contracting, by the builder, of specialists in certain aspects of the fitting out of the boat e.g. electrical or electronic engineers.

When a kit boat is bought by its end user, from the kit boat manufacturer, and completed not in accordance with the kit manufacturers instructions [i.e. modified(•)] but to the "desires" of the end user, the party that undertakes the completion of the kit boat is considered to assume the responsibility for the boat's conformity with the Directive.

(1) •It is considered that these modifications relate to compliance with the Directive's Essential Requirements and not features outside of the scope of Annex I.

If, for whatever reason, a boat built for own use is intended to be placed on the Community market, whether completed or partly completed, within the 5 year period, then certification by a person or persons fulfilling the role of manufacturer would be required in accordance with the provisions of Article 8.1 on post-construction assessment. These persons would take the responsibility for the equivalent conformity of the design, construction, and environmental performance of the boat, and any modification to it necessary to achieve this equivalent conformity. The assessment of the equivalent conformity with essential requirements of the Directive requires the involvement of a notified body (see comments to Article 8.1).

NB: A member of the general public building his own boat (in his garage or garden, for example), from materials bought on the open market is deemed to be "building a boat for his own use". This boat lies outside the scope of the Directive and does not require compliance with the essential requirements and thus CE marking. If for whatever reason this situation changes then the provisions detailed above would be seen to apply.

It should be made clear that a private person who enters into a contractual arrangement with a professional company, yard or individual constructor to build a one off boat (be-spoke) is deemed to have entered into an arrangement where there will be a transfer of ownership. Such a boat is deemed to fall under the Directive and will have to comply with the Essential Requirements of the Directive and applicable conformity assessment procedures. Reference is made to text expanding on Article 4. Boats built for own use have the concept that a person is building their own boat and not having it built by others.

(viii) craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3(a), in particular those defined in Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels (*), regardless of the number of passengers;

** OJ L 301, 28.10.1982, p. 1. Directive as amended by the 1994 Act of Accession.*

The exclusion in article 1.2.(a)(viii) concerns craft specifically intended to be crewed and to carry passengers for commercial transport purposes. This means that recreational craft, which are crewed and are used for sports and/or leisure purposes, are not excluded.

NB: Council Directive 82/714/EEC of 4 October 1982, which lays down technical requirements for inland waterway vessels, excludes recreational craft from its scope but does not define them. However, it does exclude and define passenger boats as follows: "Passenger boat" means any vessel built and fitted out to carry more than 12 passengers. As a result of this definition, the phrase "regardless of the number of passengers" had to be added in article 1.2.(a)(viii).

(ix) submersibles;

(x) air cushion vehicles;

(xi) hydrofoils;

The above three categories of products are excluded from the scope of the Directive, as their physical characteristics are not consistent with the Essential Requirements.

Similar craft meeting these considerations are also considered to lie outside the Directive.

(xii) External combustion steam powered craft, fuelled by coal, coke, wood, oil or gas;

The exclusion in article 1.2.(a)(xii) is new compared to Directive 94/25/EC. Where a craft uses a steam engine(s) as described above for propulsion, the craft is excluded from the scope of the Directive with regard to the design and construction requirements. An external combustion steam engine used for propulsion is excluded from the emission requirements as it is not an internal combustion engine (see Article 1.3(c) for the definition of 'propulsion engine').

(b) with regard to paragraph 1(b):

The following propulsion engines are excluded from the exhaust emission requirements of the Directive.

(i) propulsion engines installed or specifically intended for installation on the following:

— craft intended solely for racing and labelled as such by the manufacturer,

Engines for propulsion of racing boats are excluded from the exhaust emission requirements of the amended Directive provided that the racing boats are marked with a label stating that they are 'intended solely for racing' (see also comments to article 1.2.(a)(i) above). Such engines would typically be tuned or otherwise race-prepared for use in competitions for engine-powered racing boats.

— experimental craft, provided that they are not subsequently placed on the Community market,

— craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3(a), in particular those defined in Directive 82/714/EEC, regardless of the number of passengers,

— submersibles,

— air cushion vehicles,

— hydrofoils;

Propulsion engines of craft of the type defined in the 5 indents above are all excluded from the exhaust emission requirements of the Directive.

(ii) original and individual replicas of historical propulsion engines, which are based on a pre-1950 design, not produced in series and fitted on craft referred to in paragraph 2(a)(v) and (vii);

Individual replica engines based on pre-1950 designs are excluded from the exhaust emission requirements provided that they are fitted to historical craft or craft built for own use as defined by Article 1.2(a)(v) and (vii) above. In this context 'individual replicas' may be built one after another and still excluded, provided that they are built to order and not series produced.

Historical engines built prior to 1950 are excluded from the scope of application of the exhaust emission requirements. Note that propulsion engines built after 1950 and first placed on the market and/or put into service in the EEA prior to 1st January 2005 (date of entry into application of the provisions of Directive 2003/44/EC) or, ultimately either until the 31st December 2005 (end of the transitional period specified in Article 3.2(b) of Directive 2003/44/EC for compression ignition and four-stroke spark ignition engines) or the 31st December 2006 (end of the transitional period specified in Article 3.2(c) of Directive 2003/44/EC for two-stroke spark ignition engines) are also excluded from the exhaust emission requirements of the amended Directive.

(iii) propulsion engines built for own use provided that they are not subsequently placed on the Community market during a period of five years;

To qualify for this exclusion from the exhaust emission requirements, an engine 'built for own use' must have been substantially built by the owner and be used exclusively by the owner. An engine that is marinised by the owner or otherwise adapted by modification or replacement of a few parts does not qualify for this exclusion.

(c) with regard to paragraph 1(c):

The following craft are excluded from the noise emission requirements of this Directive.

— all craft referred to in point (b) of this paragraph,

Accordingly racing craft, experimental craft and commercial craft that are fulfilling the conditions specified in Article 1.2.(b), and submersibles, air cushion vehicles and hydrofoils are all excluded from the noise emission requirements of this Directive.

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

Craft built for own use are excluded from the noise emission requirements provided that they are not placed on the Community market within 5 years of first being put into service. To qualify for this exclusion from the noise emission requirements, a craft 'built for own use' must have been substantially built and used exclusively by the owner. A boat that is completed by the owner by the addition of fittings and finishing parts is not 'built for own use'. Further clarification on boats built for own use are given in the comments to Article 1.2.(a)(vii) above.

3. For the purposes of this Directive the following definitions shall apply:

(a) "recreational craft": 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; the fact that the same boat 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 Community market for recreational purposes;

Any reference to 'recreational craft' in this Directive is intended to include all craft covered by the above definition unless they are excluded by Article 2.1 and except for personal watercraft (see point 3(b) below).

Article 1.3(a) defines the types of recreational craft covered. These boats are defined, not by their type or means of propulsion, but:
– by their hull length of 2.5 to 24 m,
and, in particular,
– by their intended use for sports and leisure purposes.

It is specified that chartered, i.e. hired, recreational craft are covered by the Directive, as are recreational craft used for recreational boating training. In both cases, the activity is not a commercial passenger transport activity but one for sports or leisure purposes, even if the craft is hired with crew.

The relevant harmonised standard is EN ISO 8666:2002 Small craft – Principal data. The use of this harmonised standard is compulsory for measuring the craft's hull length.

(b) "personal watercraft": 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;

Other types of craft with water jet propulsion units that are less than 4.0m in length, such as mini jet boats and small RIBs (rigid hull inflatable boats) with water jet propulsion, are not 'personal watercraft'. They should be treated as recreational craft (if they are 2,5 m in length or above) and must meet the relevant design and construction, exhaust and noise emission requirements.

Craft that meet the definition of personal watercraft - except that their length is equal to or greater than 4.0m (when measured according to EN ISO 8666:2002) - should be treated as recreational craft and meet the relevant design and construction, exhaust and noise emission requirements.

Although no reference is made in the definition above to the use of personal watercraft, as this Directive is for marine craft intended for recreational use, any personal watercraft that are placed on the Community market solely for commercial use are outside of the scope of this Directive.

(c) "propulsion engine": any spark or compression ignition, internal combustion engine used for propulsion purposes, including two-stroke and four-stroke inboard, stern-drive with or without integral exhaust and outboard engines;

The definition of propulsion engines is limited to spark or compression ignition internal combustion engines (e.g. petrol or diesel engines respectively) and accordingly electric engines or steam engines are excluded from the emission requirements even if they are the sole source of power for propulsion. If a spark or compression ignition internal combustion engine is used in conjunction with another type of engine, such as diesel-electric propulsion, then the internal combustion engine is a propulsion engine and must comply with the emission requirements. If a spark or compression ignition internal combustion engine is installed to power a hydraulic motor drive for propulsion then the internal combustion engine is a propulsion engine and must meet the emission requirements.

(d) "major engine modification": the modification of an engine which:

- *could potentially cause the engine to exceed the emission limits set out in Annex I.B. excluding routine replacement of engine components that do not alter the emission characteristics, or*
- *increases the rated power of the engine by more than 15 %;*

A ‘major engine modification’ is relevant only for the application of the exhaust emission requirements for propulsion engines that are installed on or in recreational craft or personal watercraft and have been placed on the market and/or put into service after the date of entry into application of Directive 2003/44/EC (see clarifications concerning Article 1.1(d) above) and which have been subsequently subject to a modification in accordance with this definition.

The first indent provides that routine engine maintenance and replacement of engine components within the manufacturer’s specifications does not qualify as a ‘major engine modification’. Such maintenance may extend to a complete engine rebuild within the manufacturer’s specifications.

If an engine is more extensively modified in a way that the exhaust emissions could potentially exceed the limits of this Directive, then it would be considered a major engine modification even if the power output increases by less than 15%.

(e) “major craft conversion”: a conversion of a craft which:

- changes the means of propulsion of the craft,

- involves a major engine modification,

- alters the craft to such an extent that it is considered a new craft;

A ‘major craft conversion’ is relevant for the application of the noise emission requirements (see Article 1.1.(c).(ii)). In this context the first indent refers to changing the means of propulsion as defined in Article 1.3(f) below. The replacement of the propulsion engine(s) with another engine(s) of different type is not changing the means of propulsion as defined and accordingly engine replacement is not a ‘major craft conversion’. The third indent on alterations to the craft is intended to cover alterations to an extent that the craft should be considered as a new craft.

Note also the comments to Article 1.3.(h) below, specifying that the “re-building” or modifying of a product in the context of manufacturer responsibility means that the product has been changed to such an extent that compliance considerations with the Essential Requirements are altered from those of the product when originally assessed. This would mean, for example, that the stability and buoyancy characteristics of a craft have been changed due to the addition of new accommodation or rigging arrangement. Such modification would mean that the “new” craft presents a new overall design and with it new risks. In this respect such a modification of a craft would require compliance with the Directive if placed on the EEA market and/or put into service.

(f) “means of propulsion”: the mechanical method by which the craft is driven, in particular marine propellers or waterjet mechanical drive systems;

In accordance with this definition, a change to the means of propulsion would be, for example, changing from a conventional propeller shaft drive to a waterjet propulsion unit or surface piercing propellers.

(g) "engine family": the manufacturer's grouping of engines which, through their design, are expected to have similar exhaust emission characteristics and which comply with the exhaust emissions requirements of this Directive;

The definition of an 'engine family' is important for the application of the exhaust emission requirements. Appendix 6 includes the text taken from Directive 97/68/EC (engines for non-road mobile machinery) on the parameters of an engine family and choice of parent engines. Details of engine families are also given in the harmonised standard EN ISO 8178-1:1996 *Reciprocating internal combustion engines – Exhaust emission measurement – Part 7: Engine family determination.* See also comments on Annex VII (module B).

Note: Although the definition above refers only to engine families with respect to exhaust emission characteristics, the term 'engine family' is also used when referring to noise emission limits in Annexes VII and XVII.

(h) "manufacturer": any natural or legal person who designs and manufactures a product covered by this Directive or who has such a product designed and/or manufactured with a view to placing it on the market on his own behalf;

A manufacturer is therefore involved in the design and/or production of the product and/or in its placing on the market.

The manufacturer is the person or persons

- responsible for the design and construction of the product covered by the Directive with a view to placing it on the EEA market on his/their behalf;
- responsible for "re-building" or modifying an existing boat or product falling under the Directive, in so doing creating an "as-new" product, with a view to placing this on the EEA market;
- the person or persons who place a used product from a third country on the market in the EEA and/or put it into service take the responsibility for the conformity of the design, construction and environmental performance as well as for any modification to the product necessary to ensure its equivalent conformity with the essential requirements of the Directive also fulfil the role of manufacturer. The assessment of the equivalent conformity with essential requirements of the Directive requires the involvement of a notified body (see comments to Article 8.1).
- responsible for establishing the technical documentation and for keeping it for a period of at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes.

The manufacturer may be established in the EEA or elsewhere. In either case, the manufacturer may appoint an authorised representative who must be established in the EEA, to act on his behalf. (See comments to Article 1.3(i) below).

Comments

The manufacturer is responsible for designing and manufacturing the product covered by the Directive in accordance with the Directive's essential requirements and procedures for conformity assessment (declaration of conformity, certification, affixing of CE marking).

The manufacturer may sub-contract some operations within the manufacture, including the design if he physically manufactures the product, or the manufacture if he designs the product. However, in both cases, he must retain overall control and responsibility. By the same token, he may use ready-made items or components, carrying the CE Marking or not, in the process of manufacture, but still retains his responsibility as manufacturer.

The "re-building" or modifying of a product (craft or engine or component) in the context of manufacturer responsibility means that the product has been changed to such an extent that compliance considerations with the Essential Requirements are altered from those of the product when originally assessed. This would mean, for example, that the stability and buoyancy characteristics of a craft have been changed due to the addition of new accommodation or rigging arrangement. Such modification would mean that the "new" craft presents a new overall design and with it new risks. In this respect, such a modification of a craft would require compliance with the Directive if placed on the EEA market and/or put into service. (See also comments to Article 1.3(d) and 1.3(e) above).

(i) "authorised representative": any natural or legal person established in the Community who has received a written mandate from the manufacturer to act on his behalf with regard to the latter's obligation under this Directive.'

An authorised representative is a natural or legal person appointed by the manufacturer to act on his behalf in carrying out certain tasks required by the Directive, which have been delegated in writing to him by the manufacturer. All authorised representatives appointed by the manufacturer must be established in the EEA territory in order to act on behalf of the manufacturer under the terms of the Directive. In this respect the manufacturer shall provide the authorised representative with a written mandate to act on his behalf. The obligations, for which the manufacturer delegates responsibility, shall be detailed therein. However, in accordance with section 3.2 of the *Guide to the implementation of Directives based on the New Approach and the Global Approach*, a manufacturer is not obliged to have an authorised representative.

By way of example, the authorised representative could be appointed to undertake the required testing in the EEA, complete the declaration of conformity, affix the CE marking and hold the declaration of conformity and technical construction files at the disposal of the competent authorities.

The term "importer" is not used explicitly in the Directive. However, it is a term that should be clarified to avoid confusion with the authorised representative as these are frequently thought to be interchangeable. The importer is a natural or legal person established in the Community who places a product from a third country on the EEA market. Unlike the authorised representative, the importer has no preferential relationship with the manufacturer in the third country. For the responsibilities of the importer: see the '*Guide to the implementation of Directives based on the New Approach and the Global Approach*', referred to in the Foreword to this application guide.

Comment

A legal or private person established in the EEA who buys a boat in a third country (whether new or second hand) and sails it into EEA territory, or returns an existing boat to EEA territory, is also considered to be an importer. The same applies for any other second hand product covered by the Directive imported from a third country into the EEA by a legal or private person with a view to place it on the market and/or put it into service in the EEA. Such a product has to comply with the provisions of the Directive, except if the product had been placed on the market or put into service within the EEA prior to the date the Directive entered into full application for the product category concerned. Before putting such an imported craft into service the provisions of article 8.1 of the Directive become applicable under the heading "post-construction assessment".

ARTICLE 2: PLACING ON THE MARKET AND PUTTING INTO SERVICE

- **B**

Article 2

Placing on the market and putting into service

1. Member States shall take all necessary measures to ensure that the products referred to in Article 1(1) may be placed on the market and put into service for use in accordance with their intended purpose only if they do not endanger the safety and health of persons, property or the environment when correctly constructed and maintained.

Article2.1 points out that the Member States are obliged to take all necessary measures to ensure that recreational craft and the other products referred to in Article 1(1) can only be placed on the market and put into service if they do not endanger the safety and health of persons, property or the environment. One of the prime objectives of the Directive was to ensure the free circulation of goods by removing technical barriers to trade. In this respect a craft bearing CE marking is considered as fulfilling the requirements of Paragraph 1.

For complete comprehension of this Article it is necessary to explain the following terms (For more information see also the *'Guide to the implementation of Directives based on the New Approach and the Global Approach'*, referred to in the Foreword to this application guide)

(i) Placing on the market

This means the first making available, against payment or free of charge, of a product covered by the Directive, in the EEA market, for the purpose of distribution and or use in the EEA.

The concept of "Placing on the market" determines the moment when a product covered by the Directive passes for the first time from the manufacturing stage to the market of the EEA or the importing stage from a third country with a view to its distribution and/or use in the

EEA. Since placing on the market refers only to the first instance of making the product available on the EEA market with a view to distribution or use within the EEA, the Directive only covers new products manufactured in the EEA and all products imported from a third country – whether new or used.

Placing on the market refers to each individual product which physically exists and is complete (except those specifically referred to in the Directive) and is covered by the Directive, regardless of the time or place of manufacture and whether it was made as an individual unit or in series.

The concept of placing on the market must be clearly distinguished from sale. Placing on the market relates to the physical availability of the product regardless of the legal aspects of the act of transfer (loan, gift, sale or hire). Thus manufacturer's stock, wherever physically situated after the relevant date of entry into application of the Directive, for which no transfer has taken place (see definition of "making available) before that date, will be required to comply with the requirements of the Directive when placed on the market.

(ii) Making available

"Making available" means the transfer of the product.

The transfer of the product is considered to take place at :
- either the completion of the craft to a stage at which CE marking may be affixed,
- or the transfer of ownership,
- or the physical handover of the product by the manufacturer, the manufacturer's authorised representative in the EEA; to:
  (i) the importer established in the EEA, or
  (ii) the person responsible for distribution of the product on the EEA market, or
  (iii) to the final user.

The product is considered to be transferred either when the physical hand-over or the transfer of ownership has taken place. This transfer can be for payment or free of charge, and it can be based on any type of legal instrument (for instance sale, loan, hire, lease or gift).

The product must comply with the Directive at the moment of transfer.

(iii) Putting into service

This means the first use of a product covered by the Directive in the EEA territory by its end user.

A product which is ready for use at the moment of placing on the market and which does not have to be assembled, and where distribution or transport would make no difference to the integrity or performance of the product, is considered to have been put into service as soon as it is placed on the market. The above does not apply when it is reasonably possible to determine when the boat was first used for its intended purpose, floated, became operational, etc.

If a product is manufactured or imported from a third country for the manufacturer's or importer's own use, there is confusion between placing on the market and putting into service. The obligation of conformity with the Directive arises at the time of the first use. The free movement of the products covered by the scope of the Directive is granted by the Member States provided the products bear the CE marking, which indicates their conformity with all provisions of the Directive, including the conformity assessment procedures. This does not affect the rights of Member States under Article 7.

(iv) Market Surveillance

Market surveillance is an essential tool for the enforcement of New Approach Directives. It needs to function effectively in order to provide the following guarantees:

- Uniform application of Community law
- Equal protection for all citizens
- Maintenance of a level playing field for enterprises

It involves two main stages:

- national surveillance authorities monitor that products placed on the market comply with the provisions of the applicable national legislation transposing the New Approach Directives;
- when necessary, they then take action to establish conformity (see also article 7 and article 10.4).

In addition to the implicit obligations contained in the EC Treaty, the New Approach Directives contain an explicit requirement for Member States to carry out market surveillance activities (See e.g. article 2.1. of Directive 94/25/EC) The principle of subsidiarity applies, and it is for Member States to determine the administrative structures used to fulfil their obligations in this field.

Effective cross-border co-operation between market surveillance authorities is essential if products are to be subject to the same high level of surveillance throughout the Union. The Commission is actively encouraging this co-operation through supporting the activities of Directive-specific Administrative Co-operation (ADCO) Groups of Market surveillance experts. These groups are providing a forum for national market surveillance experts to meet and co-operate on practical matters. They have a fundamental role as a network for practical cooperation: experts can identify and share views on problems with implementation of the Directive, exchange information and improve co-operation in a very practical way.

For further information on market surveillance, see chapter 8 of the '*Guide to the implementation of Directives based on the New Approach and the Global Approach*', referred to in the Foreword to this application guide.

Article 2(2)

2. The provisions of this Directive shall not prevent Member States from adopting, in compliance with the Treaty, provisions concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, providing that this does not require modification to craft conforming to this Directive.

Article2.2 makes it clear that the Directive leaves it to the Member States to adopt, in compliance with the Treaty, provisions concerning the safety of navigation, i.e. regulations on the use of craft, in order to protect the environment and both the fabric and safety of waterways.

However, the objective of the Directive to establish a single market is not jeopardised as these national rules cannot require any modification to be made to craft conforming to the Directive. In addition national rules shall also not cause any distortion to technical or safety information available to the consumer, associated with compliance with the Directive e.g. design category, load capacity etc.

The navigation rules could concern in particular the imposition of speed limits in restrictive or sensitive areas, permission or otherwise to navigate certain canals depending on the size of the craft, visibility at night in certain local areas, problems of water and air pollution on certain waterways, problems of noise, etc.

ARTICLE 3: ESSENTIAL REQUIREMENTS

- **B**

Article 3

Essential requirements

The products referred to in Article 1(1) shall meet the essential safety, health, environmental protection and consumer protection requirements set out in Annex I.

The essential requirements set out in the Annex I, which must be met by the products covered by the scope of the Directive, fall within the four areas referred to in paragraph 3 of Article 95 of the Treaty establishing the European Community:
– safety,
– health,
– environmental protection, and
– consumer protection.

As far as the construction of recreational craft is concerned, the concepts of health and safety are obviously linked when one considers the possible consequences of failure during use.

The concept of environmental protection is included, as this has to be taken into account from the design stage for certain craft, and has been further emphasised through the inclusion of the exhaust and noise emission requirements in Parts B and C of Annex I.

The concept of consumer protection covers not only the users of the craft but also all other users of watercourses where the craft is used.

ARTICLE 4: FREE MOVEMENT OF THE PRODUCTS REFERRED TO IN ARTICLE 1(1)

- **M1**

Article 4

Free movement of the products referred to in Article 1(1)

1. Member States shall not prohibit, restrict or impede the placing on the market and/or putting into service in their territory of products referred to in Article 1(1)bearing the CE marking referred to in Annex IV, which indicates their conformity with all the provisions of this Directive, including the conformity procedures set out in Chapter II.

Article 4 establishes the conditions for free movement of the products referred to in Article 1(1):

– recreational craft,
– partly completed boats,
– the components referred to in Annex II
– personal watercraft, and
– propulsion engines.

Article 4.1 specifies that all these products may freely move on the market in the territory of the EEA Member States when these products are CE-marked. The CE-mark is indicating that they are in conformity with all the requirements of the Directive, including the relevant conformity assessment procedures (as specified in Article 8).

For the first three categories of products (recreational craft, partly completed boats and components referred to in Annex II) which comply with the relevant requirements of the Directive, this right of free circulation on the market in the EEA started to apply as from the date of entry into application of Directive 94/25/EC, i.e. as from the 16th June 1996.

The references to the two latter categories of products (personal watercraft and propulsion engines) have been added to Article 1(1) through the amending Directive 2003/44/EC. As a result, the right for free movement of these products when complying with the relevant requirements of the amended Directive, started to apply as from the date of entry into application of Directive 2003/44/EC, i.e. as from the 1st of January 2005.

The wording “placing on the market and putting into service” as used in Directive 94/25/EC, has been amended to read “placing on the market and/or putting into service”. This

amendment has been made as some products covered by this Directive and bearing the CE marking may be put into service for the first time but not placed on the market. Further clarification on 'placing on the market' and 'putting into service' is given in the comments to Article 2.(1).

2. *Member States shall not prohibit, restrict or impede the placing on the market of partly-completed boats where the builder or his authorised representative established in the Community or the person responsible for the placing on the market declares, in accordance with Annex IIIa, that they are intended to be completed by others.*

Partly completed boats are not given the CE marking since by definition they cannot be in conformity with all of the relevant essential requirements of the Directive but are the subject of a declaration by the builder (Annex IIIa), which provides the basis for their right for free circulation on the market.

With regard to boats that are designed to be operated in conjunction with an outboard motor or have the provision to be fitted with such a unit, these boats should not be considered as partly completed boats, and have therefore to comply with the provisions of article 4.(1) in order to benefit form free circulation on the market. As explained below, outboard engines need to be separately CE-marked.

3. *Member States shall not prohibit, restrict or impede the placing on the market and/or putting into service of components referred to in Annex II and bearing the CE marking referred to in Annex IV which indicates their conformity with the relevant essential requirements where these components are accompanied by a written declaration of conformity as provided for in Annex XV and are intended to be incorporated into recreational craft, in accordance with the declaration, referred to in Annex IIIb, of the manufacturer, his authorised representative established in the Community or, in the case of imports from a third country, of any person who places those components on the Community market.*

Components as referred to in Annex II are given the CE marking and are also the subject of a Declaration of Conformity (Annex XV) by the component manufacturer. If they are to be incorporated into recreational craft they are the subject of an Annex III b declaration

This paragraph has been amended by adding the words 'placing on the market and/or putting into service' in place of the word "placing on the market and putting into service' (see clarification under Article 4.1 above) and a reference to Annex XV. Both Annex XV and Annex III b outline information that shall be included in the Declaration of Conformity and the Annex III b declaration.

4. *Member States shall not prohibit, restrict or impede the placing on the market and/or putting into service of:*

   — inboard engines and stern drive propulsion engines without integral exhaust,

   — engines type-approved according to Directive 97/68/EC (*) which are in compliance with stage II provided for in section 4.2.3 of Annex I to that Directive and of,

   — engines type-approved according to Directive 88/77/EEC (**);

where the manufacturer or his authorised representative established in the Community declares in accordance with Annex XV.3 that the engine will meet the exhaust emission requirements of this Directive, when installed in a recreational craft or personal watercraft in accordance with the manufacturer's supplied instructions.

(*) 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 machinery (OJ L 59, 27.2.1998, p. 1). Directive as amended by Commission Directive 2001/63/EC (OJ L 227, 23.8.2001, p. 41).

(**) Council Directive 88/77/EEC of 3 December 1987 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 vehicles (OJ L 36, 9.2.1988, p. 33). Directive as last amended by Commission Directive 2001/27/EC (OJ L 107, 18.4.2001, p. 10).

The first indent above refers to inboard engines and stern drive engines without integral exhausts that have been found to comply with the exhaust emission requirements of this Directive as a result of testing in accordance with the specified harmonised standard (see comments on Annex I, Part B and on Article 8.(3)). These engines may be placed on the market if accompanied by a declaration of conformity in accordance with Annex XV.3 and if they are bearing the CE mark. Article 8.3 requires propulsion engines to be assessed on their conformity with the exhaust emission requirements in accordance with module B+C, B+D, B+E, or B+F or G or H. Each of the modules C, D, E, F, G and H specify that the manufacturer has to affix the CE marking on the product assessed in accordance with such a module.

The second and third indents apply to engines intended for use as inboard propulsion engines or stern drive engines without integral exhaust that are type-approved (or from type-approved engine families) according to Directive 97/68/EC (stage II) or Directive 88/77/EEC. These engines have been type-approved initially by the engine manufacturer for other applications covered by those Directives and may subsequently be placed on the market for installation on recreational craft by that manufacturer, provided that he declares in the accompanying Annex XV.3 declaration that when installed in accordance with his supplied instructions the engine will meet the exhaust emission requirements of Directive 2003/44/EC. These engines are not required to bear the CE Marking

It should be noted in this context that Clause 7 of Annex I of Directive 88/77/EC provides that the engine installation on the vehicle shall comply with the following characteristics in respect to the type-approval of the engine:

1. intake depression shall not exceed that specified for the type-approved engine;
2. exhaust back pressure shall not exceed that specified for the type-approved engine;
3. maximum power absorbed by the engine-driven equipment shall not exceed the maximum permissible power specified for the type-approved engine.

Directive 97/68/EC provides in Article 4.3 that "where the engine to be approved fulfils its function or offers a specific feature only in conjunction with other parts of the non-road mobile machinery, and for this reason compliance with one or more requirements can be verified only when the engine to be approved operates in conjunction with other machinery

parts, whether real or simulated, the scope of the type-approval of the engine(s) must be restricted accordingly. The type-approval certificate for an engine type or engine family shall then include any restrictions on its use and shall indicate any conditions for fitting it and provides further in article 5. 2. that "the application for the amendment or extension of a type-approval shall be submitted exclusively to the approval authority of the Member State which granted the original type-approval." From these provisions arises that a engine type-approved under Directive 97/68/EC after marinising may need to be covered by an extension of the type-approval or alternatively subject to conformity assessment under Directive 2003/44/EC to demonstrate compliance with the exhaust emission requirements.

Marinising of engines referred to in Article 4.4:

In the case where a party marinises such engines, it may place them on the recreational craft market without subjecting them to further testing and conformity assessment procedures under Directive 2003/44/EC, provided that the modifications for marine use:

- remain within the engine manufacturer's supplied instructions referred to in his Annex XV.3 declaration;
- do not entail a "major engine modification" as defined in article 1.3.(d), and
- do not cause the exhaust emissions to exceed the limits specified in Annex I.B of Directive 2003/44/EC.

Otherwise, the responsibility for ensuring compliance with the exhaust emissions of Directive 2003/44/EC will have to be assumed by the mariniser, by applying the procedures of Annex I.B and Article 8.3.

5. At trade fairs, exhibitions, demonstrations, etc., Member States shall not create any obstacles to the showing of the products referred to in Article 1(1) which do not comply with this Directive, provided that a visible sign clearly indicates that such products may not be marketed or put into service until they have been made to comply.

This provision specifies the conditions for the showing at exhibitions of products referred to in Article 1(1) of the Directive, but which do not comply with the Directive.

Recreational craft, partly completed boats, personal watercraft, propulsion engines or Annex II components exhibited at boat shows do not necessarily have to comply with the requirements of the Directive, even after the relevant date of entry into full application of the Directive for the category of products concerned. The display of a boat, personal watercraft, propulsion engine or Annex II component at a boat show, whether a trade or retail show, does not constitute a "placing on the market". However, if the product is not in full conformity with the applicable provisions of the Directive this fact must be clearly advertised next to the product being exhibited clearly stating that it may not be placed or put into service until it has been made to comply.

To require that all products comply with the requirements of the Directive when exhibited would mean that manufacturers could not show concept designs or prototypes. Thus the public would be deprived of products showing the "shape of things to come" and manufacturers from showing exciting new designs.

If a manufacturer, his authorised representative in the EEA or the importer offers a product referred to in Article 1(1) of the Directive in a catalogue, it is deemed not to have been placed on the market until it is actually made available for the first time. Therefore products offered in a catalogue would not have to be in conformity with the Recreational Craft Directive, but this fact must be clearly advertised in the catalogue.

6. Where the products referred to in Article 1(1) are subject to other Directives covering other aspects and which provide for the affixing of the CE marking, the latter shall indicate that such products are also presumed to conform to the provisions of those other Directives. The CE marking shall indicate conformity with the applicable Directives or relevant parts thereof. In this case, the particulars of the said Directives applied by the manufacturer, as published in the Official Journal of the European Union, must be given in the documents, declaration of conformity or instructions required by the Directives and accompanying such products.

Article 4.(6) refers to the provisions, which will apply if the products referred to in Article 1(1) are the subject of other Directives, which relate to other aspects and provide for the affixing of the CE marking.

Application of the machinery Directive

As regards inboard and stern drive engines: "means of transport, i.e. vehicles and their trailers intended solely for transporting passengers by air or on road, rail or water networks" are excluded from the scope of Community legislation on machinery (Directives 89/392/EEC and 91/368/EEC, Article 1 paragraph 3). The essence of the Directive outlines that the vehicle itself and the engine incorporated into it are excluded; thus inboard engines and stern drive engines as integral part of of the craft/engine combination are subject to the essential requirements of the Recreational Craft Directive with regard to design and construction, particularly those in points 2.5, 4 and 5.1.1 to 5.1.3 of Annex I.A, as well as with regard to exhaust emissions (Annex I.B) and noise emissions (Annex I.C, either as part of the craft in which they are installed in the case of inboard engines and stern drive engines without integral exhaust, or as engine as such in the case of stern drive engines with integral exhaust).

As regards outboard engines, these are subject to the essential requirements of the Recreational Craft Directive with regard to design and construction, particularly those in points 2.5, 4 and 5.1.4 of Annex I.A, as well as with regard to exhaust emissions (Annex I.B) and noise emissions (Annex I.C).
Moreover, paragraph 4 of Article 1 of the Machinery Directive should be taken into consideration:

"Where, for machinery or a safety component, the risks referred to in this Directive are wholly or partly covered by specific Community Directives, this Directive shall not apply, or shall cease to apply, in the case of such machinery and of such risks on the entering into force of these specific Directives".

The risks covered by the essential requirements of the Recreational Craft Directive, relating to outboard engines (points 2.5, 4, and 5.1.4 of Annex I.A), are those concerning the installation and putting into service of outboard engines on recreational craft. These risks are not the same as those concerning the actual design and construction of the outboard engines which may be placed on the market and put into service separately from the recreational craft to which they are fitted without being permanently installed.

In these circumstances, outboard engines are subject:
– to the essential requirements of the Directive on recreational craft, particularly those in points 2.5, 4 and 5.1.4 of Annex I.A,
– to the essential health and safety requirements of the Machinery Directive.

In this connection, the CE marking must be affixed to outboard engines when they are placed on the market.

ARTICLE 5: PRESUMPTION OF CONFORMITY, HARMONISED STANDARDS

• **B**

Article 5

Member States shall presume compliance with the essential requirements referred to in Article 3 of products referred to in Article 1 (1) which meet the relevant national standards adopted pursuant to the harmonised standards the references of which have been published in the Official Journal of the European Communities; Member States shall publish the references of such national standards.

This Article contains three important elements with regard to the Recreational Craft Directive:
– Presumption of conformity;
– Essential requirements;
– Harmonised standards.
These elements are very closely related.

The “essential requirements” as referred to in Article 3 and detailed in Annex I have to be met by products referred to in Article 1(1) of the Directive. The application by a manufacturer of a harmonised standard in order to fulfil the essential requirements gives a presumption of conformity. However, application of a harmonised standard remains voluntary and is not the only method available to demonstrate conformity with the essential requirements. The manufacturer can choose whether or not he refers to harmonised standards, as long as his products fulfil the essential requirements. However, if a manufacturer chooses not to follow a harmonised standard, he has the obligation to prove that his product is in conformity with the essential requirements by the use of other means of his own choice (e.g. by means of any existing technical specifications). If the manufacturer applies only a part of a harmonised standard or the applicable harmonised standard does not cover all the essential requirements, the presumption of conformity exist only to the extent the standard corresponds to the essential requirements.

Harmonised standards

In very broad terms, harmonised standards are European standards, which are adopted by European Standards Organisations (ESO's), prepared in accordance with the general guidelines agreed between the European Commission and ESO's, and follow a mandate issued by the Commission. Harmonised standards are deemed to exist when the ESO's formally present to the European Commission the European Standards elaborated or identified in conformity with the mandate. Although European standards are considered as harmonised before the publication of their references in the Official Journal, it is this publication that gives presumption of conformity to the Essential requirements of the Directive.

In the context of their market surveillance activities, Member States are monitoring whether harmonised standards meet fully the essential requirements and, in accordance with article 6.1, shall notify the committee established under Directive 83/189/CE in case they are of the opinion that such would not be the case.

European standards are technical specifications adopted by one of the European standards agencies (CEN, CENELEC and ETSI) for repeated or continuous application. In the case of the Recreational Craft Directive only a mandate to CEN has been issued, which foresees a co-operation with CENELEC, whenever required.

The standards listed in Appendix 4 are those harmonised under the Recreational Craft Directive.

The European standards organisations do not necessarily develop new standards, but may identify existing standards, which fulfil the terms of the mandate, perhaps after modification. These existing standards may be international, national or industrial technical specifications. In respect of the preparation of the mandated standards, it is the responsibility of the standards organisation to elaborate the standard and organise technical committees to find technical solutions.

Elaboration of the technical aspects of standards is carried out in designated “working groups” by technical experts. On completion the text is first made available for public enquiry after which any comments received are analysed. After voting by the individual national standards bodies, the standards organisation ratifies the text and transmits the references to the Commission for publication.

One of the underlying characteristics of a harmonised standard, over and above ordinary European standards, is that its contents must match the essential requirements of the Directive to which “it is harmonised”.

It is the role of the “CEN Consultant” to examine the content against the essential requirements and using appropriate annexes to clearly distinguish sections not applicable to the Directive's essential requirements.

Finally, after elaboration, voting and checking, the standards organisation transmits to the Commission the title and reference which are then published in the Official Journal.

For standards to be considered harmonised standards within the meaning of the New Approach Directives, they are deemed to exist when the European standards organisations formally present to the Commission the European standards elaborated or identified in conformity with the mandate. Member States must then transpose the standard at national level replacing any existing national standards. Conformity with a national standard that transposes a harmonised standard, whose reference has been published, confers a presumption of conformity with the essential requirements of the applicable New Approach directive that is covered by such a standard.

ARTICLE 6: ADVISORY COMMITTEE PROCEDURE

• **B**

Article 6

1. *Where a Member State or the Commission is of the opinion that the harmonised standards referred to in Article 5 do not fully meet the essential requirements referred to in Article 3, the Commission or the Member State shall notify the committee set up under Directive 83/189/CEE, setting out its reasons. The committee shall deliver an urgent opinion.*

   In the light of the opinion of the committee, the Commission shall inform Member States if the standards concerned should be withdrawn from the publications referred to in Article 5.

The first paragraph provides for the procedure for the consultation of the Committee set up under Directive 83/189/EEC.

2. *The Commission may adopt any appropriate measure with a view to ensuring that this Directive is applied practically in a uniform manner in pursuance of paragraph 3.*

• **M2**

3. *The Commission shall be assisted by a standing committee (hereinafter referred to as 'the Committee').*

   Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC [(1)] shall apply, having regard to the provisions of Article 8 thereof.

   The Committee shall adopt its rules of procedure.

   [(1)] Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred to the Commission (OJ L184, 17.7.1999, p. 23)

• **B**

4. *The Standing Committee may, in addition, examine any question concerning the application of this Directive and raised by its chairman, either at the chairman's initiative or at the request of a Member State.*

Paragraphs 2, 3 and 4:

- empower the Commission to adopt any appropriate measure to ensure that the Directive is applied practically in a uniform manner;

- set up an advisory Standing Committee to deliver opinions on the drafts of measures to be taken. The Chairman, who is a representative from the Commission, submits these drafts, and, if necessary, a vote is taken.

The Commission shall take the utmost account of the opinion delivered and informs the Committee of the manner in which its opinion has been taken into account.

Furthermore, the Committee may also examine any question not relating to the adoption of measures. (For more information on the working methods of the committee, see the comments to Article 6a below).

Article 6.(3) has been amended by Regulation (EC) No 1882/2003, as published in OJ L 284 of 31.10.2003.

ARTICLE 6a: REGULATORY COMMITTEE PROCEDURE

- **M1**

Article 6a

Committee procedure

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

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

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

3. *The Committee shall adopt its rules of procedure.*

In addition to the advisory committee established by means of Article 6, Article 6a of the amended Directive establishes a regulatory committee to assist the Commission in adopting amendments related to exhaust and noise emission requirements in the light of technical developments. Changes to the exhaust and noise emission limits or to the P/D ratio and Froude number limits cannot be introduced through this procedure. Hence the remit of this regulatory committee is limited to technical issues such as reference fuels and relevant developments of standards for exhaust and noise emission measurement.

The term "comitology" or "committee procedure" refers to the procedures under which the Commission executes its implementing powers conferred to it by the European Parliament

and the Council, with the assistance of "comitology" committees consisting of Member State representatives. These procedures are described in the Comitology Decision 1999/468/EC. Under these procedures the Commission services submit draft implementing measures to the "comitology committees" which deliver opinions on these draft measures before the Commission adopts them.

The committees work according to three types of procedures defined in the Comitology Decision. These procedures are: the advisory, the management and the regulatory procedure. The choice of the procedure for a committee is made by the European Parliament and the Council according to the nature of the implementing powers conferred to the Commission.

The committees each adopt their own Rules of Procedure, which are based on a model, called Standard Rules of Procedure, adopted by the Commission on 31 January 2001 (published in the OJ C 38/3 of 06.02.2001, p. 3).

The committees meet at regular intervals (usually in Brussels, in the buildings of the Commission). The Commission services send invitations to the Member States authorities with the agenda items and the draft implementing measures on which the committee is requested to give an opinion. After each meeting, the Commission services produce summary records of the meeting and the voting results.

According to the Comitology Decision, the European Parliament has a "right of scrutiny" for draft implementing measures, which are based on legislation of the European Parliament and the Council adopted under the codecision procedure according to Article 251 of the EC-Treaty (which is the case for the Recreational Craft Directive). Such draft implementing measures are sent to the European Parliament. The right of scrutiny gives a one-month delay to the European Parliament to object to the measures if it deems that the Commission has exceeded its implementing powers. The Commission can adopt the measures only after expiration of this delay.

The European Parliament and the Commission have concluded a bilateral Agreement on procedures for implementing this “right of scrutiny”. On this basis, four types of documents are sent to the European Parliament:

- (draft) meeting agendas of comitology committees
- draft implementing measures (for instance draft legal acts to be adopted by the Commission)
- summary records of meetings
- summaries of voting results and lists of authorities of the Member States present in a committee meeting.

The Register of Comitology is a web-based instrument of the European Commission. It gives public access to the documents relating to the work of comitology committees that the Commission has transmitted to the European Parliament. The register can be consulted at the following website address:
http://ec.europa.eu/transparency/regcomitology/registre.cfm?CL=en

ARTICLE 7: SAFEGUARD CLAUSE

• **B**

Article 7

Safeguard clause

• **M1**

1. Where a Member State ascertains that products falling within the scope of Article 1 and bearing the CE marking referred to in Annex IV, when correctly designed, constructed, installed where appropriate, maintained and used in accordance with their intended purpose may endanger the safety and health of persons, property or the environment, it shall take all appropriate interim measures to withdraw them from the market or prohibit or restrict their being placed on the market and/or put into service.

• **B**

The Member State shall immediately inform the Commission of any such measure, indicating the reasons for its decision, in particular where non-conformity is the result of:

(a) failure to comply with the essential requirements referred to in Article 3;

(b) incorrect application of the standards referred to in Article 5, in so far as it is claimed that those standards have been applied;

(c) shortcomings in the standards referred to in Article 5 themselves.

This is the safeguard clause, which enables the Member States to take provisional safeguard measures contrary to the free movement provided for in Article 4.

These safeguard measures obviously only apply to products bearing the CE marking and used in accordance with their intended purpose since any other products may, by definition, not be placed on the market or put into service.

A Member State, which invokes the safeguard clause in respect of products bearing the CE marking and used in accordance with their intended purpose, must inform the Commission, pointing out whether the risk to safety, health, goods or the environment is due to:

(a) failure to comply with the relevant essential requirements. Attention is drawn in this respect to Article 3 (Essential requirements):
"The products referred to in Article 1.(1) shall meet the essential safety, health, environmental protection and consumer protection requirements set out in Annex I";

(b) incorrect application of the standards referred to in Article 5, insofar as it is claimed that those standards have been applied: this is in particular relevant to category C craft (design category: "inshore") of 2.5 to 12 m hull length for which the declaration of compliance with the harmonised standards relating to
– stability and freeboard (essential requirement 3.2), and
– buoyancy and flotation (essential requirement 3.3),
enables the manufacturer to use module A (internal production control) and not to have to involve a third party for the conformity assessment (Article 8.2.(b)(i), first indent);

(c) shortcomings in the standards referred to in Article 5 themselves.
The procedure described in the comment relating to Article 5 has been extended precisely in order to try to avoid these shortcomings.

This first sentence of Article 7.1 has been amended to extend the safeguard clause to cover products that have been added to the scope of the Directive, i.e. personal watercraft (with regard to design and construction, exhaust and noise emissions) and propulsion engines (with regard to exhaust emissions) and recreational craft and propulsion engines (with regard to noise emissions).

- **B**

2. The Commission shall enter into consultation with the parties concerned as soon as possible. Where, after such consultation, the Commission finds that:

– *the measures are justified, it shall immediately so inform the Member State which took the initiative and the other Member States; where the decision referred to in paragraph 1 is attributed to shortcomings in the standards, the Commission shall, after consulting the parties concerned, bring the matter before the Committee referred to in Article 6 (1) within two months, if the Member State which has taken the decision intends to maintain it, and shall initiate the procedure referred to in Article 6 (1),*

– *the measures are unjustified, it shall immediately so inform the Member State which took the initiative and the manufacturer or his authorised representative established in the Community.*

Paragraph 2 sets out the procedural aspects of the safeguard clause:

(a) the Commission consults the parties concerned as soon as possible, in particular through the Standing Committee provided for in Article 6(3). The Chairman, a representative from the Commission, submits to the Standing Committee a draft of the measures to be taken on which the Committee delivers its opinion.

The draft will consist:
- either of confirming the safeguard measure taken by the Member State if it is considered to be justified and thus extending it throughout the Community for a period to be agreed, or,
- requesting the Member State concerned to terminate the safeguard measure if it is considered to be unjustified, or
- adopting another solution to ensure that the Directive is applied practically in a uniform manner, the Commission being responsible for this;

(b) if the safeguard measure was attributed to shortcomings in the standards, the Commission, after consulting the Standing Committee, will also consult the Directive 83/189 Committee before informing the Member States of the possible withdrawal of the standards concerned from the list of titles of standards published in the Official Journal.

- **M1**

3. Where a non-complying product referred to in Article 1 bears the CE marking, the appropriate measures shall be taken by the Member State which has authority over whomsoever affixed the marking; that Member State shall inform the Commission and the other Member States thereof.;

Article 7 (3) confirms that surveillance of the market is the responsibility of the national authorities, which must take appropriate measures against any person who wrongly affixes the CE marking. The Commission is informed of this and it then informs the Member States.

The purpose of the amendments introduced in Article 7.(3) is to extend the safeguard clause to cover products that have been added to the scope of the Directive, i.e. personal watercraft (with regard to design and construction) and propulsion engines (with regard to exhaust emissions) and recreational craft fitted with inboard engines or sterndrive engines without integral exhaust , personal watercraft and outboard engines and sterndrive engines with integral exhaust (with regard to noise emissions).

• **B**

4. The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.

CHAPTER II: CONFORMITY ASSESSMENT, NOTIFIED BODIES

ARTICLE 8: CONFORMITY ASSESSMENT

• **M1**

Article 8

1. Before placing on the market, and/or putting into service, products referred to in Article 1(1) the manufacturer or his authorised representative established within the Community shall apply the procedures referred to in paragraphs 2, 3 and 4 of this Article.'

This introductory paragraph of Article 8 lays down the principles of conformity assessment for products covered by the Directive, and also specifies a post-construction assessment procedure for assessing the conformity of recreational craft, if neither the manufacturer nor his authorised representative fulfils the responsibilities for the product's conformity with the requirements of the Directive.

The paragraphs 2, 3 and 4 referred to specify the procedures for conformity assessment available for design and construction, exhaust emissions and noise emissions respectively. The provisions on conformity assessment of design and construction have been amended to increase the choice of conformity assessment modules that may be applied and to include personal watercraft. The table below summarises the available conformity assessment modules and the comments below give further clarification on each module.

Table 1: Available conformity assessment modules:

<table>
<tr><td></td><td>Product type/Design Category</td><td colspan="3">Available Modules</td></tr>
<tr><td rowspan="7">Design and construction</td><td>Recreational craft</td><td colspan="2">2.5m ≤ hull length <12m</td><td>12m ≤ hull length < 24m</td></tr>
<tr><td>A / “Ocean”</td><td colspan="2" rowspan="2">Aa, B+C, B+D, B+E, B+F, G or H</td><td rowspan="4">B+C, B+D, B+E, B+F, G or H</td></tr>
<tr><td>B / “Offshore”</td></tr>
<tr><td rowspan="2">C / “Inshore”</td><td colspan="2">A, Aa, B+C, B+D, B+E, B+F, G or H
If harmonised standard for stability and buoyancy are complied with</td></tr>
<tr><td colspan="2">Aa, B+C, B+D, B+E, B+F, G or H
If harmonised standard for stability and buoyancy are not complied with</td></tr>
<tr><td>D / “Sheltered Waters”</td><td colspan="3">A, Aa, B+C, B+D, B+E, B+F, G or H</td></tr>
<tr><td>PWC</td><td colspan="3">A, Aa, B+C, B+D, B+E, B+F, G or H</td></tr>
<tr><td>Components</td><td colspan="3">B+C, B+D, B+F, G or H</td></tr>
<tr><td>Exhaust</td><td>Recreational Marine Propulsion Engines.</td><td colspan="3">B+C, B+D, B+E, B+F, G or H</td></tr>
<tr><td rowspan="3">Noise</td><td></td><td>Pass-by test</td><td>Reference Boat</td><td>F_n + P/D method</td></tr>
<tr><td>Outboard engines, Personal Watercraft and stern drive engines with integral exhaust</td><td>Aa, G or H</td><td></td><td></td></tr>
<tr><td>Recreational craft with inboard engines or stern drive engines without integral exhaust</td><td>Aa, G or H</td><td>A, Aa, G or H</td><td>A, Aa, G or H</td></tr>
</table>

The conformity assessment procedures according to the required module and in particular the affixing of the CE marking must take place prior to placing on the market and/or putting into service.

As the scope of the modules is defined in Annexes V to XII and XVI to the Directive, the following is a reminder of the characteristics of the following modules:

Module	Title	Description
A	Internal Production Control	Internal conformity assessment and production control by the manufacturer himself who draws up a written declaration of conformity containing the information given in Annex XV.
Aa	Internal Production Control plus Tests	This is module A, plus tests carried out by the manufacturer under the responsibility of the notified body, which issues an examination report.
B	EC-Type Examination	Covers EC-Type Examination; the notified body issues an EC type-examination certificate for a representative production sample which it has assessed in accordance with the Essential Requirements. This module applies only to the design phase and must be followed up by the manufacturer applying a module providing for assessment in the production phase.
C	Conformity to Type	Covers the manufacturer's declaration on the basis of conformity to type, approved by the notified body (Module B above)
D	Production Quality Assurance	Supplements Module B. Derives from Quality Assurance standard EN ISO 9002 with the notified body responsible for approving and controlling the quality system for production, final product inspection and testing set up by the manufacturer.
E	Product Quality Assurance	Supplements Module B. Derives from Quality Assurance standard EN ISO 9003 with the notified body responsible for approving and controlling the quality system for final product inspection and testing set up by the manufacturer.
F	Product Verification	Supplements Module B. Covers product verification at the production phase, with the involvement of a notified body, which controls conformity to type and issues the certificate of conformity.
G	Unit Verification	Covers unit verification of the design and production phase of each product controlled by a notified body, which issues a certificate of conformity.
H	Full Quality Assurance	Derives from the quality assurance standard EN ISO 9001 with the intervention of a notified body responsible for approving and controlling the quality system for design, production, final product inspection and testing set up by the manufacturer.

POST CONSTRUCTION ASSESSMENT

In the case of post-construction assessment for recreational craft, if neither the manufacturer nor his authorised representative established within the Community fulfils the responsibilities for the product's conformity to this Directive, these can be assumed by any natural or legal person established within the Community who places the product on the market, and/or puts it into service, under his own responsibility. In such a case, the person who places the product on the market or puts it into service must lodge an application for a post-construction report with a notified body. The person who places the product on the market and/or puts it into service must provide the notified body with any available document and technical file referring to the first placing on the market of the product in the country of origin. The notified body shall examine the individual product and carry out calculations and other assessment to ensure its equivalent conformity with the relevant requirements of the Directive. In this case, the Builder's plate described in Annex I, 2.2 shall include the words ("Post-construction certificate"). The notified body shall draw up a report of conformity concerning the assessment carried out and shall inform the person who places the product on the market and/or puts it into service of his obligations. That person shall draw up a declaration of conformity (see Annex XV) and affix, or cause to be affixed, the CE mark accompanied by the distinguishing number of the relevant notified body on the product.

This second part of paragraph 1 specifies the procedures for post-construction assessment of recreational craft in case the manufacturer or his authorised representative is not fulfilling the responsibilities for the product's conformity with the requirements of the Directive, a situation for which the original Directive 94/25/EC did not contain any specific provisions. The provisions of this paragraph have to be applied to all such craft that are placed on the market and/or put into service after 31 January 2005 (end of the transitional period specified in article 3 of Directive 2003/44/EC, after which the amending provisions of the Directive have to be fully applied to recreational craft), i.e. no alternative module for conformity assessment can be chosen.

In this context 'post-construction assessment' refers to conformity assessment that is required for craft that are completed, and may even have been in use, prior to the assessment. Examples of such cases would be a craft built for own use and then placed on the Community market as a second hand product within 5 years after being first put into service, or a used boat from a third country being imported and hence placed on the Community market for the first time. This would also include boats manufactured in the EEA for export outside the EEA (and have not been subject to conformity assessment and CE-marking), which afterwards return to the EEA as second hand boat. It should be noted that the PCA assessment has to cover all the requirements of the Directive, including design and construction, noise and exhaust emissions. In the case of a craft that is obviously designed and intended for propulsion engine installation and/or from which the propulsion engine has been removed, The PCA can only be completed and be valid after the engine installation has been fitted and the craft/engine installation has been assessed on its compliance with the exhaust and noise emission requirements.

PCA may also be required for new craft imported from third countries, which have not been designed and manufactured with a view to be placed on the Community market and for

which the manufacturer has not applied the requirements of the Directive and hence not declared the craft to be in conformity with the Directive.

In such cases the person who places the craft on the market and/or puts it into service must apply to a notified body to conduct the conformity assessment by examining the individual craft and its documentation. The craft must have a CE mark affixed and a Builder's plate which has on it the words 'Post-construction certificate'. Note in this respect the clarification to article 4.1 that some products may be put into service for the first time without being placed on the market.

A copy of the technical file that has been submitted to the Notified Body for the PCA assessment, has to be kept by the Notified Body together with the Report of Conformity at the disposal of the market surveillance authorities for inspection purposes.

ASSESSMENT MODULES FOR DESIGN AND CONSTRUCTION

2. With regard to design and construction of products referred to in Article 1(1)(a), the boat manufacturer or his authorised representative established in the Community shall apply the following procedures for boat design categories A, B, C and D as referred to in section 1 of Annex I.A:

The following paragraphs list the conformity assessment modules available for assessment of the design and construction requirements for recreational craft (points 2(a), 2(b) and 2(c) below), personal watercraft (point 2(d) below) and components referred to in Annex II (point 2(e) below). The modules to be applied for conformity assessment of the exhaust and noise emission requirements are given in points 3 and 4 below. In some cases the modules applied for assessment of craft's design and construction may therefore be different from the modules applied for the craft's emission requirements.

(a) for categories A and B:

(i) for boats from 2,5 m to 12 m hull length: the internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII, supplemented by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F, or G or H

The provisions have been amended to introduce the option of using assessment modules other than module Aa for recreational craft with a hull length from 2,5 m to 12 m of design category A or B. Manufacturers of such boats who wish a notified body to assess the conformity of their boat with all the design and construction requirements may apply either an EC type-examination of the boat (module B) supplemented by module C, D, E or F, or a unit verification according to module G. Alternatively, full quality assurance assessment according to module H may be applied. Note that these additional conformity assessment options are available for boats that are placed on the market and/or put into service as from 1st of January 2005, date of entry into application of the amending provisions of Directive 2003/44/EC.

Manufacturers of category A or B boats of less than 12 m hull length may continue to apply internal production control plus stability and buoyancy tests verified by a notified body (module Aa) as originally specified in Directive 94/25/EC.

(ii) for boats from 12 m to 24 m hull length: the EC type-examination (module B) referred to in Annex VII supplemented by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F, or G or H;

The amendment to the Directive has extended the modular choice for recreational craft of design category A or B with a hull length from 12 m to 24 m by adding module B+E. Note that this additional conformity assessment module combination is available for boats placed on the market and/or put into service as from 1 January 2005 (date of entry into application of the amending provisions of Directive 2003/44/EC). The remaining choice of modules already provided for in Directive 94/25/EC has not been changed, and manufacturers may continue to apply them.

(b) for category C:

(i) for boats from 2,5 m to 12 m hull length:

- *where the harmonised standards relating to Sections 3.2 and 3.3 of Annex I.A are complied with: the internal production control (module A), referred to in Annex V, or internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII, supplemented by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F, or G, or H,*

This amendment to the Directive has introduced the possibility of using assessment modules other than module A for recreational craft of design category C with a hull length of 2,5 m to 12 m that comply with the harmonised standards relating to stability and freeboard and buoyancy and flotation as applicable to boat length and type (EN ISO 12217-1:2001 *Stability and buoyancy – Methods of assessment and categorisation - Part 1: Non-sailing boats over 6 m* L_h, EN ISO 12217-2:*2001 Stability and buoyancy – Part 2: Sailing boats over 6 m* L_h and EN ISO 12217-3:*2002 Stability and buoyancy - Part 3: Boats up to and including 6 m* L_h).

Manufacturers who wish a notified body's intervention in the conformity assessment of such craft, may apply for conformity assessment in accordance with module Aa (only stability and buoyancy assessed by the notified body) or for an EC type-examination of the craft (module B), in which case the conformity of a specimen craft with all the design and construction requirements are assessed by the notified body, supplemented by module C, D, E or F. Alternatively, unit verification according to module G or full quality assurance assessment according to module H may be applied. Note that these additional conformity assessment options are available for boats placed on the market and/or put into service as from 1st of January 2005 (date of entry into application of the amending provisions of Directive 2003/44/EC).

Manufacturers of category C boats of 2,5 m to 12 m length that comply with the harmonised stability standards may continue to apply an internal production control (module A) as originally specified in Directive 94/25/EC.

- *where the harmonised standards relating to Sections 3.2 and 3.3 of Annex I.A are not complied with: the internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII, supplemented by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F, or G, or H;*

This amendment to the Directive has introduced the possibility of using assessment modules other than module Aa for recreational craft of design category C with a hull length of 2,5 m to 12 m that do not comply with the harmonised standards relating to stability and freeboard and buoyancy and flotation. Boats of this type may be assessed by an EC type-examination of the craft (module B), in which case conformity of a specimen craft with all the design and construction requirements are assessed by the notified body, supplemented by module C, D, E or F. Alternatively, unit verification according to module G or full quality assurance assessment according to module H may be applied. Note that these additional conformity assessment options are available for boats placed on the market and/or put into service as from 1st of January 2005 (date of entry into application of the amending provisions of Directive 2003/44/EC).

Manufacturers of category C boats of 2,5 m to 12 m length that do not comply with the harmonised stability standards may continue to apply internal production control plus stability and buoyancy tests verified by a notified body (module Aa), as originally specified in Directive 94/25/EC. Internal production control according to module A remains prohibited for craft of design category C with a hull length of 2,5 m to 12 m if they do not comply with the harmonised stability standard.

(ii) for boats from 12 m to 24 m hull length: the EC type-examination (module B) referred to in Annex VII followed by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F, or G or H;

The amendment introduces the choice of modules B+E as a new option for recreational craft of design category C with a hull length from 12 m to 24 m. Note that this additional conformity assessment module combination is available for boats placed on the market and/or put into service as from 1 January 2005 (date of entry into application of the amending provisions of Directive 2003/44/EC). The remaining choice of modules provided for in Directive 94/25/EC has not been changed for recreational craft over 12 m hull length of design category C, and manufacturers may continue to apply them.

(c) for category D:

for boats from 2,5 m to 24 m hull length: the internal production control (module A) referred to in Annex V, or the internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII, supplemented by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F or G or H;

The amendment to the Directive has introduced the possibility of using assessment modules other than module A for boats of design category D with a hull length of 2,5 m to 24 m. Manufacturers of such craft who would prefer a notified body to assess compliance of their

boats with the design and construction requirements of the Directive may apply for conformity assessment in accordance with module Aa (only stability and buoyancy assessed by notified body), or for an EC type-examination of the craft (module B) supplemented by module C, D, E or F, in which case conformity with all the design and construction requirements of a specimen craft are assessed by the notified body. Alternatively, unit verification according to module G or full quality assurance assessment according to module H may be applied. Note that these additional conformity assessment options are available for boats that are placed on the market and/or put into service as from the date of entry into application of the amending Directive 2003/44/EC (1 January 2005).

Manufacturers of category D boats may continue to apply internal production control (module A) without involvement of a notified body as originally specified in Directive 94/25/EC.

(d) for personal watercraft:

the internal production control (module A) referred to in Annex V, or the internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII followed by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F, or G or H;

The modules listed in (d) are available as options for conformity assessment of personal watercraft against the design and construction requirements, which exclude the exhaust and noise emission requirements. Compliance of the propulsion engine installed or intended for installation in the personal watercraft has to be demonstrated by the engine manufacturer in accordance with one of the modules specified in point 3 below, and the manufacturer of the personal watercraft has to demonstrate compliance with the noise requirements in accordance with one of the modules specified in point 4 below. Accordingly a personal watercraft manufacturer may choose to apply internal production control (module A) for the design and construction requirements, but must involve a notified body for the conformity assessment of the noise emissions of the personal watercraft, and in the case where he is also manufacturing the propulsion engine, also against the exhaust emissions, as specified in points 3 and 4 below.

If module Aa is chosen by the personal watercraft manufacturer, tests or calculations applied to demonstrate compliance with the design and construction requirements (related to stability and buoyancy) shall be carried out under the responsibility of the notified body. The notified body may accordingly witness tests and check calculations.

If module B is chosen the notified body shall conduct an EC type-examination of a specimen personal watercraft representative of the production envisaged, with respect to compliance with the design and construction requirements. This module has to be supplemented in the production stage with module C applied by the personal watercraft manufacturer, or by modules D, E or F with the involvement of the notified body that carried out the EC type-examination. A manufacturer of personal watercraft may also apply for unit verification according to module G or full quality assurance assessment in accordance with module H.

The provisions of this paragraph have to be applied to personal watercraft that are placed on the market and/or put into service after 31 December 2005 (end of the transitional period specified in article 3 of Directive 2003/44/EC, after which the amending provisions of the Directive have to be fully applied to such craft). See also comments to Article 1.1(d) above.

(e) for components referred to in Annex II: any of the following modules: B+C, or B+D, or B+F, or G or H.

The modular choice for conformity assessment of Annex II components has been extended with modules B+E. Note that this additional conformity assessment module combination is available for Annex II components placed on the market and/or put into service as from 1 January 2005 (date of entry into application of the amending provisions of Directive 2003/44/EC).The remaining choice of modules provided for in Directive 94/25/EC has not been changed for Annex II components, and component manufacturers may continue to apply them.

ASSESSMENT MODULES FOR EXHAUST EMISSIONS

3. With regard to exhaust emissions:

for products referred to in Article 1(1)(b), the engine manufacturer or his authorised representative established in the Community shall apply the EC type-examination (module B) as described in Annex VII followed by conformity to type (module C) referred to in Annex VIII, or any of the following modules: B+D, or B+E, or B+F, or G or H.

For the assessment of compliance with the exhaust emission requirements, the engine manufacturer must request a notified body to conduct an EC type-examination of the engine specimen (module B) supplemented by modules C, D E or F, or to apply unit verification (module G), or have a full quality assurance assessment (module H).

Engines that have been type-approved to Directives 97/68/EC (stage II) or 88/77/EC do not require further exhaust emission measurements under this Directive, but are subject to the provisions of Article 8.3 with regard to the conformity assessment modules to be applied.

According to article 4.4, these engines may be placed on the market and /or put into service provided that the engine manufacturer or his authorised representative established in the EEA issues a declaration of conformity in which he confirms, in accordance with Annex XV.3, that the engine will meet the exhaust emission requirements of this Directive when installed in a recreational craft or personal watercraft in accordance with the engine manufacturer's supplied instructions, and that this engine may not be put into service until the recreational craft into which it is to be installed has been declared in conformity, if so required, with the relevant provisions of the Directive. (see also the comments to Article 4.4 above).

For propulsion engines that are subject to a major engine modification according to the definition in Article 1.3 (d), the party responsible for the engine modification must request a notified body to conduct a unit verification of the engine according to module G. (Unless it would concern a major engine modification to an engine type certified according to module B, in which case the conformity assessment of the modified type has to be done according to

module B, supplemented by module C, D, E or F assessment of the engines produced in conformity with the modified type).

The provisions of article 8.3 have to be applied to:

- compression engines and four stroke spark ignition engines that are placed on the market and/or put into service after 31 December 2005 (end of the transitional period specified in article 3.2.(b) of Directive 2003/44/EC, after which the amending provisions of the Directive have to be fully applied to such engines), and
- two-stroke spark ignition engines that are placed on the market and/or put into service after 31 December 2006 (end of the transitional period specified in article 3.2.(c) of Directive 2003/44/EC, after which the amending provisions of the Directive have to be fully applied to such engines).

See also comments to Article 1.1(d) above.

ASSESSMENT MODULES FOR NOISE EMISSIONS

4. With regard to noise emissions:

(a) for products referred to in Article 1(1)(c)(i) and (ii), the boat manufacturer or his authorised representative established in the Community shall apply:

(i) where tests are conducted using the harmonised standard (*) for noise measurement: either internal production control plus tests (module Aa) referred to in Annex VI, or unit verification (module G) referred to in Annex XI, or full quality assurance (module H) referred to in Annex XII;

(*) EN ISO 14509

Recreational craft with inboard propulsion engines, or with stern drive engines without integral exhaust, must have their noise emissions measured in accordance with the tests defined in the harmonised standard (EN ISO 14509) *Measurement of sound pressure level of airborne sound emitted by powered recreational craft*) and assessed on their conformity with the essential requirements for noise emissions as specified in Annex I.C in accordance with one of the modules described above, unless the Froude number/power displacement ratio method or the certified reference boat method (see Article 8.4.(a).(ii) and (iii) below) can be used as an alternative. The noise measurement tests must be carried out by the manufacturer, or on his behalf, under the responsibility of a notified body, and the conformity assessment shall be done by applying module Aa), module G or module H.

Recreational craft with inboard propulsion engines, or with stern drive engines without integral exhaust, which are subject to a 'major craft conversion' and subsequently placed on the Community market within 5 years following conversion must also comply with the essential requirements for noise emissions as specified in Annex I.C. When noise measurements tests in accordance with the harmonised standard are used for the conformity assessment, the party responsible for the major craft conversion must apply either module Aa, G or H for this assessment.

(ii) where the Froude number and power displacement ratio method is used for assessment: either the internal production control (module A) referred to in Annex V, or the internal production control plus tests (module Aa) referred to in Annex VI, or unit verification (module G) referred to in Annex XI, or full quality assurance (module H) referred to in Annex XII;

Recreational craft with inboard propulsion engines or stern drive engines without integral exhaust that have a Froude number of $\leq$ 1,1 and a power to displacement ratio of < 40, and where the engine and exhaust system are installed in accordance with the engine manufacturer's specifications (see the requirements of Annex I.C, points 1.2 and 1.3) are deemed to comply with the noise emission requirements. Such craft would typically be displacement (non-planing) motor boats or sailing boats with auxiliary propulsion engines.

The manufacturer of such craft may apply internal production control (module A) for the noise emission requirements by calculating the Froude number and power-displacement ratio to demonstrate that they will be below the specified limits if the engine and exhaust system are installed in accordance with the engine manufacturer's specifications. No involvement of a notified body is required for this under module A, but the calculations and details of the engine and exhaust installation must be documented by the boat manufacturer in the technical documentation (see Annex XIII points (b) and (e)).

Demonstration of conformity with the noise emission requirements using the Froude number and power displacement ratio method may also be made under module Aa (Internal production control plus tests), module G (unit verification) or module H (full quality assurance), with the involvement of a notified body verifying and certifying the Froude number and power displacement calculations as well as whether the engine and exhaust system have been installed in accordance with the manufacturer's specifications.

Recreational craft with inboard propulsion engines or with stern drive engines without integral exhaust which have been subject to a 'major craft conversion' and subsequently are placed on the community market within 5 years following the conversion must also demonstrate compliance with the noise emission requirements. This may be done by applying the Froude number and power displacement method, if it is applicable for the boat type, in accordance with one of the modules described above.

(iii) where certified reference boat data, established in accordance with point (i), is used for assessment: either internal production control (module A) referred to in Annex V, or internal production control plus supplementary requirements (module Aa) referred to in Annex VI, or unit verification (module G) referred to in Annex XI, or full quality assurance (module H) referred to in Annex XII;

Recreational craft with inboard propulsion engines or stern drive engines without integral exhausts which have key design parameters that are compatible with those of a certified reference boat to tolerances specified in the harmonised standard are deemed to comply with the noise emission requirements.

The boat manufacturer applying this method may demonstrate this compliance without the involvement of a notified body (module A), in which case documentation demonstrating that the key design parameters of his boat are the same or compatible with those of the certified reference boat must be prepared and provided by the craft manufacturer in the technical documentation (see Annex XIII points (h)). Demonstration of conformity with the noise emission requirements using the Reference Boat Concept may also be made under module Aa (Internal production control plus tests), module G (unit verification) or module H (full quality assurance), with the involvement of a notified body verifying and certifying compatibility of the hull/engine combination's key design parameters with certified reference boat data within the tolerances specified in the harmonised standard.

Recreational craft with inboard propulsion engines or with stern drive engines without integral exhaust which have been subject to a 'major craft conversion' and subsequently are placed on the community market within 5 years following the conversion must also demonstrate compliance with the noise emission requirements. This may be done by applying this reference boat method, if the key design parameters of the hull/engine combination of the craft after the major conversion are the same or compatible with those of a certified reference boat, in accordance with one the modules described above.

(b) for products referred to in Article 1(1)(c)(iii) and (iv), the personal watercraft/engine manufacturer or his authorised representative established in the Community shall apply: internal production control plus supplementary requirements referred to in Annex VI (module Aa) or module G or H.';

For personal watercraft, outboard engines and stern drive engines with integral exhaust, noise emissions must be measured in accordance with the tests defined in the harmonised standard, EN ISO 14509 *Measurement of sound pressure level of airborne sound emitted by powered recreational craft.*

The manufacturer of the personal watercraft or engine may apply either internal production control (module Aa), or unit verification (module G), or under full quality assurance assessment (module H), with the involvement of a notified body. Manufacturers of personal watercraft must therefore involve a notified body for assessment of compliance with the noise emission requirements, even if they apply internal production control for the design and construction requirements.

The provisions of article 8.4 have to be applied:

- to recreational craft with inboard engines or with stern drive engines without integral exhaust and to personal watercraft, which are placed on the market and/or put into service after 31 December 2005 (end of the transitional period specified in article 3.2.(a) of Directive 2003/44/EC, after which the relevant requirements of the amended Directive have to be applied to recreational craft and personal watercraft – see also comments to Article 1.1.(d)), and
- to four-stroke spark ignition or compression ignition outboard engines and stern drive engines with integral exhaust, which are placed on the market and/or put into service after 31 December 2005 (end of the transitional period specified in article 3.2.(b) of Directive 2003/44/EC, after which the relevant requirements of the amended Directive have to be applied to such engines – see also comments to Article 1.1.(d)), and

- to two-stroke spark ignition outboard engines and stern drive engines with integral exhaust that are placed on the market and/or put into service after 31 January 2006 (end of the transitional period specified in article 3.2.(c) of Directive 2003/44/EC, after which the relevant requirements of the amended Directive have to be applied to such engines – see also comments to Article 1.1.(d)).

ARTICLE 9: NOTIFIED BODIES

- **B**

Article 9

Notified bodies

1. *Member States shall notify the Commission and other Member States of the bodies which they have appointed to carry out the tasks pertaining to the conformity assessment procedures referred to in Article 8 together with the specific tasks which these bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission.*

   The Commission shall publish a list of the notified bodies, together with the identification numbers it has allocated to them and the tasks for which they have been notified, in the Official Journal of the European Communities. It shall ensure that the list is kept up to date.

2. *Member States shall apply the criteria laid down in Annex XIV in assessing the bodies to be indicated in such notification. Bodies meeting the assessment criteria laid down in the relevant harmonised standards shall be presumed to fulfil those criteria.*

3. *A Member State shall withdraw its approval from such a body if it is established that the latter no longer satisfies the criteria referred to in Annex XIV. It shall inform the Commission and the other Member States of its action forthwith.*

Article 9.1 stipulates that the Member States are responsible for informing the Commission of the bodies, which they have appointed to carry out conformity assessment. The notification must indicate the specific field for which the body has been notified.

Appendix 5 provides a non-exhaustive list of Notified Bodies under the Recreational Craft Directive and the conformity assessment modules they are entitled to apply. This list was updated at time of going to press, however Member States may promote or withdraw a Notified Body at any time.

For more information on the principles of notification, the notification procedure and general responsibilities of notified bodies, see the '*Guide to the implementation of Directives based on the New Approach and the Global Approach*', referred to in the Foreword to this application guide.

Article9.2 and 3 refer to the criteria for assessing the bodies to be notified (Annex XIV) and the possible withdrawal of approval.

CHAPTER III: CE MARKING

ARTICLE 10: CE MARKING

Article 10

- **M1**

1. When the following products are placed on the market, they shall bear the CE marking of conformity:

(a) recreational craft, personal watercraft and components referred to in Annex II, which are regarded as meeting the corresponding essential requirements set out in Annex I;

The provisions of Article 1 of Directive 94/25/EC have been amended to add personal watercraft to the list of products that must bear the CE marking in accordance with this Directive.

(b) outboard engines which are regarded as meeting the essential requirements set out in Annex I.B and I.C.

Outboard engines must bear the CE marking to indicate that they meet the exhaust and noise requirements of the amended Directive. Note that prior to the entry into application of this provision, outboard engines were already required to bear the CE marking in accordance with the Machinery Directive – as explained in the comments to Article 4.

(c) stern drive engines with integral exhaust which are regarded as meeting the essential requirements set out in Annex I.B. and I.C.

Stern drive engines with integral exhaust must bear the CE marking to indicate that they meet the exhaust and noise emission requirements of this Directive.

Note: Inboard engines and stern drive engines without integral exhaust are not explicitly listed under Article 10.1 as being products that must be CE-marked. However, application of the conformity assessment procedures specified in Article 8.3 for demonstrating compliance of these engines with the exhaust emission requirements, entails that these type of engines need to be CE-marked as well. Indeed, each of the modular conformity assessment procedures include a requirement for the engine manufacturer to affix the CE-mark to his products, as indicated in the table below:

modules specified in Article 8.3	relevant Annex and provision requiring CE-marking
B+C	Annex VIII, point 1
B+D	Annex IX, point 1
B+E	Annex XVI, point 1
B+F	Annex X, point 2
G	Annex XI, point 1
H	Annex XII, point 1

However, according to Article 4.4, engines type-approved according to Directive 97/68/EC or Directive 88/77/EC do not need to be assessed on their conformity with the exhaust emission requirements of the Recreational Craft Directive and therefore do not need to be CE-marked for that purpose.

2. The CE marking of conformity, as shown in Annex IV, must appear in a visible, legible and indelible form on the craft and the personal watercraft as in point 2.2 of Annex I.A, on components, as referred to in Annex II and/or on their packaging, and on outboard engines and stern drive engines with integral exhaust as in point 1.1 of Annex I.B.

The CE marking shall be accompanied by the identification number of the body responsible for implementation of the procedures set out in Annexes IX, X, XI, XII, and XVI.

Article 10.2 has been amended to extend the requirement for the CE-marking to be visible, legible and indelible on personal watercraft, outboard engines, and stern drive engines with integral exhaust. The requirement to have the identification number of the notified body accompanying the CE-mark has also been amended by eliminating the reference to Annex VI (module Aa) and by adding a reference to Annex XVI (module E)

CE marking symbolises conformity to all the obligations incumbent on manufacturers in respect of the product's conformity with the essential requirements of the Directive, including the relevant conformity assessment procedures (as specified in Article 8).

Recreational craft and personal watercraft must, when they are placed on the market, bear the CE marking on the builder's plate together with other information indicated in essential requirement 2.2 of Annex I.A. Also for propulsion engines, the CE-marking needs to be affixed on the product itself.

For Annex II components, the CE marking shall, as a rule, be affixed to the product or to its data plate. In addition, it can be affixed to the packaging. However it may exceptionally be moved from the component or its data plate if this rule cannot be followed. This would be justified where affixing it to the component was impossible, or not possible under reasonable technical and economical conditions, or where the minimum dimensions could not be respected, or it could not be ensured that the CE marking was visibly, legibly and indelibly affixed. In such cases, the CE marking has to be affixed to the packaging.

The identification number of the notified body must accompany the CE marking where a notified body is involved in the conformity assessment procedure during the manufacturing process (Modules D, E, F, G and H – see table below).

Conformity assessment module	Annex and provision requiring the CE-marking to be accompanied by the notified body's distinguishing number
D	Annex IX, point 1
E	Annex XVI, point 1
F	Annex X, points 4.2 and 5.4
G	Annex XI, point 2
H	Annex XII, point 1

No reference is made to Module B (Annex VII) as the involvement of the Notified Body in this conformity assessment procedure is limited to the design stages i.e. ascertaining the conformity of the specimen, representative of the production envisaged, with essential requirements.

Module B, however, is utilised in association with one of the Modules C to F in the overall Conformity Assessment Procedure. It is not explicit that the same Notified Body may be involved in both the design and production stages. It is possible that the Notified Body may not be approved to carry out both the Modules involved (ref especially QA). Thus it is the Notified Body carrying out conformity assessment in the Manufacturing Stage whose number appears or the CE marking - the CE marking being affixed after the manufacturing stage.

The identification number of a Notified Body is not required to accompany the CE-marking under Module C. In this case the manufacturer or his authorised representative is responsible to ensure conformity with the approved prototype (EC Type Examination). An involvement of the notified body under this module is only possible with regard to the assessment of conformity of engines with the exhaust emission requirements of the Directive if the engine manufacturer is not working under a relevant quality system as described in Annex XII to the Directive. In such a case a notified body may carry out product checks at random intervals. See the comments to Annex VIII, point 4.

3. The affixing of markings or inscriptions on products covered by this Directive which are likely to mislead third parties with regard to the meaning or the form of the CE marking shall be prohibited. Any other markings may be affixed to products covered by this Directive and/or on their packaging provided that the visibility and legibility of the CE marking is not thereby reduced.'

The wording of this paragraph has been amended to cover all the products added to the Directive's scope by the amending Directive 2003/44/EC.

- **B**

4. Without prejudice to Article 7:

(a) where a Member State establishes that the CE marking has been affixed wrongly, the manufacturer or his authorised representative established in the Community shall be obliged to end the infringement under conditions laid down by the Member State;

(b) where non-compliance continues, the Member State shall take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market, in accordance with the procedure laid down in Article 7.

Paragraphs 3 and 4 refer respectively to the legibility of the marking and the responsibilities of the Member States with regard to surveillance of the market, in particular where the marking has been affixed wrongly. The measures are taken by the Member States without prejudice to the application of the safeguard clause.

The design of the CE marking is defined in Annex IV.

CHAPTER IV: FINAL PROVISIONS

ARTICLE 11: DECISIONS

- **B**

Article 11

Detailed grounds shall be given for any decision taken pursuant to this Directive leading to a restriction on the marketing and putting into service of products referred to in Article 1 (1). The party concerned shall be informed of the decision as soon as possible together with the means of redress available under the laws in force in the Member State concerned and the periods within which appeals must be lodged.

Article 11 ensures transparency with regard to any decision on marketing restrictions, for which detailed grounds must be given. Furthermore, the parties concerned must be informed of any such decision and told of the means of redress available to them.

ARTICLE 12: INFORMATION

- **B**

Article 12

The Commission shall take the necessary measures to ensure that data affecting all pertinent decisions concerning the management of this Directive are made available.

This article stipulates that the Commission is responsible for ensuring that data affecting decisions concerning the management of the Directive are made available. See also the comments to Article 6a.

ARTICLE 13: TRANSPOSITION, ENTRY INTO APPLICATION, TRANSITIONAL PERIOD

- **B**

Article 13

1. *Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive not later than 16 December 1995. They shall immediately inform the Commission thereof.*

   Member States shall apply these provisions from 16 June 1996.

   The Standing Committee referred to in Article 6 (3) may assume its tasks from the date of the entry into force of this Directive. Member States may take the measures referred to in Article 9 of such date.

   When Member States adopt the provisions referred to in the first subparagraph, these shall contain a reference to this Directive or shall be accompanied by such a reference at

the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. *Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field governed by this Directive.*

3. *Member States shall accept the placing on the market and putting into service of products referred to in Article 1 (1) which comply with the rules in force in their territory on the date of adoption of this Directive during a period of four years from that date.*

Article 13.1 of Directive 94/25/EC specifies the deadlines by which the Member States had to transpose the provisions of the original Directive into their national legislation (16 December 1995) and start applying them (as from 16 June 1996).

Article 13.3 specifies a 4 year transitional period, until 16 June 1998, during which the following transitional provisions applied. From 16 June 1994 until 16 June 1998 products that did not comply with the provisions of Directive 94/25/EC could be placed on the market and/or put into service in the territory of a Member State provided that these products complied with the rules that were in force in that territory on the date of entry into force of that Directive (i.e.30 June 1994). If a Member State did not have any rules in place on that date, a product could be placed on the market and/or put into service in the territory of that Member State until 16 June 1998, even if that product did not comply with the provisions of Directive 94/25/EC. After the transitional deadline no products could be placed on the market and/or put into service unless they did comply with Directive 94/25/EC.

Note that for the amending provisions of Directive 2003/44/EC and Regulation (EC) No 1882/2003 other deadlines apply (see the time table in the comments to Article 14 below).
However, for the amending provisions of Directive 2003/44/EC the same principles with regard to entry into application and transitional period for their application as described above are valid, subject to replacing the deadlines of Directive 94/25/EC by those specified in Article 3 of Directive 2003/44/EC (see comments to Article 3 of Directive 2003/44/EC).

The amending provisions of Regulation (EC) No 1882/2003 has an immediate affect as from the date of entry into force of the Regulation, as a Regulation does not need to be transposed into the national legislation of the Member States. However, these amending provisions of the Regulation do only concern procedural matters with regard to the Committee (Article 6) and have therefore no bearing on the compliance requirements for the products covered by the scope of the Directive.

ARTICLE 14: ENTRY INTO FORCE

- **B**

Article 14

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Articles 13 and 14 set out the timetable for the introduction of the original Directive 94/25/EC.
This timetable is therefore only applicable to the original provisions of that Directive (marked with • **B** in this application guide). Note that for the amendments introduced by Directive 2003/44/EC (marked with • **M1**) and Regulation (EC) No 1882/2003 (marked with • **M2**), other timetables apply, as indicated below:

Legislation	Directive 94/25/EC (• **B**)	Directive 2003/44/EC (• **M1**)	Regulation (EC) No 1882/2003 (• **M2**)
Date of adoption	16.06.1994	16.06.2003	29.09.2003
Date of entry into force	30.06.1994	26.08.2003	20.11.2003
Deadline for transposition	16.12.1995	30.06.2004	directly applicable
Start date for application	16.06.1996	01.01.2005	20.11.2003
End of transitional period	15.06.1998	31.12.2005 (*)	not applicable

(*) except for two-stroke spark ignition engines, for which the transitional period ends on 31.12.2006.

SUMMARY OF THE APPLICATION OF THE DIRECTIVE

A. The requirements of the Directive apply to:

1. All new craft[1], partly completed boats, Annex II components and propulsion engines placed on the EEA market

New products of the above mentioned categories intended for placing on the market or putting into service within the EEA must comply with the relevant provisions of the Directive and thus be provided with CE marking[2].

It is the date of placing on the market or putting into service in the EEA that defines which requirements apply to the product. Products placed on the market and/or put into service after the date at which the transitional period for the entry into application of the requirements ended (see table in the comments to articles 13 and 14 above), have to comply with these requirements.

This also applies to boats that are completed from partly completed boats, from inside or outside of the EEA. In this respect it is the date of placing on the market or putting into service after completion of the boat that takes precedence and not the date of manufacture or placing on the market of the partly completed boat.

[1] In accordance with the introductory note to Annex I.A of the Directive, the term "craft" covers, for the purpose of these comments, recreational craft and personal watercraft. Note that personal watercraft have been added to the scope of the Directive by means of the amending Directive 2003/44/EC, and therefore have only to comply with the Directive when placed on the market and/or put into service in the EEA after the end date of the transitional period specified in that Directive (i.e. 31 December 2005).

[2] Note that partly completed boats have not to be CE-marked prior to their placing on the market – see comments to Article 4.2

Regarding kit boats the requirements of the Directive shall apply to all kits that contain all parts necessary for completion to comply with the Directive, which are placed on the market and/or put into service after the end date of transitional period for these requirements.. Kits that do not contain all parts necessary to fulfil all the essential requirements of the Directive are considered to fall under Annex III as partly completed boats (see below).

2. All craft, partly completed boats, Annex II components and propulsion engines imported from third countries and placed on the market and/or put into service in the EEA

Products of the above mentioned categories, whether new or used, , must comply with the Directive and thus be provided with CE marking(2) when placed on the EEA market, regardless of whether put into service or not.

A product imported from a third country and placed, for the first time, on the EEA market as ”second hand/used product” must comply with the requirements of the Directive. For second hand/used recreational craft coming from a third country and intended for being placed on the market and/or put into service in the EEA after 31 December 2005, and which have not been assessed and certified on their compliance with the Directive have to be subject to a post-construction assessment in accordance with article 8.1 of the Directive.

3. All craft, Annex II components and propulsion engines first put into service in the EEA

All products of the above mentioned categories that are put into service for the first time in the EEA, without prior placing on the market, shall be subject to the requirements of the Directive.

Any person, natural or legal, who has bought a new or used craft in a third country and returns that craft by whatever means to the EEA and puts it there into service will have to assume the responsibility for the craft’s conformity to the requirements of the Directive (unless the manufacturer of the craft would have assumed that responsibility prior to the craft’s sale).

In addition, used craft coming from third countries that are put into service for the first time in the EEA also fall under the scope of the Directive, except where these craft have originally been placed on the market and/or put into service in the EEA prior to the entry into application of the Directive and subsequently exported to a third country.

4. Craft already in the EEA which are transformed into recreational craft when they were previously used for another purpose

Craft not falling within the scope of the Directive because they were originally designed and built for purposes of use other than sports and leisure but which are afterwards made available on the market and/or put into service for sports or leisure purposes are also covered by the Directive, e.g. former experimental craft, racing craft, commercial and military craft.

5. ***Craft built for own use that are placed on the market within five years after their first putting into service***

6. ***Propulsion engines installed in craft that are subject to a major engine modification***

Such propulsion engines have to comply with the exhaust emission requirements of the Directive .

7. ***Recreational craft with stern drive engines without integral exhaust or with inboard propulsion installations which are subject to a major craft conversion and subsequently placed on the market within five years following conversion***

Such converted craft have to comply with the noise emission requirements of the Directive.

B. The requirements of the Directive do not apply to:

1. ***Craft, Annex II components and propulsion engines already placed on the market and/or put into service in the EEA before the end of the relevant transitional period specified in the Directive***

The Directive does not contain any retrospective provisions and, as such, existing craft, Annex II components and propulsion engines which were placed on the market and/or put into service (in use) in the EEA prior to the end of the transitional period for the application of the requirements of Directive, do not have to comply with these requirements whatever their origin of build.

2. ***New craft, from third countries, destined for export outside the EEA to third countries and prototype craft that are displayed at trade fairs***

Self-explanatory

3. ***Craft and propulsion engines designed before 1950 (wherever constructed)***

These are considered to be historical craft and engines, reference is made to Article 1.2(a) (v) and Article 1.2.(b).(ii).

4. ***Replica craft and engines based on designs that pre-date 1950***

These are considered to be historical craft and engines, reference is made to point 3 above

5. ***Tourist Boats***

It is not the intention of the Directive to restrict the free movement of persons. Therefore, boats temporarily put into service in the EEA for reasons of tourism or passage, lie outside the scope of the Directive's requirements. For these boats local usage requirements and bylaws would be applicable.

6. Products in (customs) Transit

Placing on the market is considered not to take place where a product is not (yet) granted release for free circulation by customs, or has been placed under another customs procedure (e.g. transit, warehousing or temporary importation), or is in a free zone.[3]

[3] See Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

C. Existing craft and engines

Queries have been raised by several Member States, industry and users relating to the status of existing craft and engines, most especially in relation to those originating from Third Countries. In amplification of the above, the following guidance is additionally provided on the question of the applicability of the Directive.

Where a craft or engine has been placed on the market and/or put into service prior to or on the end date of the relevant transitional period specified in the Directive in one of the then EEA Member States, then the requirements of the Directive do not apply if the craft or engine is brought back into the EEA after that end date. For the purposes of this section the "EEA" is considered to include not only "EEA" States but also their overseas territories and dependencies to which the Treaty applies (reference Article 299 of the Treaty).

The applicability of the Directive is not dependent on where the craft or engine was on the end date of the transitional period relevant for the product, but where it had been previously. In very broad terms, regarding used craft and engines coming from Third Countries, the Directive will only apply to such products when they have not been placed on the market and/or put into service in the EEA before the end date of the relevant transitional period.

Given the above, the requirements of the Directive may not apply if an owner is "returning an existing craft to EEA". However, the Directive's requirements would apply to a craft in the case of "the placing on the market and/or putting an existing craft into service for the first time in the EEA".

ARTICLE 15: FINAL ARTICLE

- **B**

Article 15

This Directive is addressed to the Member States.

ANNEX I: ESSENTIAL REQUIREMENTS

- **M1**

ANNEX I

ESSENTIAL REQUIREMENTS

PRELIMINARY OBSERVATION

For the purposes of this Annex the term "craft" shall cover recreational craft and personal watercraft.

The preliminary observation above is added to take account of the fact that the amending Directive adds personal watercraft to the scope.

The new essential requirements for exhaust and noise emissions are introduced in the amended Annex I, below. For this purpose the original Annex I of Directive 94/25/EC is renamed part A of Annex I and two new parts, B and C, are added to cover the new essential requirements for exhaust and noise emissions.

A: ESSENTIAL SAFETY REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF CRAFT

*A. **Essential safety requirements for the design and construction of craft.***

Article 3 of the Directive (Essential requirements) requires that products referred to in Article 1(1) shall meet the essential safety, health, environmental protection and consumer protection requirements set out in Annex I.

- **B**

1. ***BOAT DESIGN CATEGORIES***

- **M1**

Design category	*Wind force (Beaufort scale)*	*Significant wave height ($H\ ^{1}/_{3}$, metres)*
A – 'Ocean'	*exceeding 8*	*exceeding 4*
B – 'Offshore'	*up to, and including, 8*	*up to, and including, 4*
C – 'Inshore'	*up to, and including, 6*	*up to, and including, 2*
D – 'Sheltered waters'	*up to, and including, 4*	*up to, and including, 0,3*

For Category D the upper limit for the 'significant wave height' has been lowered from 0,5 to 0,3 metres, in accordance with the amended definition for boat design category D below.

- **B**

Definitions:

- **M1**

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.

The definition for design category A has been amended to exclude abnormal conditions, such as hurricanes and tornadoes and extreme sea conditions or freak waves generated by abnormal conditions.

- **B**

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.

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.

- **M1**

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.

The definition for design category D has been amended by reducing the upper limit for the significant wave height to 0,3 m (previously 0,5 m in Directive 94/25/EC), but making allowance for occasional waves of 0,5 m maximum height that may be generated by passing vessels or other local disturbances. The description of the typical areas where such conditions may be experienced has been extended with a reference to sheltered coastal waters and small bays.

- **M1**

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

The only change introduced with this amendment is that the word “Boats” has been replaced by “Craft”, whereby “craft” should be read as covering recreational craft and personal watercraft, in line with the preliminary observation introduced at the beginning of Annex I.

Notes on boat design categories

The main purpose for having Boat Design Categories has been to differentiate between the various levels of risks related to the construction of boats and to choose among the various conformity assessment modules the adequate modules for each design category, taking also into account the hull length.

The “significant wave height” is considered to be the primary factor and other parameters (e.g. meteorological) are descriptions of when these wave heights may be expected to occur.

NB:

The Design Category parameters are intended to define the physical conditions that might arise in any category for design evaluation, and should not be used to limit the geographical areas of operation due to the variety of physical conditions likely to be met in different geographical areas.

The Directive does not include any navigation or usage rules and there is no link between the design categories and any such rules; taking in account the construction safety, the user is only clearly informed of what the boat was designed and built for in relation to certain parameters of significant wave heights and wind speeds.

The physical conditions shall be determined from the maximum wind force and wave profiles, where wave profiles are consistent with waves generated by wind blowing at the maximum stated force for a prolonged period subject to the limits of the implied fetch and of the maximum stated wave heights, and excluding abnormal factors such as sudden change in depth or tidal races.

For **Category A**, extreme conditions apply as they reflect that a vessel engaged on a long voyage might incur any conditions and should be designed accordingly, excluding abnormal weather conditions, for example hurricanes and tornadoes and extreme sea conditions or freak waves generated by abnormal conditions.

For **Category D**, allowance should be made for waves of passing vessels up to a maximum wave height of 0,5 m.

As the Design Categories define physical conditions that may arise in any category for design evaluation, Category D need not be considered, exclusively, as a “fresh water only” category.

It is possible for a boat to be simultaneously assigned more than one design category with different maximum capacities corresponding to each design category assigned (number of persons, engine power, maximum weight), if all relevant essential requirements for each of the assigned categories are satisfied. The assigned design categories and their corresponding data concerning number of persons, engine power and maximum load, should be clearly and consistently indicated on the builder's plate, in the owner’s manual and on the relevant certificates.

• **B**

2. *GENERAL REQUIREMENTS*

• **M1**

Products falling under Article 1(1)(a) shall comply with the essential requirements in so far as they apply to them.

The wording of the original text under section 2 has been amended to take account of the fact that the scope of application of the general requirements with regard to design and construction has been extended to personal watercraft.

A number of harmonised standards the references of which have been published in the Official Journal can be used to demonstrate conformity with the Essential Requirements of the Directive in accordance with the provisions of Article 5. A list of standards harmonised under this Directive can be found in Appendix 4. See also the comments related to Article 5.

*2.1 **Craft identification***

Each craft shall be marked with an identification number including the following information:

• **B**

– manufacturer's code,

– country of manufacture,

– unique serial number,

– year of production,

– model year.

The relevant harmonised standard gives details of these requirements.

The amendment is intended to clarify that the identification number refers to the complete craft, not just the hull. The harmonised standard, EN ISO 10087:1996/A1:2000 *Hull identification - Coding system* has been amended accordingly (EN ISO 10087:2006: *Small craft – Craft identification – Coding system*)

This requirement for a craft identification number applies to recreational craft as well as to personal watercraft.

The Craft Identification Number identifies the craft and gives details of the above mentioned subjects. The two digits code for the country of manufacture refers to the original place of manufacture of the craft, not necessarily the hull, as the construction of the latter may have been subcontracted within or outside the EEA**.** The three digits code for the identification of the manufacturer is not designed to refer to the "nationality" of the person who places the boat on the market or puts it into service in the EEA.

It should be noted that for a craft that has been certified in conformity with the Directive through Post Construction Assessment, the Manufacturers Identification Code in the Craft Identification Code should be the identification code of the notified body that has carried out

the PCA (as in this case there is no manufacturer assuming the responsibility for the conformity of the craft).

Relevant Harmonised Standard:

EN ISO 10087:2006: Small craft - Craft identification - Coding system (ISO 10087:2006)

• **B**

2.2 ***Builder's plate***

Each craft shall carry a permanently affixed plate mounted separately from the boat hull identification number, containing the following information:

– *manufacturer's name,*

– *CE marking (see Annex IV),*

– *boat design category according to section 1,*

• **M1**

– *manufacturer's maximum recommended load derived from section 3.6 excluding the weight of the contents of the fixed tanks when full,*

• **B**

– *number of persons recommended by the manufacturer for which the boat was designed to carry when under way.*

The requirement to state the manufacturer's maximum recommended load on the builder's plate has been amended by excluding the weight of the liquids in any fixed tanks from the weight shown on the builder's plate. This is to avoid the possibility of users accidentally overloading their craft because they thought that the weight shown for the content of tanks could be used for carry on items, luggage etc. The provisions of the harmonised standard EN ISO *14945:2004***:** *Small craft – Builder's plate* are in accordance with this amended requirement.

Some craft builders may wish to add the maximum rated engine power to the builder's plate. This information is already contained in the owner's manual: such a practice is considered acceptable, provided the information in the owner's manual and on the builder's plate is fully consistent.

The builder's plate normally refers to the manufacturer of the craft. However, in the case of post-construction assessment of a craft for which neither the manufacturer nor his authorised representative fulfils the responsibilities for the craft's conformity to the Directive, the person who places the craft on the market and/or puts into service is assuming these responsibilities and should mention his name as the manufacturer's name on the builder's plate. In this case the builder's plate must in addition to the information described in essential requirement I.A.2.2, also include the wording "Post-construction certificate" (See comments to Article 8.1 above).

In the case of craft that are extensively modified to an extent that they can be considered "new", here again the person carrying out the modification has to assume the responsibilities

for the conformity of the modified craft with the requirements of the Directive and will be considered as the manufacturer. As the re-building or modification could change the information on the original builder's plate (load capacity, number of persons and even builder's name) a new builder's plate should be provided in addition to the remaining requirements of the Directive.

Relevant Harmonised Standard:

EN ISO 14945:2004: Small craft — Builder's plate (ISO 14945:2004)
EN ISO 14945:2004/AC:2005

- **B**

2.3 ***Protection from falling overboard and means of reboarding***

Depending on the design category, craft shall be designed to minimise the risks of falling overboard and to facilitate reboarding.

The basic principle indicating that essential requirements shall be complied with, "in so far as they apply" to the craft to be certified, shall be taken into account. Therefore, as far as this essential requirement is concerned, the reduction of the possibility of falling overboard and the provision of "means of reboarding" should be considered for all craft to be certified.

Relevant Harmonised Standard: EN ISO 15085:2003: Small craft – Man-overboard prevention and recovery (ISO 15085:2003)

- **B**

2.4 ***Visibility from the main steering position***

For motor boats, the main steering position shall give the operator, under normal conditions of use (speed and load), good all-round visibility.

Relevant Harmonised Standard: EN ISO 11591:2000: Engine-driven small craft - Field of vision from helm position (ISO 11591:2000)

- **B**

2.5 ***Owner's manual***

Each craft shall be provided with an owner's manual in the official Community language or languages which may be determined by the Member State in which it is marketed in accordance with the Treaty. This manual should draw particular attention to risks of fire and flooding and shall contain the information listed in sections 2.2, 3.6 and 4 as well as the unladen weight of the craft in kilograms.

Relevant Harmonised Standards:

EN ISO 10240:2004: Small craft - Owner's manual (ISO 10240:2004)
EN ISO 11192:2005: Small craft – Graphical symbols (ISO 11192:2005)

The owner's manual is provided as guidance to the owner of the craft, most particularly on safety issues. This manual should be written in the language applicable to the EEA State onto the market of which the product is to be placed.

This manual should cover risks applicable to the type of craft. Information not relevant to the craft model must be deleted to avoid confusion.

The owner's manual does not have to include complete technical service information, but should contain a trouble-shooting part, for example how to change fuel filter or to get rid of air in the fuel system. Some sections of the manual may be filled in by hand, especially when related to one particular craft design.

3. *INTEGRITY AND STRUCTURAL REQUIREMENTS*

- **B**

*3.1 **Structure***

The choice and combination of materials and its construction shall ensure that the craft is strong enough in all respects. Special attention shall be paid to the design category according to section 1, and the manufacturer's maximum recommended load in accordance with section 3.6.

Relevant Harmonised Standards:

EN ISO 12215-1:2000: Small craft - Hull construction and scantlings – Part 1: Materials: Thermosetting resins, glass-fibre reinforcement, reference laminate (ISO 12215-1:2000)

EN ISO 12215-2:2002: Small craft - Hull construction and scantlings - Part 2: Materials: Core materials for sandwich construction, embedded materials (ISO 12215-2:2002)

EN ISO 12215-3:2002: Small craft - Hull construction and scantlings - Part 3: Materials: Steel, aluminium alloys, wood, other materials (ISO 12215-3:2002)

EN ISO 12215-4:2002: Small craft - Hull construction and scantlings - Part 4: Workshop and manufacturing (ISO 12215-4:2002)

EN ISO 6185-1:2001: Inflatable boats - Part 1: Boats with a maximum motor power rating of 4,5 kW (ISO 6185-1:2001)

EN ISO 6185-2:2001: Inflatable boats - Part 2: Boats with a maximum motor power rating of 4,5 kW to 15 kW inclusive (ISO 6185-2:2001)

EN ISO 6185-3:2001: Inflatable boats - Part 3: Boats with a maximum motor power rating of 15 kW and greater (ISO 6185-3:2001)

• **B**

3.2 ***Stability and freeboard***

The craft shall have sufficient stability and freeboard considering its design category according to section 1 and the manufacturer's maximum recommended load according to section 3.6.

3.3 ***Buoyancy and flotation***

The craft shall be constructed to ensure that it has buoyancy characteristics appropriate to its design category according to section 1.1, and the manufacturer's maximum recommended load according to section 3.6. All habitable multihull craft shall be so designed as to have sufficient buoyancy to remain afloat in the inverted position.

Boats of less than six metres in length that are susceptible to swamping when used in their design category shall be provided with appropriate means of flotation in the swamped condition.

Relevant Harmonised Standards:

EN ISO 12217-1:2002: Small craft – Stability and buoyancy assessment and categorisation - Part 1: Non-sailing boats of hull length greater than or equal to 6 m (ISO 12217-1:2002)

EN ISO 12217-2:2002: Small craft – Stability and buoyancy assessment and categorisation - Part 2: Sailing boats of hull length greater than or equal to 6 m (ISO 12217-2:2002)

EN ISO 12217-3:2002: Small craft – Stability and buoyancy assessment and categorisation - Part 3: Boats of hull length less than 6 m (ISO 12217-3:2002)

Sections 3.2 and 3.3 of the Essential Requirements and the above mentioned harmonised standards are specially referred to in Article 8 paragraph 2.(b) (i), first indent: for boats of design category C, from 2.5 to 12 m hull length, compliance with the above mentioned harmonised standards permits the manufacturer to use the internal production control (module A) without third party intervention.

• **B**

3.4 ***Openings in hull, deck and superstructure***

Openings in hull, deck (s) and superstructure shall not impair the structural integrity of the craft or its weathertight integrity when closed.

Windows, portlights, doors and hatch covers shall withstand the water pressure likely to be encountered in their specific position, as well as point loads applied by the weight of persons moving on deck.

Through hull fittings designed to allow water passage into the hull or out of the hull, below the waterline corresponding to the manufacturer's maximum recommended load according to section 3.6, shall be fitted with shutoff means which shall be readily accessible.

Relevant Harmonised Standards:

EN ISO 9093-1:1997: Small craft - Seacocks and through hull fittings – Part 1: Metallic (ISO 9093-1:1994)

EN ISO 9093-2:2002: Small craft - Seacocks and through hull fittings – Part 2: Non-metallic (ISO 9093-2:2002)

EN ISO 12216:2002: Small craft – Windows, portlights, hatches, deadlights and doors - Strength and watertightness requirements (ISO 12216:2002)

The cockpit and windows, portlights and hatches may be included as possible tests, equivalent calculations or controls, in the assessment carried out by or on the responsibility of the Notified Body in the context of a module Aa conformity assessment (Annex VI), as it may be argued that the design and construction of these details are inseparable parts of the issue and therefore should also be assessed.

• **B**

*3.5 **Flooding***

All craft shall be designed so as to minimise the risk of sinking.

Particular attention should be paid where appropriate to:

– *cockpits and wells, which should be self-draining or have other means of keeping water out of the boat interior,*

– *ventilation fittings,*

– *removal of water by pumps or other means.*

Relevant Harmonised Standards:

EN ISO 11812: 2001: Small craft - Watertight cockpits and quick-draining cockpits (ISO 11812:2001)

EN ISO 15083:2003: Small craft – Bilge-pumping systems (ISO 15083:2003)

EN 28849:1993/A1:2000: Small craft - Electrically operated bilge pumps (ISO 8849:1990)

• **M1**

*3.6 **Manufacturer's maximum recommended load***

The manufacturer's maximum recommended load (fuel, water, provisions, miscellaneous equipment and people (in kilograms)) for which the boat was designed, shall be determined according to the design category (section 1), stability and freeboard (section 3.2) and buoyancy and flotation (section 3.3).

The text of this essential requirement has been amended by deleting the words ‘,as marked on the builder's plate,’ which figured after the word ‘designed’. because the weight shown on the builder’s plate will be less than the manufacturer’s maximum recommended load for boats with fixed tanks. (See the amended text of essential requirement I.A.2.2 concerning the Builder’s plate, specifying that this plate shall mention the manufacturer’s maximum recommended load derived from section 3.6 excluding the weights of the contents of the fixed tanks when full.)

Relevant Harmonised Standard:

EN ISO 14946:2001: Small craft - Maximum load capacity (ISO 14946:2001)

EN ISO 14946:2001/AC:2005

This essential requirement governs the maximum load in relation to Design Category, stability and buoyancy and flotation. Fixed fuel and water tanks are to be assumed to be full when the recommended load is assigned and excluded from the load specified on the builder's plate.

The manufacturer's maximum recommended load is to be mentioned in the Owner's manual together with the load information specified on the builder’s plate. (See essential requirement I.A.2.5 on the Owner’s manual)

- **B**

3.7 ***Liferaft stowage***

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

This paragraph refers only to the need to provide a suitable point or space for a liferaft, where appropriate. It does not lay down dimensions for liferaft stowage nor does it specify that any specific fittings, brackets, lockers or tie-down points should be provided.

- **B**

3.8 ***Escape***

All habitable multihull craft over 12 metres long shall be provided with viable means of escape in the event of inversion.

All habitable craft shall be provided with viable means of escape in the event of fire.

This essential requirement is linked to, but not covered by the essential requirement relating to stability (3.2), so far as inversion of habitable multihulls is concerned.

Habitable craft are those boats, which contain living space designed for sleeping in and which are equipped with bunks.

Relevant Harmonised Standards:

EN ISO 9094-1:2003: Small craft - Fire protection – Part 1: Craft with a hull length of up to and including 15m (ISO 9094-1:2003)

EN ISO 9094-2:2002: Small craft - Fire protection – Part 2: Craft with a hull length of over 15m (ISO 9094-2:2002)

EN ISO 12216:2002: Small craft - Windows, portlights, hatches, deadlights and doors - Strength and watertightness requirements (ISO 12216:2002)

- **B**

3.8 ***Anchoring, mooring and towing***

All craft, taking into account their design category and their characteristics shall be fitted with one or more strong points or other means capable of safely accepting anchoring, mooring and towing loads.

Relevant Harmonised Standard:

EN ISO 15084:2003: Small craft - Anchoring, mooring and towing - Strong points (ISO 15084:2003)

- **B**

4. HANDLING CHARACTERISTICS

The manufacturer shall ensure that the handling characteristics of the craft are satisfactory with the most powerful engine for which the boat is designed and constructed. For all recreational marine engines, the maximum rated engine power shall be declared in the owner's manual in accordance with the harmonised standard.

Relevant Harmonised Standards:

EN ISO 8665:1995/A1:2000 Small craft – Marine propulsion engines and systems: power measurements and declarations (ISO 8665:1994)

EN ISO 11592:2001: Small craft less than 8 m length of hull – Determination of maximum propulsion power rating (ISO 11592:2001)

The meaning of the last sentence of § 4 is to require that the owner's manual for the craft shall state the maximum rated engine power.

- **B**

5. *INSTALLATION REQUIREMENTS*

5.1 ***Engines and engine spaces***

5.1.1 Inboard engine

All inboard mounted engines shall be placed within an enclosure separated from living quarters and installed so as to minimise the risk of fires or spread of fires as well as hazards from toxic fumes, heat, noise or vibrations in the living quarters.

Engine parts and accessories that require frequent inspection and/or servicing shall be readily accessible.

The insulating materials inside engine spaces shall be non-combustible.

Relevant Harmonised Standards:

EN 28846:1993/A1:2000: Small craft – Electrical devices – Protection against ignition of surrounding flammable gases (ISO 8846:1990)

EN ISO 9094-1:2003: Small craft – Fire protection – Part 1: Craft with a hull length of up to and including 15m (ISO 9094-1:2003)

EN ISO 9094-2:2002: Small craft – Fire protection – Part 2: Craft with a hull length of over 15m (ISO 9094-2:2002)

EN ISO 7840:2004: Small craft – Fire resistant fuel hoses (ISO7840:2004)

EN ISO 10088: 2001: Small craft – Permanently installed fuel systems and fixed fuel tanks (ISO 10088:2001)

EN ISO 10133:2000: Small craft – Electrical equipment – Extra low- voltage DC installations (ISO 10133:2000)

EN ISO 11105:1997: Small craft – Ventilation of petrol engines and/or petrol tank compartments (ISO 11105:1997)

EN ISO 15584:2001: Small craft - -Inboard petrol engines – Engine-mounted fuel and electrical components (ISO 15584:2001)

EN ISO 16147:2002: Small craft – Inboard diesel engines – Engine-mounted fuel and electrical components (ISO 16147:2002)

Non-combustible material refers to materials not sustaining combustion.

Materials are considered to be non-combustible if the oxygen index is at least 21 when measured in accordance with ISO 4589, part 3, as referred to in EN ISO 9094-1:2003.

- **B**

5.1.2 Ventilation

The engine compartment shall be ventilated. The dangerous ingress of water into the engine compartment through all inlets must be prevented.

Relevant Harmonised Standards:

EN ISO 11105:1997: Small craft – Ventilation of petrol engine and/or petrol tank compartments (ISO 11105:1997)

EN ISO 12217-1:2002: Small craft – Stability and buoyancy assessment and categorisation – Part 1: Non-sailing boats of hull length greater than or equal to 6 m (ISO 12217-1:2002)

EN ISO 12217-2:2002: Small craft – Stability and buoyancy assessment and categorisation – Part 2: Sailing boats of hull length greater than or equal to 6 m (ISO 12217-2:2002)

EN ISO 12217-3:2002: Small craft – Stability and buoyancy assessment and categorisation – Part 3: Boats of hull length less than 6 m (ISO 12217-3:2002)

- **B**

5.1.3 Exposed parts

Unless the engine is protected by a cover or its own enclosure, exposed moving or hot parts of the engine that could cause personal injury shall be effectively shielded.

- **B**

5.1.4 Outboard engines starting

All boats with outboard engines shall have a device to prevent starting the engine in gear, except:

(a) when the engine produces less than 500 Newton's (N) of static thrust;

(b) when the engine has a throttle limiting device to limit thrust to 500 N at the time of starting the engine.

Relevant Harmonised Standard

EN ISO 11547:1995/A1:2000: Small craft – Start-in-gear protection (ISO 11547:1994)

- **M1**

5.1.5 Personal watercraft running without driver

Personal watercraft shall be designed either with an automatic engine cut-off or with an automatic device to provide reduced speed, circular, forward movement when the driver dismounts deliberately or falls overboard.

This new essential requirement for personal watercraft has been introduced by the amending Directive 2003/44/EC, specifying that they have to be provided with an engine cut-off device, or a device to automatically reduce speed and to put the craft in a circular forward movement mode, to facilitate re-boarding when the driver dismounts deliberately or falls overboard when the craft is under way. Note that as for sailing dinghies that are capsize-recoverable as defined by EN ISO 12217 Part 3, the assumption has been made that the important requirement for a personal watercraft is the ability of the user to recover from a stability incident.

- **B**

*5.2 **Fuel system***

5.2.1 General

The filling, storage, venting and fuel-supply arrangements and installations shall be designed and installed so as to minimise the risk of fire and explosion.

Relevant Harmonised Standards:

EN ISO 7840:2004: Small craft – Fire resistant fuel hoses (ISO 7840:2004)

EN ISO 8469:1995/A1:2000: Small craft – Non-fire resistant fuel hoses (ISO 8469:1994)

EN ISO 9094-1:2003 Small craft – Fire protection – Part 1: Craft with a hull length of up to and including 15m (ISO 9094-1:2003)

EN ISO 9094-2:2002 Small craft – Fire protection – Part 2: Craft with a hull length of over 15m (ISO 9094-2:2002)

EN ISO 10088:2001: Small craft – Permanently installed fuel systems and fuel tanks

(ISO 10088:2001)

EN ISO 11105:1997: Small craft – Ventilation of petrol engines and/or petrol tank compartments (ISO 11105:1997)

EN ISO 14895:2003: Small craft – Liquid-fuelled galley stoves (ISO 14895:2000)

EN ISO 15584:2001: Small craft - -Inboard petrol engines – Engine-mounted fuel and electrical components (ISO 15584:2001)

EN ISO 16147:2002: Small craft – Inboard diesel engines – Engine-mounted fuel and electrical components (ISO 16147:2002)

All fuel systems components from the fuel filling opening to the point of connection with the propulsion or auxiliary engine, such as i.e. filters, non-metallic and metallic, complying with EN ISO 10088:2001 as applicable, are presumed to comply with this essential requirement. All engine-mounted fuel and electrical components on diesel and petrol inboard-mounted engines complying with EN ISO 16147:2002 (diesel) and EN ISO 15584: 2001(petrol), are presumed to comply with this essential requirement.

NB: Portable fuel tanks and their portable hoses are considered to lie outside the scope of the Directive.(See comments to Annex II, section 4)

- **M1**

5.2.2 Fuel tanks

Fuel tanks, lines and hoses shall be secured and separated or protected from any source of significant heat. The material the tanks are made of and their method of construction shall be according to their capacity and the type of fuel. All tank spaces shall be ventilated.

Petrol fuel shall be kept in tanks which do not form part of the hull and are:

(a) insulated from the engine compartment and from all other source of ignition;

(b) separated from living quarters;

Diesel fuel may be kept in tanks that are integral with the hull.

The amendments introduced to this essential requirement consist of replacing the references to “liquid fuel with a flash point below 55°C” and “liquid fuel with a flash point equal to or above 55°C” by a reference to “petrol fuel” and “diesel fuel” respectively.

All fuel tanks shall be provided with a means of preventing over or under-pressure during filling or draining by adjoining combustion machinery.

The definition of petrol fuel as having a flash point lower than 55°C and diesel fuel as having a flash point equal to or higher than 55°C is now obsolete.

Petrol is defined in EN ISO 10088:2001 as hydrocarbon fuel or blends thereof which are liquid at atmospheric pressure and are used in spark ignition engines.

Petrol fuel tanks can be installed in engine compartments according to EN ISO 10088:2001, as this will satisfy the requirements of point 5.2.2 (a).

Annex I.A, points 5.2.1 and 5.3 also apply to fuel supply arrangements and installations on the engine.

- **B**

*5.3 **Electrical system***

Electrical systems shall be designed and installed so as to ensure proper operation of the craft under normal conditions of use and shall be such as to minimise risk of fire and electric shock.

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.

Relevant Harmonised Standards:

EN ISO 10133:2000: Small craft – Electrical equipment – Extra-low-voltage d.c. installations (ISO 10133:2000)

EN ISO 13297:2000: Small craft – Electrical equipment – Alternating current installations (ISO 13297:2000)

EN ISO 28846:1993/A1:2000: Small craft – Electrical devices – Protection against ignition of surrounding flammable gases (ISO 8846:1990)

EN ISO 15584:2001: Small craft - -Inboard petrol engines – Engine-mounted fuel and electrical components (ISO 15584:2001)

EN ISO 16147:2002: Small craft – Inboard diesel engines – Engine-mounted fuel and electrical components (ISO 16147:2002)

EN 60092-507:2000: Electrical installations in ships – Part 507: Pleasure craft (This standard is applicable only to craft with three-phase electrical systems)

In so far as electrical safety is concerned the Low Voltage Directive (LVD) remains applicable. This is Council Directive 73/23/EEC of the 19 February 1973 on the harmonisation of laws of Member States relating to electrical equipment for use within certain voltage limits (LVD), as amended by Directive 93/68/EEC (Article 13) on the affixing and use of the CE marking.

Low voltage with regard to the Low Voltage Directive refers to 75 to 1500 volts DC or 50 to 1000 volts AC.

- **B**

5.4 Steering system

5.4.1 General

Steering systems shall be designed, constructed and installed in order to allow the transmission of steering loads under foreseeable operating conditions.

Relevant Harmonised Standards:

EN 8847:2004: Small craft – Steering gear - cable and pulley systems (ISO 8847: 2004)

EN 8847:2004:/AC:2005

EN 28848:1993/A1:2000: Small craft – Remote steering systems (ISO 8848:1990)

EN ISO 10592:1995/A1:2000: Small craft – Hydraulic steering systems (ISO 10592:1994)

EN 29775:1993/A1:2000: Small craft – –Remote steering systems for single outboard motors of 15kW to 40 kW power (ISO 9775:1990)

EN ISO 13929:2001: Small craft – Steering gear – Geared link systems (ISO 13929:2001)

EN ISO 15652:2005: Small craft – remote steering systems for inboard mini jet boats (ISO 15652:2003)

5.4.1 Emergency arrangements

Sailboat and single-engined inboard powered motor boats with remote-controlled rudder steering systems shall be provided with emergency means of steering the craft at reduced speed.

In case of failure of the remote control system for the rudder steering, the emergency means of steering should enable a manual control of the rudder, e.g. by means of an emergency tiller or similar equipment.

- **B**

*5.5 **Gas system***

Gas systems for domestic use shall be of the vapour-withdrawal type and shall be designed and installed so as to avoid leaks and the risk of explosion and be capable of being tested for leaks. Materials and components shall be suitable for the specific gas used to withstand the stresses and exposures found in the marine environment.

Each appliance shall be equipped with a flame failure device effective on all burners. Each gas-consuming appliance must be supplied by a separate branch of the distribution system, and each appliance must be controlled by a separate closing device. Adequate ventilation must be provided to prevent hazards from leaks and products of combustion.

All craft 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.

Relevant Harmonised Standard:

EN ISO 10239:2000: Small craft – Liquefied petroleum gas (LPG) systems (ISO 10239:2000)

- **B**

*5.6 **Fire protection***

5.6.1 General

The type of equipment installed and the layout of the craft shall take account of the risk and spread of fire. Special attention shall be paid to the surroundings of open flame devices, hot areas or engines and auxiliary machines, oil and fuel overflows, uncovered oil and fuel pipes and avoiding electrical wiring above hot areas of machines.

- **M1**

5.6.2 Fire-fighting equipment

Craft shall be supplied with fire-fighting equipment appropriate to the fire hazard, or the position and capacity of fire-fighting equipment appropriate to the fire hazard shall be indicated. The craft shall not be put into service until the appropriate fire-fighting equipment

is in place. Petrol engine enclosures shall be protected by a fire extinguishing system that avoids the need to open the enclosure in the event of fire. Where fitted, portable fire extinguishers shall be readily accessible and one shall be so positioned that it can easily be reached from the main steering position of the craft.

The amended essential requirement provides that in case craft are not supplied with fire-fighting equipment, the position and capacity of fire-fighting equipment appropriate to the fire hazard has to be indicated. It is further specified that when this option is applied the craft shall not be put into service until the appropriate fire-fighting equipment is in place. This amendment takes into account that due to differing national regulations regarding fire-fighting equipment, only the requirement for designating the position for and the capacity of the fire-fighting equipment can be harmonised.

Relevant Harmonised Standards:

EN ISO 9094-1:2003: Small craft – Fire protection – Part 1: Craft with a hull length of up to and including 15m (ISO 9094-1:2003)

EN ISO 9094-2:2002 Small craft – Fire protection – Part 2: Craft with a hull length of over 15m (ISO 9094-2:2002)

- **B**

5.7 ***Navigation lights***

Where navigation lights are fitted, they shall comply with the 1972 COLREG or CEVNI regulations, as appropriate.

Navigation Lights have to comply with the 1972 COLREG or CEVNI Rules. Rule 1b of 1972 COLREG, however, allows different national requirements for local use. Moreover, COLREG 1972, Annex I, point 13 specifies that the construction of light and shapes and the installation on board the vessel shall be to the satisfaction of the appropriate authority of the State whose flag the vessel is entitled to fly.

- **M1**

5.8 ***Discharge prevention and installations facilitating the delivery ashore of waste***

Craft shall be constructed so as to prevent the accidental discharge of pollutants (oil, fuel, etc.) overboard.

Craft fitted with toilets shall have either:

(a) holding tanks, or

(b) provision to fit holding tanks.

Craft with permanently installed holding tanks shall be fitted with a standard discharge connection to enable pipes of reception facilities to be connected with the craft discharge pipeline.

In addition, any through-the-hull pipes for human waste shall be fitted with valves which are capable of being secured in the closed position.

The amendment to essential requirement 5.8.(b) above deletes the reference to fitting holding tanks "on a temporary basis in areas of use where the discharge of human waste is restricted". This means that irrespective of whether the area of use is an area where the discharge of human waste is restricted, craft with toilets shall always have a provision to fit holding tanks if no such tanks are fitted. The amended requirement may be met by providing any suitable space for fitting holding tanks. This space need not be maintained solely for the purpose of fitting a holding tank, but can be any space that could be adapted if needed.

The amendment also adds a requirement for craft with permanently installed holding tanks to be fitted with a standard outlet connection to enable discharge via a standard on-shore reception facility. The relevant harmonised standard EN ISO 8099:2000 *Toilet waste retention systems* provides details of standard discharge connections.

The amendment also changes the requirement that the valves to be fitted in any through-the-hull piping for human waste should be "capable of being sealed shut" into "capable of being secured in the closed position". This amendment has been made to make it clear that the requirement can be met by securing the valve opening/closing device in the closed position, for example by securing a seacock lever arm in the closed position mechanically by a bolt, wire etc.

Relevant Harmonised Standard

EN ISO 8099:2000: Small craft – Waste water retention and treatment – Toilet waste retention systems (ISO 8099:2000)

B: ESSENTIAL REQUIREMENTS FOR EXHAUST EMISSIONS FROM PROPULSION ENGINES

• M1

*B. **Essential requirements for exhaust emissions from propulsion engines***

Propulsion engines shall comply with the following essential requirements for exhaust emissions.

Annex I.B specifies the essential requirements for propulsion engines relating to exhaust emissions.

1. *ENGINE IDENTIFICATION*

1.1. Each engine shall be clearly marked with the following information:

— *engine manufacturer's trademark or trade-name,*

— *engine type, engine family, if applicable,*

— *a unique engine identification number,*

— *CE marking, if required under Article 10.*

1.2. These marks must be durable for the normal life of the engine and must be clearly legible and indelible. If labels or plates are used, they must be attached in such a manner that the fixing is durable for the normal life of the engine, and the labels/plates cannot be removed without destroying or defacing them.

1.3. These marks must be secured to an engine part necessary for normal engine operation and not normally requiring replacement during the engine life.

1.4. These marks must be located so as to be readily visible to the average person after the engine has been assembled with all the components necessary for engine operation.

2. *EXHAUST EMISSION REQUIREMENTS*

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

Table 1

(g/kWh)

Type	*Carbon monoxide* $CO = A + B/P_N^n$			*Hydrocarbons* $HC = A + B/P_N^n$			*Nitrogen oxides* NO_x	*Particulates PT*
	A	*B*	*n*	*A*	*B*	*n*		
Two-stroke spark ignition	*150,0*	*600,0*	*1,0*	*30,0*	*100,0*	*0,75*	*10,0*	*Not applicable*
Four-stroke spark ignition	*150,0*	*600,0*	*1,0*	*6,0*	*50,0*	*0,75*	*15,0*	*Not applicable*
Compression ignition	*5,0*	*0*	*0*	*1,5*	*2,0*	*0,5*	*9,8*	*1,0*

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

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

(*) EN ISO 8178-1:1996

It is required to use the harmonised standard for exhaust emission measurements, which is quoted as EN ISO 8178-1:1996 *Reciprocating internal combustion engines – Exhaust emission measurement* – Part 1*: Test-bed measurement of gaseous and particulate exhaust emissions.*

It should also be noted that that other parts of EN ISO 8178 may need to be referred to for application of the exhaust emission tests. EN ISO 8178-4 *Reciprocating internal combustion engines – Exhaust emission measurement* – Part 5: *Test cycles for different engine applications* defines the test cycles.

Reference is made to 130 kW as this is the engine power limit that IMO applies for the NO_x requirements in Annex VI of the MARPOL convention. For engines covered by this Directive the E3 (IMO) or E5 (recreational marine) duty cycles may also be used for engine power below 130 kW.

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

The specifications of these reference fuels as specified in Directive 98/69/EC are given in Appendix 7 of this guide for petrol and diesel fuel. If, in the light of evolution of technical knowledge and new scientific evidence amendments to the specification for reference fuels would become necessary, these could be adopted using the Regulatory Committee procedure provided for in article 6a.

3. *DURABILITY*

The manufacturer of the engine shall supply engine installation and maintenance instructions, which if applied should mean that the engine in normal use will continue to comply with the above limits throughout the normal life of the engine and under normal conditions of use.

This information shall be obtained by the engine manufacturer by use of prior endurance testing, based on normal operating cycles, and by calculation of component fatigue so that the necessary maintenance instructions may be prepared by the manufacturer and issued with all new engines when first placed on the market.

The normal life of the engine is considered to mean:

(a) inboard or stern drive engines with or without integral exhaust: 480 hours or 10 years, whichever occurs first;

(b) personal watercraft engines: 350 hours or five years, whichever occurs first;

(c) outboard engines: 350 hours or 10 years, whichever occurs first.

The engine manufacturer is responsible for endurance testing and calculation of component fatigue to ensure that these requirements for durability will be met. Involvement of a notified body in these tests must be in accordance with the requirements of the conformity assessment module chosen by the engine manufacturer, in accordance with Article 8.3.

4. *OWNER'S MANUAL*

Each engine shall be provided with an owner's manual in the Community language or languages, which may be determined by the Member State in which the engine is to be marketed. This manual shall:

(a) provide instructions for the installation and maintenance needed to assure the proper functioning of the engine to meet the requirements of paragraph 3, (Durability);

(b) specify the power of the engine when measured in accordance with the harmonised standard.

The engine's power shall be measured in accordance with the harmonised standard EN ISO 8665:1995/A1:2000 *Marine propulsion engines and systems - Power measurements and declarations*. The engine power measured according to this standard must be specified by the engine manufacturer in the owner's manual supplied with the engine.

According to EN ISO 8665 the engine's power shall be declared as a single value accompanied by a statement of the engine speed and whether the power is crank shaft power or propeller shaft power. For engines sold with a complete propulsion unit the propeller shaft power shall be declared and for engines sold with reduction and/or reversing gear the power at the coupling to the propeller shaft declared.

The engine power and speed may alternatively be presented as a power curve (see also notes on calculation of the Power/displacement ratio in Annex I.C)

C: ESSENTIAL REQUIREMENTS FOR NOISE EMISSIONS

• M1

C. ***Essential requirements for noise emissions***

Recreational craft with inboard or stern drive engines without integral exhaust, personal watercraft and outboard engines and stern drive engines with integral exhaust shall comply with the following essential requirements for noise emissions.

Annex I.C specifies the new essential requirements for recreational craft with inboard or stern drive engines without integral exhaust, personal watercraft and outboard engines and stern drive engines with integral exhaust relating to noise emissions.

For personal watercraft and outboard engines and stern drive engines with integral exhaust the noise emission levels must be measured by tests as defined the harmonised standard as specified in 1.1 below. For recreational craft with inboard engines, or with stern drive engines without integral exhaust, conformity with the noise emission requirements may, depending on the speed and other design parameters of the craft, be demonstrated by one of 3 methods: measurement by tests as defined in the harmonised standard (point 1.1 below), application of the Froude number and power displacement ratio method (points 1.2 and 1.3 below) or application of the reference boat method (points 1.4 and 1.5 below).

1. *NOISE EMISSION LEVELS*

1.1. Recreational craft with inboard or stern drive engines without integral exhaust, personal watercraft and outboard engines and stern drive engines with integral exhaust shall be designed, constructed and assembled so that noise emissions measured in accordance with tests defined in the harmonised standard (**) shall not exceed the limit values in the following table:

Table 2

Single Engine Power *In kW*	*Maximum Sound Pressure Level = L_{pASmax}* *In dB*
P_N £ 10	*67*
10 < P_N £ 40	*72*
P_N > 40	*75*

where PN = rated engine power in kW at rated speed and L_{pASmax} = maximum sound pressure level in dB.

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

(**) EN ISO 14509

The current version of the harmonised standard EN ISO 14509 that specifies the noise emission measurement tests is EN ISO 14509:2000 and Amendment A1:2004 *Measurement of airborne sound emitted by powered recreational craft.* The standard provides for the noise emissions of outboard engines to be measured when they are installed on standard boats and the amendment provides for noise emission measurement of sterndrive engines with integral exhausts using standard craft.

1.2 As an alternative to sound measurement tests, recreational craft with inboard engine configuration or stern drive engine configuration, without integral exhaust, shall be deemed to comply with these noise requirements if they have a Froude number of • 1,1 and a power displacement ratio of • 40 and where the engine and exhaust system are installed in accordance with the engine manufacturer's specifications.

Recreational craft with inboard propulsion engines, or with stern drive engines without integral exhaust, that have a Froude number of ≤ 1,1 and a power displacement ratio of ≤ 40 as specified below, and where the engine and exhaust system are installed in accordance with the engine manufacturer's specifications are deemed to comply with the Directive's noise emission requirements without the need for noise emission measurement tests. Such craft will typically be displacement (non-planing) motor boats or sailing boats with auxiliary inboard engines – see the example calculations below.

Where this alternative is applied the calculations and details of the engine and exhaust system installation, which must be in accordance with the engine manufacturer's specifications, must be recorded and a statement made in the declaration of conformity for the craft according to Annex XV.

1.3 "Froude number" shall be calculated by dividing the maximum boat speed V (m/s) by the square root of the waterline length lwl (m) multiplied by a given gravitational constant, (g = 9,8 m/s2)

$$Fn = \frac{V}{\sqrt{g.Lwl}} f\{V;r\{g.Lwl\}\}$$

The maximum boat speed V (m/s) to be used in the above equation is to be taken as if measured with the craft at performance test mass (m_P) condition and the corresponding Lwl (m) as specified in EN ISO 8666:2002 *Small craft - Principal data*.

"Power displacement ratio" shall be calculated by dividing the engine power P (kW) by the boat's displacement, D (t) $= \frac{P}{D} f\{P;D\}$

The engine power (P) to be used for calculation of the power displacement ratio in the above equation is the propeller shaft power (or the crank shaft power in accordance with EN ISO 8665:1995/A1:2000 (see clarifications under clause 4 of part B of Annex I)).

The power has to be expressed in Kw (note that where engine power data available are expressed in Horse Power (hp), the kilowatt (kW) power is obtained from multiplying the horse power data by 0,75).

The displacement (D) to be used in the above equation is the boat's displacement at performance test mass (m_P) condition according to EN ISO 8666:2002 *Small craft - Principal data* in tonnes (Kg/1000). Some examples of these calculations are given below.

Examples of 'Froude number' and 'Power displacement ratio' calculations

1) A typical motor cruiser could be as follows:

Waterline length	Lwl = 7,8 metres
Displacement	D = 4 tonnes
Engine power	P = 35hp = 26 kW
Speed (max)	V = 8 knots = 4,1 metres per second

The 'Froude number' would be calculated from: $Fn = \frac{4,1}{\sqrt{9,8x7,8}} = \underline{0,47}$ r{9,8x7,8}

The Power Displacement ratio would be: P/D = 26/4 = 6,5

As the 'Froude number' is less than 1,1 and the Power displacement ratio is less than 40 the craft in question will be deemed to comply with the noise emissions.

2) A sailing yacht could be as follows:

Water line length	Lwl = 11,13 metres
Displacement	D = 12,56 tonnes
Engine power	P = 56hp = 42 kW
Speed (max)	V = 9knots = 4,6 metres per second

The 'Froude number' would be calculated from: $Fn = \frac{4,6}{\sqrt{9,8 \times 11,13}} = \underline{0,44}$ r{9,8*11,13}

The Power Displacement ratio would be: P/D = 42/12,56 = 3,34

As the 'Froude number' is less than 1,1 and the Power displacement ratio is less than 40 the yacht in question will be deemed to comply with the noise emissions.

3) A faster motor cruiser could be as follows:

Waterline length	Lwl = 10,2 metres
Displacement	D = 6 tonnes
Engine power	P = 300hp = 225 kW
Speed (max)	V = 22 knots = 11,3 metres per second

The 'Froude number' would be calculated from: $Fn = \frac{11,3}{\sqrt{9,8 \text{ x } 10,2}} = \underline{1,13}$ r{9,8

The Power Displacement ratio would be: P/D = 225/6 = 37,5

The Power displacement ratio is less than 40 but the 'Froude number' is more than 1,1 so the craft in question fails the criteria. This method may therefore not be applied and the craft must be tested in accordance with the pass-by test of ISO 14509 to establish if it complies with the noise emission requirements (or apply the reference boat method, if applicable).

Chart for Froude number (Fn):

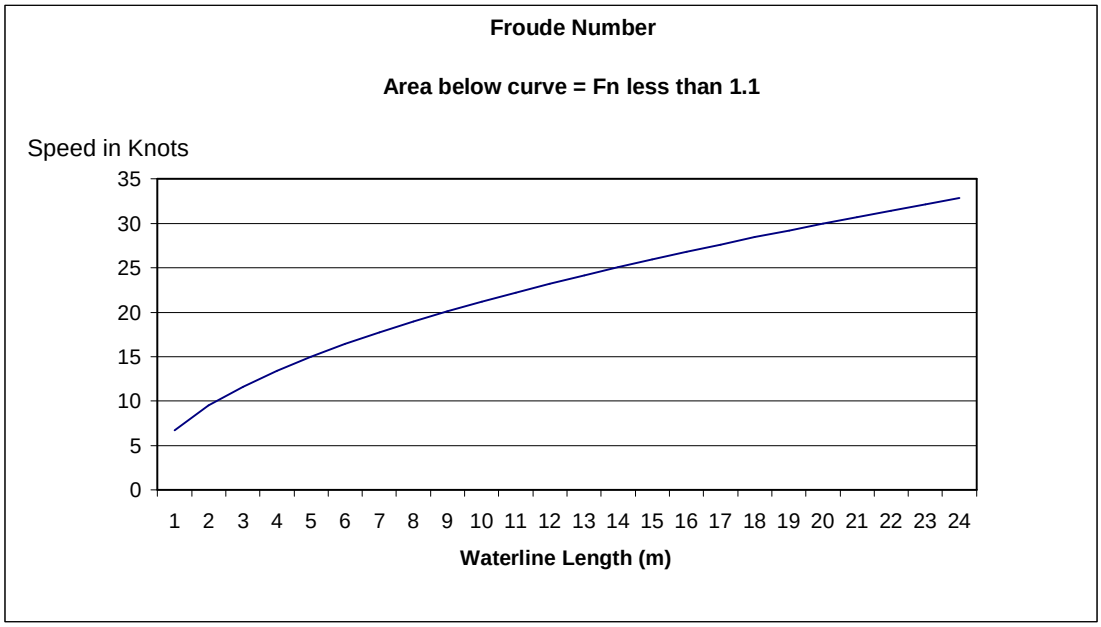
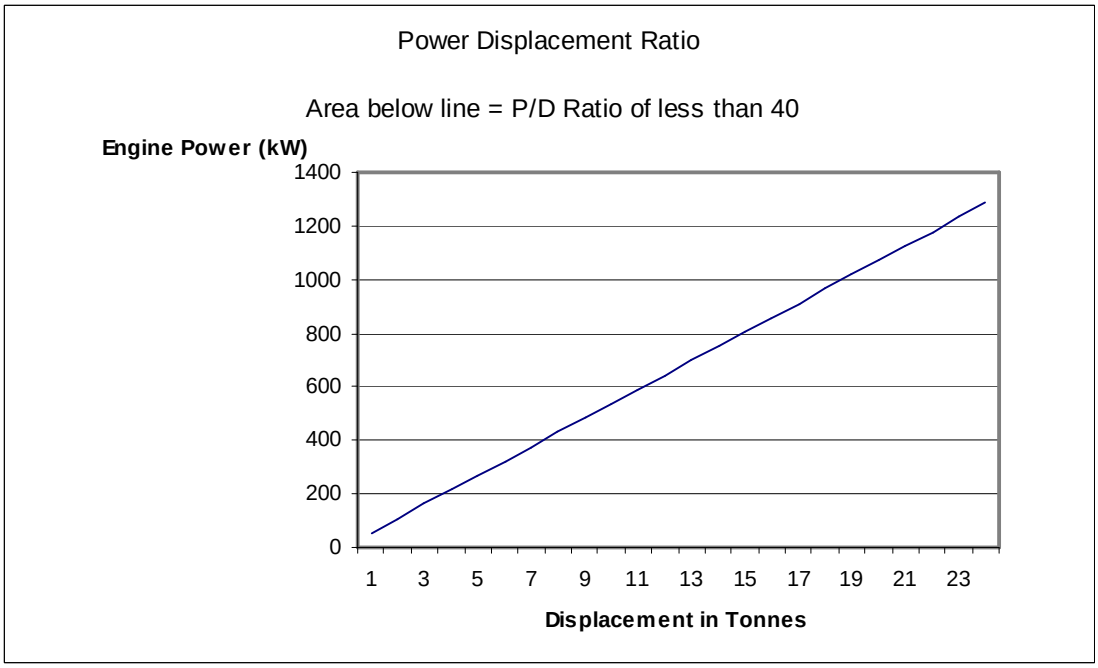


Chart for Power Displacement Ratio:



1.4. As a further alternative to sound measurement tests, recreational craft with inboard or stern drive engine configurations without integral exhaust, shall be deemed to comply with these noise requirements if their key design parameters are the same as or compatible with those of a certified reference boat to tolerances specified in the harmonised standard.

1.5. "Certified reference boat" shall mean a specific combination of hull/inboard engine or stern drive engine without integral exhaust that has been found to comply with the noise emission requirements, when measured in accordance with section 1.1, and for which all appropriate key design parameters and sound level measurements have been included subsequently in the published list of certified reference boats.

This alternative to noise emission testing to demonstrate compliance with the noise emission requirements of recreational craft with inboard propulsion engines, or stern drive engines without integral exhausts, may be used if it can be demonstrated that the key design parameters of the craft are the same as or compatible with those of a certified reference boat to tolerances specified in the harmonised standard. The key design parameters to be compared and tolerances are specified in the harmonised standard EN ISO 14509-2:2006 *Measurement of airborne sound emitted by powered recreational craft* – Part 2: *Sound Assessment using reference craft.*

The concept of using reference boats was developed to reduce the potential costs for demonstrating compliance of sound emissions regulations. In particular, to avoid a situation where craft manufacturers might have to test each and every hull/engine model configuration.

A 'certified reference boat' may be any hull/engine combination that has been subject to a full pass-by sound test in accordance with EN ISO 14509:2000/A1:2004 – *Measurement of airborne sound emitted by powered recreational craft.* Providing the hull/engine combination passes the Directive's specified sound level requirements for its engine size, the appropriate key design parameters of that hull/engine combination may then be added to the list of certified reference boats. The published list of certified reference boats will be held centrally. Full details of this list will be available for consultation to all boat-builders and/or engine manufacturers, whether large or small, and other interested parties, such as notified bodies.

Subsequently, boat-builders wishing to use this method to establish compliance of a new hull/engine combination may choose a reference boat from the list that is most similar to their production hull/engine combination. They would then carry out a comparison between the key hull/engine design parameters of the candidate craft against those of the chosen reference boat to establish compatibility. If the key design parameters of both hull/engine combinations are the same within the tolerances specified in the standard then the candidate craft is deemed to comply with the Directive's noise requirements without the need for any sound testing. The key design parameters relate to the craft's principle dimensions, engine specifications and the effectiveness of the exhaust system.

In addition to providing this comparative method, which involves no sound testing, the current draft of prEN ISO 14509-3:2007 - *Airborne sound emitted by powered recreational craft – Part 3 Sound assessment using calculation and measurements procedures* provides an alternative comparative method in which the key design parameters for the engine and exhaust system are replaced by measurement of the engine sound over the transom of the craft when it is operating under power. This alternative does not require information on the engine and exhaust system as the engine noise of the craft under consideration is measured. This means that this alternative can only be applied to a complete boat that may be tested when underway.

2. *OWNER'S MANUAL*

For recreational craft with inboard engine or stern drive engines with or without integral exhaust and personal watercraft, the owner's manual required under Annex I.A Section 2.5, shall include information necessary to maintain the craft and exhaust system in a condition that, insofar as is practicable, will ensure compliance with the specified noise limit values when in normal use.

Introduces a new requirement for the owner's manual supplied with the recreational craft or personal watercraft to specify information on maintenance of the craft, engine and exhaust system to ensure continued compliance with the noise limits. With respect to stern drive engines with integral exhaust this requirement is satisfied by keeping a copy of the owner's manual for the engine with the owner's manual for the craft, provided that the owner's manual for the engine provides instructions as laid out in the requirements above.

For outboard engines, the owner's manual required under Annex I.B.4 shall provide instructions necessary to maintain the outboard engine in a condition, that insofar as is practicable, will ensure compliance with the specified noise limit values when in normal use.'

The owner's manual supplied with the outboard engine shall include information on maintenance to ensure continued compliance with the noise emission limits.

ANNEX II: COMPONENTS

Annex II gives five specific components listed under the Directive, which when placed on the market separately and when intended for installation require their own conformity assessment procedure, including CE marking. According to Article 8.2.(e), five conformity assessment modules or combinations of modules can be applied to them. All these modules imply a third party intervention, either in the design phase only (module B+C) or in the design and production phase (module B+D, or B+F, or G or H) which has to take place before the component is placed separately on the market.

• **B**

ANNEX II

COMPONENTS

1. *Ignition-protected equipment for inboard and stern drive engines*

For ignition-protected equipment for inboard and stern drive petrol engines and petrol fuel tank spaces, refer to Annex I.A, points 5.1.1 and 5.2.2, first indent.

It is the intention here to emphasise the risk of ignition of flammable gases. This risk is significantly greater with petrol, as defined in EN ISO 10088:2001, than with other less-volatile fuels. For this reason petrol engine installations (i.e. those using low-flashpoint fuel) are directly specified. However, ignition risks should be recognised in all installations.

2. *Start-in-gear protection devices for outboard engines*

For start-in-gear protection for outboard engines: refer in Annex I to point 5.1.4.

Relevant Harmonised Standard:
EN ISO 11547:1995/A1:2000: Small craft – Start-in-gear protection (ISO 11547:1994)

3. *Steering wheels, steering mechanisms and cable assemblies*

For steering wheels, steering mechanisms and cable assemblies: refer to Annex I.A, points 5.4.1. and 5.4.2.

Relevant Harmonised Standards:

EN ISO 13929:2001: Small craft – Steering gear – geared link systems (ISO 13929:2001)

EN ISO 8847:2004: Small craft – Steering gear – Cable and pulley systems (ISO 8847:2004)
EN ISO 8847:2004/AC:2005

EN ISO 28848:1993/A1:2000: Small craft – Remote steering systems (ISO 8848:1990)

EN ISO 29775:1993/A1:2000: Small craft – Remote steering systems for single outboard motors of 15 kW to 40 kW power (ISO 9775:1990)

EN ISO 15652:2005: Small craft – remote steering systems for inboard mini jet boats (ISO 15652:2003)

- **M1**

4. *Fuel tanks intended for fixed installations and fuel hoses*

The amendment specifies that fuel tanks intended for fixed (permanent) installation in craft are covered by Annex II only when placed on the market separately as components. Accordingly portable fuel tanks of any capacity are excluded from the scope of Annex II and therefore should not bear the CE marking for this Directive. Fuel tanks that are an integral part of the structure of the craft are also excluded from the scope of Annex II and therefore should not bear the CE marking. See also the comments to Article 1.1.(iii)**.**

For fuel tanks and fuel hoses: refer to Annex I.A, point 5.2.2. for fuel tanks and point 5.2.1. for fuel hoses. See point 1 above with regard to petrol.

- **B**

5. *Prefabricated hatches and portlights*

For prefabricated hatches and portlights: refer to Annex I.A, point 3.4.

A portlight is considered to be any port or window above the maximum load waterline whose watertightness is essential to maintain the integrity of the freeboard area.

Relevant Harmonised Standard:

EN ISO 12216: 2002: Small craft – Windows, portlights, hatches, deadlights and doors strength and watertightness requirements (ISO 12216:2002)

ANNEX III: DECLARATION BY THE BUILDER

• B

ANNEX III

DECLARATION BY THE BUILDER OR HIS AUTHORISED REPRESENTATIVE ESTABLISHED IN THE COMMUNITY OR THE PERSON RESPONSIBLE FOR PLACING ON THE MARKET

(Article 4 (2) and (3))

(*a*) *The declaration by the builder or his authorised representative established in the Community referred to in Article 4 (2) (partly completed craft) shall contain the following:*

- *the name and address of the builder,*
- *the name and address of the representative of the builder established in the Community or, if appropriate, of the person responsible for the placing on the market,*
- *a description of the partly completed craft,*
- *a statement that the partly completed craft is intended to be completed by others and that it complies with the essential requirements that apply at this stage of construction.*

(b) The declaration by the builder, his authorised representative established in the Community or the person responsible for placing on the market referred to in Article 4(3) (components) shall contain the following:

- *the name and address of the builder,*
- *the name and address of the representative of the builder established in the Community or, if appropriate, of the person responsible for the placing on the market,*
- *a description of the component*
- *a statement that the component complies with the relevant essential requirements.*

The declaration of the builder or his authorised representative established in the Community or the person responsible for the placing on the market, in the case of partly completed craft (Article 4(2)) and in the case of components (Article 4(3)), is self explanatory.

Reference is made to the definitions given under Article 1.3.(h) and 1.3.(i) of “manufacturer” and “authorised representative”.

Some confusion may exist in the case of a boat destined to be fitted with an outboard engine. In this case the “boat” is effectively finished/completed by the boat builder and requires only the outboard engine to be provided. Many of these boat types are placed on the market without an engine, this being provided/purchased at the choice of the eventual owner: they are however suitable to be put into service. Reference should be made in this respect to Annex XV.

When a manufacturer places a craft, requiring for its propulsion an inboard engine or a stern-drive engine without an integral exhaust, on the market without such an engine being mounted, this is considered to be a partly completed boat under the Directive. The requirements of Annex I would therefore apply. In these few instances the engine is selected by the end user and not fitted by the boat manufacturer, prior to placing it on the market. It is considered that, in these cases, the owner of the craft will either fit the engine on his own or seek appropriate professional assistance to fit the engine in accordance with the instructions of the engine manufacturer. The owner of the craft, or the person placing the completed craft on the market and/or putting into service, will then take responsibility to complete the remaining conformity assessment requirements and CE mark the boat accordingly.

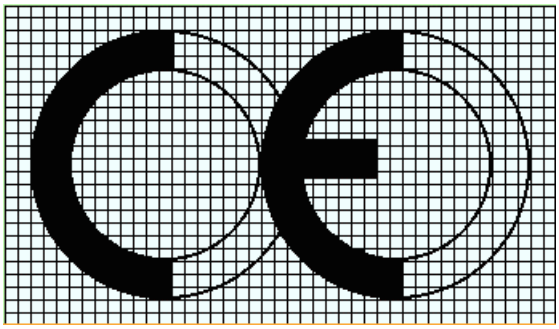
ANNEX IV: CE MARKING

- **B**

ANNEX IV

CE MARKING

The CE conformity marking must consist of the initials "CE" taking the following form:



If the marking is reduced or enlarged, the proportions given in the above graduated drawing must be respected.

The various elements of the CE marking must have about the same vertical dimension, which shall not be less than 5 mm.

- **C1**

The CE marking is followed by the identification number of the notified body, if it intervenes in the control of production.

A corrigendum was published in the Official Journal of the European Communities, N° L 127, 10.6.1995, p.27, where it was stated that in the last sentence of this annex, the words "as well as by the last two figures of the year that the CE marking is affixed" are to be deleted. The text of the Directive reads as shown above.

ANNEX V: INTERNAL PRODUCTION CONTROL (Module A)

- **B**

ANNEX V

INTERNAL PRODUCTION CONTROL

(Module A)

1. *The manufacturer or his authorised representative established within the Community, who carries out the obligations laid down in point 2, ensures and declares that the products concerned satisfy the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV).*

2. *The manufacturer shall establish the technical documentation described in paragraph 3 and he or his authorised representative established within the Community shall keep it for a period ending at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes.*

   Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the Community market.

3. *Technical documentation shall enable the conformity of the products with the requirements of the Directive to be assessed. It shall, as far as relevant for such assessment, cover the design, manufacture and operation of the product (see Annex XIII).*

4. *The manufacturer or his authorised representative shall keep a copy of the declaration of conformity with the technical documentation.*

5. *The manufacturer shall take all measures necessary in order that the manufacturing process shall ensure compliance of the manufactured products with the technical documentation referred to in point 2 and with the requirements of the Directive that apply to them.*

Annex V describes the conformity assessment module A: ‘internal production control’, where the manufacturer takes himself full responsibility for declaring that the products concerned satisfy the requirements of the directive, without any third-party intervention.

ANNEX VI: INTERNAL PRODUCTION CONTROL PLUS TESTS (Module Aa, option 1)

- M1

ANNEX VI

INTERNAL PRODUCTION CONTROL PLUS TESTS

(Module Aa, option 1)

This module consists of module A, as referred to in Annex V, plus the following supplementary requirements:

The requirements of this annex have been arranged so that part A describes the procedures for assessment of the design and construction requirements of recreational craft and personal watercraft according to module Aa and part B describes procedures for assessment of noise emissions of recreational craft with inboard or stern drive engines without integral exhaust and personal watercraft

A. ***Design and construction***

On one or several boats representing the production of the manufacturer one or more of the following tests, equivalent calculation or control shall be carried out by the manufacturer or on his behalf:

(a) test of stability according to section 3.2 of the Essential Requirements (Annex IA);

(b) test of buoyancy characteristics according to section 3.3 of the Essential Requirements (Annex IA).

Provisions common to both variations:

These tests or calculations or control shall be carried out under the responsibility of a notified body chosen by the manufacturer.

Annex VI, Part A, describes the procedure for assessing the design and construction of recreational craft and personal watercraft in accordance with Module Aa, option 1, whereby the module A procedure is supplemented by:
– test of stability according to point 3.2 of the Essential Requirements in Annex I.A,
– test of buoyancy characteristics according to point 3.3 of the Essential Requirements in Annex I.A.

These tests (or calculations or control) are carried out on the responsibility of a notified body chosen by the manufacturer.

The first sentence of Annex VI, Part A, shall be understood to mean that tests, or equivalent calculation or control shall be carried out by the manufacturer, or on his behalf, to

demonstrate that the craft meet the essential requirements of Annex I.A, points 3.2 and 3.3, as applicable.

In discussions with the manufacturer the notified body should agree on the type, number and scope of the tests, equivalent calculations or controls to be undertaken, and the number of craft upon which they have to be applied.

It shall be the notified body's responsibility to ensure that such test, equivalent calculation or control shall be carried out to demonstrate conformity with points 3.2 and 3.3 of the essential requirements of Annex I.A.

Module Aa requires notified body intervention only for stability and buoyancy for the craft under review. It should be noted that there is no requirement for notified body intervention in the manufacturing process.

For recreational craft, the conformity assessment requirements of module Aa remain the same as originally specified in Directive 94/25/EC, except that the requirement to affix the notified body's distinguishing number during the manufacturing process has been deleted.

If the conformity of the design and construction of personal watercraft is assessed according to module Aa, the tests, calculations or controls applied to demonstrate compliance with the stability and buoyancy requirements as specified in (a) and (b) above shall be carried out by the personal watercraft manufacturer or on his behalf under the responsibility of the notified body chosen by the manufacturer. Under this responsibility it is to the discretion of the notified body to witness these tests and/or check these calculations.

B. ***Noise emissions***

For recreational craft fitted with inboard or stern drive engines without integral exhaust and for personal watercraft:

On one or several craft representing the production of the craft manufacturer, the sound emission tests defined in Annex I.C shall be carried out by the craft manufacturer, or on his behalf, under the responsibility of a notified body chosen by the manufacturer.

Recreational craft with inboard propulsion engines, or with stern drive engines without integral exhaust, and personal watercraft must use the harmonised standard (EN ISO 14509) for measurement of noise emissions (except for recreational craft with inboard propulsion engines or stern drive engines without integral exhaust in the case when one of the two alternative methods referred to in Annex I, part C can be applied). If the manufacturer applies for conformity assessment according to module Aa these noise emission measurement tests must be conducted under the responsibility of a notified body. The noise emission measurement tests may be carried out by the manufacturer and witnessed and/or checked by the notified body. Alternatively the tests may be conducted by another party appointed by the manufacturer and witnessed and/or checked by the notified body, or conducted by the notified body. Another party appointed by the manufacturer could be the notified body itself, if that body has been assigned by a Member State for this purpose.

For outboard engines and stern drive engines with integral exhaust:

On one or several engines of each engine family representing the production of the engine manufacturer, the sound emission tests defined in Annex I.C shall be carried out by the engine manufacturer, or on his behalf, under the responsibility of a notified body chosen by the manufacturer.

Where more than one engine of an engine family is tested, the statistical method described in Annex XVII shall be applied to ensure conformity of the sample.

For outboard engines and stern drive engines with integral exhaust, the noise emission tests must be conducted in accordance with the harmonised standard (EN ISO 14509) using 'standard craft' as defined by the standard. If the manufacturer applies for conformity assessment according to module Aa these tests must be carried out under the responsibility of a notified body. The noise emission tests may be carried out by the engine manufacturer and witnessed and/or checked by the notified body. Alternatively the test may be conducted by another party appointed by the engine manufacturer and witnessed and/or checked by the notified body. Another party appointed by the manufacturer could be the notified body itself, if that body has been assigned by a Member State for this purpose.

The tests may be conducted on one engine from each engine family (see definition in Article 1.3.(g)) in the manufacturer's range, in which case the engine selected must be chosen to provide noise emission characteristics representative of all engines in that engine family. Where more than one engine is tested the average result of the sample and standard deviation shall be calculated according to Annex XVII to determine compliance.

ANNEX VII: EC TYPE-EXAMINATION (Module B)

- **B**

ANNEX VII

EC TYPE-EXAMINATION

(Module B)

1. A notified body ascertains and attests that a specimen, representative of the production envisaged, meets the provisions of the Directive that apply to it.

2. The application for the EC type-examination shall be lodged by the manufacturer or his authorised representative established within the Community with a notified body of his choice

The application shall include:

- *the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address in addition,*
- *a written declaration that the same application has not been lodged with any other notified body,*
- *the technical documentation, as described in point 3.*

The applicant shall place at the disposal of the notified body a specimen, representative of the production envisaged and hereinafter called 'type' [(1)].

The notified body may request further specimens if needed for carrying out the test programme.

3. The technical documentation shall enable the conformity of the product with the requirements of the Directive to be assessed. It shall, as far as relevant for such assessment, cover the design, manufacture and functioning of the product (see Annex XIII).

4. The notified body shall:

4.1. examine the technical documentation, verify that the type has been manufactured in conformity with the technical documentation and identify the elements which have been designed in accordance with the relevant provisions of the standards referred to in Article 5, as well as the components which have been designed without applying the relevant provisions of those standards;

4.2. perform or have performed the appropriate examinations and necessary tests to check whether, where the standards referred to in Article 5 have not been applied, the solutions adopted by the manufacturer meet the Essential Requirements of the Directive;

4.3. perform or have performed the appropriate examinations and necessary tests to check whether, where the manufacturer has chosen to apply the relevant standards, these have actually been applied;

4.4. agree with the applicant the location where the examinations and necessary tests shall be carried out.

5. Where the type meets the provisions of the Directive, the notified body shall issue an EC type-examination certificate to the applicant. The certificate shall contain the name and address of the manufacturer, conclusions of the examination, conditions for its validity and the necessary data for identification of the approved type.

A list of the relevant parts of the technical documentation shall be annexed to the certificate and a copy kept by the notified body.

If the manufacturer is denied a type certification, the notified body shall provide detailed reasons for such denial.

6. The applicant shall inform the notified body that holds the technical documentation concerning the EC type-examination certificate of all modifications to the approved product which must receive additional approval where such changes may affect the conformity with the essential requirements or the prescribed conditions for use of the product. This additional approval is given in the form of an addition to the original EC type-examination certificate.

7. Each notified body shall communicate to the other notified bodies the relevant information concerning the EC type-examination certificates and additions issued and withdrawn.

8. The other notified bodies may receive copies of the EC type-examination certificates and/or their additions. The annexes to the certificates shall be kept at the disposal of the other notified bodies.

9. The manufacturer or his authorised representative shall keep with the technical documentation copies of EC type-examination certificates and their additions for a period ending at least 10 years after the last product has been manufactured.

Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the Community market.

(1) A type 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.

Annex VII describes module B: the EC type-examination, which is coupled in this directive with module C or D or E or F.

The text of Annex VII for EC type-examination has not been amended, but this module is now also available for conformity assessment of personal watercraft against the design and construction requirements, and for assessing conformity of propulsion engines with the exhaust emission requirements.

Where this module is selected by an engine manufacturer for assessing the compliance of his engines with the exhaust emission requirements, the specimen chosen as "a specimen representative of the production envisaged" for application of this module, should be one 'parent engine' from each engine family (definition in Article 1.3.(g)) in the manufacturer's range. Each parent engine selected must be chosen to provide exhaust emission characteristics representative of all engines in that engine family (note that details on selection of parent engines for exhaust emission tests in general are given in Directive 97/68/EC and EN ISO 8178- details incorporated in Appendix 6 of this guide). If the parent engine meets the exhaust emission requirements, the engine family it represents is then type-approved in accordance with this Directive, not just the engine model tested. Where an engine is not part of an engine family, it is the individual engine model that is to be type-approved.

ANNEX VIII: CONFORMITY TO TYPE (Module C)

- **B**

ANNEX VIII

CONFORMITY TO TYPE

(Module C)

1. *The manufacturer or his authorised representative established within the Community ensures and declares that the products concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that applies to them. The manufacturer shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV).*

2. *The manufacturer shall take all measures necessary to ensure that the manufacturing process assures compliance of the manufactured products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.*

3. *The manufacturer or his authorised representative shall keep a copy of the declaration of conformity for a period ending at least 10 years after the last product has been manufactured.*

   Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the Community market (see Annex XIII).

- **M1**

4. *With regard to the assessment of conformity with the exhaust emission requirements of this Directive and if the manufacturer is not working under a relevant quality system as described in Annex XII, a notified body chosen by the manufacturer may carry out or have carried out product checks at random intervals. When the quality level appears unsatisfactory or when it seems necessary to verify the validity of the data presented by the manufacturer, the following procedure shall be used:*

   An engine is taken from the series and subjected to the test described in Annex I.B. Test engines shall have been run in, partially or completely, according to the manufacturer's specifications. If the specific exhaust emissions of the engine taken from the series exceed the limit values according to Annex I.B, the manufacturer may ask for measurements to be done on a sample of engines taken from the series and including the engine originally taken. To ensure the conformity of the sample of engines defined above with the requirements of the Directive, the statistical method described in Annex XVII shall be applied.

ANNEX VIII describes module C, which is the conformity to type module, which has always to be used in combination with module B (EC type-examination).

No intervention of a notified body is required for the conformity assessment under module C, unless this module is used for assessing the conformity of engines with the exhaust emission requirements and the engine manufacturer is not working under a relevant quality system as described in Annex XII. In such case the procedure for involving a notified body in the production phase as described in section 4 has to be applied.

The requirements in section 4 have been added through amending Directive 2003/44/EC. For application of this addition to module C for engine exhaust emissions, the notified body referred to in the first paragraph shall be the notified body chosen by the manufacturer for the application of EC type-examination (module B) described above.

The reference to 'an engine taken from the series' in the second paragraph of section 4 means an engine taken from the series production of the engine family for an EC type-examined engine family under module B, or an engine taken from the series production of the engine model series where the engine model is not part of an EC-type examined engine family, but has been EC-type examined as engine model.

ANNEX IX: PRODUCTION QUALITY ASSURANCE (Module D)

• B

ANNEX IX

PRODUCTION QUALITY ASSURANCE

(Module D)

1. *The manufacturer who satisfies the obligations of point 2 ensures and declares that the products concerned are in conformity with the type as described in the EC type examination certificate and satisfy the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the monitoring as specified in point 4.*

2. *The manufacturer shall operate an approved quality system for production, final product inspection and testing as specified in paragraph 3 and shall be subject to monitoring as specified in point 4.*

3. ***Quality system***

3.1. *The manufacturer shall lodge an application for assessment of his quality system with a notified body of his choice, for the products concerned.*

The application shall include:

- *all relevant information for the product category envisaged,*
- *the documentation concerning the quality system,*
- *where appropriate, the technical documentation of the approved type (see Annex XIII) and a copy of the EC type-examination certificate.*

3.2. *The quality system shall ensure compliance of the products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.*

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plan, manuals and records.

It shall contain in particular an adequate description of:

- *the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality,*
- *the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,*

- *the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,*
- *the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,*
- *the means to monitor the achievement of the required product quality and the effective operation of the quality system.*

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with these requirements in respect of quality systems that implement the relevant harmonised standard.

The auditing team shall have at least one member with experience of evaluation in the product technology concerned. The evaluation procedure shall include an inspection visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorised representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

It shall notify its decisions to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

4. ***Surveillance under the responsibility of the notified body***

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of manufacture, inspection and testing, and storage and shall provide it with all necessary information, in particular:

- *the quality system documentation,*
- *the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.*

4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4. Additionally the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality system is functioning correctly, if necessary. The notified body shall provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:

- *the documentation referred to in the second indent of the second subparagraph of point 3.1,*
- *the updating referred to in the second subparagraph of point 3.4,*
- *the decision and reports from the notified body which are referred to in the final subparagraph of point 3.4, point 4.3 and point 4.4.*

6. Each notified body shall give the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

ANNEX IX describes the module D, which is the Production Quality Assurance module, and which has always to be used in combination with module B (EC type-examination).

ANNEX X: PRODUCT VERIFICATION (Module F)

- **B**

ANNEX X

PRODUCT VERIFICATION

(Module F)

1. *This module describes the procedure whereby a manufacturer or his authorised representative established within the Community checks and attests that the products subject to the provisions of point 3 are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.*

2. *The manufacturer shall take all measures necessary in order that the manufacturing process ensures conformity of the products with the type as described in the EC type examination certificate and with the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and shall draw up a declaration of conformity (see Annex XV).*

3. *The notified body shall carry out the appropriate examinations and tests in order to check the conformity of the product with the requirements of the Directive either by examination and testing of every product as specified in point 4 or by examination and testing of products on a statistical basis, as specified in point 5, at the choice of the manufacturer.*

3a. *The manufacturer or his authorised representative shall keep a copy of the declaration of conformity for a period ending at least 10 years after the last product has been manufactured.*

4. ***Verification by examination and testing of every product***

4.1. *All products shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5 or equivalent tests shall be carried out in order to verify their conformity with the type as described in the EC type-examination certificate and the requirements of the Directive that apply to them.*

4.2. *The notified body shall affix, or cause to be affixed, its distinguishing number to each approved product and draw up a written certificate of conformity relating to the tests carried out.*

4.3. *The manufacturer or his authorised representative shall ensure that he is able to supply the notified body's certificates of conformity on request.*

*5. **Statistical verification***

5.1. The manufacturer shall present his products in the form of homogeneous lots and shall take all measures necessary in order that the manufacturing process ensures the homogeneity of each lot produced.

5.2. All products shall be available for verification in the form of homogeneous lots. A random sample shall be drawn from each lot. Products in a sample shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, shall be carried out to ensure their conformity with the requirements of the Directive which apply to them and to determine whether the lot is accepted or rejected.

5.3. The statistical procedure shall use the following elements:

- *the statistical method to be applied,*
- *the sampling plan with its operational characteristics.*

• **M1**

For the assessment of conformity with the exhaust emission requirements, the procedure defined in Annex XVII shall be applied.

This amendment to section 5.3 adds a reference to Annex XVII (statistical method) for statistical verification of a sample with respect to exhaust emissions. It should be noted that also in module Aa (Annex VI) and module C (Annex VIII) a reference is made to this statistical method for verification of compliance with the exhaust emission requirements by an engine family.

• **B**

5.4. In the case of accepted lots, the notified body shall affix, or cause to be affixed, its distinguishing number to each product and shall draw up a written certificate of conformity relating to the tests carried out. All products in the lot may be put on the market except those products from the sample which were found not to be in conformity.

If a lot is rejected, the notified body or the competent authority shall take appropriate measures to prevent the putting on the market of that lot. In the event of frequent rejection of lots the notified body may suspend the statistical verification.

The manufacturer may, under the responsibility of the notified body, affix the latter's distinguishing number during the manufacturing process.

5.5. The manufacturer or his authorised representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

Annex X describes the module F, which is the Product Verification module, and which has always to be used in combination with module B (EC type-examination).

ANNEX XI: UNIT VERIFICATION (Module G)

- **B**

ANNEX XI

UNIT VERIFICATION

(Module G)

1. *This module describes the procedure whereby the manufacturer ensures and declares that the product concerned, which has been issued with the certificate referred to in point 2, conforms to the requirements of the Directive that apply to it. The manufacturer or his authorised representative established within the Community shall affix the CE marking to the product and draw up a declaration of conformity (see Annex XV).*

2. *The notified body shall examine the individual product and carry out the appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, to ensure its conformity with the relevant requirements of the Directive.*

   The notified body shall affix, or cause to be affixed, its distinguishing number on the approved product and shall draw up a certificate of conformity concerning the tests carried out.

3. *The aim of the technical documentation is to enable conformity with the requirements of the Directive to be assessed and the design, manufacture and operation of the product to be understood (see Annex XIII).*

Annex XI describes the module G, which is the Unit Verification module.

ANNEX XII: FULL QUALITY ASSURANCE (Module H)

- B

ANNEX XII

FULL QUALITY ASSURANCE

(Module H)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 ensures and declares that the products concerned satisfy the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the surveillance as specified in point 4.

2. The manufacturer shall operate an approved quality system for design, manufacture and final product inspection and testing as specified in point 3 and shall be subject to surveillance as specified in point 4.

3. ***Quality system***

3.1. The manufacturer shall lodge an application for assessment of his quality system with a notified body.

The application shall include:

- all relevant information for the product category envisaged,

- the quality system's documentation.

3.2. The quality system shall ensure compliance of the products with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- *the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality,*
- *the technical design specifications, including standards, that will be applied and, where the standards referred to in Article 5 will not be applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the products will be met,*

- *the design control and design verification techniques, processes and systematic actions that will be used when designing the products pertaining to the product category covered,*
- *the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,*
- *the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,*
- *the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,*
- *the means to monitor the achievement of the required design and product quality and the effective operation of the quality system.*

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume compliance with these requirements in respect of quality systems that implement the relevant harmonised standard (EN 29001).

The auditing team shall have at least one member experienced as an assessor in the product technology concerned. The evaluation procedure shall include an assessment visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorised representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

It shall notify its decision to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

4. ***EC surveillance under the responsibility of the notified body***

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of design, manufacture, inspection and testing, and storage, and shall provide it with all necessary information, in particular:

- *the quality system documentation,*

- *the quality records as foreseen by the design part of the quality system, such as results of analyses, calculations, tests, etc.,*
- *the quality records as foreseen by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.*

4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4. Additionally the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality system where necessary; it shall provide the manufacturer with a visit report and, if a test has been carried out, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:

- *the documentation referred to in the second indent of the second subparagraph of point 3.1,*
- *the updating referred to in the second subparagraph of point 3.4,*
- *the decisions and reports from the notified body which are referred to in the final subparagraph of point 3.4, point 4.3 and point 4.4.*

6. Each notified body shall forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

Annex IX describes the module H, which is the Full Quality Assurance module.

ANNEX XIII: TECHNICAL DOCUMENTATION SUPPLIED BY THE MANUFACTURER

- **M1**

ANNEX XIII

TECHNICAL DOCUMENTATION SUPPLIED BY THE MANUFACTURER

The technical documentation referred to in Annexes V, VII, VIII, IX, XI and XVI must comprise all relevant data or means used by the manufacturer to ensure that components or craft comply with the essential requirements relating to them.

The technical documentation shall enable understanding of the design, manufacture and operation of the product, and shall enable assessment of conformity with the requirements of this Directive.

The documentation shall contain so far as relevant for assessment:

(a) a general description of the type,

(b) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,

(c) descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product,

(d) a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to fulfil the essential requirements when the standards referred to in Article 5 have not been applied,

(e) results of design calculations made, examinations carried out, etc.,

(f) test reports, or calculations namely on stability according to section 3.2 of the Essential Requirements and on buoyancy according to section 3.3 thereof (Annex I.A),

(g) exhaust emissions test reports demonstrating compliance with section 2 of the Essential Requirements (Annex I.B)

Requirement (g) has been added through the amending Directive 2003/44/EC to cover exhaust emissions. The test report should record all exhaust emissions measured in accordance with the harmonised standard EN ISO 8178-1:1996, the duty cycle and the reference fuels used to demonstrate compliance with the exhaust emission limits.

(h) sound emissions test reports or reference boat data demonstrating compliance with section 1 of the Essential Requirements (Annex I.C).

Requirement (h) has been added through the amending Directive 2003/44/EC to cover noise emissions. The test report should record all noise emissions measured in accordance with the tests defined in harmonised standard EN ISO 14509 to demonstrate compliance with the noise emission limits. Alternatively if compliance with these limits is demonstrated by means of the certified reference boat concept, the technical documentation has to contain all data on

the key design parameters of the craft for which compliance with the noise limits is to be demonstrated.

Annex XIII describes the content the technical documentation, which has to be supplied by the manufacturer when using one of the following conformity assessment modules: A (and by extension Aa), B, C, D, E and G. These conformity assessment modules also require that the manufacturer has to keep the technical documentation for a period of at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes.

ANNEX XIV: MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER STATES FOR THE NOTIFICATION OF BODIES

• B

ANNEX XIV

MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER STATES FOR THE NOTIFICATION OF BODIES

• M1

1. *The body, its director and the staff responsible for carrying out the verification tests shall not be the designer, manufacturer, supplier or installer of the products referred to in Article 1 which they inspect, nor the authorised representative of any of these parties. They shall not become either involved directly or as authorised representatives in the design, construction, marketing or maintenance of the said products. This does not preclude the possibility of exchanges of technical information between the manufacturer and the body.*

1a. *A notified body must be independent and must not be controlled by the manufacturers or by suppliers.*

The amendment 1a strengthens the criterion concerning the independence of notified bodies.

• B

2. *The body and its staff shall carry out the verification tests with the highest degree of professional integrity and technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the result of the inspection, especially from persons or groups of persons with an interest in the result of verifications.*

3. *The body shall have at its disposal the necessary staff and possess the necessary facilities to enable it to perform properly the administrative and technical tasks connected with verification; it shall also have access to the equipment required for special verification.*

4. *The staff responsible for inspection shall have:*

   - *sound technical and professional training,*
   - *satisfactory knowledge of the requirements of the tests they carry out and adequate experience of such tests,*
   - *the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.*

5. *The impartiality of inspection staff shall be guaranteed. Their remuneration shall not depend on the number of tests carried out or on the results of such tests.*

6. *The body shall take out liability insurance unless its liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the tests.*

7. *The staff of the body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks (except vis-à-vis the competent administrative authorities of the State in which its activities are carried out) under the Directive or any provision of national law giving effect to it.*

Annex XIV specifies the minimum criteria to be taken into account by Member States for the notification of bodies.

ANNEX XV: WRITTEN DECLARATION OF CONFORMITY

- **M1**

ANNEX XV

WRITTEN DECLARATION OF CONFORMITY

1. *The written declaration of conformity to the provisions of the Directive must always accompany:*

   (a) the recreational craft and the personal watercraft and must be included with the owner's manual (Annex I.A section 2.5),

   (b) the components, as referred to in Annex II,

   (c) propulsion engines and must be included with the owner's manual (Annex I.B.4).

The amendment adds requirements to supply a declaration of conformity with personal watercraft and all propulsion engines covered by the amended Directive and to include this in the owner's manual of the craft, or respectively the engine.

2. *The written declaration of conformity shall include the following (*):*

   (a) name and address of the manufacturer or his authorised representative established in the Community (**),

   (b) description of the product defined in point 1 (***),

   (c) references to the relevant harmonised standards used, or references to the specifications in relation to which conformity is declared,

   (d) where appropriate, the references of the other Community Directives applied,

   (e) where appropriate, reference to the EC type-examination certificate issued by a notified body,

   (f) where appropriate, the name and address of the notified body,

   (g) identification of the person empowered to sign on behalf of the manufacturer or his authorised representative established within the Community.

3. *With regard to:*

   — inboard engines and stern drive propulsion engines without integral exhaust,

   — engines type-approved according to Directive 97/68/EC which are in compliance with stage II provided for in section 4.2.3 of Annex I of the latter Directive and,

   — engines type-approved according to Directive 88/77/EEC,

   the declaration of conformity shall include in addition to the information of point 2, a statement of the manufacturer that the engine will meet the exhaust emission requirements of this Directive, when installed in a recreational craft, in accordance with the manufacturer's supplied instructions and that this engine must not be put into service until the recreational craft into which it is to be installed has been declared in conformity, if so required, with the relevant provision of the Directive;

(*) *Must be drawn up in the language(s) as provided for under section 2.5 of Annex I.A.*

(**) *Business name and full address; the authorised representative must also give the business name and address of the manufacturer.*

(***) *Description of the product make, type, serial number, where appropriate.*

Sections 2 and 3 of Annex XV specify the contents of the written declaration of conformity to the provisions of the Directive.

The Administrative Co-ordination Working Group of Market Surveillance Authorities in the Member States (ADCO) developed common forms for the Declaration of Conformity, respectively for recreational craft, personal watercraft, propulsion engines and for post-construction assessment, which are re-produced below.

These forms have been used by the market surveillance authorities as a model to develop national versions of the declaration of conformity in the official language(s) of the Member State. Although the use of these common forms is not mandatory, it is highly recommended, since it will facilitate their acceptance throughout the EEA as they provide all the essential information judged necessary by the market surveillance authorities in the EEA Member States.

Declaration of Conformity of Recreational Craft with the Design, Construction and Noise Emission requirements of Directive 94/25/EC as amended by Directive 2003/44/EC

(To be completed by boat builder)

Name of craft manufacturer: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____

Name of Authorised Representative (if applicable): _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____

Name of Notified Body for <u>design and construction assessment</u> (if applicable): _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____
EC type-examination Certificate number: _____ **Date: (yr/month/day)** / /

Name of Notified Body for <u>noise emission assessment</u> (if applicable): _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____

Module used for construction assessment: ☐**A** ☐ **Aa** ☐**B+C** ☐**B+D** ☐**B+E** ☐**B+F** ☐**G** ☐**H**

Module used for noise emission assessment : ☐**A** ☐**Aa** ☐**G** ☐**H**

Other Community Directives applied: _____

DESCRIPTION OF CRAFT

Craft Identification Number ☐☐ ☐☐☐☐☐☐☐☐☐☐☐☐

Brand name of the craft: _____ **Type or number:** _____

Type of craft:
☐sailboat ☐motorboat
☐inflatable
☐other (specify): _____

Type of hull:
☐monohull ☐multihull
☐other (specify): _____

Construction material:
☐aluminium, aluminium alloys ☐plastic, fiber reinforced plastic
☐steel, steel alloys ☐wood
☐other (specify): _____

Maximum Design Category: **A** ☐ **B** ☐ **C** ☐ **D** ☐

Engine power: **Max. Recommended:** _____**kW,**
Installed: _____**kW (if applicable)**

Length of hull L_h: _____**m** **Beam of hull B_h:** ____**m** **Draught T:** ____**m**

Type of main Propulsion:
☐sails ☐petrol engine
☐diesel engine ☐electric motor
☐oars
☐other (specify): _____

Type of engine:
☐outboard ☐inboard
☐z or sterndrive without integral exhaust
☐z or sterndrive with integral exhaust
☐other (specify): _____

Deck
☐fully decked ☐partly decked
☐open
☐other (specify): _____

This declaration of conformity is issued under the sole responsibility of the manufacturer. I declare on behalf of the craft manufacturer that the craft mentioned above complies with all applicable essential requirements in the way specified (and is in conformity with the type for which above mentioned EC type examination certificate has been issued)[1].

Name and function: _____ Signature and title: _____

(identification of the person empowered to sign on behalf of the manufacturer or his authorised representative) (or an equivalent marking)

Place and date of issue: _____ (yr/month/day) ____ / ____ / ____

[1] delete text between brackets if no EC type examination certificate has been issued

Essential requirements (reference to relevant articles in Annex IA & IC of the Directive)	Standards	Other normative document/ methods	Technical file	Please specify in more detail (*: Mandatory Standards)
General requirements (2)	☒			EN ISO 8666:2002 *
Craft Identification Number – CIN (2.1)	☒			EN ISO 10087:2006 *
Builder's Plate (2.2)	☐	☐	☐	
Protection from falling overboard and means of reboarding (2.3)	☐	☐	☐	
Visibility from the main steering position (2.4)	☐	☐	☐	
Owner's manual (2.5)	☐	☐	☐	
Integrity and structural requirements (3)				
Structure (3.1)	☐	☐	☐	
Stability and freeboard (3.2)	☐	☐	☐	
Buoyancy and floatation (3.3)	☐	☐	☐	
Openings in hull, deck and superstructure (3.4)	☐	☐	☐	
Flooding (3.5)	☐	☐	☐	
Manufacturer's maximum recommended load (3.6)	☐	☐	☐	
Liferaft stowage (3.7)	☐	☐	☐	
Escape (3.8)	☐	☐	☐	
Anchoring, mooring and towing (3.9)	☐	☐	☐	
Handling characteristics (4)	☐	☐	☐	
Engines and engine spaces (5.1)				
Inboard engine (5.1.1)	☐	☐	☐	
Ventilation (5.1.2)	☐	☐	☐	
Exposed parts (5.1.3)	☐	☐	☐	
Outboard engine starting (5.1.4)	☐	☐	☐	
Fuel system (5.2)				
General – fuel system (5.2.1)	☐	☐	☐	
Fuel tanks (5.2.2)	☐	☐	☐	
Electrical systems (5.3)	☐	☐	☐	
Steering systems (5.4)				
General – steering system (5.4.1)	☐	☐	☐	
Emergency arrangements (5.4.2)	☐	☐	☐	
Gas systems (5.5)	☐	☐	☐	
Fire protection (5.6)				
General – fire protection (5.6.1)	☐	☐	☐	
Fire-fighting equipment (5.6.2)	☐	☐	☐	
Navigation lights (5.7)	☐	☐	☐	
Discharge prevention (5.8)	☐	☐	☐	
Annex I.B – Exhaust Emissions	see the Declaration of Conformity of the engine manufacturer			
Annex I.C – Noise Emissions	☐	☐	☐	
Noise emission levels (I.C.1)	☐	☐	☐	
Owner's manual (I.C.2)	☐	☐	☐	

Declaration of Conformity for Personal Watercraft (PWC) with the requirements of Directive 94/25/EC as amended by Directive 2003/44/EC

Name of PWC manufacturer: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____

Name of Authorised Representative (if applicable): _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____

Name of Notified Body for construction assessment: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____
ECtype-examination Certificate number (if applicable): _____

Name of Notified Body for noise emissions assessment: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____

Name of Notified Body for exhaust emissions assessment: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____
ECtype-examination Certificate number (if applicable): _____

Conformity assessment modules used:
for construction: **A** ☐ **Aa** ☐ **B+C** ☐ **B+D** ☐ **B+E** ☐ **B+F** ☐ **G** ☐ **H** ☐
for noise emissions : **Aa** ☐ **G** ☐ **H** ☐ **for exhaust emissions: B+C** ☐ **B+D** ☐ **B+E** ☐ **B+F** ☐ **G** ☐ **H** ☐

Other Community Directives applied: _____
DESCRIPTION OF CRAFT
Craft model Identification Number ☐☐ - ☐☐☐☐☐☐☒☒☒☐☐☐
Model name / description of the craft: _____ **Design Category:** ☐ **C** ☐ **D**

ESSENTIAL REQUIREMENTS	standards	other normative document/ method	technical file	Please specify in more detail (* = mandatory standard)
I.A design and construction	☐	☐	☐	
I.B exhaust emissions	☐*	☐	☐	*EN ISO 8178-1:1996
I.C noise emissions	☐*	☐	☐	*EN ISO 14509

IDENTIFICATION OF ENGINE(S) COVERED BY THIS DECLARATION OF CONFORMITY
Combustion cycle:: ☐ 2 stroke ☐ 4 stroke

Name of engine model and/or engine family:	**Unique engine identification number(s) or engine family code(s)**	**EC Type–examination certificate (for exhaust)**

This declaration of conformity is issued under the sole responsibility of the PWC manufacturer. I declare on behalf of the PWC manufacturer that the craft model and engine(s) mentioned above comply with all applicable essential requirements in the way specified [and are in conformity with the type for which above mentioned EC type-examination certificate(s) has(have) been issued][1].

Name / function: _____ Signature and title: _____
(identification of the person empowered to sign on behalf of the PWC manufacturer or his authorised representative)
(or an equivalent marking)
Date and place of issue: (yy/mm/dd) / / , _____

[1] delete text between square brackets if no EC type-examination or type-approval certificate(s) has(have) been issued

Declaration of Conformity for Recreational Craft Propulsion Engines
with the requirements of Directive 94/25/EC, as amended by Directive 2003/44/EC
(To be completed by manufacturer of outboard engines or stern drive engines with integral exhaust)

Revision No:

Name of engine manufacturer: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____

Name of Authorised Representative (if applicable): _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____

Name of Notified Body for exhaust emissions assessment: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____

Name of Notified Body for noise emissions assessment: _____
Address: _____
Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____

Conformity assessment module used for exhaust emissions: B+C ☐ B+D ☐ B+E ☐ B+F ☐ G ☐ H ☐
or engine type-approved according to: ☐ stage II of Directive 97/68/EC ☐ Directive 88/77/EC

Conformity assessment module used for noise emissions: A ☐ Aa ☐ G ☐ H ☐
Other Community Directives applied: _____

DESCRIPTION OF ENGINE(s) AND ESSENTIAL REQUIREMENTS

Engine Type:	**Fuel Type:**	**Combustion cycle:**
☐ z or sterndrive without integral exhaust	☐ Diesel	☐ 2 stroke
☐ Inboard engine	☐ Petrol	☐ 4 stroke

This declaration of conformity is issued under the sole responsibility of the manufacturer. I declare on behalf of the engine manufacturer that the engine(s) mentioned above complies (comply) with all applicable essential requirements in the way specified [and is (are) in conformity with the type(s) for which above mentioned EC type-examination or type approval certificate(s) has(have) been issued][3]

Essential requirements	standards	other normative document/method	technical file	Please specify in more detail (* = mandatory standard)
Annex I.B – Exhaust Emissions				
B.1 engine identification	☐	☐	☐	
B.2 exhaust emission requirements	☐*	☐	☐	*EN ISO 8178-1:1996
B.3 durability	☐	☐	☐	
B.4 owner's manual	☐	☐	☐	
Annex I.C – Noise Emissions				
C.1 Noise emission levels	☐*	☐	☐	*EN ISO 14509
C.2 Owner's Manual	☐	☐	☐	

IDENTIFICATION OF ENGINE(S) COVERED BY THIS DECLARATION OF CONFORMITY

Name of engine model and/or engine family:	**Unique engine identification number(s) or engine family code(s)**	**EC Type–examination certificate or type-approval certificate number**

Name / function:
(identification of the person empowered to sign on behalf of the engine manufacturer or his authorised representative)

Signature and title:
(or an equivalent marking)
Date and place of issue: (yy/mm/dd) / / ,_____

[3] delete text between square brackets if no EC type-examination or type-approval certificate has been issued

Declaration of Conformity of Recreational Craft to the Post Construction Assessment requirements of Directive 94/25/EC as amended by Directive 2003/44/EC

(To be completed by the person who places the craft on the market or puts it into service)

Name of the person who <u>places the craft on the market or puts it into service</u>:

_____

Address: _____

Town: _____ **Post Code:** _____ **Country:** _____

Name of craft original manufacturer (if known): _____

Address: _____

Town: _____ **Post Code:** _____ **Country:** _____

Name of Notified Body for post construction assessment: _____

Address: _____

Town: _____ **Post Code:** _____ **Country:** _____ **ID Number:** _____

PCA-examination Report number: Date: (yr/month/day) / /

<u>DESCRIPTION OF CRAFT</u>

Craft Identification Number | | | - | | | | | | | | | | | | |

Brand name of the craft: _____ **Type or number:** _____

Type of craft:

- ☐ sailboat
- ☐ motorboat
- ☐ inflatable
- ☐ other (specify): _____

Type of hull:

- ☐ monohull
- ☐ multihull
- ☐ other (specify): _____

Construction material:

- ☐ aluminium, aluminium alloys
- ☐ plastic, fiber reinforced plastic
- ☐ steel, steel alloys
- ☐ wood
- ☐ other (specify): _____

Maximum Design Category: A☐ B☐ C☐ D☐

Engine power: **Max. Recommended:** _____**kW,**
Installed: _____**kW (if applicable)**

Length of hull L_h: _____**m** **Beam of hull B_h:** ____**m** **Draught T:** ____**m**

Type of main Propulsion:

- ☐ sails
- ☐ petrol engine
- ☐ diesel engine
- ☐ electric motor
- ☐ oars
- ☐ other (specify): _____

Type of engine:

- ☐ outboard
- ☐ inboard
- ☐ z or sterndrive without integral exhaust
- ☐ z or sterndrive with integral exhaust
- ☐ other (specify): _____

Deck

- ☐ fully decked
- ☐ partly decked
- ☐ open
- ☐ other (specify): _____

This declaration of conformity is issued under the sole responsibility of the person who places the craft on the market or puts it into service.

I declare on that the craft mentioned above complies with all applicable essential requirements in the way specified in and is in conformity with the notified body PCA-examination Report issued in its respect and annexed to this DoC.

Name and function: _____ Signature and title: _____

(identification of the person empowered to sign) (or an equivalent marking)

Date and place of issue: (yr/month/day) ____ / ____ / ____

ANNEX XVI: PRODUCT QUALITY ASSURANCE (Module E)

- **M1**

ANNEX XVI

PRODUCT QUALITY ASSURANCE (MODULE E)

1. *This module describes the procedure whereby the manufacturer who satisfies the obligations of point 2 ensures and declares that the products concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the directive that apply to them. The manufacturer or his authorised representative established within the Community must affix the CE mark to each product and draw up a written declaration of conformity. The CE mark must be accompanied by the identification symbol of the notified body responsible for surveillance as specified in point 4.*

2. *The manufacturer must operate an approved quality system for final product inspection and testing as specified in point 3 and must be subject to surveillance as specified in point 4.*

3. ***Quality system***

3.1. *The manufacturer must lodge an application for assessment of his quality system for the products concerned, with a notified body of his choice.*

The application must include:

– *all relevant information for the product category envisaged,*

– *the quality system's documentation,*

– *if applicable, the technical documentation of the approved type and a copy of the EC type-examination certificate.*

3.2. *Under the quality system, each product must be examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5 or equivalent tests shall be carried out in order to ensure its conformity with the relevant requirements of the directive. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must ensure a common understanding of the quality programmes, plans, manuals and records.*

It must contain in particular an adequate description of:

– *the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality,*

– *the examinations and tests that will be carried out after manufacture,*

– *the means to monitor the effective operation of the quality system,*

– *quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.*

3.3. The notified body must assess the quality system to determine whether it satisfies the requirements referred to in point 3.2.

It presumes conformity with these requirements in respect of quality systems that implement the relevant harmonised standard.

The auditing team must have at least one member experienced as an assessor in the product technology concerned. The assessment procedure must include an assessment visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

3.4. The manufacturer must undertake to fulfil the obligations arising from the quality system as approved and to maintain it in an appropriate and efficient manner.

The manufacturer or his authorised representative must keep the notified body which has approved the quality system informed of any intended updating of the quality system.

The notified body must evaluate the modifications proposed and decide whether the modified quality system will still satisfy the requirements referred to in point 3.2 or whether a re-assessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

4. ***Surveillance under the responsibility of the notified body***

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer must allow the notified body entrance for inspection purposes to the locations of inspection, testing and storage and shall provide it with all necessary information, in particular:

- *the quality system documentation,*
- *the technical documentation,*
- *the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.*

4.3. The notified body must periodically carry out audits to ensure that the manufacturer maintains and applies the quality system and must provide an audit report to the manufacturer.

4.4. Additionally, the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality system where necessary; it must provide the manufacturer with a visit report and, if a test has been carried out, with a test report.

5. *The manufacturer must, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:*
   - *the documentation referred to in the third indent of the second subparagraph of point 3.1,*
   - *the updating referred to in the second subparagraph of point 3.4,*
   - *the decisions and reports from the notified body which are referred to in the final subparagraph of point 3.4, points 4.3 and 4.4.*

6. *Each notified body must forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.*

Annex XVI has been added through amending Directive 2003/44/EC and describes conformity assessment module E, always to be used in combination with EC-type approval (Module B), and which can only be used when specified by Article 8 (i.e. not for components and not for noise emissions).

ANNEX XVII: CONFORMITY OF PRODUCTION ASSESSMENT FOR EXHAUST AND NOISE EMISSIONS

• **M1**

ANNEX XVII

CONFORMITY OF PRODUCTION ASSESSMENT FOR EXHAUST AND NOISE EMISSIONS

1. *For verifying the conformity of an engine family, a sample of engines is taken from the series. The manufacturer shall decide the size (n) of the sample, in agreement with the notified body.*

2. *The arithmetical mean X of the results obtained from the sample shall be calculated for each regulated component of the exhaust and noise emission. The production of the series shall be deemed to conform to the requirements ("pass decision") if the following condition is met:*

X + k . S £ L
S is standard deviation, where:
S^2 = S (x - X)² / (n - 1)
X = the arithmetical mean of the results
x = the individual results of the sample
L = the appropriate limit value
n = the number of engines in the sample
k = statistical factor depending on n (see table)

n	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
k	*0,973*	*0,613*	*0,489*	*0,421*	*0,376*	*0,342*	*0,317*	*0,296*	*0,279*
n	*11*	*12*	*13*	*14*	*15*	*16*	*17*	*18*	*19*
k	*0,265*	*0,253*	*0,242*	*0,233*	*0,224*	*0,216*	*0,210*	*0,203*	*0,198*

If n ³ 20 then k = 0,860 / • n.

This annex has been added through amending Directive 2003/44/EC to provide details of the statistical method to be applied to engine samples selected from an engine family for conformity assessment of exhaust and noise emissions under modules Aa, C and F.

SPECIFIC PROVISIONS FOR DIRECTIVE 2003/44/EC

ARTICLE 2: REVIEW CLAUSE

Article 2

- **M1**

By 31 December 2006 the Commission shall submit a report on the possibilities of further improving the environmental characteristics of engines and consider inter alia the need to revise the boat design categories. If deemed appropriate, in the light of this report, the Commission shall by 31 December 2007 submit appropriate proposals to the European Parliament and the Council. The Commission shall in the light of the experience gained take account of:

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

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

(c) the availability of cost efficient techniques for controlling emissions;

(d) the need to reduce evaporation and spill of fuel;

(e) the possibility of agreeing on international standards for exhaust and noise emissions;

(f) possible simplifications of the system for conformity assessment procedures.

This article specifies the next steps to be undertaken by the Commission to investigate the appropriateness of developing proposals for further improving the environmental performance of recreational marine engines.

ARTICLE 3: TRANSPOSITION, IMPLEMENTATION AND TRANSITIONAL ARRANGEMENTS

Article 3

- **M1**

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with the requirements of this Directive by 30 June 2004. They shall immediately inform the Commission thereof.

Member States shall apply such measures as from 1 January 2005

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

(a) until 31 December 2005 for the products falling under Article 1(1)(a);

(b) until 31 December 2005 for compression ignition and four-stroke spark ignition engines; and,

(c) until 31 December 2006 for two-stroke spark ignition engines.

Article 3.1 specifies the deadlines by which the Member States have to transpose the provisions of the Directive into their national legislation (30 June 2004) and start applying them (as from 1st January 2005).

Article 3.2 specifies the deadlines until which the following transitional provisions may apply. From 1st January 2005 until these deadlines products that do not comply with the provisions of Directive 2003/44/EC may be placed on the market and/or put into service in the territory of a Member State provided that these products comply with the rules that were in force in that territory on the date of entry into force of that Directive (i.e.26th August 2003). If a Member State did not have any rules in place on that date, a product can be placed on the market and/or put into service in the territory of that Member State until the applicable deadline, even if that product does not comply with the provisions of Directive 2003/44/EC. As all Member States had national rules in place transposing the provisions of Directive 94/25/EC, products covered by the scope of that Directive have at least to comply with the requirements of that Directive. After these transitional deadlines no products may be placed on the market and/or put into service unless they do comply with Directive 2003/44/EC.

3. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

4. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field governed by this Directive.

ARTICLE 4: PENALTIES

Article 4

- **M1**

Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties shall be effective, proportionate and dissuasive.

ARTICLE 5: ENTRY INTO FORCE

Article 5

- **M1**

This Directive shall enter into force on the day of its publication in the Official Journal of the European Union.

The Directive has been published in the Official Journal N° L214 of 26 August 2003, pages 18 to 35. (See Appendix 2 for the consolidated text of the Directive)

ARTICLE 6: ADDRESSEE

Article 6

- **M1**

This Directive is addressed to the Member States.

APPENDIX 1: PREAMBLE AND JUSTIFICATIONS

- **B**

DIRECTIVE 94/25/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 189b of the Treaty,

Whereas the internal market is to comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

The first recital is taken from the second paragraph of Article 7a (formerly 8a) of the Treaty establishing the single market. Article 100a, the legal basis of the Directive, is cited in the first paragraph of this Article as one of the provisions on the basis of which the Community adopts measures for the progressive establishment of the single market.

Whereas the laws, regulations and administrative provisions in force in the various Member States relating to the safety characteristics of recreational craft differ in scope and content; whereas such disparities are liable to create barriers to trade and unequal conditions of competition within the internal market.

The second recital stipulates that the laws, regulations and administrative provisions of the Member States which differ in scope and content (and must be harmonised) are those relating to the safety characteristics of recreational craft. These concern only the safety characteristics for the construction of recreational craft and not any other provisions.

Whereas harmonisation of national legislation is the only way in which to remove these barriers to free trade; whereas this objective cannot be satisfactorily achieved by the individual Member States; whereas this Directive merely lays down the requirements vital to freedom of movement for recreational craft;

The third recital justifies harmonisation by means of the Directive, the transpositions of which replace the former national provisions, on the grounds that this is the only way in which to remove the barriers to trade.

It has been possible to quantify the effects of these barriers to trade: the Member States with national laws in this area covered about 70% of market demand from domestic production, while other Member States covered only about 50%. This recital also restricts the scope of the Directive to laying down essential construction requirements to remove barriers to trade.

Whereas this Directive should cover only recreational craft of a minimum length of 2,5 m and a maximum length of 24 m, derived from the ISO standards;

The fourth recital introduces Article 1 and stipulates the hull length (Lh) of the recreational craft concerned, namely 2.5 to 24 m inclusive.

Whereas the removal of technical barriers in the field of recreational craft and their components, to the extent that they cannot be removed by mutual recognition of equivalence among all the Member States, should follow the new approach set out in the Council resolution of 7 May 1985 (4) which calls for the definition of essential requirements on safety and other aspects which are important for the general well-being; whereas paragraph 3 of Article 100a provides that, in its proposals, concerning health, safety, environmental protection and consumer protection, the Commission will take as a base a high level of protection; whereas the essential requirements constitute the criteria with which recreational craft, partly completed craft and their components when separate and when installed must comply;

The fifth recital again justifies the Directive on the grounds that some Member States do not have any laws, regulations or administrative provisions that could be the subject of mutual recognition of equivalence between the Member States.

This recital also brings the Directive under the "new approach" and in particular paragraph 3 of Article 100a, which states that Commission proposals concerning health, safety, environmental protection and consumer protection will take as a base, a high level of protection. Although safety is the field normally covered by the "New Approach" Directives, this Directive is the first in which the environment has been specifically covered by one of the essential product construction requirements.

Whereas, therefore, this Directive sets out essential requirements only; whereas, in order to facilitate the task of proving compliance with the essential requirements, harmonised European standards are necessary for recreational craft and their components as referred to in Annex II; whereas harmonised European standards are drawn up by private bodies and must retain their non-mandatory status; whereas, for this purpose, the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) are recognised as the bodies competent to adopt harmonised standards which follow the general guidelines for co-operation between the Commission and those two bodies, signed on 13 November 1984; whereas, for the purposes of this Directive, a harmonised standard is a technical specification (European Standard or harmonisation document) adopted by one or other of those bodies, or by both, at the prompting of the Commission pursuant to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (5) and pursuant to the general guidelines referred to above;

The sixth recital repeats the need for compliance with the essential requirements of the Directive and the role of harmonised standards to facilitate the task of proving compliance with the essential requirements while retaining their non-mandatory status.

Whereas, in view of the nature of the risks involved in the use of recreational craft and their components, it is necessary to establish procedures applying to the assessment of compliance with the essential requirements of the Directive; whereas these procedures must be devised

in the light of the level of risk which may be inherent in recreational craft and their components; whereas, therefore, each category of conformity must be supplemented by an appropriate procedure or a choice between several equivalent procedures; whereas the procedures adopted comply with Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking which are intended to be used in the technical harmonisation Directives;

The seventh recital justifies the adoption of different procedures for the assessment of compliance with the essential requirements depending on the level of risk inherent in the recreational craft.

Whereas the Council has provided for the affixing of the CE marking by either the manufacturer or his authorised representative within the Community; whereas that mark means that the recreational craft and components comply with all the essential requirements and assessment procedures provided for by the Community law applying to the product;

The eighth recital explains the meaning of CE marking, namely to indicate compliance with the essential requirements and the conformity assessment procedures applying to the product.

Whereas it is appropriate that the Member States, as provided for by Article 100a (5) of the Treaty, may take provisional measures to limit or prohibit the placing on the market and the use of recreational craft or constituent products thereof in cases where they present a particular risk to the safety of persons and, where appropriate, domestic animals or property, provided that the measures are subject to a Community control procedure;

The ninth recital introduces the safeguard clause in Article 7.

Whereas the recipients of any decision taken as part of this Directive must be aware of the reasons behind that decision and the means of appeal open to them;

The tenth recital introduces the transparency clause in Articles 11 and 12.

Whereas it is necessary to provide for a transitional arrangement enabling recreational craft and their components manufactured in compliance with the national regulations in force at the date of adoption of this Directive to be marketed and placed in service;

The eleventh recital explains the need for the transitional arrangement provided for in Article 13 (3).

Whereas this Directive does not contain any provisions directed towards limiting the use of the recreational craft after it has been put into service;

The twelfth recital makes it clear that no provision in the Directive is intended to restrict the use of recreational craft.

Whereas the construction of recreational craft may have an impact on the environment to the extent that the craft may discharge polluting substances; whereas it is therefore necessary to include provisions on the protection of the environment in the Directive, in so far as those

provisions concern the construction of recreational craft from the point of view of its direct impact on the environment;

The thirteenth recital introduces the essential construction requirements, which must be provided for in the design of recreational craft in order to protect the environment.

Whereas the provisions of this Directive should not affect Member States' entitlement to lay down, in accordance with the Treaty, 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 on waterways, provided that this does not mean that the recreational craft is modified in a way not specified in this Directive;

The fourteenth and last recital underpins the twelfth recital and indicates that, in accordance with the Treaty, the Member States may lay down requirements concerning navigation on certain waters provided that this does not mean that the recreational craft is modified in away not specified in the Directive.

HAVE ADOPTED THIS DIRECTIVE:

- **M1**

DIRECTIVE 2003/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission [(1)],

Having regard to the opinion of the European Economic and Social Committee [(2)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [(3)] in the light of the joint text approved by the Conciliation Committee on 9 April 2003,

Whereas:

(1) Developments since the adoption of Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft [(4)] have made it necessary to amend that Directive.

The first recital states that developments since the adoption of Directive 94/25/EC relating to recreational craft have made it necessary to amend the Directive. The Commission was led to consider this amendment to include environmental aspects following the introduction of national legislation covering exhaust and sound emissions of recreational craft in several Member states. This was most notably seen in Germany, Switzerland, Austria and Sweden.

Member States, industry and users observed that separate national legislations on emissions might constitute an obstacle to the free movement of trade and fragment the internal market. EU harmonisation of emissions limits achieved by amendment of Directive 94/25/EC would ensure a fair and viable trading basis for the sale of recreational marine craft and engines throughout Europe.

(2) Directive 94/25/EC does not cover personal watercraft, while since its adoption some Member States have introduced laws, regulations and administrative provisions concerning such craft.

The second recital explains why personal watercraft which were excluded from Directive 94/25/EC are now included within the scope of this Directive. This was necessary as some of the separate national legislations on emissions referred to above also covered personal watercraft.

(3) The propulsion engines on recreational craft and personal watercraft produce exhaust emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NOx), noise emissions and particle emissions which affect both human health and the environment.

The third recital identifies the elements of exhaust emissions, which together with noise emissions, may be harmful to both human health and the environment.

(4) Exhaust emissions produced by the engines of such recreational craft and personal watercraft and noise emissions produced by such craft are also not covered by Directive 94/25/EC.

The fourth recital notes that the exhaust and sound emissions produced by recreational craft and personal watercraft and their engines are not covered by Directive 94/25/EC.

(5) It is now necessary to integrate environmental protection requirements into the various Community activities in order to promote sustainable development. Such provisions, which are already the subject of the Council Resolution of 3 December 1992 concerning the relationship between industrial competitiveness and environmental protection [(5)], were taken up in the conclusions of the Industry Council of 29 April 1999.

The fifth recital states that in accordance with the common policy it is necessary to integrate environmental protection requirements into the various Community activities.

(6) Laws, regulations and administrative provisions are in force in some Member States limiting noise and exhaust emissions from recreational craft and engines in order to protect human health, the environment and, where appropriate, domestic animal health. Those measures differ and are likely to affect the free movement of such products and constitute barriers to trade within the Community.

The sixth recital notes that the national laws in force limiting noise and exhaust emissions from recreational craft and engines are likely to lead to barriers to trade within the Community.

(7) In the framework of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services [(6)] Member States have notified draft national regulations aimed at reducing noise and exhaust emissions from the engines of recreational craft. Such technical regulations are considered, like the national provisions already in force, to be likely to affect the free movement of such products or to create obstacles to the proper functioning of the internal market. It is therefore necessary to draw up a binding Community instrument.

The seventh recital refers to notification of proposed national regulations limiting noise and exhaust emissions from the engines of recreational craft as further justification for drawing up Community regulations.

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

The eight recital justifies harmonisation by means of the Directive, the transpositions of which replace the former national provisions, on the grounds that this is the only way in which to remove the barriers to trade.

(9) These measures are in accordance with the principles set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards[7], with reference being made to harmonised European standards.

This paragraph explains that the measures introduced by the Directive are in line with the principles of the "new approach" by using references to harmonised standards.

(10) The provisions on exhaust and noise emissions laid down in this Directive should apply to all engines, whether inboard, outboard or stern drive with or without integral exhaust, and to personal watercraft in order to ensure optimum effectiveness in the protection of human health and the environment. Engines undergoing major modifications should be included as regards exhaust emissions. Craft with stern drive engines without integral exhausts or inboard propulsion engine installations undergoing major craft conversion should be included as regards noise emissions when placed on the Community market within five years following conversion.

This paragraph clarifies that the new exhaust and noise emission requirements will apply to inboard, outboard or stern drive engines of recreational craft and to personal watercraft in order to ensure protection of human health and the environment.

It also states that the provisions will extend to the modification of engines for exhaust emissions and conversion of recreational craft with inboard propulsion engines or stern drive engines without integral exhausts. The extent of modifications permitted without invoking these provisions is defined in the Directive and the latter provision on compliance with noise emissions in case of craft conversion applies only if the craft is placed on the market within five years following the conversion.

(11) Conformity with the essential requirements for emissions from the engines concerned is essential to protect human health and the environment. Maximum authorised levels should be laid down for exhaust emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxide (NOx) and particulate pollutants. As far as noise emissions are concerned, the maximum levels should be broken down as a function of the power of such engines and the number and type of engines on board. These measures should be consistent with all other measures to reduce engine emissions in order to protect human beings and the environment.

The eleventh recital specifies the exhaust emissions that are limited by the Directive and that the noise limits depend on the power of the engines and the number and type of engines on board.

(12) Member States should consider introducing national support measures to encourage the use of synthetic biodegradable lubrication oils to reduce water pollution by recreational craft. The introduction of measures at Community level should be considered during the review of this Directive.

Recital 12 requests that Member States should encourage the use of synthetic biodegradable lubrication oils for marine engines to further reduce the possibility of water pollution resulting from oil spillage.

(13) For the two types of emission in question, the data certifying their conformity should always accompany the recreational craft, personal watercraft or engine.

Recital 13 refers to the Declaration of Conformity (Annex XV) and the respective owner's manuals in which it has to be included (Annex I.A.2.5 for recreational craft and personal watercraft and Annex I.B.4 for propulsion engines). In these Declarations of Conformity, conformity with the noise or exhaust emissions or both is declared, including the references to the harmonised standards used in relation to which conformity is declared.

(14) Harmonised European standards, in particular as regards the measurement of levels and test methods, make it easier to demonstrate conformity with the essential requirements, also in the case of emissions from the recreational craft and personal watercraft covered by this Directive.

The fourteenth recital refers to the role of harmonised standards to facilitate the task of proving compliance with the essential requirements, and indicates the need for harmonised standards to cover emissions from the recreational craft and personal watercraft (and design and construction of personal watercraft).

(15) In view of the nature of the risks involved, it is necessary to adopt conformity assessment procedures to ensure the necessary level of protection. The manufacturer or his authorised representative or, if they do not fulfil their obligations, the person placing the product on the market and/or putting it into service, should ensure that the products covered by this Directive comply with relevant essential requirements, when they are placed on the market and/or put into service. Adequate procedures should be laid down which provide a choice between procedures with equivalent stringency. Those procedures should comply with Council Decision 93/ 465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking which are intended to be used in technical harmonisation Directives.

The fifteenth recital justifies the adoption of different procedures for the assessment of compliance with the essential requirements depending on the level of risk inherent in the craft. The amendments to the Directive increase the number of options available for conformity assessment.

(16) As far as exhaust emissions are concerned, all types of engines, including personal watercraft and other similar powered craft, should bear the CE mark affixed by the manufacturer or his authorised representative within the Community, except inboard engines and stern drive engines without integral exhaust, engines type-approved according to stage II of Directive 97/68/EC[(9)] and engines type-approved according to Directive 88/77/ EEC[(10)] which should be accompanied by the manufacturer's declaration of conformity. As far as noise emissions are concerned, only outboard engines and stern drive engines with integral exhaust must bear the CE mark affixed by the manufacturer or his authorised representative or the person placing the product on the market and/or putting it into service within the Community. For noise emissions and for all types of engines, except outboard engines and of stern drive engines with integral exhaust, the CE mark affixed on the craft demonstrates conformity with the relevant essential requirements.

Recital 16 refers to the extension of the requirement for CE marking under this Directive to personal watercraft, outboard engines and stern drive engines with integral exhaust.

(17) Directive 94/25/EC should be amended also to take account of manufacturing needs, which require a greater choice of certification procedures.

The amendments to the Directive increase the number of options available for conformity assessment.

(18) For the sake of legal certainty and to ensure the safe use of recreational craft, it is necessary to clarify a number of technical issues relating to the essential construction requirements of recreational craft concerning the boat design categories, the maximum recommended load, the craft identification number, the fuel tanks, the fire fighting equipment and the discharge prevention.

Recital 18 refers to amendments made by this Directive to some existing essential requirements of Directive 94/25/EC, mainly for clarification, as deemed necessary in the light of experience gained since implementation of Directive 94/25/EC.

(19) The Commission should 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.

Recital 19 refers to the Directive's requirement for the Commission to monitor developments in engine technology. From this follows the requirement that the Commission will report to the European Parliament and the Council within two years on possible amendment to the emission requirements and possible in-use compliance testing of engines.

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

Recital 20 refers to the provisions of Article 6a requiring to introduce a Regulatory Committee to adapt certain provisions of the Directive in the light of technical progress.

(21) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1).

(22) It is necessary to provide for a transitional arrangement enabling certain products complying with the national rules in force on the date of entry into force of this Directive to be placed on the market and/or put into service,

The final recital explains the need for the transitional arrangement provided for in Article 3.

HAVE ADOPTED THIS DIRECTIVE:

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(1) OJ C 62 E, 27.2.2001, p. 139 and OJ C 51 E, 26.2.2002, p. 339.
(2) OJ C 155, 29.5.2001, p. 1.
(3) Opinion of the European Parliament of 5 July 2001 (OJ C 65 E, 14.3.2002, p. 310), Council Common Position of 22 April 2002 (OJ C 170 E, 16.7.2002, p. 1) and

Decision of the European Parliament of 26 September 2002 (not yet published in the Official Journal). European Parliament Decision of 14 May 2003 and Council Decision of 19 May 2003.

(4) OJ L 164, 30.6.1994, p. 15.

(5) OJ C 331, 16.12.1992, p. 5.

(6) OJ L 204, 21.7.1998, p. 37. Directive as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).

(7) OJ C 136, 4.6.1985, p. 1.

(8) OJ L 220, 30.8.1993, p. 23.

(9) OJ L 59, 27.2.1998, p. 1. Directive as amended by Commission Directive 2001/63/EC (OJ L 227, 23.8.2001, p. 41).

(10) OJ L 36, 9.2.1988, p. 33. Directive as last amended by Commission Directive 2001/27/EC, (OJ L 107, 18.4.2001, p. 10).

APPENDIX 2: CONSOLIDATED TEXT OF DIRECTIVE 94/25/EC AS AMENDED BY DIRECTIVE 2003/44/EC

For a consolidated text of Directive 94/25/EC as amended by 2003/44/EC please consult the Commission's website at following URL:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1994L0025:20031120:EN:PDF 

APPENDIX 3: PROVISIONS OF DIRECTIVE 94/25/EC THAT HAVE BEEN AMENDED BY DIRECTIVE 2003/44/EC

Directive 94/25/EC	Relevant provision under Directive 2003/44/EC
Article 1.1 (scope)	Article 1.1 (a)
Article 1.2 (definition of recreational craft)	Article 1.3 (a)
Article 1.3 (exclusions)	Article 1.2 (a)
Article 4.1 (free movement of products)	Article 4.1
Article 4.2 (free movement of partly completed boats)	Article 4.2
Article 4.3 (free movement of components)	Article 4.3
Article 4.4 (trade fairs, exhibitions, etc.)	Article 4.5
Article 4.5 (CE marking covering other Directives)	Article 4.6
Article 7.1 (safeguard clause)	Article 7.1
Article 7.3 (non-compliant CE-marked products)	Article 7.3
Article 8 (choice of conformity assessment modules)	Article 8.1
Article 8.1 (for categories A and B)	Article 8.2 (a)
Article 8.2 (for category C)	Article 8.2 (b)
Article 8.3 (for category D)	Article 8.2 (c)
Article 8.4 (for components)	Article 8.2 (e)
Article 10 (1) (CE marking)	Article 10 (1)
Article 10 (2)	Article 10 (2)
Article 10 (3)	Article 10 (3)
Annex I.1 (boat design categories)	Annex I.A.1 (boat design categories A and D changed)
Annex I.2 .1 (hull identification)	Annex I.A.2.1 (changed into craft identification)
Annex I.2.2, 4th indent (maximum recommended load on builder's plate)	Annex I.A.2.2, 4th indent
Annex I.3.6 (maximum recommended load as marked on builder's plate)	Annex I.A.3.6
Annex I.5.2.2 (fuel tanks)	Annex I.A.5.2.2
Annex I.5.6.2 (fire-fighting equipment)	Annex I.A.5.6.2
Annex I.5.8 (discharge prevention)	Annex I.A.5.8
Annex II.4 (fuel tanks and fuel hoses)	Annex II.4
Annex VI	Annex VI.A
Annex XIII	Annex XIII
Annex XIV.1	Annex XIV.1
Annex XV	Annex XV

APPENDIX 4: STANDARDS HARMONISED UNDER DIRECTIVE 94/25/EC, AS AMENDED BY DIRECTIVE 2003/44/EC

For updates on publication of harmonised standards in the Official Journal, please consult the Commission's website at following URL:

http://ec.europa.eu/enterprise/newapproach/standardization/harmstds/reflist/reccraft.html 

APPENDIX 5: LIST OF NOTIFIED BODIES UNDER DIRECTIVE 94/25/EC, AS AMENDED BY DIRECTIVE 2003/44/EC

For an updated list of notified bodies, please consult the Commission's website at following URL:

http://ec.europa.eu/enterprise/maritime/maritime_regulatory/directive_03_44.htm 

APPENDIX 6: ENGINE FAMILY AND PARENT ENGINES

The following notes on parameters of an engine family and selection of parent engines are taken from Directive 97/68/EC relating to the engine emissions of non-road mobile machinery with regard to type approval.

"6. **PARAMETERS DEFINING THE ENGINE FAMILY**

The engine family may be defined by basic design parameters which must be common to engines within the family. In some cases there may be interaction of parameters. These effects must also be taken into consideration to ensure that only engines with similar exhaust emission characteristics are included within an engine family.

In order that engines may be considered to belong to the same engine family, the following list of basic parameters must be common:

6.1 **Combustion cycle:**

— 2 cycle
— 4 cycle

6.2 **Cooling medium:**

— air
— water
— oil

6.3 **Individual cylinder displacement:**

— engines to be within a total spread of 15%
— number of cylinders for engines with after-treatment device

6.4 **Method of air aspiration**

— naturally aspirated
— pressure charged

6.5 **Combustion chamber type/design:**

— pre-chamber
— swirl chamber
— open chamber

6.6 **Valve and porting - configuration, size and number:**

— cylinder head
— cylinder wall
— crankcase

6.7 **Fuel system**

— pump-line injector
— in-line pump
— distributor pump
— single element
— unit injector

6.8 **Miscellaneous features**

— exhaust gas recirculation
— water injection/emulsion
— air injection
— charge cooling system

6.9 **Exhaust after-treatment**

— oxidation catalyst
— reduction catalyst
— thermal reactor
— particulates trap

7. **CHOICE OF THE PARENT ENGINE**

7.1 The parent engine of the family shall be selected using the primary criteria of the highest fuel delivery per stroke at the declared maximum torque speed. In the event that two or more engines share this primary criteria, the parent engine shall be selected using the secondary criteria of highest fuel delivery per stroke at rated speed. Under certain circumstances, the approval authority may conclude that the worst case emission rate of the family can best be characterised by testing a second engine. Thus, the approval authority may select an additional engine for test based upon features which indicate that it may have the highest emission levels of the engines within that family.

7.2 If engines within the family incorporate other variable features which could be considered to affect exhaust emissions, these features must also be identified and taken into account in the selection of the parent engine.”

APPENDIX 7: SPECIFICATIONS OF REFERENCE FUELS

1. TECHNICAL DATA OF THE REFER ENCE FUEL TO BE USED FOR TESTING VEHICLES EQUIPPED WITH POSITIVE -IGNITION ENGINES

Fuel type: **UNLEADED PETROL**

Parameter	Unit	Limits (1)		Test Method	Publication
		Minimum	Maximum		
Research octane number, RON		95,0	-	EN 25164	1993
Motor octane numbe r, MON		85,0	-	EN 25163	1993
Density at 15 'CN	kg/m^3	748	762	ISO 3675	1995
Reid vapour pressure	kPa	56,0	60,0	EN 12	1993
Distillation:					
- initial boiling point	^{o}C	24	40	EN-ISO 3405	1988
- evaporated at 100 ^{o}C	% v/v	49,0	57,0	EN-ISO 3405	1988
- evaporated at 150 ^{o}C	% v/v	81,0	87,0	EN-ISO 3405	1988
- final boiling point	^{o}C	190	215	EN-ISO 3405	1998
Residue	%	-	2	EN-ISO 3405	1998
Hydrocarbon analysis:					
- olefins	% v/v	-	10	ASTM D 1319	1995
- aromatics (2)	%v/v	28,0	40,0	ASTM D 1319	1995
- benzene	%v/v	-	1,0	EN 12177	1998
- saturates	%v/v	-	balance	ASTM D 1319	1995
Carbon/hydrogen ratio		report	report		
Oxidation stability (3)	min.	480	-	EN-ISO 7536	1996
Oxygen content (4)	% m/m	-	2,3	EN 1601	1997
Existent gum	mg/ml	-	0,04	EN-ISO 6246	1997
Sulphur content (5)	mg/kg	-	100	pr. EN-ISO/DIS 14596	1998
Copper corrosion at 50 ^{o}C		-	1	EN-ISO 2160	1995
Lead content	g/l	-	0,005	EN 237	1996
Phosphorus content	g/l	-	0,0013	ASTM D 3231	1994

1. The values quoted in the specification are "true values". In establishment of their limit values the terms of ISO 4259 "Petroleum products Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum valu e, a minimum difference of 2R above zero has been taken into account; in fixing a maximum and minimum value, the minimum difference is 4R (R = reproducibility).
   Notwithstanding this measure, which is necessary for statistical reasons, the manufacturer of f uels should nevertheless aim at a zero value where the stipulated maximum value is 2R and at the mean value in the case of quotations of maximum and minimum limits. Should it be necessary to clarify the question as to whether a fuel meets the requirements of the specifications, the terms of ISO 4259 should be applied.
2. The reference fuel used to approve a vehicle against the limit values set out in row B of the table in section 5.3.1.4 of Annex I to this Directive shall have a maximum aromatics content of 35 % v/v. The Commission wilt as soon as possible, but no later than 31 December 1999, bring forward a modification to this Annex reflecting the market average for fuel aromatics content in respect of the fuel defined in Annex III of Directive 98/70/EC.
3. The fuel may contain oxidation inhibitors and metal deactivators normally used to stabilise refinery gasoline streams, but detergent/dispersive additives and solvent oils must nor be added

4. The actual oxygen content of the fuel for the Type I and IV tests shall be reported. In addition the maximum oxygen content of the reference fuel used to approve a vehicle against the limit values set out in row B of the table in section 5.1.3.4 of the Annex I to this Directive shall be 2,3 %. The Commission will as soon as possible, but no later than 31 December 1999, bring forward a modification to this Annex reflecting the market average for fuel oxygen content of the fuel defined in Annex III of Directive 98/70/EC.
5. The actual sulphur content of the fuel used for the Type I test shall be reported. In addition the reference fuel used to approve a vehicle against the limit values set out in row B of the table in section 5.1.3.4 of Annex I to this Directive shall have a maximum sulphur content of 50 ppm. The Commission will as soon as possible, but no later than 31 December 1999, bring forward a modification to this Annex reflecting the market average for fuel sulphur content in respect of the fuel

2. TECHNICAL DATA OF THE REFERENCE FUEL TO BE USED FOR TESTING VEHICLES EQUIPPED WITH A DIESEL ENGINE

Fuel type: **DIESEL FUEL**

Parameter	**Unit**	**Limits** [1]		**Test Method**	**Publication**
		Min	**Max**		
Cetane number [2]		52,0	54,0	EN-ISO 5165	1998
Density at 15 °C	kg/m3	833	837	EN-ISO 3675	1995
Distillation					
- 50% point	°C	245	-	EN-ISO 3405	1988
- 95% point	"C	345	350	EN-ISO 3405	1988
- final boiling point	°C	-	370	EN-ISO 3405	1988
Flash point	°C	55	-	EN 22719	1993
CFPP	"C	-	-5	EN 116	1981
Viscosity at 40 "C	*mm2/s*	2,5	3,5	EN-ISO 3104	1996
Polycyclic aromatic hyd rocarbons	% m/m	3	6,0	IP 391	1995
Sulphur content [3]	mg/kg	-	300	EN-ISO 14596	1998
Copper corrosion		-	1	EN-ISO 2160	1995
Conradson carbon residue (10 % DR)	% m/m	-	0,2	EN-ISO 10370	1995
Ash content	% m/m	-	0,01	EN-ISO 6245	1995
Water content	% m/m	-	0,05	EN-ISO 12937	2001
Neutralisation (stron acid) number	mg KOH/g	-	0,02	ASTM D 974-95	1998
Oxidation stability [4]	mg/1nl	-	0,025	EN-ISO 12205	1996
New and better method for polycyclic aromatics under development	%m/m	-	-	EN 12916	2000

1. The values quoted in the specification are "true values". In establishment of their limit values the terms of ISO 4259 "Petroleum products Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum value, a minimum difference of 2R above zero bas been taken into account; in fixing a maximum and minimum value, the minimum difference is 4R (R =reproducibility)
   Notwithstanding this measure, which is necessary for statistical reasons, the manufac turer of fuels should nevertheless aim at a zero value where the stipulated maximum value is 2R and at the mean value in the case of quotations of maximum and minimum limits. Should it be necessary to clarify the question as to whether a fuel meets the req uirements of the specifications, the terms of ISO 4259 should be applied.

2. The range for cetane number is not in accordance with the requirement of a minimum range of 4R. However, in the case of a dispute between fuel supplier and fuel user, the terms in IS O 4259 may be used to resolve such disputes provided replicate measurements, of sufficient number to archive the necessary precision, are made in preference to single determinations.
3. The actual sulphur content of the fuel used for the Type J test shall be reported. In addition the reference fuel used to approve a vehicle against the limit values set out in row B of the table in section 5.1.3.4 of Annex I to this Directive shall have a maximum sulphur content of 50 ppm. The Commission will as soon as possible, but no later than 31 December 1999, bring forward a modification to this Annex reflecting the market average for fuel sulphur content in respect of the fuel defined in Annex III of Directive *98/70/EC*.
4. Even though oxidation stability is controlled, it is likely that shelf life will be limited. Advice should be sought from the supplier as to storage conditions and life

APPENDIX 8: USEFUL ADDRESSES

1. EUROPEAN COMMISSION SERVICES

1.1. ENTERPRISE AND INDUSTRY DIRECTORATE GENERAL, Unit I/4: MECHANICAL, ELECTRICAL AND TELECOMMUNICATION EQUIPMENT

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1.2 ENTERPRISE AND INDUSTRY DIRECTORATE GENERAL, Unit C/1: LEGAL ASPECTS LINKED TO THE IN TERNAL MARKET:

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1.3 ENTERPRISE AND INDUSTRY DIRECTORATE GENERAL, Unit I/3: STANDARDISATION

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2. EU MEMBER STATES

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United Kingdom:

Website: http://www.berr.gov.uk/sectors/sustainability/regulations/ecdirect/page12637.html

3. EEA MEMBER STATES:

Iceland:

Norway:

4. RECREATIONAL SECTORAL GROUP (RSG)

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APPENDIX 9: ABBREVIATIONS

dB	Decibel
CE	European Conformity marking
CEN	Comité Européen de Normalisation (European Committee for Standardisation)
CENELEC	Comité Européen de Normalisation Electrotechnique (European Committee for Electrotechnical Standardisation)
CIN	Craft identification Number
CO	Carbon monoxide (emission component)
D	Displacement
DOC	Declaration of Conformity
EEA	European Economic Area
EC	European Communities
EN	European standard
ETSI	European Telecommunications Standards Institute
EU	European Union
F_n	Froude number
HC	Hydrocarbons (emission component)
hp	Horsepower
ISO	International Standardisation Organisation
kW	kilowatt
L_h	length of the hull
L_{wl}	waterline length
L_{pASmax}	maximum sound pressure level in dB
NO_x	Oxides of nitrogen (emission component)
OJ	Official Journal of the European Communities
P/D	Power displacement ratio
P_N	Rated engine power at rated speed
PT	Particulates (emission component)
PWC	Personal watercraft
RCD	Recreational Craft Directive
RIB	Rigid hull inflatable boat
RSG	Recreational Craft Sectoral Group
V	speed in knots