



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Transport and Tourism*

---

**2011(0197)(COD)**

24.4.2012

## **OPINION**

of the Committee on Transport and Tourism

for the Committee on the Internal Market and Consumer Protection

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

Rapporteur: Roberts Zīle

PA\_Legam

## SHORT JUSTIFICATION

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

### Exhaust emissions

By setting stricter limits for NO<sub>x</sub> and hydrocarbons (HC), the revised Directive brings the exhaust emission of recreational marine engines in line with the - stricter - US rules. The same emission limits for the EU and the US, Canada and Japan markets, will save costs for EU manufactures with respect to the development, manufacturing and certification of their product lines. Your rapporteur agrees with the Commission and the main committee's rapporteur on the following: The proposed limits for exhaust emissions reflect the most stringent but feasible reduction within the given timeline. More significant reductions of all three pollutants (HC, NO<sub>x</sub> and CO) on SI engines are only possible through exhaust gas after-treatment introducing three-way catalyst technology. The required technology is, however, not yet sufficiently developed and would require an investment which is not affordable for the industry at this point. Furthermore, your rapporteur agrees with the Commission's proposal for a transitional period of 3 years for all engine manufactures and an additional 3 years for small and medium enterprises which manufacture SI outboard engines ≤ 15 kW in order to ensure minimal economical and social losses.

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

### Noise emissions

Your rapporteur supports the Commission's proposal to maintain current limits for noise emissions, as any further reduction would require engines to be significantly redesigned. It has to be kept in mind that noise emitted by recreational craft is affected by a number of factors such as the engine, the hull, and the concentration of boats, the speed, user's behaviour, geography and the weather conditions. That is why the Directive allows undertaking national measures in order to set stricter limits, such as speed limits, a minimum distance from the shore or a ban of boats in specific areas. Your rapporteur considers that an exchange of views on best practices among Member States would promote proportionality of relevant national provisions and help to take appropriate measures. In this context, your rapporteur refers to several Court cases of the Court of Justice of the European Union

(notably on cases C-142/05 and C-433/05). Amendments no. 2 and 5 aim at inviting the Commission to facilitate this process.

### Safety requirements

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

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

### Hybrid technologies

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

## **AMENDMENTS**

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

### **Amendment 1**

#### **Proposal for a directive**

#### **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Appropriate measures should also be taken in future to collect data on carbon dioxide (CO<sub>2</sub>) emissions from engines on recreational craft and personal watercraft.***

### *Justification*

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

### **Amendment 2**

#### **Proposal for a directive Recital 8**

*Text proposed by the Commission*

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

*Amendment*

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

### *Justification*

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

### **Amendment 3**

#### **Proposal for a directive Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 4**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 5**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

(26) In accordance with the principle of subsidiarity, the provisions of this Directive should not affect Member States' entitlement to lay down such requirements as they may deem necessary concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to the watercraft which is in conformity with this Directive.

*Amendment*

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

*Justification*

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

## Amendment 6

### Proposal for a directive Recital 39

#### *Text proposed by the Commission*

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

#### *Amendment*

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

#### *Justification*

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

## Amendment 7

### Proposal for a directive Recital 44

#### *Text proposed by the Commission*

(44) Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that they are

#### *Amendment*

(44) Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that they are

implemented. Those penalties should be effective, proportionate and dissuasive.

implemented *by services clearly designated for that purpose or by the competent national authorities*. Those penalties should be effective, proportionate and dissuasive, *and they should be applied without undue delay*.

## Amendment 8

### Proposal for a directive

#### Article 2 – paragraph 2 – point a – point xiii

*Text proposed by the Commission*

(xiii) amphibious craft;

*Amendment*

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

## Amendment 9

### Proposal for a directive

#### Article 3 – point 5

*Text proposed by the Commission*

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

*Amendment*

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

#### *Justification*

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

## Amendment 10

### Proposal for a directive

#### Article 5

*Text proposed by the Commission*

The provisions of this Directive shall not prevent Member States from adopting

*Amendment*

The provisions of this Directive shall not prevent Member States from adopting



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

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

#### *Justification*

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

### **Amendment 11**

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

*Text proposed by the Commission*

*Amendment*

***(aa) point 2.3.1 of Part B of Annex I, to include test cycles for hybrid propulsion engines;***

#### *Justification*

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

### **Amendment 12**

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

*Text proposed by the Commission*

*Amendment*

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

2. The delegation of power referred to in Article 49 shall be conferred for ***seven years*** from the date specified in Article 60.

specified in Article 60.

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

### **Amendment 13**

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

##### *Text proposed by the Commission*

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

##### *Amendment*

Watercraft shall be designed to minimise the risks of falling overboard and to facilitate reboarding. ***Means of reboarding shall be accessible to or deployable by a person in the water unaided.***

##### *Justification*

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

### **Amendment 14**

#### **Proposal for a directive Annex 1 – part A – point 5 – point 5.3 – paragraph 2**

##### *Text proposed by the Commission*

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

##### *Amendment*

Attention shall be paid to the provision of ***adequate*** overload and short-circuit protection of all circuits, except engine starting circuits supplied from batteries. ***Electric propulsion circuits shall be designed and installed to prevent any unwanted interaction with all other circuits. The installation shall ensure that devices which store electrical energy do***

***not exceed the manufacturer's recommended maximum temperature limits.*** Ventilation shall be provided to prevent the accumulation of ***explosive*** gases which might be emitted. Batteries shall be firmly secured and protected from ingress of water.

#### *Justification*

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

## PROCEDURE

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