



Guide to the NEW Recreational Craft Directive **2013/53/EU**

Autumn 2014

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Guide to the guide

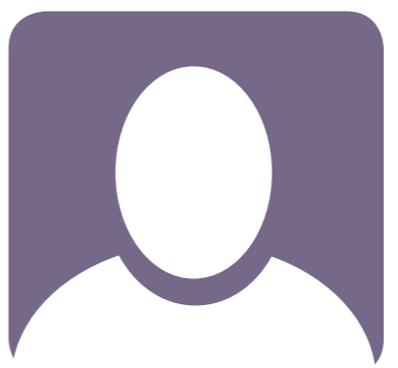
I am a...



Manufacturer or authorised representative



Importer



Distributor



Private importer

The colour code and the icons above will help you recognise the specific sections relevant to you, depending on whether you are a manufacturer, authorised representative, importer, distributor, private importer or an end user.

Sections that are relevant to all readers are left in white.

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Introduction

After 15 years of enabling the free trade of boats, engines and components on the EU single market, the EU Directive on recreational craft 94/25/EC, as amended by the EU Directive 2003/44/EC, was replaced by the new EU Directive 2013/53/EU published on 28 December 2013.

Since the first application of the EU Recreational Craft Directive (RCD) in 1996, the boating industry has evolved exponentially and a number of product innovations, such as hybrid or electric propulsion, became more common on the various European markets. Big environmental challenges like climate change and air quality influenced, and continue to influence, policy-making in Europe in every sector, including the boating industry. Additionally, the European Union revised its approach to product legislation and adopted in 2008 the 'New Legal Framework'.

The New Legal Framework builds on the New Approach (used for the "old" Directive) and adds all the necessary elements for effective conformity assessment procedures and CE-marking, accreditation of notified bodies (the certifying bodies), and market surveillance including the control of products from outside the Union, creating a more coherent regulation for the EU single market. Last but not least, the Directive's essential requirements were modernised and clarified to reflect the highest state-of-the-art in boatbuilding and equipment manufacturing.

Like the previous Directive, the new text sets all the conditions for the first time sale and putting into service

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of boats, engines and certain components in Europe. All the Member States of the European Union, as well as the countries of the European Economic Area (Iceland, Liechtenstein, Norway) and Switzerland, apply the same legislation. It will therefore be mandatory to comply with all aspects of the EU Directive 2013/53/EU as this opens doors for the vast European market where products can be freely traded and acquired.

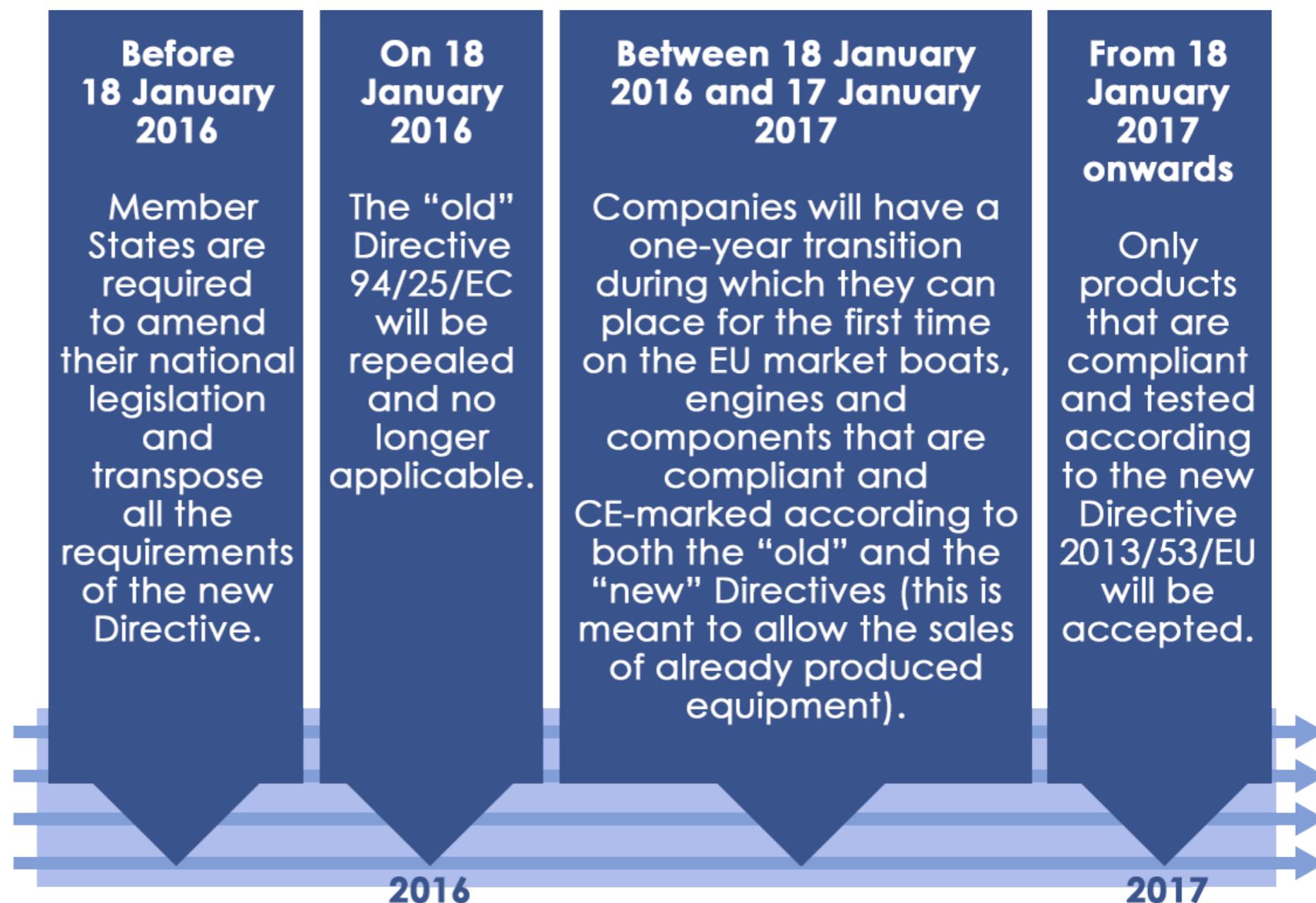
This simple guide outlines what the main changes are in the new Directive compared to previous directives and takes you through the various obligations you may have, depending whether you are a manufacturer, commercial or private importer, distributor (dealer) or buyer. It aims at providing you with a good understanding of the EU rules and how to comply with the essential requirements. This guide is also a useful tool for potential buyers who can make sure the product they plan to acquire is safe, clean and compliant with EU rules.

There are several ways to use this guide:

- The short guide gives a full checklist to make sure your product is compliant and safe. It is particularly useful if you are an importer, a distributor or a buyer;
- The full guide gives more detailed explanations on the Directive, its requirements and how to comply with them. It should answer most questions that manufacturers, authorised representatives, importers and private importers may have;
- The test will help you assess your knowledge.

Timeline

Before diving into the details, let's look at upcoming milestones:



manufacturer
or authorised
representative

There is one exemption to this calendar: Small and medium sized enterprises producing outboard spark ignition (SI) propulsion engines with power equal to or less than 15kW will have an extra three years to adapt to the new EU rules on exhaust emission limits for engines. These companies will be allowed to continue producing and placing engines on the EU market that are compliant with Stage I limits for exhaust emissions until 17 January 2020 included.

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- How to check the product is compliant and safe
- Watercraft builder's plate
- CE Marking
- Watercraft identification
- Propulsion engine identification
- Owner's manuals
- Written EU Declaration of Conformity

Test Your Knowledge

- Take our fun, interactive quiz (wifi access required)

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2. Definitions
3. New responsibilities for economic operators
 - 3.1. Manufacturer's obligations
 - 3.2. Authorised representative's obligations
 - 3.3. Importer's obligations
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4. Placing a product on the market vs. making it available
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 - 5.1. Identification requirements for watercraft
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 - 5.3. Identification requirements for components
6. CE marking and other marking requirements

The Directive's Essential Requirements

1. What an essential requirement is
2. Main changes in the essential requirements
 - 2.1. New definitions of watercraft design categories
 - 2.2. Risk of falling overboard and means of reboarding
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 - 2.4. Owner's manuals
 - 2.5. Buoyancy and flotation of multihull craft
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 - 2.7. Outboard engines
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SPECIAL CASE: Three-year delay for small outboard engines

- 2.11. Identical limits for engine noise emissions
3. Using the harmonised standards
4. Harmonised standards and presumption of conformity
5. Other ways to comply with the essential requirements

Conformity Assessment

1. About conformity assessment procedures
2. Overview of modules and procedures available
 - 2.1. Modules for design and construction of recreational craft (boats)
 - 2.2. Modules for design and construction of personal watercraft
 - 2.3. Modules for design and construction of components
 - 2.4. Modules for engine's exhaust emissions
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3. Technical documentation
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SPECIAL CASE: Partly completed watercraft
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Strengthening Market Surveillance in Europe

Possible Consequences of Non-compliance

Special Cases

1. Importer or distributor selling under own name or trademark
2. Watercraft sold with its trailer
3. Partly completed craft
4. Craft built for own use
5. Exempted watercraft changing its intended purpose
6. Major engine modification
7. Major craft conversion
8. Post construction assessment

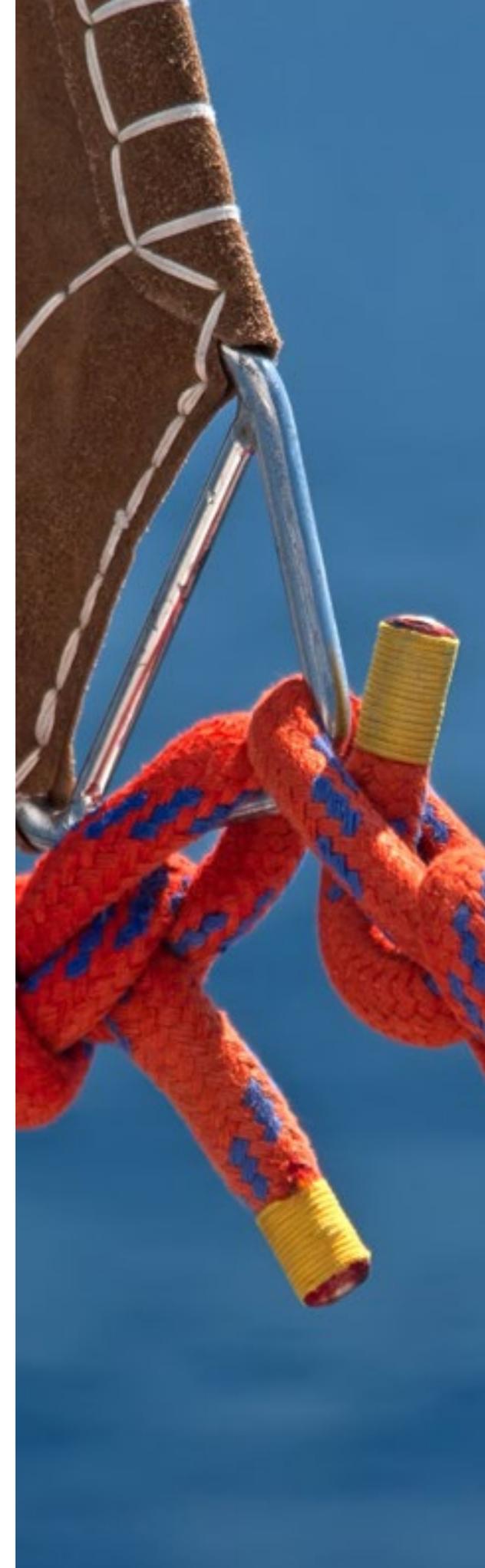
Useful Information and Links

- EU Directive on recreational craft and personal watercraft
- Comparative table for essential requirements
- Harmonised standards
- The national competent authorities
- Notified bodies for conformity assessment
- The New Legal Framework
- General product safety Directive
- Consumer rights Directive
- Legislation on product liability

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- European Boating Industry
- ICOMIA
- Credits

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Quick guide

How to check if the product is compliant and safe

To help you rapidly identify non-compliant products, this short guide gives you information on the documentation and markings to look out for. This is called the 'formal compliance check' and can be performed by anyone, without needing any previous knowledge or expertise.

To ensure that the craft you are importing, distributing or purchasing complies with the Directive, you should check the following items:

Watercraft builder's plate

Each watercraft (boat and personal watercraft) must carry a permanently affixed builder's plate, which is mounted separately to the watercraft identification number.

The builder's plate should contain the following information:

- Manufacturer's name, registered trade name or registered trademark, contact address
- CE marking
- Watercraft design category
- Manufacturer's maximum recommended load (fuel, water, provisions, miscellaneous equipment and people), excluding the weight of the contents of the fixed tanks when full. This should appear in kilograms.
- Number of persons recommended by the manufacturer for which the watercraft was designed to carry when under way.

The builder's plate is usually found inside the boat, for instance in the cockpit area.



The appearance of the builder's plate can vary according to manufacturers, but it should always display the above-mentioned information.

If the watercraft was not designed and built for the EU market, for instance second-hand imported boats or personal watercraft, it will

have to individually undergo a Post Construction Assessment (PCA) with a notified body to establish whether it meets the Directive's requirements. If so, the builder's plate will contain the words 'Post Construction Assessment' and the contact details of the notified body which has carried out the conformity assessment procedure will be mentioned instead of the manufacturer's details.

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CE marking

The following products are subject to CE marking when they are made available on the market or put into service:

- Watercraft (i.e. boat and personal watercraft)
- Components (as listed in Annex II)
- Propulsion engines



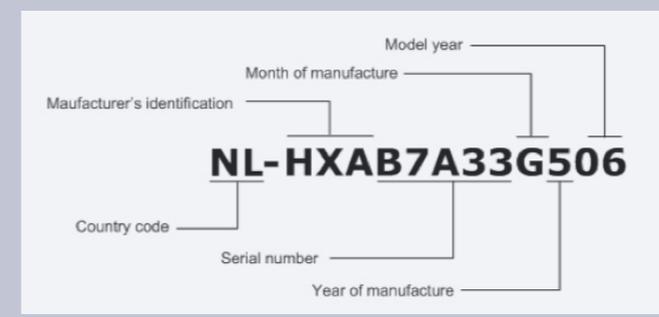
The CE marking is a key indicator (but not proof) of a product's compliance with the essential requirements of the Directive and the EU legislation requiring the CE marking. It enables the free movement of products within the European market, whether they are manufactured in the EU or in another country.

More about the CE marking requirements can be found in the "Legal changes" section.

Watercraft identification

Each watercraft must be marked with a Craft Identification Number (CIN). This number is unique to each craft and identifies the manufacturer, where it is established and when the craft was built.

The CIN must be 14 characters in length and look like this:



The CIN is found in 2 places: one is visible, whilst the second CIN is placed in a hidden part of the craft as a security check. On boats, the visible CIN can be found on or near the transom, starboard side, near the top, or on the stern. On inflatable boats, it can be found on the rigid aft cross-beam or on the console assembly. On personal watercraft, it is usually found within 300 mm of the stern.

In case of a PCA, the CIN will be different. You should refer to the "Special Cases" section for more details.

More about the watercraft identification requirements can be found in the "Legal Changes" section.

Propulsion engine identification

Propulsion engines must comply with the Directive's exhaust and noise emissions limits. Each engine must be clearly marked with the following information:

- Engine manufacturer's name, registered trade name or trademark and contact address
- If applicable, the name of the person adapting the engine
- If applicable, the engine type and engine family
- Unique engine serial number
- CE marking (combustion engines only)



The appearance of the engine identification can vary according to manufacturers, but it should always display the above-mentioned information.

More about the engine identification requirements in the "Legal Changes" section.

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Owner's manuals

All watercraft (boat and personal watercraft) as well as certain propulsion engines (outboard and sterndrive engines with integral exhaust) must come with an individual owner's manual, in a language that can be easily understood by consumers and other end users. In the case of inboard and sterndrive engines without integral exhaust, the relevant information is included in the watercraft owner's manual. The owner's manuals must always be accompanied by an important legal document called the EU Declaration of Conformity.

The watercraft owner's manual must include all the information necessary for safe use of the product, drawing particular attention to set up, maintenance, regular operation, prevention of risks and risk management.

The propulsion engine's manual must provide instructions for the installation, use and maintenance needed to assure the proper functioning of the engine to meet the durability requirements. It must also specify the engine power measured according to the harmonised standard EN ISO 8665 which should be used in conjunction with ISO 15550.

More about the owner's manual requirements can be found in the "Essential Requirements" section.

Written EU Declaration of Conformity

The EU Declaration of Conformity is the document that states that the product satisfies the essential requirements of the Directive. By drawing up and signing the EU Declaration of Conformity, the manufacturer assumes responsibility for the compliance of the product.

The written EU Declaration of Conformity must always accompany the watercraft (boat and personal watercraft), the components when placed on the market separately, and the propulsion engines (see Article 15 and Annex IV of the Directive). The EU Declaration of Conformity accompanies the owner's manual for watercraft and engines.

The Declaration must be translated into the languages of the countries where the product is made available or put into service. The Directive does not specify who has the obligation to translate. Logically, this should be the manufacturer or the economic operator making the product available.

More about the EU Declaration of Conformity can be found in the "Conformity Assessment" section.



Test your knowledge

This series of 15 questions will help you assess your knowledge of the new Directive. All the answers can be found in this guide.

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Take our quiz!

How well do you know the new Watercraft Directives (2013/53/EU)?

1. Which countries are covered by the Directive?

- A) All European countries
- B) Any country wishing to apply the Directive
- C) 28 EU Members States + European Economic Area countries (Iceland, Lichtenstein, Norway) + Switzerland
- D) 28 EU Member States only

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Changes brought by the New Legal Framework

The recent adoption of the New Legal Framework in Europe has triggered a series of legal changes and obligations in the products sold in the EU internal market.

This chapter highlights the main changes relating to:

1. The scope of the Directive
2. The definitions
3. The new responsibilities for economic operators
4. The concept of placing a product on the market vs. making it available
5. The improved traceability requirements
6. The CE marking and other marking requirements



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1. Scope of the Directive

The EU Directive 2013/53/EU on recreational craft and its Article 4.1 sets minimum requirements for the design and construction as well as the trade of boats, personal watercraft, propulsion engines and components. In particular, this Directive sets out minimum safety and environmental requirements for recreational craft between 2.5m-24m and personal watercraft, which guarantee their suitability for sale or use in Europe.

Under the new Directive, any boat falling under its scope (whether new or second-hand) that is placed on the EU market for the first time must comply with the essential requirements as set out in the Annexes to the Directive. These cover technical, safety and environmental specifications.

The new Directive has restricted the range of products excluded from its scope. Article 2.2 provides the list of excluded products. It is worth noting that although canoes and kayaks were not in scope with the previous Directive, it has been specified that only those propelled by human power be excluded. The same approach goes for surfboards designed to be propelled by wind only.

2. Definitions

Many terms and concepts used under the new Directive have been revised compared to the terminology used under the previous Directive. For more information refer to the definitions provided by Article 3 of the Directive.

For the purpose of this guide and to keep the language simple, the word 'boat' is often used, although the expression used in the Directive is 'recreational craft'. The term 'watercraft' in the sense of the Directive refers to both recreational craft (boat) and personal watercraft (water scooter).

3. New responsibilities for economic operators

The New Legal Framework takes account of the existence of all the economic operators in the supply chain – manufacturers, authorised representatives, importers and distributors – and of their respective roles in relation to the product. Products manufactured in the EU and products from non-EU countries are treated alike.



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The importer now has clear obligations in relation to the compliance of products, and where a distributor or an importer modifies a product or markets it under their own name, they become the equivalent of the manufacturer and must take on the latter's responsibilities in relation to the product. The private importer is a new concept that was introduced in the Directive. It relates to non-commercial imports of products covered by the Directive. The obligations of economic operators and private importers are described in Chapter II of the Directive.

Obligations	Manufacturer	Authorised representative	Importer	Distributor	Private importer
Ensure products are designed and manufactured according to the Directive	X				X
Only place compliant products on the market			X	due care	
Draw up technical documentation	X		check		X
Carry out applicable conformity assessment procedures	X		check		X
Ensure notified body's name and address is marked on product					X
Draw up EU Declaration of Conformity	X		check	check	X
Affix CE marking	X		check	check	X
Draw up the owner's manual	X		check	check	X
Keep technical documentation and copy of Declaration for 10 years	X	X	X		X
Ensure series production remains in conformity, taking into account changes in design and standards	X				
Identify products with type, batch or serial number	X		check	check	
Indicate name, registered trade name/mark, address	X		X	check	
Ensure products are accompanied by instructions, safety information in owner's manual	X		X	X	X
Ensure storage and transport conditions don't jeopardize compliance			X	X	
In doubt of compliance, carry out sample testings	X		X	no sale	
In doubt of compliance, take necessary corrective measures	X		X	check	
On request, provide information to market surveillance authorities	X	X	X	X	X
On request, cooperate with market surveillance authorities	X	X	X	X	X
On request, identify from and to whom products were supplied for last 10 years	X	X	X	X	X



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manufacturer
or authorised
representative

3.1 Manufacturer's obligations

The manufacturer is any natural or legal person who manufactures a product or has a product designed or manufactured, and places it on the market under his own name or trademark. The manufacturer is responsible for the conformity assessment of the product and is subject to a series of obligations including traceability requirements. When placing a product on the Union market, the responsibilities of a manufacturer are the same whether he is established outside the European Union or in a Member State. The manufacturer must cooperate with the competent national authorities in charge of market surveillance in case of a product presenting a risk or being non-compliant.

Article 7 provides the detailed list of the manufacturer's obligations; key points are highlighted below. The manufacturer must:

- Ensure the products are designed and manufactured in accordance with the essential requirements
- Draw up the technical documentation (Article 25 and Annex IX)
- Carry out the applicable conformity assessment procedures (Articles 19 to 22 and 24)
- Draw up an EU Declaration of Conformity (Article 15)
- Mark and affix the CE marking (Articles 17 and 18)
- Keep the technical documentation and a copy of the Declaration of Conformity for 10 years after the product has been placed on the market
- Ensure procedures are in place for series production to remain in conformity
- Properly identify the products
- Ensure the product is accompanied by instructions and safety information in the owner's manual in a language or languages which can be easily understood by consumers and other end users, as determined by the Member State concerned
- When in doubt of the product's conformity, immediately take the necessary corrective measures to bring the product into conformity by withdrawing it or recalling it, if appropriate
- Where the product presents a risk, immediately inform the competent



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manufacturer
or authorised
representative

national authorities of the Member States in which the product is made available

Although not required by the Directive, manufacturers should consider the option to CE mark products covered by this Directive, even if sold outside the EU market. Import procedures for the EU market will be easier and cheaper for a second-hand product if it has been CE-marked by its original manufacturer.

3.2 Authorised representative's obligations

The authorised representative is any natural or legal person established within the European Union who has received a written mandate from the manufacturer to act on his behalf in relation to specified tasks.

The authorised representative cannot substitute him/herself to the manufacturer (e.g. he/she cannot issue the Declaration of Conformity nor have a Manufacturer Identification Code (MIC)).

Article 8 provides the detailed list of the authorised representative's obligations. The minimum tasks to be specified by the manufacturer in a written mandate are:

- Keeping a copy of the EU Declaration of Conformity and the technical documentation at the disposal of the market surveillance authorities for 10 years after the product has been placed on the market
- Further to a reasoned request from a competent national authority, provide all the information and documentation necessary to demonstrate conformity of a product
- Cooperate with the authorities, at their request, on any action taken to eliminate the risks posed by products covered by their mandate.



3.3 Importer's obligations

The importer is any natural or legal person established in the European Union who places a product from a third country on the EU market. The importer now has important and clearly defined responsibilities, which build on the responsibilities that any manufacturer is subjected to.

Article 9 provides the detailed list of the importer's obligations. An importer must ensure the manufacturer has correctly fulfilled his obligations. The importer is not a simple re-seller of products, but has a key role to play in guaranteeing the compliance of imported products with the EU Directive.

As rule number one, the importer must only place compliant products on the EU market.

Before placing a product on the market, the importer must ensure that:

- The appropriate conformity assessment procedure has been carried out by the manufacturer
- The technical documentation is drawn up by the manufacturer
- The product bears the CE marking as referred in Article 17
- It is accompanied by the required documents: EU Declaration of Conformity, owner's manual in the right language for the craft and the engines if installed
- It meets the requirements for product identification and traceability, and the manufacturer's identification.

Importers also have to indicate their name, registered trade name or registered trademark, and address on the product. In case of small components where this is not possible, the information should be on the packaging or in a document accompanying the product.

While the product is under the importer's responsibility, storage and transport conditions must not jeopardise the product's compliance.



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importer

Once the product is placed on the market, the importer must:

- Keep the technical documentation and a copy of the Declaration of Conformity for 10 years after the product has been placed on the market
- In doubt of the product's conformity, carry out sample testing, investigate and if necessary keep a register of complaints of non-conforming products and product recalls, and keep the distributors informed of such monitoring
- In doubt of the product's conformity, immediately take the necessary corrective measures to bring the product into conformity, to withdraw it or recall it, if appropriate
- Where the product presents a risk, immediately inform the competent national authorities of the Member States in which the product is made available

SPECIAL CASE: Importer selling under own name or trademark

Where the importer or the distributor places a product on the market under his name or trademark, or modifies a product already placed on the market in such a way that compliance with the Directive's requirements may be affected, he will be considered a manufacturer (Article 11) and will have to fulfill the manufacturer's obligations (Article 7). A major modification or conversion requires that a Post-Construction Assessment (PCA) be carried out to guarantee the product's conformity (Article 19). The Annex V of the Directive provides the details of the PCA. In this special case, the importer or the distributor will issue the EU Declaration of Conformity.





distributor

3.4 Distributor's obligations

The distributor is any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes the product available on the market. Distributors have a key role to play in the context of market surveillance.

A distributor must act with due care and the obligations are detailed in Article 10 of the Directive.

Before making a product available on the market, the distributor must verify that:

- The product bears the CE marking as required in Article 17
- It is accompanied by the following documents: EU Declaration of Conformity, instructions and safety information, the owner's manual in the appropriate language for the craft and the engines if installed
- It meets the product identification and traceability requirements, the manufacturer's identification or the importer's identification if applicable

Where the distributor has reason to believe that a product is not in conformity, he must not make the product available on the market until it has been brought into conformity. Where the product presents a risk, the distributor must inform the manufacturer or the importer as well as the relevant market surveillance authorities.

While the product is under the distributor's responsibility, storage and transport conditions must not jeopardise the product's compliance.

Once the product is sold, where the distributor has reason to believe that the product was not in conformity, he should immediately take the necessary corrective measures to bring the product into conformity, to withdraw it or recall it, if appropriate. Where the product presents a risk, immediately inform the competent national authorities of the Member States in which the product is made available.



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SPECIAL CASE: Distributor selling under own name or trademark

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3.5 The end user

The end user is not defined in the EU legislation; however it is certain that the term covers both professional users and consumers. End users are not subject to obligations under the Directive.

This concept is closely linked to the one of "intended use" for which the product is designed, built and sold. Article 2.3 of the Directive clarifies that the same craft, where used privately or for charter, sports or leisure training is covered by this Directive when placed on the Union market for recreational purposes.

The end user or buyer will want to have a product that is compliant, safe and clean. This guide will help ensure real value for money is achieved and the purchase conforms to the European legislation and standards for safety and environmental protection. It is worth remembering that a compliant product keeps a better resale value as second-hand product.



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private
importer

3.6 Private importer's obligations

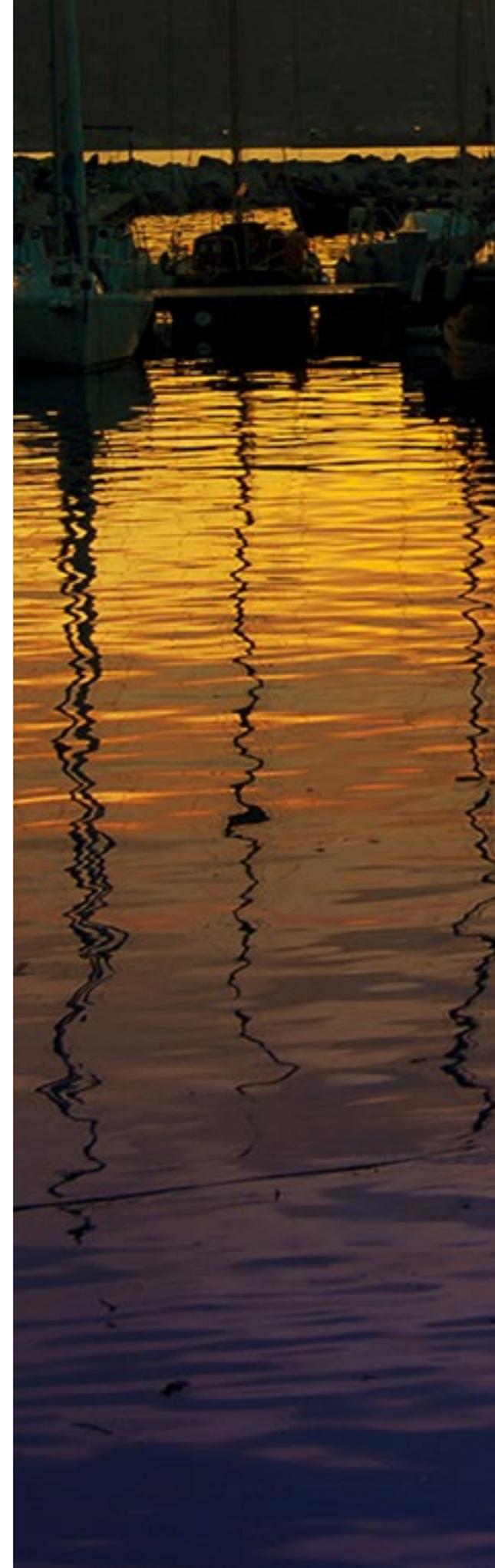
The private importer is a concept that did not exist under the previous Directive and that was added to ensure that private individuals importing a boat, a personal watercraft, an engine or any other product covered by the Directive is granted the same level of protection and obligation as commercial importers. The private importer is defined as any natural or legal person established in the European Union who imports in the course of a non-commercial activity a product from a third country into the EU with the intention of putting it into service for his own use.

A private importer, who imports a product for his own use in European waters, must also ensure the craft, engine or components are compliant with the EU Directive.

Article 12 provides the detailed list of the private importer's obligations. As a start, we recommend that private importers favour products for which the original manufacturer has fulfilled his responsibilities for the conformity of the product with the EU Directive. Not only it will save a lot of time and hassle for the private importer, it also offers the guarantee of acquiring a safe and compliant product which benefits a higher resale value in Europe.

In the event that the original manufacturer located outside of the EU has not fulfilled his responsibilities nor carried out the conformity assessment procedures, the private importer must ensure, before putting the product into service i.e. using it, that:

- The product has been designed and manufactured in a way that meets the essential requirements of the EU Directive
- The following requirements for manufacturers have been carried out: the technical documentation has been drawn out and must be kept for 10 years; the product is accompanied by instructions and safety information in the owner's manual in a language or languages which can be easily understood by consumers and other end users, as determined by the Member State concerned



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- The private importer must cooperate with the competent national authority and provide all information and documentation necessary to demonstrate the product's conformity

In case the technical documentation is not available from the manufacturer, the private importer will have to draw it up using appropriate expertise.

Annex V of the Directive provides the details of the Post-Construction Assessment (PCA). This module is the procedure to assess the equivalent conformity of a product for which the manufacturer has not assumed the responsibility but also in cases where the importer or the distributor places a product on the market under his name or trademark, or modifies a product already placed on the market in such a way that compliance with the Directive's requirements may be affected. The private importer must ensure that the name and address of the notified body which has carried out the post-construction assessment (PCA) of the product is marked on the product itself.

More about the PCA can be found in the "Special Cases" section.

4. Placing a product on the market vs. making it available

While the "old" Directive considered the action of "putting into service", the new Directive broadens the scope to the actions of "placing on the market" and "making available". A product is made available on the market when supplied for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.

The concept of making available refers to each individual product and implies that all economic operators in the supply-chain have traceability obligations and need to have an active role in ensuring that only compliant products circulate on the Union market. A product is placed on the market when it is made available for the first time on the Union market. The operation is reserved either for a manufacturer or an importer as the



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manufacturer and the importer are the only economic operators who place products on the market.

5. Improved traceability requirements

The new Directive strengthens the traceability requirements in order to trace the history of the product and support market surveillance in Europe. Traceability allows market surveillance authorities to find the liable economic operators in the distribution chain and obtain evidence of the product compliance.

Article 13 says that, on request, economic operators and private importers must identify to the market surveillance authorities their suppliers and/or customers. They must be able to present the information for a period of 10 years. Although the end user has no obligation to do so, it is recommended they retain all the product documentation as this will add value to the product resale.

Articles 7.6 and 9.3 respectively require manufacturers and importers to indicate on the product their names, registered trade name or registered trademark, and the address at which they can be contacted. Where that is not possible, the information may be placed on its packaging or in a document accompanying the product. This information has to be the same on the Declaration of Conformity and in the technical documentation.

The way to comply with this requirement is not defined in the Directive, but it must be noted that market surveillance authorities can for instance ask for relevant documents, such as invoices, allowing the origin of the product to be traced. Hence, it would be useful to keep invoices for a longer period than envisaged in accounting legislation to comply with the requirements on traceability (i.e. 10 years).



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The manufacturer has to comply with this obligation regardless of his location (within or outside the EU). This provision implies that products sold without packaging or any accompanying documents, must bear the name and address of the manufacturer on the product itself. The address must indicate a single point at which the manufacturer can be contacted.

Only one single contact point in the EU is allowed. This is not necessarily the address where the manufacturer is actually established. This address can, for example, be the one of the authorised representative or of the customer services.

The importer has to comply with the same requirements. The additional information from the importer shall not hide the information put on the product by the manufacturer.

In conclusion, where the manufacturer is established in the EU, the product will bear one name and address (even if the product is manufactured outside of the EU as the company is considered the one that places it on the market), while an imported product will necessarily bear two names and two addresses for the manufacturer established outside of the EU and the importer established in the EU.

5.1 Identification requirements for watercraft

The new Directive contains the following identification requirements for watercraft:

- Craft Identification Number – CIN or “watercraft identification”
- Watercraft builder’s plate

Craft Identification Number – CIN

Annex I, Part A Point 2.1 of the Directive gives the requirements for the watercraft identification, which applies to both recreational craft and personal watercraft. Each watercraft must be marked with a Craft Identification Number (CIN). This number is unique to each craft and identifies the manufacturer, where it is established and when the craft was built.



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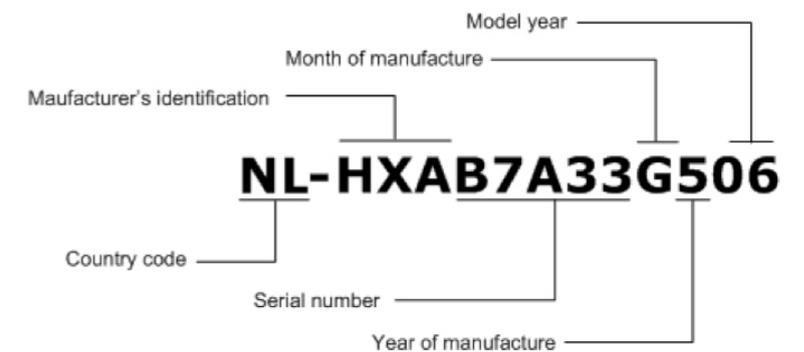
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The CIN must be 14 characters in length and contain the following information:

- Country code of the manufacturer, i.e. the country of the national authority that delivered the manufacturer's unique code
- Unique manufacturer's code assigned by the national authority of the EU Member State
- Unique serial number
- Month and year of production
- Model year



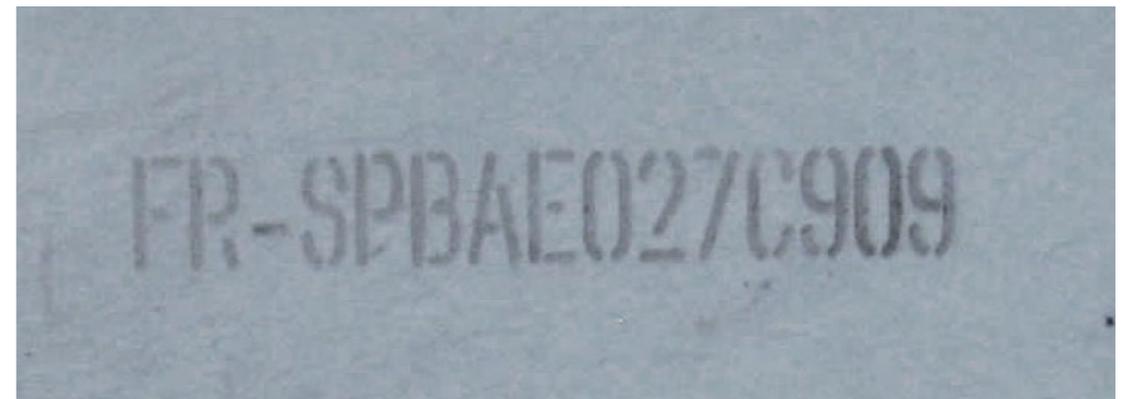
The CIN is found in 2 places: one is visible, whilst the second CIN is placed in a hidden part of the craft as a security check. On boats, the visible CIN can be found on or near the transom, starboard side, near the top, or on the stern. On inflatable boats, it can be found on the rigid aft cross-beam or on the console assembly. On personal watercraft, it is usually found within 300 mm of the stern.

The harmonised standard EN ISO 10087 Craft identification – Coding system gives details on these requirements.

If the watercraft was not designed and built for the EU market, for instance a second-hand imported boat or personal watercraft, it will have to individually undergo a Post Construction Assessment (PCA) with a notified body. During this process, the Craft Identification Number will be affixed by the notified body, under his responsibility. More info on the PCA can be found in Annex V of the Directive and in the "Special Cases" section of the guide.

Watercraft builder's plate

Annex I, Part 1 Point 2.2 of the Directive gives the requirements for the watercraft builder's plate. Each watercraft (boat and personal watercraft) must carry a permanently affixed builder's plate, which is mounted separately to the watercraft identification number.



The builder's plate should contain the following information:

- Manufacturer's name, registered trade name or registered trademark, contact address in the EU



- CE marking
- Watercraft design category
- Manufacturer's maximum recommended load (fuel, water, provisions, miscellaneous equipment and people), excluding the weight of the contents of the fixed tanks when full. This should appear in kilograms.
- Number of persons recommended by the manufacturer for which the watercraft was designed to carry when under way.

The builder's plate is usually found inside the boat, for instance in the cockpit area. On a personal watercraft, it is usually found near the driver's position, separate from the craft identification number. The appearance of the builder's plate can vary according to manufacturers, but it should always display the above-mentioned information.

If the watercraft was not designed and built for the EU market, for instance a second-hand imported boat or personal watercraft, it will have to individually undergo a Post-Construction Assessment (PCA) with a notified body to establish whether it meets the Directive's requirements. If so, the builder's plate will contain the words 'Post-Construction Assessment' and the contact details of the notified body which has carried out the conformity assessment procedure will be mentioned instead of the manufacturer's details.

More info on the PCA can be found in the "Special Cases" section.

5.2 Identification requirements for engines

Annex I, Part B Point 1 link of the Directive explains the identification requirements for propulsion engines. Each engine must be clearly marked with the following information:

- Engine manufacturer's name, registered trade name or



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trademark, contact address in the EU

- If applicable, the name of the person adapting the engine
- If applicable, the engine type and engine family
- Unique engine serial number
- CE marking (combustion engines only)

The appearance of the engine identification can vary according to manufacturers, but it should always display the above-mentioned information.

The identification data must be marked in a durable manner, clearly legible and indelible. If labels or plates are used, they must be attached or placed so they cannot be removed without destroying or defacing them.

The marks must be placed on an engine part necessary for normal engine operation and not normally requiring replacement during the engine life. They must be located as to be easily visible.

5.3 Identification requirements for components

Articles 7.6 and 9.3 respectively require manufacturers and importers to indicate on the product their names, registered trade name or registered trademark, and the address at which they can be contacted. Where that is not possible, the information may be placed on its packaging or in a document accompanying the product. This information has to be the same on the Declaration of Conformity and in the technical documentation.

Components listed in Annex II of the Directive are:

1. Ignition-protected equipment for inboard and sterndrive petrol engines and petrol tank spaces
2. Start-in-gear protection devices for outboard engines
3. Steering wheels, steering mechanisms and cable assemblies
4. Fuel tanks intended for fixed installations and fuel hoses
5. Prefabricated hatches, and port lights



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They must bear the following information on the product itself:

- Manufacturer's and if applicable importer's names, registered trade name or trademark and contact addresses in the EU
- Type, batch, serial number or other element allowing their identification. Where the size or nature of the product does not allow it, the required information is provided on the packaging or in a document accompanying the product.



6. CE marking and other marking requirements

As explained in Articles 16 to 18, the following products are subject to CE marking when they are made available on the market or put into service:

- Watercraft (boat and personal watercraft)
- Components (as listed in Annex II)
- Propulsion engines (combustion engines only)

The CE marking is a key indicator (but not proof) of a product's compliance with the essential requirements of the Directive and the EU legislation requiring the CE marking. It enables the free movement of products within the European market, whether they are manufactured in the EU or in another country.

Where products are subject to several Union legislations, which provide for the affixing of the CE marking, the marking indicates that the products are declared to conform to the provisions of all these acts.

The CE marking does not indicate that a product was made in the European Union. The CE marking indicates conformity with the requirements laid down by the EU legislations in question. Therefore, it is to be considered as essential information to authorities and other parties like distributors.



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The CE marking will appear in a visible, legible and indelible form on:

- The builder's plate for the watercraft (recreational craft and personal watercraft)
- The components themselves (or the packaging and accompanying documents if not recommended by the product size and nature)
- On the propulsion engines (combustion engines only)
- Where relevant, the CE marking should be accompanied by the identification number of the notified body that carried out the conformity assessment procedures or the post-construction assessment.

The CE marking may be followed by a pictogram or any other mark indicating a special risk or use, provided they fulfil a different function from that of the CE marking, are not liable to cause confusion with it, and do not reduce its legibility and visibility.

It is important to remember that partly completed watercraft must not be CE marked since they are not completed and as such cannot meet all the essential requirements of the Directive. More on partly completed watercraft in the "Special Cases" section.

In summary, the CE marking must be affixed to:

- All newly manufactured watercraft, components and propulsion engines, whether manufactured in the Member States or in third countries
- All used and second-hand products listed above when imported from third countries and placed on the EU market for the first time
- Modified products that, as new, are subject to this Directive and which have been modified in a way that could affect the safety or the compliance of the product with the EU legislation

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The Directive's essential requirements

The new EU Directive maintains the same approach as the Recreational Craft Directive 94/25/EC as amended by Directive 2003/44/EC.

It outlines the essential requirements defining results to be attained or the hazards to be dealt with, but does not specify the technical solutions for doing so.

This section will inform you on:

1. What an essential requirement is
2. The main changes in essential requirements
3. The use of harmonised standards
4. Harmonised standards and presumption of conformity
5. Other ways to comply with the essential requirements

To assist manufacturers and especially smaller companies in staying up to date with standard changes, a [CD-Rom](#) containing all the required harmonised standards for boatbuilding is now available in English and French at an attractively low price.





1. What an essential requirement is

Essential requirements are designed to provide and ensure a high level of protection and can be found in the Article 4 and the Annex I of the Directive. They must be applied as a function of the hazard inherent to a given product. Therefore, manufacturers have to carry out risk analysis and determine the essential requirement applicable to the product.

This analysis has to be documented and included in the technical documentation, unless risk assessment is included in the harmonised standard and the manufacturer has chosen to use the harmonised standard. If only part of the harmonised standard is used, the technical documentation should contain explanations on how risks not covered by the partly applied standard are dealt with.

Essential requirements do not specify the technical solutions for meeting them. The precise technical solution may be provided by a standard or by other technical specifications at the discretion of the manufacturer. This flexibility allows manufacturers to choose the way to meet the requirements.

The new Directive also introduces the concept of 'continued conformity' although not defined in the legislation. Manufacturers must ensure that on one hand, changes in product design or characteristics and on the other hand, changes in the harmonised standards by reference to which conformity of a product is declared are adequately taken into account during the design and production phases, year after year. It does not mean that manufacturers must necessarily use the harmonised standards. However, they will need to stay informed of the new developments in the field of technical standardisation to avoid unpleasant situations relating to the evolution of harmonised standards.

[link: Design Categories of Watercrafts](#)

[link: List of EU harmonised standards](#)

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In the recreational marine sector, harmonised standards are developed at international level by the ISO Technical Committee 188 on Small Craft. This international cooperation is based on the mandate given by the European Commission to the European standardisation bodies (the sector's CEN) to produce harmonised standards that support the essential requirements of the Directive.

2. Main changes in the essential requirements

One of the objectives of the Directive's revision was to update and modernise the essential requirements defined in the early 1990s that did not reflect the evolution of products in the boating industry. All the essential requirements are defined in Annex I of the Directive.

The comparative table of Annex I can be found in the Appendix of this guide. It provides, for each essential requirement, the wording of the old Directive, the new wording (which in some cases did not change) and the corresponding harmonised standards which fully or partially cover the essential requirement.

The list below highlights the main changes but does not present all of them. The full list is provided in Annex I of the Directive.

The main changes are:

- New definitions of watercraft design categories
- Risk of falling overboard and means of reboarding
- Visibility from the main steering position
- Owner's manuals
- Buoyancy and flotation of multihull craft
- Escape on multihull craft in the event of inversion
- Outboard engines
- Electrical systems
- Prevention of sewage discharge
- Lower limits for engine exhaust emissions

It is worth noting that the limits for engine noise emissions remain unchanged.



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2.1 New definitions of watercraft design categories

Over 15 years of experience under the previous Directive and the huge work accomplished by international experts in the field of international standardisation for small craft brought the nautical community to the conclusion that the wording of the design categories needed to be improved and made technically accurate to reflect the current state-of-the-art.

In the process of the revision of the Directive, the European Parliament commissioned a study on the “Design Categories of Watercrafts” (see link below) in order to better understand the need for a revision of the design category definitions. The study indicated that using design category names (like “Ocean”, “Offshore”, “Inshore” or “Sheltered Waters”) was found misleading by indicating an area and type of navigation. Indeed, the parameters to be taken into account by the user should be the environmental conditions, i.e. the wind force and the sea state (wave heights).

Annex I, Part A Point 1 of the new Directive contains revised definitions of the watercraft design categories. The design categories are now referred to as A, B, C or D. The elements to be taken into account by the manufacturer and the end user remain the meteorological conditions, i.e. the wind force expressed using the Beaufort scale and the significant wave height expressed in meters.

Watercraft must be designed and constructed to withstand the design category parameters in respect of stability, buoyancy and other relevant essential requirements, and have good handling characteristics. The values for the wind force and the significant wave height were not modified. However, design category A now defines abnormal conditions as storm, violent storm, hurricane, tornado and extreme sea conditions or rogue waves.

The new definitions are now in line with the current state-of-the-art. They should give economic operators and the end user a better understanding of the conditions that the watercraft can withstand, while the upper limit for the category A brings additional legal certainty to both the manufacturers and the end users.

More on the Beaufort scale and the significant wave height

It is worth remembering the wind force expressed by the Beaufort scale is not a real force but based on an average of wind speeds. Each “force” is defined by a range of wind speeds. The wind speed concerned is the average speed measured during a period of ten minutes. Because of the variable nature of wind, this means that the wind speed can have huge



variations around this average value. Wind gust speed will commonly be 40% or 50% stronger. This last precision is of huge importance, because physical forces generated by wind (on sails, hull etc.) are linked to the square of wind speed. This means that when you double the speed, you multiply effort by 4. The speed increase from one Beaufort force to the following is not linear, but higher at the beginning of the scale and reducing after.

The significant wave height is an expression referring to mean wave height (trough to crest) of the highest third of the waves (H1/3) that occur in a given period. Here again it is an average number, which means that in reality individual waves can be much higher.

2.2 Risk of falling overboard and means of reboarding

The essential requirement Point 2.3 of Annex I, Part A of the new Directive has been strengthened. Not only must the watercraft be designed to minimise the risks of falling overboard and to facilitate reboarding (as in the old Directive), but means of reboarding (e.g. a ladder) must be accessible to or deployable by a person in the water unaided.

2.3 Visibility from the main steering position

The essential requirement Point 2.4 of Annex I, Part A of the new Directive has been extended to all types of boats. Applicable to motorboats only under the old Directive, it is now required for any boat that the main steering position gives the operator, under normal conditions of use (speed and load), good all-around visibility.

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2.4 Owner's manuals

All watercraft (i.e. boat and personal watercraft) as well as certain propulsion engines (outboard and sterndrive engines with integral exhaust) must always be accompanied by an individual owner's manual, in a language that can be easily understood by consumers and other end users. In the case of inboard and sterndrive engines without integral exhaust, the relevant information is included in the watercraft owner's manual. The owner's manuals must always be accompanied by an important legal document called the EU Declaration of Conformity. The harmonised standard EN ISO 10240 gives details on the content of the owner's manual.

For the watercraft owner's manual (boat and personal watercraft), the essential requirement Point 2.5 of Annex I, Part A of the new Directive has been substantially modified. Manufacturers and importers must ensure that the watercraft is accompanied by instructions and safety information in the owner's manual in a language which can be easily understood by consumers and other end users. The contents of the owner's manual have been expanded too: the manual now has to provide all the information necessary for safe use of the product, drawing particular attention to set up, maintenance, regular operation, prevention of risks and risk management.

In case the boat has inboard engines or sterndrive engines without integral exhaust and in case of personal watercraft, the essential requirement Point 2 link of Annex I, Part C remains identical: the watercraft owner's manual must include the necessary information to maintain the craft and the exhaust system in a condition that will ensure compliance with the noise limit values in normal use.

For the propulsion engine(s) owner's manual, the essential requirements Point 4 of Part B and Point 2 of Annex I of the new Directive were not modified. The language requirement remains and applies as explained above for the watercraft owner's manual.





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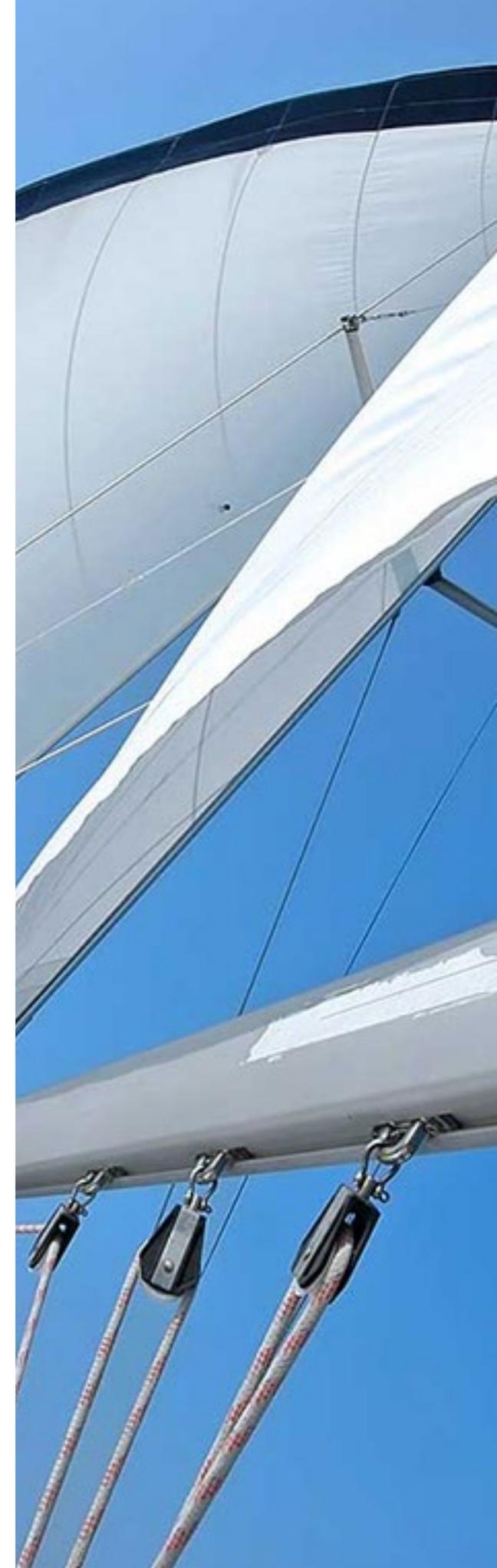
The manual must provide instructions for the installation, use and maintenance needed to assure the proper functioning of the engine to meet the durability requirements. It must also specify the engine power measured according to the relevant harmonised standard EN ISO 8665 which should be used in conjunction with ISO 15550.

In case of outboard engines and sterndrive engines with integral exhaust, the engine owner's manual must provide the necessary instructions to maintain the engine in a condition that will ensure compliance with the noise limit values in normal use.

The language requirement implies translation work so that the manufacturers and importers can provide the distributor and the end user with the right language version of the owner's manual, for both the watercraft and/or the propulsion engines, according to the country where it is placed on the market (i.e. the first time it is sold on the EU market). Market surveillance authorities usually require a printed version of the owner's manual to be available on board in case of inspection or for the standard watercraft registration procedure. This does not prevent manufacturers from using electronic versions of the owner's manual in the various languages within the distribution network and asking the importer or the distributor to provide the printed version to the end user. In some EU Member States, there is a voluntary practice whereby the end user signs a receipt to acknowledge he has received the owner's manual(s).

2.5 Buoyancy and flotation of multihull craft

The state-of-the art in evaluating watercraft stability improved significantly thanks to the most recent developments in the international standardisation arena and the application of the Directive for the last 15 years. The nautical community widely supported the modifications brought to the requirements for multihull craft at the occasion of the Directive's revision.



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The essential requirement Point 3.3 of Annex I, Part A of the new Directive introduces the notion of risk-of-inversion for multihull buoyancy and flotation. The new harmonised standard on stability EN ISO 12217 provides the procedure to follow to evaluate the risk of inversion for each type, model and design of multihull craft. The essential requirement to have sufficient buoyancy to remain afloat in the inverted position will now only apply to the habitable multihull craft susceptible to inversion.

2.6 Escape on multihull craft in the event of inversion

Linked to the modification of the essential requirement Point 3.3 on buoyancy and flotation, the essential requirement Point 3.8 of Annex I, Part A of the new Directive contains an improved and corrected wording. The essential requirement for viable means of escape now applies to all habitable multihull craft (the limit of 12 meters being deleted) that are susceptible to inversion. Furthermore, it is specified that where the means of escape are provided for use in the inverted position, it must not compromise the structure, stability point or buoyancy of the multihull craft, whether it is upright or inverted.

2.7 Outboard engines

The essential requirement Point 5.1.4 of Annex I, Part A of the new Directive was reworded. It requires every outboard propulsion engine fitted on any watercraft to have a device to prevent the engine being started in gear, except for engines producing less than 500 Newton's (N) of static thrust or when engines have a throttle limiting device set at 500 N at the time of starting the engine.

A new essential requirement Point 5.1.6 was introduced in Annex I, Part A of the new Directive. Tiller-controlled outboard propulsion engines have to be equipped with an emergency stopping device which can be linked to the helmsman, for instance a kill cord.

2.8 Electrical systems

The essential requirement Point 5.3 of Annex I, Part A of the new Directive is now expanded. In addition, the essential requirement says that all electrical circuits, except engine starting circuits supplied from batteries, must remain safe when exposed to overload.

[link: EU definition of small and medium-sized companies](#)

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Electric propulsion circuits must not interact with other circuits in a way that would fail to operate as intended.

2.9 Prevention of sewage discharge

The essential requirement Point 5.8 of Annex I, Part A of the new Directive is substantially strengthened in order to prevent the discharge of sewage from toilets. With most EU Member States having adopted national rules on black waters, the new Directive provides a welcome common rule across Europe for all watercraft equipped with toilets. Any toilet fitted in a boat must be connected solely to a holding tank system or a water treatment system. The current harmonised standard EN ISO 8099 (2000) – Toilet waste retention systems will be revised in order to include the water treatment systems that meet this essential requirement.

2.10 Lower limits for engine exhaust emissions

The exhaust emission requirements for the propulsion engines are substantially modified in the Part B of Annex I of the new Directive. The reference to the standard ISO 8178-1 was partly deleted and replaced by new wording. The harmonised standard ISO 18854 will be replacing this ISO standard by the beginning of 2015.

The exhaust emission limits consider the same four substances according to the type of engine: particulates, hydrocarbons and nitrogen oxides for diesel engines; carbon monoxide, hydrocarbons and nitrogen oxides for petrol engines.

The exhaust emission limits applying from 18 January 2016 are mentioned in two tables for compression ignition (diesel) engines (table 2) and spark ignition (petrol) engines (table 3). These new values are aligned on the exhaust emission limits adopted by the US Environment Protection agency (EPA). This transatlantic alignment for engine exhaust emissions means greater regulatory convergence and simplified trade between the EU and the US.



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For the test cycles, the requirements defined in the harmonised standard EN ISO 8178-4:2007 should be taken into account in conjunction with the table under Point 2.3 of Annex I, Part B of the Directive. It should be noted that notified bodies may accept tests carried out on the basis of other tests cycles as specified in a harmonised standard and as applicable for the engine duty cycle.

Point 3 of Part B on the durability was revised in the new Directive. The normal life of the engine now distinguishes diesel from petrol engines with different hours of operation required, while personal watercraft and outboard engines remain on the same hours or years of operation, whichever occurs first. Moreover, petrol engines are divided into three different categories: below or equal to 373 kW (480 hours), between 373 kW and 485 kW (150 hours) and above 485 kW (50 hours).

SPECIAL CASE: Three-year delay for small outboard engines

Outboard spark ignition (petrol) engines with power equal or less than 15 kW which comply with Stage I exhaust emission limits (i.e. the limits in place in the old Directive) and which are manufactured by small and medium-sized companies were given an extra three-year period to comply with the new exhaust emission limits. As a result, these engines can be placed on the EU market until 18 January 2020. From 18 January 2020 onwards, all engines will have to comply with the exhaust emission limits of the new Directive.

2.11 Identical limits for engine noise emissions

The essential requirement Part C of Annex I of the new Directive was partly modified. The noise emission levels applying to boats with inboard or sterndrive engines without integral exhaust, personal watercraft, outboard engines and sterndrive engines with integral exhaust remain unchanged, ranging from 67 dB to 75 dB according to the rated engine power (Point 1 of Part C). An allowance of 3 dB may be applied for twin-engine or multiple-engine units.

Recreational craft with an inboard engine configuration or sterndrive engine configuration, without integral exhaust will be considered as complying with the table of the Point 1.1 of Part C in Annex I if they have a Froude number calculated as less than or equal to 1,1. The equation used to calculate the Froude Number can be found under the Point 1.3 of Part C, Annex I.

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3. Using the harmonised standards

The term 'harmonised standard' refers to a standard developed on the request of the European Commission for the application of Union legislation, in this case the EU Directive 2013/53/EU. Harmonised standards maintain their status of voluntary application.

As a general rule, the new Directive does not impose the use of harmonised standards as technical solutions. Only essential requirements are legally binding and manufacturers may apply whatever standards and technical specifications they wish – although only harmonised standards provide a presumption of conformity. Harmonised standards provide a presumption of conformity with the essential requirements they aim to cover, if their references have been published in the Official Journal of the European Union (OJEU). References of harmonised standards are published as Commission Communications in the C series of the OJEU.

Harmonised standards provide a presumption of conformity until the date indicated in the EU Official Journal. To benefit from the presumption of conformity, products need to be placed on the market before the date of cessation of conformity. In the case of components, if the part is acquired by the manufacturer before the date of cessation of conformity, it can be fitted in the final product after the date of cessation of conformity of the said part. This is meant to enable manufacturers using the existing stock.

In few cases, the new Directive makes a mandatory reference to the harmonised standards as they provide the methodology for measurements and testing procedures. For instance, the following harmonised standards must be used for the measurement of the

[link: List of EU harmonised standards](#)



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hull length (EN ISO 8666), the watercraft identification number (EN ISO 10087), the propulsion engine's test cycles (EN ISO 18854) and test fuels (EN ISO 18854), the measurement of propulsion engine's power (EN ISO 8665 in conjunction with ISO 15550).

The comparative table of the Appendix provides, for each essential requirement, the wording of the old Directive, the new wording (which in some cases did not change) and the corresponding harmonised standards which fully or partially cover the essential requirement.

A harmonised standard must match the relevant essential or other legal requirements of the Directive. A harmonised standard may contain specifications relating not only to essential requirements but dealing with other non-regulated issues. In such a case, these specifications are to be clearly distinguished from those covering the essential requirements. The relevant essential or other legal requirements aimed to be covered by the harmonised standard are usually indicated in a separate informative annex to a harmonised standard (often called 'Annex ZA'). A harmonised standard does not necessarily have to cover all essential requirements but it must be always clear which requirements are aimed-to-be-covered as otherwise a manufacturer complying with a harmonised standard, referenced in the OJEU does not know against which requirements a presumption-of-conformity will apply and public authorities do not know against which essential requirements they must accept a presumption of conformity.

Manufacturers must ensure that changes in product design or characteristics and changes in the harmonised standards by reference to which conformity of a product is declared are adequately taken into account (see Article 7.4 of the Directive).

4. Harmonised standards and presumption of conformity

Harmonised standards provide a presumption of conformity with



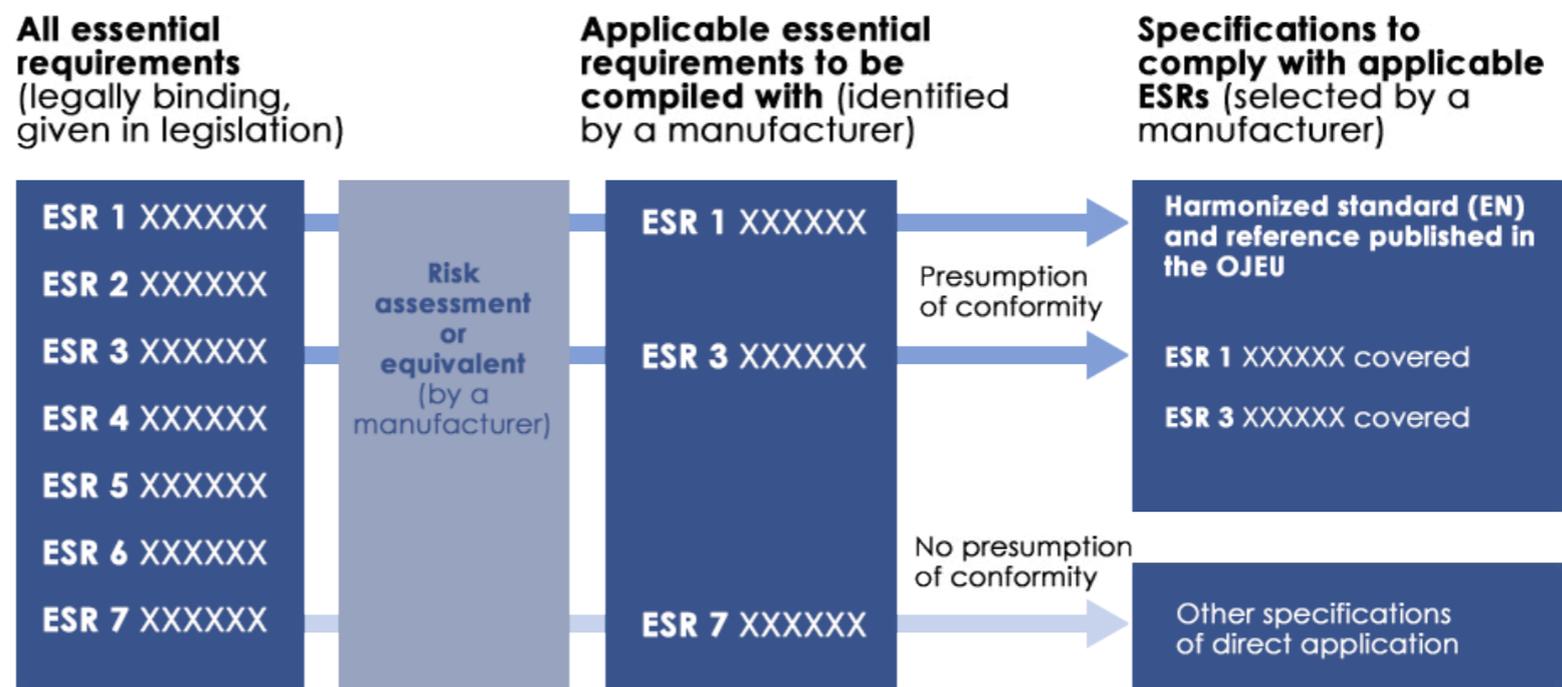


the essential requirements they aim to cover, as stated by Article 14 of the Directive. The relevant essential or other legal requirements aimed to be covered by the harmonised standard are usually indicated in a separate informative annex to a harmonised standard (usually called Annex ZA).

A clear distinction must be made between conformity-with-a-standard and presumption-of-conformity (when applying a harmonised standard). Conformity with a standard usually makes a reference to a situation where a standard is fully-applied. For instance this is the case of voluntary certification against a standard. For the purposes of presumption-of-conformity it is sufficient to apply only those provisions in the harmonised standard relating to the essential or other legal requirements aimed to be covered.

Harmonised standards never replace legally binding essential requirements. A specification given in a harmonised standard is not an alternative to a relevant essential or other legal requirements but only a possible technical means to comply with it. This means that a manufacturer always, even when using harmonised standards, remains fully responsible for assessing all the risks of his product in order to determine which essential (or other) requirements are applicable.

This picture illustrates the relationship between essential requirements, harmonised standards and presumption of conformity:



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Where harmonised standards fail to indicate clearly the essential requirements aimed to be covered, they may become less useful for manufacturers as there is less legal certainty on the real “scope of presumption of conformity”. An unclear or incorrect indication of the essential requirements aimed to be covered may also lead, in some cases, to formal objections against harmonised standards.

Occasionally standards may contain errors or offer different possible readings. If a manufacturer finds such an error or uncertainty, he should first make contact with his national standardisation body to seek for clarification.

5. Other ways to comply with the essential requirements

The application of harmonised standards is not the only means to demonstrate the conformity of a product – however only harmonised standards, after publication of references in the Official Journal of the EU (OJEU), may provide an automatic presumption of conformity against essential requirements covered by such standards.

The manufacturer can choose whether or not to apply and refer to harmonised standards. However, if the manufacturer chooses not to follow the harmonised standards, he has the obligation to demonstrate that his products are in conformity with essential requirements by the use of other means of his own choice that provide for at least an equivalent level of safety or protection. These can be technical specifications such as national standards, European or international standards which are not harmonised i.e. not published in the OJEU, rules of notified bodies or the manufacturer’s own specifications. In these cases the manufacturer does not benefit from the presumption of conformity, but has to demonstrate the conformity himself. This implies that he demonstrates, in the technical documentation of a relevant product, in a more detailed manner how the technical specifications he uses provide conformity with the essential requirements.

It is important to stress that the Directive does not, as a general rule, impose the use of harmonised standards except in few cases. Only essential requirements are legally binding and manufacturers may apply whatever standards and technical specifications – although only harmonised standards provide a presumption of conformity.

Furthermore, even if the manufacturer has not used harmonised standards, a change in the relevant harmonised standard could mean a change in the state of the art that implies that his product may not be compliant.

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Conformity assessment

The new EU Directive does not modify the applicable conformity assessment procedures for the evaluation of the watercraft and the propulsion engine.

Unlike the old Directive, the new Directive offers a differentiated choice of modules for the conformity assessment depending if the harmonised standards are used or not. Chapter IV (from Article 19 to 25) of the new Directive provides the details of the conformity assessment.

This section of the guide provides the following information:

1. Conformity assessment procedures
2. Overview of modules and procedures available
3. The technical documentation
4. The EU Declaration of Conformity
5. New responsibilities for notified bodies



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1. About conformity assessment procedures

Conformity assessment is the responsibility of the manufacturer, although the Directive provides for the involvement of a notified body in certain cases. It is the responsibility of the Member States to notify those third party conformity assessment bodies (known as 'notified bodies') within their jurisdiction that they consider technically competent to assess the compliance of products with the requirements of the Directive. With the new EU Directive, Member States will have to notify those bodies to the European Commission and the list of notified bodies is kept up to date on a public website.

As of 18 January 2016, products complying with and accompanied by new EC-type certificates drawn on the basis of the new EU Directive 2013/53/EU can be sold on the EU market. As of 18 January 2017, only products compliant with the new Directive and accompanied of new EC-type certificates will be accepted.

The only exemption to this rule concerns outboard spark ignition (petrol) engines with power equal or less than 15 kW which comply with the Stage I exhaust emission limits (i.e. the limits in place in the old Directive) and which are manufactured by small and medium-sized companies. These engines were granted a three-year additional time and can be placed on the EU market until 18 January 2020. From 18 January 2020 onwards, all engines will have to comply with the exhaust emission limits of the new Directive.

2. Overview of modules and procedures available

The manufacturer must apply the procedures set out in the modules referred to in Articles 20 (design and construction), 21 (engine exhaust emissions) and 22 (noise emissions) of the new Directive before placing the products on the market.

Where required by the Directive, the third-party conformity assessment can only be carried out by notified bodies as in-house accredited

[link: EU notified bodies](#)



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bodies are not allowed by the Directive. Article 24 also defines the supplementary requirements applying to the conformity assessment procedures.

The Post-Construction Assessment (PCA) procedure referred to in Article 23 and Annex V of the Directive must be applied in the following cases:

- By the importer or the distributor when he places a product on the market under his name or trademark, or modifies a product already placed on the market in such a way that compliance with the Directive's requirements may be affected
- By the private importer before putting into service the product, if the manufacturer has not carried out the conformity assessment
- By any person placing on the market or putting into service a propulsion engine or a watercraft after a major modification or conversion, or any person changing the intended purpose of a vessel so that it falls under the scope of the EU Directive
- By any person placing on the market a watercraft built for own use before the end of the 5-year period from putting into service

More about the PCA can be found in the "Special Cases" section.





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2.1 Modules for design and construction of recreational craft (boats)

Article 20.1 of the Directive allows the following procedures depending on the category and length of the recreational craft or boat.

More information about conformity assessment modules can be found in the Annex II of Decision No 768/2008/EC.

Design category	Length from 2.5m to less than 12m	Length from 12m to 24m
A and B	<u>Modules available:</u> A1 (internal production control + supervised product testing) B + C, D, E or F (EU type-examination) G (unit verification) H (full quality assurance)	<u>Modules available:</u> B + C, D, E or F (EU type-examination) G (unit verification) H (full quality assurance)
C	<u>Modules available:</u> A (internal production control) if using harmonised standard for stability A1 (internal production control + supervised product testing) B + C, D, E or F (EU type-examination) G (unit verification) H (full quality assurance)	
D	<u>Modules available:</u> A (internal production control) A1 (internal production control + supervised product testing) B + C, D, E or F (EU type-examination) G (unit verification) H (full quality assurance)	

2.2 Modules for design and construction of personal watercraft

Article 20.2 of the Directive allows the following procedures for personal watercraft:

Personal watercraft	<u>Modules available:</u> A (internal production control) A1 (internal production control + supervised product testing) B + C, D, E or F (EU type-examination) G (unit verification) H (full quality assurance)
----------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2.3 Modules for design and construction of components

Article 20.3 of the Directive allows the following procedures for components listed in the Annex II:

Components	<u>Modules available:</u> B + C, D, E or F (EU type-examination) G (unit verification) H (full quality assurance)
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2.4 Modules for engine's exhaust emissions

Article 21 of the Directive allows the following procedures for exhaust emissions of the propulsion engine:

Propulsion engine

Modules available if tests are conducted using the harmonised standard EN ISO 18854 (available as of early 2015)

- B + C, D, E or F (EU type-examination)
- G (unit verification)
- H (full quality assurance)

Modules available if tests are conducted without using the harmonised standard

- B + C1 (EU type-examination)
- G (unit verification)

2.5 Modules for noise emissions

Article 22.1 of the Directive allows the following procedures for noise emissions in the following cases:

Boats with:

- Sterndrive propulsion engines without integral exhausts
- Inboard propulsion engine
- Following major craft conversion

Modules available if tests are conducted using the harmonised standard for noise measurement EN ISO 14509

- A1 (internal production control + supervised product testing)
- G (unit verification)
- H (full quality assurance)

Module available if tests are conducted without using the harmonised standard for noise measurement EN ISO 14509

- G (unit verification)

Modules available if Froude number and power displacement ratio method is used:

- A (internal production control)
- G (unit verification)
- H (full quality assurance)

Article 22.2 of the Directive allows the following procedures for noise emissions in the following cases:

Personal watercraft

- Outboard propulsion engines
- Sterndrive propulsion engines with integral exhausts

Modules available if tests are conducted using the harmonised standard for noise measurement EN ISO 14509

- A1 (internal production control + supervised product testing)
- G (unit verification)
- H (full quality assurance)

Module available if tests are conducted without using the harmonised standard for noise measurement

- G (unit verification)

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3. Technical documentation

Article 25 of the Directive defines the requirements for the technical documentation. The manufacturer must draw up technical documentation containing all relevant data and details of the means used to demonstrate the conformity of the product to the applicable essential requirements listed in the Annex I. The technical documentation is intended to provide information on the design, construction, operation and assessment of conformity of the product. The contents of the technical documentation are laid down in Annex IX.

The technical documentation also contains the risk analysis carried out by the manufacturer. A manufacturer always, even when using harmonised standards, remains fully responsible for assessing all the risks of his product in order to determine which essential (or other) requirements are applicable. It is not necessary to draw up additional documentation if the risk analysis and related risk reduction measures are already specified in the harmonised standard that he has chosen to apply.

In the case where a product has been subject to re-designs and re-assessment of the conformity, the technical documentation must reflect all versions of the product; describing the changes made, how the various versions of the product can be identified and providing information on the various conformity assessments. This is to avoid situations where during the whole life of a product, a market surveillance authority is faced with previous versions of the product for which the version of the technical documentation it is presented with, is not applicable.

The technical documentation must be kept for 10 years from the date of placing the product on the market. This is the responsibility of the manufacturer or the authorised representative established within the Union. Since the concept of placing-on-the-market refers to each individual product, the time period needs to be calculated from the moment when the individual product that is covered by the technical documentation is placed on the market.





4. The EU Declaration of Conformity

The EU Declaration of Conformity is the document stating that the product satisfies the essential requirements of the Directive. By drawing up and signing the EU Declaration of Conformity, the manufacturer assumes responsibility for the compliance of the product. The written EU Declaration of Conformity must always accompany the watercraft (boat and personal watercraft), the components when placed on the market separately, and the propulsion engines (see Article 15 and Annex IV of the Directive). The EU Declaration of Conformity accompanies the owner's manual for watercraft and engines.

The Declaration must be translated into the languages of the countries where the product is made available or put into service. The Directive does not specify who has the obligation to translate. Logically, this should be the manufacturer or the economic operator making the product available.

By drawing up the EU Declaration of Conformity, the manufacturer, the private importer or the person adapting the engine (see Article 6) takes responsibility for the compliance of the product.

A single declaration of conformity is required whenever a product is covered by several pieces of Union harmonisation legislation requiring an EU Declaration of Conformity. The single declaration of conformity can be made up of a dossier containing all relevant individual declarations of conformity.

Annex IV defines the contents of the EU Declaration of Conformity:

- Name and address of the manufacturer, his authorised representative or the private importer. The authorised representative must also give the business name and address of the manufacturer.
- Object of the declaration: description of the product to allow its traceability, e.g. brand, type, model, serial number, picture if

[link: Template for EU Declaration of Conformity](#)



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- appropriate
- References to the relevant harmonised standards used. Alternatively, references to the other technical specifications on which conformity is based can be used.
 - Where applicable, the name, number and address of the notified body, which carried out the conformity assessment procedures (with a description of the intervention)
 - Where applicable, reference to the EC type-examination certificate issued by a notified body
 - Where appropriate, there should be references to any other EU Directives applied
 - Identification of the person empowered to sign on behalf of the manufacturer or his authorised representative established within the Union
 - Additional information is required when the propulsion engine is installed in the watercraft

Like the technical documentation, the copy of the EU Declaration of Conformity must be kept by the various economic operators for 10 years from the date of placing the product on the market. This is the responsibility of the manufacturer or his authorised representative established within the Union, the private importer or the person who modifies the engine. For imported products, the importer must take on this responsibility.

We recommend the use of this approved template for drawing up the EU Declaration of Conformity.

SPECIAL CASE: Partly completed watercraft

The new Directive applies to both partly completed recreational craft (boats) and partly completed personal watercraft as stated in Articles 2 and 6.2. Partly completed watercraft must be accompanied by a declaration as explained in Article 15.5 and Annex III of the Directive.

The Declaration must be translated into the languages of the countries where the partly completed craft is made available.



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The Declaration by the manufacturer or the importer should contain:

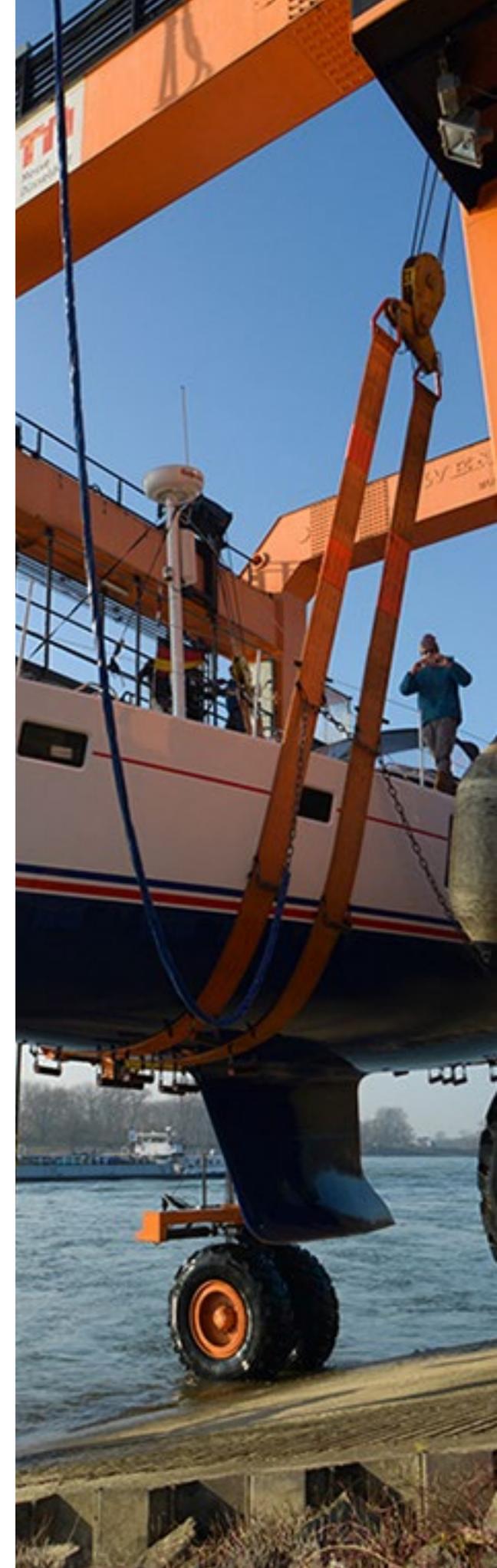
- The name and address of the manufacturer
- The name and address of the representative of the manufacturer or if appropriate of the person responsible for the placing on the market
- A description of the partly completed watercraft
- A statement that the partly completed watercraft complies with the essential requirements that apply at this stage of construction: this includes references to the relevant harmonised standards used, or references to the specifications in relation to which compliance is declared at this stage of construction
- A statement that the partly completed watercraft is intended to be completed by others in full compliance of this Directive

It is important to remember that a completed craft, whether by a professional or an amateur, must be CE marked before being put into service or placed on the market.

In some cases, boats can be delivered to the distributor with some parts (like consoles or tanks) to be assembled by the distributor according to the technical specifications provided by the manufacturer. In such case, the boat is considered CE marked by the manufacturer. A similar situation exists where the engine is considered CE marked once mounted and installed on board the watercraft according to the technical specifications established by the manufacturer.

5. New responsibilities for notified bodies

Chapter V of the Directive is a novelty and describes from Article 26 to 42 the notification of conformity assessment bodies. A notified-body is a body that performs one or several elements of conformity assessment, including one or several of the following activities: calibration, testing, certification and inspection. Notified bodies are conformity assessment bodies which have been officially designated by their national authority to carry out the



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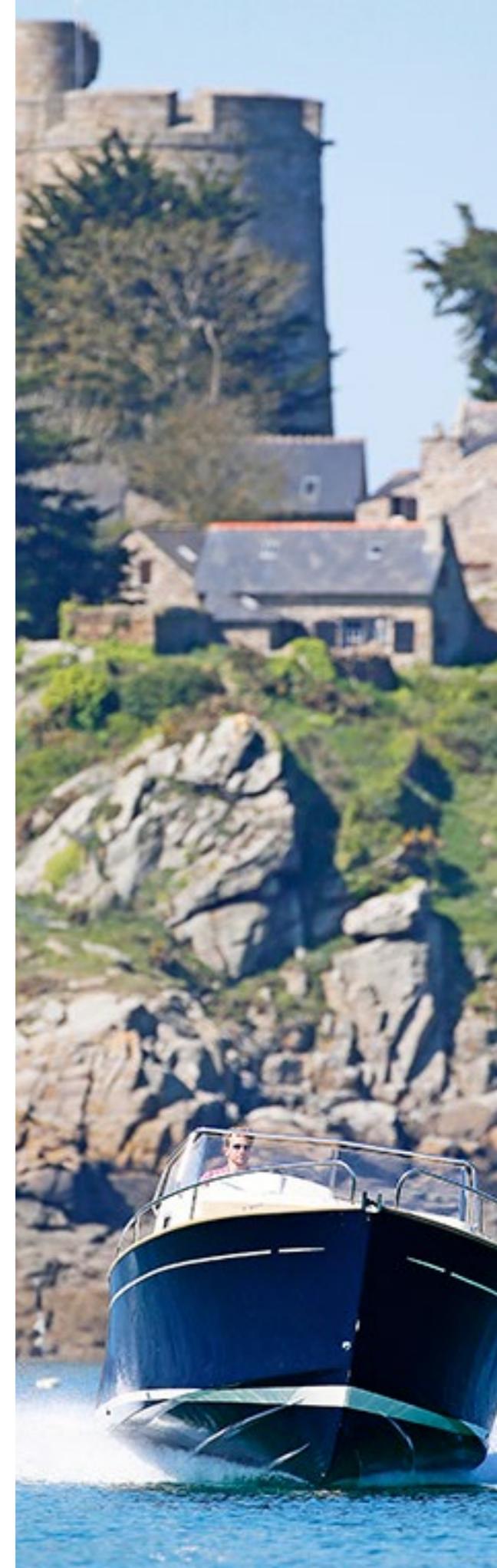
conformity assessment procedures under the EU Directive, when a third party is required. Notified bodies take responsibilities in areas of public interest and, therefore, must remain accountable to the competent national authorities.

As of 18 January 2016, only the notified bodies that have been accredited under the Directive 2013/53/EU will be able to deliver EC-type certificates under the new Directive. As of 18 January 2017, manufacturers and importers will be required to only use notified bodies that are accredited under the new Directive.

Notified bodies now have obligations and responsibilities that are extensively described in the new Directive under the Chapter V (Article 26 to Article 42). Notified bodies are free to offer their conformity assessment services, within their scope of notification, to any economic operator established either inside or outside the Union. They may carry out these activities also on the territory of other Member States or of third countries.

Notified bodies must provide relevant information to their notifying authority, the market surveillance authorities and other notified bodies. They must operate in a competent, non-discriminatory, transparent, neutral, independent and impartial manner. They must employ the necessary personnel, which has sufficient and relevant knowledge and experience to carry out conformity assessment in accordance with the Directive. They must make adequate arrangements to ensure confidentiality of the information obtained in the course of conformity assessment, and must be adequately insured to cover their professional activities, unless liability is assured under the national legislation of the notifying Member State. They may demonstrate their competence through accreditation, which is the preferred way to assess their technical competence.

[link: EU accredited notified bodies \(NANDO website\)](#)



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Strengthening the market surveillance in Europe

The most important change brought about by the New Legal Framework to the legislative environment of the EU was the introduction of a comprehensive policy on market surveillance. This has considerably changed the balance of EU legislative provisions from being fundamentally oriented at setting product related requirements (e.g. the essential safety and environmental requirements found in the Directive) to be met when products are placed on the market to an equal emphasis on enforcement aspects during the whole life-cycle of products. In short, it means that more checks and inspections will take place in the future.

Market surveillance in Europe consists in a series of procedures which are defined by the New Legal Framework and described under the Chapter VI of the Directive (Article 43 to 46). It starts when an initial event suggesting to market surveillance authorities that a product presents a risk to the health or safety of persons or to other aspects of public interests may trigger the need



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for closer scrutiny of the product. It may be an accident, the reception of complaints, ex officio initiatives of market surveillance authorities (including custom authorities' control of products entering the EU) as well as information from economic operators on products presenting a risk.

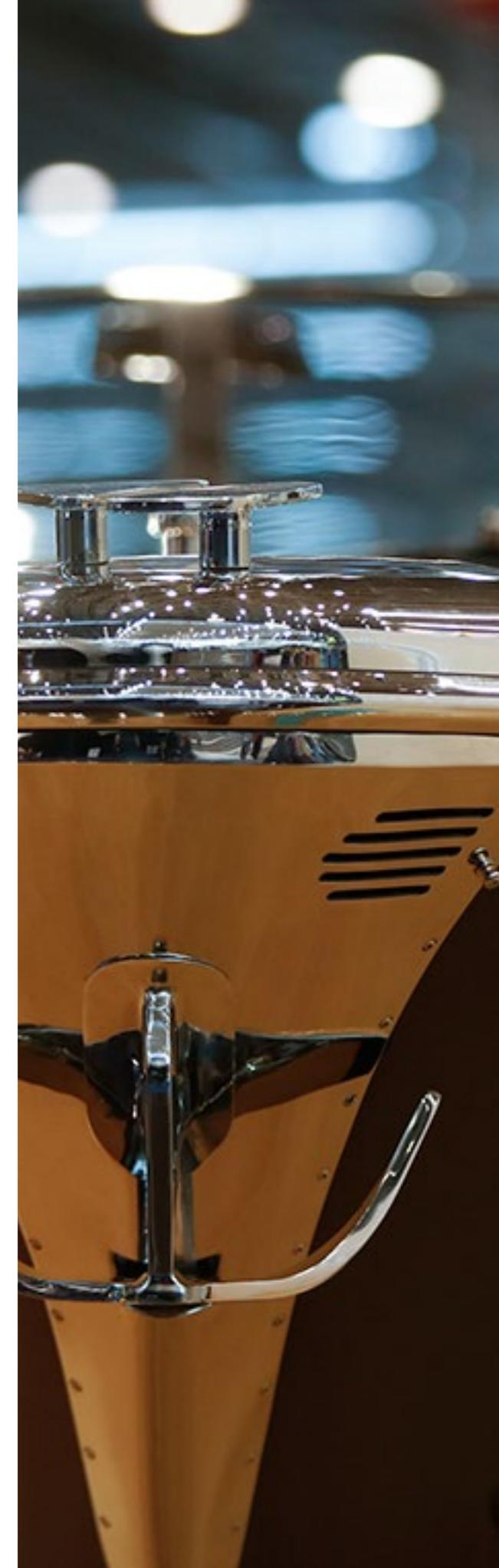
When there are sufficient reasons to believe that a product presents a risk, market surveillance authorities carry out an evaluation of compliance with the requirements of the EU Directive. They have to perform appropriate checks (both documentary and physical/laboratory checks, as necessary) on the characteristics of the products, duly taking into account the reports and conformity assessment certificates provided by the economic operators. Market surveillance authorities carry out a risk assessment in order to verify if products present a serious risk.

In case the risk is deemed to be 'serious', market surveillance authorities must adopt a rapid intervention as described in the EU law. If a product is liable to compromise the health or safety of persons, market surveillance authorities must request without delay to relevant economic operators to:

- a) Take corrective action (to bring the product into compliance with the applicable requirements laid down in the Directive) and/or;
- b) Withdraw the product and/or;
- c) Recall the product and/or;
- d) Stop or restrict supplying the product within a reasonable period.

The measures adopted by market surveillance authorities have to be proportionate and communicated to the relevant economic operator without delay. The market surveillance authorities must also consult the economic operator prior to the adoption of the measures and, if such consultation is not possible because of the urgency of the measures to be taken, the operator must be given the opportunity to be heard as soon as possible.

The market surveillance authorities must withdraw or amend the measures taken if the economic operator demonstrates that he has taken effective action.



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The economic operators must ensure that the corrective action is taken throughout the EU. The market surveillance authorities must also inform the relevant notified body (if any involved) on the decision taken. In case of serious risk requiring a rapid intervention, the market surveillance authority may adopt restrictive measures without waiting for the economic operator to take corrective action to bring the product into compliance.

In order to facilitate communication, the economic operators must provide all the information and documentation necessary to demonstrate the conformity of the product, in a language that can be easily understood by that authority. The idea is that the national authority might accept a language they understand and which is different from the national language(s). The language chosen is subject to negotiation with the authority and could be a third language, if accepted by the authority.



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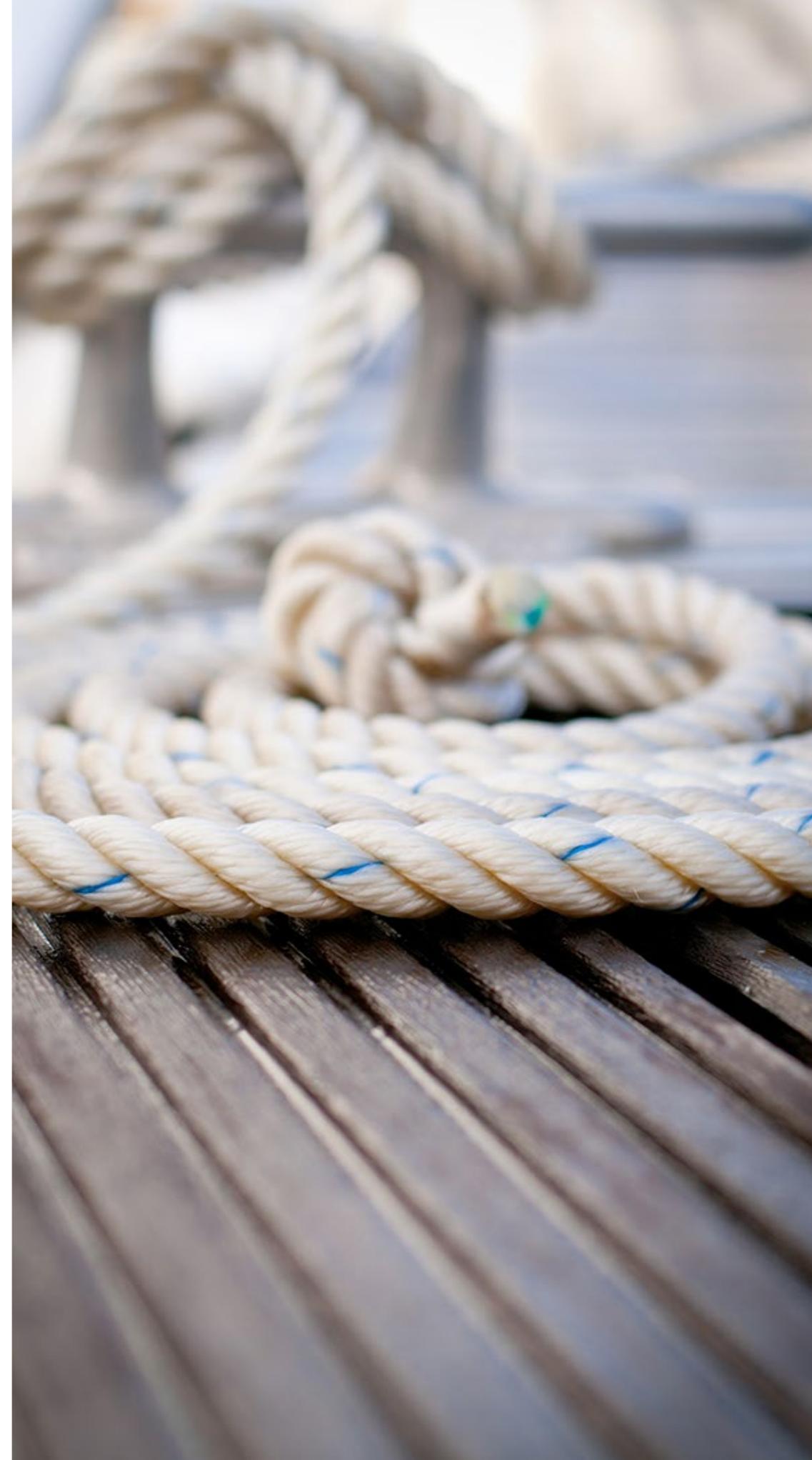
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Possible consequences of non-compliance

Failure to comply with the requirements of the Directive or to provide the relevant documentation to the customs and/or market surveillance authorities, should they request it, could result in the watercraft, the engine or the component being suspended from free circulation in the EU single market.

Most non-compliant products can be made to comply but there is a cost involved that will be at the owner's expense. A non-compliant boat or engine is not worth as much as a compliant one provided with full documentation and it will lose its resale value in the future. The insurance cover of both end users (private or professional ones) and economic operators may be invalid if it is found that the products in question were non-compliant.

Looking at second-hand products, it is unlikely that a used engine will be able to meet the current and future requirements. In 2006, stricter exhaust emission and noise limits were introduced. Exhaust emissions will be further reduced as of 2017. When considering the import of secondhand products from outside the EU, it is important to check that the engines do meet the current emission limits.



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Special cases

Although special cases are by definition 'special' and require a case-by-case approach, this section highlights the most frequent special cases as described in the EU Directive 2013/53/EU.

1. Importer or distributor selling under own name or trademark

Where the importer or the distributor places a product on the market under his name or trademark, or modifies a product already placed on the market in such a way that compliance with the Directive's requirements may be affected, he will be considered a manufacturer (Article 11) and will have to fulfill the manufacturer's obligations (Article 7).

A major modification or conversion requires that a Post-Construction Assessment (PCA) be carried out to guarantee the product's conformity (Article 19).

The Annex V of the Directive provides the details of the PCA. The importer or the distributor will issue the EU Declaration of Conformity.

2. Watercraft sold with its trailer

It may happen that the boat or the personal watercraft is offered for sale together with its trailer. In such case, it is important that both the watercraft and the trailer be compliant to the applicable EU legislation.

For the watercraft, this guide provides the necessary explanation. For the trailer, the manufacturer, importer and distributor should ensure it is compliant with the EU legislation in place before offering it for sale.



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3. Partly completed craft

The new Directive applies to both partly completed recreational craft (boats) and partly completed personal watercraft as stated in Articles 2 and 6.2. As explained in Article 15.5 and Annex III of the Directive, a declaration must accompany partly completed watercraft.

The Declaration must be translated into the languages of the countries where the partly completed craft is made available.

The Declaration by the manufacturer or the importer should contain the following:

- The name and address of the manufacturer
- The name and address of the representative of the manufacturer or if appropriate of the person responsible for the placing on the market
- A description of the partly completed watercraft
- A statement that the partly completed watercraft complies with the essential requirements that apply at this stage of construction: this includes references to the relevant harmonised standards used, or references to the specifications in relation to which compliance is declared at this stage of construction
- A statement that the partly completed watercraft is intended to be completed by others in full compliance of this Directive

It is important to remember that:

- A partly completed watercraft must not be CE marked since they are not completed and as such cannot meet all the essential requirements of the Directive;
- Once completed, whether by a professional or an amateur, the watercraft must be CE marked before being put into service or placed on the market.

You can find more information about the CE marking requirements in the "Legal Changes" section.

In some cases, boats can be delivered to the distributor with some parts (like consoles or tanks) to be assembled by the distributor according to the technical specifications provided by the manufacturer. In such case, the boat is considered CE marked by the manufacturer. A similar situation exists where the engine is considered CE marked once mounted and installed on board the watercraft according to the technical specifications established by the manufacturer.



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4. Craft built for own use

Watercraft built for own use are excluded from the scope of the Directive provided that they are not placed on the EU market within five years of first being put into service. The craft must also have been predominately built by its future user for his own use.



5. Exempted watercraft changing its intended purpose

Some types of watercraft are exempted from the Directive's requirements, like racing boats or fishing vessels. However, if an exempted watercraft changes its intended purpose in a way that it falls under the scope of this Directive, all of the requirements of this Directive are most likely to apply to it.

The circumstances surrounding each individual craft will determine whether or not it should be CE marked. If this is the case, Article 23 of the new Directive requires the watercraft undergo the post-construction assessment.



6. Major engine modification

The new Directive defines a major-engine-modification as the modification of the propulsion engine which could potentially cause the engine to exceed the exhaust emission limits set out in Part B of Annex I of the Directive or increase the rated power of the engine by more than 15%.

Any person placing on the market or putting into service a propulsion engine or a watercraft after a major modification or conversion, or any person changing the intended purpose of a vessel so that it falls under the scope of the EU Directive, must apply as well the post-construction assessment procedure referred to in Article 23.



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7. Major craft conversion

The new Directive defines a major-craft-conversion as the conversion of a watercraft (boat and personal watercraft), which changes the means of propulsion, involves a major engine modification, or alters the watercraft to such an extent that it may not meet the essential requirements of the Directive.

Any person placing on the market or putting into service a propulsion engine or a watercraft after a major modification or conversion, or any person changing the intended purpose of a vessel so that it falls under the scope of the EU Directive, must apply as well the post-construction assessment procedure referred to in Article 23.



8. Post construction assessment

Annex V of the Directive provides the details of the Post-Construction Assessment (PCA). This module is the procedure to assess the equivalent conformity of a product for which the manufacturer has not assumed the responsibility but also in certain cases defined by Article 11 and 19 of the Directive.

The PCA procedure must be applied in the following cases:

- By the importer or the distributor when he places a product on the market under his name or trademark, or modifies a product already placed on the market in such a way that compliance with the Directive's requirements may be affected (Article 11);
- By the private importer before putting into service the product, if the manufacturer has not carried out the conformity assessment (Article 19);
- By any person placing on the market or putting into service a propulsion engine or a watercraft after a major modification or conversion, or any person changing the intended purpose of a vessel so that it falls under the scope of the EU Directive (Article 19);
- By any person placing on the market a watercraft built for own use before the end of the 5-year period from putting into service (Article 19).

If the watercraft was not designed and built for the EU market, for instance second-hand imported boats or personal watercraft, it will have to individually undergo a Post Construction Assessment (PCA) with a notified body to establish whether it meets the Directive's requirements.

During this process, the Craft Identification Number (CIN) will be affixed by the notified body, under his responsibility. Also, the builder's plate will contain the words 'Post-Construction Assessment' and the contact details of the notified body which has carried out the conformity assessment procedure will be mentioned instead of the manufacturer's details.

The private importer must ensure that the name and address of the notified body which has carried out the PCA of the product is marked on the product itself.

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EU Directive on recreational craft and personal watercraft

The text of the EU Directive 2013/53/EU is available in English in the [Appendix](#). It is also available in all [EU languages](#) on this website.

Comparative table for essential requirements

For each essential requirement, the [comparative table](#) provides you with the text from the “old” Directive 94/25/EC, the “new” Directive 2013/53/EU and the corresponding harmonised standard if you want to benefit from the presumption of conformity.

Harmonised standards

Many of the essential requirements contained in the Directive can be fulfilled by applying the relevant harmonised standards. The comparative table allows you to easily check for each essential requirement, the old text, the new wording and the corresponding harmonised standard.



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In order to support the use of harmonised standards, European Boating Industry and the French Federation of Nautical Industries (FIN – Fédération des industries nautiques) propose the CD-Rom containing all EN ISO standards used in boatbuilding under the EU Directive 2013/53/EU at an attractively low price. [You can order it now online here.](#)

The national competent authorities

Each Member State covered by the Directive, i.e. the 28 EU Member States, the EEA States (Iceland, Liechtenstein, Norway) and Switzerland has to appoint a competent authority for the implementation of the Directive into national legislation and for the market surveillance.

[List of national competent authorities](#)

Notified bodies for conformity assessment

Under the Directive, Member States are responsible for designating conformity assessment bodies that can carry out the procedures outlined in the Directive. These organisations are called 'notified bodies'. You can find the list of notified bodies on the [NANDO website](#).

The New Legal Framework

There is more information available on the [New Legal Framework](#) and the implementation of EU product rules, such as the New Legal Framework legislation and the ["Blue Guide"](#) (available in English only).

General product safety Directive

The [EU Directive 2001/95/EC on general product safety \(GPSD\)](#) is intended to ensure a high level of product safety throughout the EU for consumer products that are not covered by sector-specific EU harmonisation legislation like the EU Directive on watercraft. The GPSD also complements the provisions of sector legislation in some aspects. The key provision of the GPSD is that producers are obliged to place on the market only products which are safe for consumers. The GPSD has set up the [rapid alert system, RAPEX](#), between Member States and the Commission.



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Consumer rights Directive

Since 13 June 2014, the new EU Consumer Rights Directive 2011/83/EC entered into force, strengthening the position of over 500 million customers on the continent, whether they shop online or at boat shows. These rules cover domestic and cross-border trade, combat unfair practices and give consumers the right to cancel the purchases they made online or which they have made on the high street. The new Directive gives consumers the same rights across the EU, while striking the right balance between consumer protection and business competitiveness.

A [consumer rights campaign](#) is available on YouTube. You can read more and find the [Directive](#) here.

Legislation on product liability

It is worth noting that the concept of 'manufacturer' in the EU Directive on watercraft is different from that under the [Directive on consumer product liability 85/374/EEC](#). In the latter case, the concept of 'producer' covers more and different persons than the concept of 'manufacturer' under the New Legislative Framework. Liability, the responsibility to pay for damages, is placed on the producer.

A producer is either a manufacturer of a finished product or a component part of a finished product, producer of any raw material, or any person who presents himself as a manufacturer (for example by affixing a trademark). Importers placing products on the Union market from third countries are all considered to be producers under the Directive on product liability.

If the producer cannot be identified, each supplier of the product becomes liable, unless he informs the injured person within a reasonable time of the identity of the producer, or of the person who supplied him with the product. When several persons are liable for the same damage, they are all jointly and severally liable.



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European Boating Industry represents the leisure marine industry at EU level. It covers all sectors relating to boating and watersports, including boatbuilders, equipment manufacturers, infrastructure builders and operators, and service providers. For more information about our work, please visit www.europeanboatingindustry.eu or contact us directly.

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The International Council of Marine Industry Associations

(ICOMIA) is the international trade association representing the global marine industry since 1966. With the help of its members throughout the world ICOMIA acts internationally on behalf of the recreational marine industry. Further details regarding the work that is undertaken by various committees within ICOMIA can be found on www.icomia.com.

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This guide is intended to contribute to a better understanding of the new EU rules on watercraft, engines and components. It applies to the 28 EU Member States but also to Iceland, Liechtenstein and Norway as signatories of the Agreement on the European Economic Area (EEA), as well as Switzerland. Some special cases are described at the end of the guide. However, it is recommended that you refer the individual special cases to the Member State competent authorities.

This guide is intended purely as a guidance document – only the text of the European Union Directive itself has legal force and the guide will point you at the relevant Articles and Annexes of the Directive. The binding interpretation of EU legislation is the exclusive competence of the Court of Justice of the European Union. Neither European Boating Industry nor ICOMIA is responsible for the use which might be made of the following information.

As this guide reflects the state of the art at the time of its drafting, the guidance offered may be subject to later modification.

Appendix I: EU Directive

[link to appendix II: Comparative Table](#)

L 354/90
Official Journal of the European Union
28.12.2013 EN

DIRECTIVE 2013/53/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 November 2013 on recreational craft and personal watercraft and repealing
Directive 94/25/EC (Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 114 thereof, Having regard to the proposal from the European Commission, After
transmission of the draft legislative act to the national parliaments, Having regard to the
opinion of the European Economic and Social Committee ⁽¹⁾, Acting in accordance with
the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) 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 ⁽³⁾ was adopted in the context of establishing the internal market in order to harmonise safety characteristics of recreational craft in all Member States and to remove obstacles to trade in recreational craft between Member States.

(2) Originally, Directive 94/25/EC covered only recreational craft of a minimum hull length of 2,5 m and a maximum length of 24 m. Directive 2003/44/EC of the Council and the European Parliament of 16 June 2003 amending Directive 94/25/EC ⁽⁴⁾ extended the scope of Directive 94/25/EC to include personal watercraft, and integrated environmental protection requirements into the amended Directive by adopting exhaust emission limits (CO, HC, NO_x and particulates) and noise limits levels for propulsion engines, for both compression-ignition engines and spark-ignition engines.

(3) Directive 94/25/EC is based on the New Approach principles, as set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards ⁽⁵⁾. Thus, it sets out only the essential requirements applying to recreational craft, whereas technical details are adopted by the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) in accordance with 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⁾. Conformity with the harmonised standards so set, the reference numbers of which are published in the Official Journal of the European Union, provides a presumption of conformity with the requirements of Directive 94/25/EC. Experience has shown that those basic principles have worked well in this sector and should be maintained and even further promoted.

(4) Technological developments in the market have, however, raised new issues with respect to the environmental requirements of Directive 94/25/EC. In order to take account of those developments and to provide clarification in relation to the framework within which products covered by this Directive may be marketed, certain aspects of Directive 94/25/EC should be revised and enhanced and, in the interests of clarity, that Directive should be repealed and replaced by this Directive.

(5) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating

to the marketing of products ⁽⁷⁾ lays down horizontal provisions on the accreditation of conformity assessment bodies, on the CE marking and on the Union market surveillance framework for, and controls of, products entering the Union market which also apply to products covered by this Directive.

(6) Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products ⁽⁸⁾ provides common principles and reference provisions for the purposes of legislation based on the New Approach principles. In order to ensure consistency with other sectoral product legislation, it is appropriate to align certain provisions of this Directive to that Decision, in so far as sectoral specificities do not require a different solution. Therefore, certain definitions, the general obligations of economic operators, the presumption of conformity, rules on CE marking, requirements for conformity assessment bodies and notification procedures and the provisions concerning procedures dealing with products presenting a risk should be aligned to that Decision. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation ⁽⁹⁾ provides for a procedure for objections to harmonised standards where those standards do not entirely satisfy the requirements of this Directive.

(7) In order to facilitate the understanding and uniform application of this Directive by economic operators and national authorities, the scope and definitions of Directive 94/25/EC should be clarified. In particular, it should be clarified that amphibious vehicles are excluded from the scope of this Directive. It is also necessary to specify what kind of canoes and kayaks are excluded from the scope of this Directive and to clarify that only personal watercraft intended for sports and leisure are covered by this Directive.

(8) It is also appropriate to provide definitions of 'watercraft built for own use', of 'hull length' 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 current definition of 'propulsion engine' to also cover innovative propulsion solutions.

(9) The products covered by this Directive that are placed on the Union market or put into service should comply with the relevant legislation of the Union, and economic operators should be responsible for the compliance of products, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of public interests, such as health and safety and the protection of consumers and of the environment, and to guarantee fair competition on the Union market.

(10) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that products covered by this Directive do not endanger the health and safety of persons, property or the environment when correctly constructed and maintained and that they make available on the market only products which comply with the relevant legislation of the Union. This Directive should provide a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution chain.

(11) As certain tasks can be executed only by the manufacturer, it is necessary to distinguish clearly between the manufacturer and operators further down the distribution chain. It is also necessary to distinguish clearly between the importer and the distributor, as the importer introduces products from third countries to the Union market. The importer should thus make sure that those products comply with the applicable Union requirements.

(12) The manufacturer, having detailed knowledge of the design and production

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process, is best placed to carry out the complete conformity assessment procedure. Conformity assessment should therefore remain the obligation of the manufacturer alone.

(13) It is necessary to ensure that products covered by this Directive entering the Union market from third countries comply with all applicable Union requirements, and in particular that appropriate assessment procedures have been carried out by manufacturers with regard to those products. Provision should therefore be made for importers to make sure that the products they place on the market comply with the applicable requirements and that they do not place on the market products which do not comply with such requirements or which present a risk. For the same reason, provision should also be made for importers to make sure that conformity assessment procedures have been carried out and that the CE marking and documentation drawn up by manufacturers are available for inspection by the supervisory authorities.

(14) Where the distributor makes a product covered by this Directive available on the market after it has been placed on the market by the manufacturer or the importer, it should act with due care to ensure that its handling of the product does not adversely affect its compliance. Both importers and distributors are expected to act with due care in relation to the requirements applicable when placing or making products available on the market.

(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.

(16) Any economic operator that either places a product on the market under its own name or trademark or modifies a product in such a way that compliance with the applicable requirements may be affected should be considered to be the manufacturer and should assume the obligations of the manufacturer.

(17) Distributors and importers, being close to the marketplace, should be involved in market surveillance tasks carried out by competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the product concerned.

(18) The import of recreational craft and personal watercraft from third countries to the Union by natural or legal persons established within the Union is a specific feature of this sector. However, Directive 94/25/EC contains a small number of provisions which apply or could be deemed as applying to private importers as regards performing the conformity assessment (post-construction assessment). Therefore, there is a need to clarify the other obligations of private importers which should be in principle harmonised with those of manufacturers, with some exceptions related to the non-commercial nature of their activities.

(19) Ensuring the traceability of a product throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who made non-compliant products available on the market.

(20) For reasons of clarity and consistency with other New Approach Directives, it is necessary to specify explicitly that products covered by this Directive may be placed on the market or put into service only if they meet the general requirement not to endanger the health and safety of persons, property or the environment, and only if they meet the essential requirements set out in this Directive.

(21) For engines adapted for marine use as propulsion engines, where the source engine is already type-approved in accordance with Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road

mobile machinery⁽¹⁰⁾, or Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (euro VI) and on access to vehicle repair and main tenance information⁽¹¹⁾, persons adapting engines should be able to rely on the proof of conformity issued by the original engine manufacturer where those adaptations have not altered the exhaust emission characteristics.

(22) Options for further reducing the exhaust emission limits of recreational marine engines have been assessed in the report on the possibilities of further improving the environmental characteristics of recreational craft engines, submitted pursuant to Article 2 of Directive 2003/44/EC. That report concluded that it is appropriate to set stricter limits than those set out in Directive 2003/44/EC. The limits should be set at a level that reflects the technical development of cleaner marine engine technologies and that allows progress towards the harmonisation of exhaust emission limits worldwide. The CO-limits, however, should be raised in order to allow the significant decrease of other air pollutants to reflect technological feasibility and to achieve the fastest possible implementation while ensuring that the socioeconomic impact on this economic sector is acceptable.

(23) Depending on the fuel and power category, the test cycles for engines in marine applications described in the relevant harmonised standard should be used, and until they are available, those described in the relevant ISO standard, taking into account the values fixed in Annex I, Part B, point 2.3. Test cycles should be developed for all combustion engines which are part of the propulsion system, including hybrid power installations.

(24) The test fuels used to assess the conformity of craft with the exhaust emission limits should reflect the composition of the fuels used in the relevant market and therefore the European test fuels should be used in the type approval in the Union. However, since manufacturers from third countries may not have access to European reference fuels, it is necessary to allow approval authorities to accept that engines be tested with other reference fuels. The choice of reference fuels should however be limited to those specifications set out in the relevant ISO standard in order to ensure quality and comparability of test results.

(25) In order to contribute to the protection of the marine environment, it is appropriate to adopt a requirement imposing mandatory installation of holding tanks to watercraft fitted with toilets.

(26) Accident statistics show that the risk of inversion of habitable multihull recreational craft is low. In spite of this low risk, it is appropriate to consider that there is a risk of inversion of habitable multihull recreational craft and, if susceptible to such inversion, they should remain afloat in the inverted position and escape should be practicable.

(27) 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, including from noise pollution, 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 objectives to be achieved.

(28) The CE marking, indicating the conformity of a product, is the visible consequence of a whole process comprising conformity assessment in a broad sense. The general principles governing the CE marking are set out in Regulation (EC) No 765/2008. Rules governing the affixing of the CE marking to watercraft, components and propulsion engines should be laid down in this Directive. It is appropriate to enlarge the obligation to affix the CE marking also to all inboard engines and stern drive engines without integral exhaust which are regarded as meeting the essential requirements set out in this Directive.

(29) It is crucial to make clear to manufacturers, private importers and users that by

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affixing the CE marking to the product, the manufacturer declares that the product is in conformity with all applicable requirements and takes full responsibility thereof.

(30) The CE marking should be the only marking of conformity indicating that the product covered by this Directive is in conformity with Union harmonisation legislation. However, other markings should be allowed as long as they contribute to the improvement of consumer protection and are not covered by Union harmonisation legislation.

(31) In order to ensure compliance with the essential requirements, it is necessary to lay down appropriate conformity assessment procedures to be followed by the manufacturer. Those procedures should be set by reference to conformity assessment modules laid down in Decision No 768/2008/EC. Those procedures should be devised in the light of the level of the risk which may be inherent in the watercraft, engines and components. Therefore each category of conformity should be supplemented by an appropriate procedure or a choice between several equivalent procedures.

(32) Experience has shown that it is appropriate to allow a wider range of conformity assessment modules for components. As regards conformity assessment of exhaust emission and noise emission requirements, a distinction should be made between the cases where the harmonised standards have been used and where they have not, since in the latter cases, it is justified to require a more stringent conformity assessment procedure. Furthermore, the possibility of using the reference boat data for noise emissions testing should be suppressed as superfluous, since it has not been used in practice.

(33) In order to provide clear information about the acceptable operating environment of watercraft, the titles of the watercraft design categories should only be based on the essential environmental conditions for navigation, namely wind force and significant wave height. Four design categories, A, B, C and D, specify ranges of wind force and of significant wave height for the purpose of design with explanatory notes.

(34) Directive 94/25/EC contains rules on the post-construction assessment of recreational craft carried out by any natural or legal person established within the Union who places the product on the market or puts it into service in cases where the manufacturer does not fulfil the responsibilities for the product's conformity with the Directive. For consistency, it is appropriate to extend the scope of post-construction assessment to cover not only recreational craft but also personal watercraft. For the purpose of clarity, it should be specified in which situations post-construction assessment may be used. Furthermore, as regards import, its use should be restricted to cases of non-commercial import by private importers to prevent abuse of post-construction assessment for commercial purposes. There is also a need to widen the obligation of the person asking for the post-construction assessment to provide documents to the notified body in order to ensure a reliable assessment of the conformity of the product by the notified body.

(35) Since it is necessary to ensure a uniformly high level of performance of bodies performing conformity assessment of products covered by this Directive throughout the Union, and since all such bodies should perform their functions at the same level and under conditions of fair competition, obligatory requirements should be set for conformity assessment bodies wishing to be notified in order to provide conformity assessment services under this Directive.

(36) In order to ensure a consistent level of quality in the performance of conformity assessment of products covered by this Directive, it is necessary not only to consolidate the requirements that conformity assessment bodies wishing to be notified must fulfill, but also, in parallel, to set requirements that notifying authorities and other bodies involved in the assessment, notification and monitoring of notified bodies must fulfill.

(37) Regulation (EC) No 765/2008 complements and strengthens the existing framework for the market surveillance of products covered by Union harmonisation

legislation, including products covered by this Directive. Member States should therefore organise and carry out market surveillance of those products in accordance with that Regulation, and where applicable, in accordance with Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹²⁾.

(38) In order to increase transparency and to reduce processing time, it is necessary to improve the existing safeguard procedure allowing the Commission to examine the justification for a measure taken by a Member State against products it considers to be non-compliant, with the aim of making it more efficient and of drawing on expertise available in the Member States.

(39) The existing system should be complemented by a procedure allowing interested parties to be informed of measures taken with regard to products covered by this Directive presenting a risk to the health and safety of persons or to other aspects of public interest protection. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such products.

(40) Where Member States and the Commission agree as to the justification for a measure taken by a Member State, no further involvement of the Commission should be required.

(41) 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 points 2.3, 2.4 and 2.5 as well as Section 3 of Part B and Section 3 of Part C of Annex I, and Annexes V, VII and IX. In the future, this will allow the Commission to include test cycles for hybrid engines and to introduce biofuel blended test fuels in the table of test fuels once those test fuels have been internationally accepted. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(42) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽¹³⁾.

(43) The advisory procedure should be used for the adoption of implementing acts requesting the notifying Member State to take the necessary corrective measures in respect of notified bodies that do not meet or no longer meet the requirements for their notification.

(44) The examination procedure should be used for the adoption of implementing acts ensuring that this Directive is applied in a uniform manner, in particular as regards the supplementary provisions set out in Article 24 on conformity assessment procedures, and as regards the requirements on the watercraft design categories, watercraft identification, builder's plate, owner's manual, gas system, discharge prevention, reporting questionnaire and navigation lights.

(45) The Commission should, by means of implementing acts and, given their special nature, acting without the application of Regulation (EU) No 182/2011, determine whether measures taken by Member States in respect of a product presenting a risk to the health or safety of persons, to property or to the environment are justified.

(46) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to conformity assessment, watercraft design categories, navigation lights, discharge prevention and gas appliances which present a risk to

the health or safety of persons, property or to the environment, imperative grounds of urgency so require.

(47) In line with established practice, the committee set up by this Directive can play a useful role in examining matters concerning the application of this Directive raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.

(48) In order to enforce the monitoring and the efficiency of this Directive, Member States should complete a questionnaire on the application of this Directive. The Commission should then draw up and publish a report on the application of this Directive.

(49) 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.

(50) In order to allow manufacturers and other economic operators sufficient time to adapt to the requirements laid down by this Directive, it is necessary to provide for a sufficient transitional period after the entry into force of this Directive during which products which comply with Directive 94/25/EC may still be placed on the market.

(51) In order to facilitate the application of this Directive by small and medium-sized manufacturers of outboard spark-ignition propulsion engines with power equal to or less than 15 kW and to allow them to adapt to the new requirements, it is appropriate to provide for a specific transitional period for those manufacturers.

(52) Since the objective of this Directive, namely to ensure a high level of protection of human health and safety and protection of environment whilst guaranteeing the functioning of the internal market by setting harmonised requirements for products covered by this Directive and minimum requirements for market surveillance, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(53) Directive 94/25/EC should therefore be repealed,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Directive lays down requirements for the design and manufacture of products referred to in Article 2(1) and rules on their free movement in the Union.

Article 2

Scope

1. This Directive shall apply to the following products:

(a) recreational craft and partly completed recreational craft;

(b) personal watercraft and partly completed personal water craft;

(c) components listed in Annex II when placed on the Union market separately, hereinafter referred to as 'components';

(d) propulsion engines which are installed or specifically intended for installation on or in watercraft;

(e) propulsion engines installed on or in watercraft that are subject to a major engine modification;

(f) watercraft that are subject to major craft conversion.

2. This Directive shall not apply to the following products:

(a) with regard to the design and construction requirements set out in Part A of Annex I:

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

(ii) canoes and kayaks designed to be propelled solely by human power, gondolas and pedalos;

(iii) surfboards designed solely to be propelled by wind and to be operated by a person or persons standing;

(iv) surfboards;

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

(vi) experimental watercraft, provided that they are not placed on the Union market;

(vii) watercraft built for own use, provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft;

(viii) watercraft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3, regardless of the number of passengers;

(ix) submersibles;

(x) air cushion vehicles;

(xi) hydrofoils;

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

(xiii) amphibious vehicles, i.e. wheeled or track-laying motor vehicles, which are able to operate both on water and on solid land;

(b) with regard to exhaust emission requirements set out in Part B of Annex I:

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

- watercraft intended solely for racing and labelled as such by the manufacturer;
- experimental watercraft, provided that they are not placed on the Union market;
- watercraft specifically intended to be crewed and to carry passengers for

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commercial purposes, without prejudice to paragraph 3, regardless of the number of passengers;

- submersibles;
- air cushion vehicles;
- hydrofoils;
- amphibious vehicles, i.e. wheeled or track-laying motor vehicles, which are able to operate both on water and on solid land;

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

(iii) propulsion engines built for own use provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft;

(c) with regard to noise emission requirements referred to in Part C of Annex I:

(i) all watercraft referred to in point (b);

(ii) watercraft built for own use, provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft.

3. The fact that the same water craft could also be used for charter or for sports and leisure training shall not prevent it being covered by this Directive when it is placed on the Union market for recreational purposes.

Article 3

Definitions

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

- (1) 'watercraft' means any recreational craft or personal water craft;
- (2) 'recreational craft' means any watercraft of any type, excluding personal watercraft, intended for sports and leisure purposes of hull length from 2,5 m to 24 m, regardless of the means of propulsion;
- (3) 'personal watercraft' means a watercraft intended for sports and leisure purposes of less than 4 m in hull length which uses a propulsion 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;
- (4) 'watercraft built for own use' means a watercraft predominantly built by its future user for his own use;
- (5) 'propulsion engine' means any spark or compression ignition, internal combustion engine used directly or indirectly for propulsion purposes;
- (6) 'major engine modification' means the modification of a propulsion engine which could potentially cause the engine to exceed the emission limits set out in Part B of Annex I or increases the rated power of the engine by more than 15 %;
- (7) 'major craft conversion' means a conversion of a watercraft which changes the means of propulsion of the watercraft, involves a major engine modification, or alters the watercraft to such an extent that it may not meet the applicable essential safety and environmental requirements laid down in this Directive;
- (8) 'means of propulsion' means the method by which the watercraft is propelled;

(9) 'engine family' means the manufacturer's grouping of engines which, through their design, have similar exhaust or noise emission characteristics;

(10) 'hull length' means the length of the hull measured in accordance with the harmonised standard;

(11) 'making available on the market' means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

(12) 'placing on the market' means the first making available of a product on the Union market;

(13) 'putting into service' means the first use of a product covered by this Directive in the Union by its end-user;

(14) 'manufacturer' means any natural or legal person who manufactures a product or has such a product designed or manufactured, and markets that product under his name or trademark;

(15) 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from the manufacturer to act on his behalf in relation to specified tasks;

(16) 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;

(17) 'private importer' means any natural or legal person established within the Union who imports in the course of a non-commercial activity a product from a third country into the Union with the intention of putting it into service for his own use;

(18) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;

(19) 'economic operators' means the manufacturer, the authorised representative, the importer and the distributor;

(20) 'harmonised standard' means harmonised standard as defined in point (c) of Article 2(1) of Regulation (EU) No 1025/2012;

(21) 'accreditation' means accreditation as defined in point 10 of Article 2 of Regulation (EC) No 765/2008;

(22) 'national accreditation body' means national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008;

(23) 'conformity assessment' means the process demonstrating whether the requirements of this Directive relating to a product have been fulfilled;

(24) 'conformity assessment body' means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

(25) 'recall' means any measure aimed at achieving the return of a product that has already been made available to the end-user;

(26) 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;

(27) 'market surveillance' means the activities carried out and measures taken by public authorities to ensure that products comply with the applicable requirements set out in Union harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection;

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(28) 'CE marking' means a marking by which the manufacturer indicates that the product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;

(29) 'Union harmonisation legislation' means any Union legislation harmonising the conditions for the marketing of products.

Article 4

Essential requirements

1. The products referred to in Article 2 (1) may be made available or put into service only if they do not endanger the health and safety of persons, property or the environment when correctly maintained and used in accordance with their intended purpose, and only on the condition that they meet the applicable essential requirements set out in Annex I.

2. Member States shall ensure that the products referred to in Article 2 (1) are not made available on the market or put into service unless they comply with the requirements of paragraph 1.

Article 5

National provisions concerning navigation

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 and that those provisions are justified and proportionate.

Article 6

Free movement

1. Member States shall not impede the making available on the market or, without prejudice to Article 5, the putting into service in their territory of watercraft complying with this Directive.

2. Member States shall not impede the making available on the market of partly-completed watercraft where the manufacturer or the importer declares, in accordance with Annex III, that they are intended to be completed by others.

3. Member States shall not impede the making available on the market or putting into service of components complying with this Directive which are intended to be incorporated into watercraft, in accordance with the declaration of the manufacturer or the importer, as referred to in Article 15.

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

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

(b) engines installed in watercraft and type-approved in accordance with Directive 97/68/EC which are in compliance with stage III A, stage III B or stage IV emission limits for CI engines used in other applications than propulsion of inland waterway vessels, locomotives and railcars, as provided for in point 4.1.2. of Annex I to that Directive, complying with this Directive, with the exclusion of the exhaust emission requirements set out in Part B of Annex I;

(c) engines installed in watercraft and type-approved in accordance with Regulation (EC) No 595/2009, complying with this Directive, with the exclusion of the exhaust emission requirements set out in Part B of Annex I.

Points (b) and (c) of the first subparagraph shall apply subject to the condition that where an engine is adapted for installation in a watercraft, the person undertaking the adaptation shall ensure that full account is taken of the data and other information available from the engine manufacturer in order to ensure that, when installed in accordance with the installation instructions provided by the person adapting the engine, that engine will continue to meet the exhaust emission requirements of either Directive 97/68/EC or of Regulation (EC) No 595/2009, as declared by the engine manufacturer. The person adapting the engine shall declare, as referred to in Article 15, that the engine will continue to meet the exhaust emission requirements of either Directive 97/68/EC or of Regulation (EC) No 595/2009, as declared by the engine manufacturer, when installed in accordance with the installation instructions supplied by the person adapting the engine.

5. At trade fairs, exhibitions, demonstrations and other similar events Member States shall not impede the showing of products referred to in Article 2(1) which do not comply with this Directive, provided that a visible sign clearly indicates that such products do not comply with this Directive and will not be made available or put into service in the Union until they have been made to comply.

CHAPTER II

OBLIGATIONS OF ECONOMIC OPERATORS AND PRIVATE IMPORTERS

Article 7

Obligations of manufacturers

1. When placing their products on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the requirements set out in Article 4(1) and Annex I.

2. Manufacturers shall draw up the technical documentation in accordance with Article 25 and carry out the conformity assessment procedure applicable or have it carried out in accordance with Articles 19 to 22 and Article 24.

Where compliance of a product with the applicable requirements has been demonstrated by that procedure, manufacturers shall draw up a declaration, as referred to in Article 15 and mark and affix the CE marking, as set out in Articles 17 and 18.

3. Manufacturers shall keep the technical documentation and a copy of the declaration, as referred to in Article 15, for 10 years after the product has been placed on the market.

4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity. Changes in product design or characteristics and changes in the harmonised standards by reference to which conformity of a product is declared shall be adequately taken into account.

When deemed appropriate with regard to the risks presented by a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

5. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of

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the components does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address shall indicate a single point at which the manufacturer can be contacted.

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

8. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in conformity with this Directive shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

9. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market.

Article 8

Authorised representatives

1. A manufacturer may, by a written mandate, appoint an authorised representative.
2. The obligations laid down in Article 7(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate.
3. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:
 - (a) keep a copy of the declaration, as referred to in Article 15, and the technical documentation at the disposal of national surveillance authorities for 10 years after the product has been placed on the market;
 - (b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product;
 - (c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by products covered by their mandate.

Article 9

Obligations of importers

1. Importers shall place only compliant products on the Union market.
2. Before placing a product on the market, importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall also ensure that the manufacturer has drawn up the technical documentation, that

the product bears the CE marking, as referred to in Article 17, and is accompanied by the documents required in accordance in Article 15 and point 2.5 of Part A of Annex I, point 4 of Part B of Annex I and point 2 of Part C of Annex I and that the manufacturer has complied with the requirements set out in Article 7(5) and (6).

Where an importer considers or has reason to believe that a product is not in conformity with the requirements set out in Article 4(1) and Annex I, he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

3. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, in the case of components where that is not possible, on the packaging or in a document accompanying the product.

4. Importers shall ensure that the product is accompanied by instructions and safety information in the owner's manual in a language or languages which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Article 4(1) and Annex I.

6. When deemed appropriate with regard to the risks presented by a product, importers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of such monitoring.

7. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product presents a risk, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

8. Importers shall, for a period of 10 years after the product has been placed on the market, keep a copy of the declaration, as referred to in Article 15, at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

9. Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market.

Article 10

Obligations of distributors

1. When making a product available on the market distributors shall act with due care in relation to the requirements of this Directive.
2. Before making a product available on the market distributors shall verify that the product bears the CE marking, as referred to in Article 17, that it is accompanied by the documents required in Article 7(7), Article 15 and point 2.5 of Part A of Annex

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I, point 4 of Part B of Annex I and point 2 of Part C of Annex I and by instructions and safety information in a language or languages which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 7(5) and (6) and Article 9(3).

Where a distributor considers or has reason to believe that a product is not in conformity with the requirements set out in Article 4(1) and Annex I, he shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product presents a risk, the distributor shall inform the manufacturer or the importer, as well as the market surveillance authorities, to that effect.

3. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Article 4(1) and Annex I.

4. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with this Directive shall make sure that the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the product presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

5. Distributors shall, further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have made available on the market.

Article 11

Cases in which obligations of manufacturers apply to importers and distributors: An importer or distributor shall be considered a manufacturer for the purposes of this Directive and he shall be subject to the obligations of the manufacturer under Article 7, where he places a product on the market under his name or trademark or modifies a product already placed on the market in such a way that compliance with the requirements of this Directive may be affected.

Article 12

Obligations of private importers

1. If the manufacturer does not fulfil the responsibilities for the conformity of the product with this Directive, a private importer, before putting the product into service, shall ensure that it has been designed and manufactured in accordance with the requirements set out in Article 4(1) and Annex I and carry out or have carried out the obligations of the manufacturer set out in Article 7(2),(3),(7) and (9).

2. If the required technical documentation is not available from the manufacturer, the private importer shall have it drawn up using appropriate expertise.

3. The private importer shall ensure that the name and address of the notified body which has carried out the conformity assessment of the product is marked on the product.

Article 13

Identification of economic operators

1. Economic operators shall, on request, identify the following to the market surveillance authorities:

- (a) any economic operator who has supplied them with a product;
- (b) any economic operator to whom they have supplied a product.

Economic operators shall be able to present the information referred to in the first subparagraph for a period of 10 years after they have been supplied with the product and for a period of 10 years after they have supplied the product.

2. Private importers shall, on request, identify to the market surveillance authorities the economic operator who has supplied them with the product. Private importers shall be able to present the information referred to in the first subparagraph for a period of 10 years after they have been supplied with the product.

CHAPTER III

CONFORMITY OF THE PRODUCT

Article 14

Presumption of conformity

Products which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements covered by those standards or parts thereof, set out in Article 4(1) and Annex I.

Article 15

EU declaration of conformity and declaration in accordance with Annex III

1. The EU declaration of conformity shall state that the fulfilment of requirements specified in Article 4(1) and Annex I or those referred to in points (b) or (c) of Article 6(4) has been demonstrated.

2. The EU declaration of conformity shall have the model structure set out in Annex IV to this Directive, shall contain the elements specified in the relevant modules set out in Annex II to Decision No 768/2008/EC as well as in Annex V to this Directive, and shall be continuously updated. It shall be translated into the language or languages required by the Member State on whose market the product is made available or put into service.

3. By drawing up the EU declaration of conformity, the manufacturer, private importer or the person adapting the engine referred to in points (b) and (c) of Article 6(4) shall assume responsibility for the compliance of the product.

4. The EU declaration of conformity referred to in paragraph 3 shall accompany the following products when they are made available on the market or put into service: (a) watercraft; (b) components when placed on the market separately; (c) propulsion engines.

5. The declaration by the manufacturer or the importer set out in Annex III for partly completed watercraft shall contain the elements specified in that Annex and shall

accompany partly completed watercraft. It shall be translated into the language or languages required by the Member State on whose market the product is made available.

Article 16

General principles of the CE marking

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Article 17

Products subject to CE marking

1. The following products are subject to CE marking when they are made available on the market or put into service: (a) watercraft; (b) components; (c) propulsion engines.
2. Member States shall presume that the products referred to in paragraph 1 bearing the CE marking comply with this Directive.

Article 18

Rules and conditions for affixing the CE marking

1. The CE marking shall be affixed visibly, legibly and indelibly to the products referred to in Article 17(1). In case of components, where that is not possible or not warranted on account of the size or nature of that product, it shall be affixed to the packaging and to the accompanying documents. In the case of watercraft, the CE marking shall be affixed on the watercraft builder's plate mounted separately from the watercraft identification number. In the case of a propulsion engine, the CE marking shall be affixed on the engine.
2. The CE marking shall be affixed before the product is placed on the market or put into service. The CE marking, and the identification number referred to in paragraph 3, may be followed by a pictogram or any other mark indicating a special risk or use.
3. The CE marking shall be followed by the identification number of the notified body, where that body is involved in the production control phase or in the post-construction assessment.

The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative, or by the person referred to in Article 19(2), (3) or (4).

CHAPTER IV

CONFORMITY ASSESSMENT

Article 19

Applicable conformity assessment procedures

1. The manufacturer shall apply the procedures set out in the modules referred to in Articles 20, 21 and 22 before placing on the market products referred to in Article 2(1).
2. The private importer shall apply the procedure referred to in Article 23 before putting into service a product referred to in Article 2(1) if the manufacturer has not carried out the conformity assessment for the product concerned.
3. Any person placing on the market or putting into service a propulsion engine or a

watercraft after a major modification or conversion thereof, or any person changing the intended purpose of a watercraft not covered by this Directive in a way that it falls under its scope, shall apply the procedure referred to in Article 23 before placing the product on the market or putting it into service.

4. Any person placing on the market a watercraft built for own use before the end of the five-year period referred to in point (vii) of point (a) of Article 2(2) shall apply the procedure referred to in Article 23 before placing the product on the market.

Article 20

Design and construction

1. With regard to design and construction of recreational craft the following procedures set out in Annex II to Decision No 768/2008/EC shall apply:

(a) For design categories A and B referred to in point 1 of Part A of Annex I:

(i) For recreational craft of hull length from 2,5 m to less than 12 m, any of the following modules:

- Module A1 (internal production control plus supervised product testing);
- Module B (EU type-examination) together with Module C, D, E or F;
- Module G (conformity based on unit verification);
- Module H (conformity based on full quality assurance).

(ii) For recreational craft of hull length from 12 m to 24 m, any of the following modules:

- Module B (EU type-examination) together with Module C, D, E or F;
 - Module G (conformity based on unit verification);
 - Module H (conformity based on full quality assurance).
- (b) For design category C referred to in point 1 of Part A of Annex I:

(i) For recreational craft of hull length from 2,5 m to less than 12 m, any of the following modules:

- where the harmonised standards relating to points 3.2 and 3.3 of Part A of Annex I are complied with: Module A (internal production control), Module A1 (internal production control plus supervised product testing), Module B (EU type-examination) together with Module C, D, E or F, Module G (conformity based on unit verification) or Module H (conformity based on full quality assurance);

- where the harmonised standards relating to points 3.2 and 3.3 of Part A of Annex I are not complied with: Module A1 (internal production control plus supervised product testing), Module B (EU type-examination) together with Module C, D, E or F, Module G (conformity based on unit verification) or Module H (conformity based on full quality assurance);

(ii) For recreational craft of hull length from 12 m to 24 m, any of the following modules:

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

(c) For design category D referred to in point 1 of Part A of Annex I: for recreational craft of hull length from 2,5 m to 24 m, any of the following modules:

- Module A (internal production control);
- Module A1 (internal production control plus supervised product testing);
- Module B (EU type-examination) together with Module C, D, E or F;
- Module G (conformity based on unit verification);
- Module H (conformity based on full quality assurance).

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2. With regard to design and construction of personal watercraft any of the following procedures set out in Annex II to Decision No 768/2008/EC shall apply:

- (a) Module A (internal production control);
- (b) Module A1 (internal production control plus supervised product testing);
- (c) Module B (EU type-examination) together with Module C, D, E or F;
- (d) Module G (conformity based on unit verification);
- (e) Module H (conformity based on full quality assurance).

3. With regard to design and construction of components any of the following procedures set out in Annex II to Decision No 768/2008/EC shall apply:

- (a) Module B (EU type-examination) together with Module C, D, E or F;
- (b) Module G (conformity based on unit verification); (c) Module H (conformity based on full quality assurance).

Article 21

Exhaust emissions

With regard to exhaust emissions, for products referred to in points (d) and (e) of Article 2(1), the engine manufacturer shall apply the following procedures set out in Annex II to Decision No 768/2008/EC:

(a) where tests are conducted using the harmonised standard, any of the following modules:

- (i) Module B (the EU type-examination) together with Module C, D, E or F;
- (ii) Module G (conformity based on unit verification);
- (iii) Module H (conformity based on full quality assurance);

(b) where tests are conducted without using the harmonised standard, any of the following modules:

- (i) Module B (the EU type-examination) together with Module C 1;
- (ii) Module G (conformity based on unit verification).

Article 22

Noise emissions

1. With regard to noise emissions for recreational craft with stern drive propulsion engines without integral exhausts or inboard propulsion engine installations and for recreational craft with stern drive propulsion engines without integral exhausts or with inboard propulsion engine installations which are subject to major craft conversion and subsequently placed on the market within five years following conversion, the manufacturer shall apply the following procedures set out in Annex II to Decision No 768/2008/EC:

(a) where tests are conducted using the harmonised standard for noise measurement, any of the following modules:

- (i) Module A1 (internal production control plus supervised product testing);
- (ii) Module G (conformity based on unit verification);
- (iii) Module H (conformity based on full quality assurance).

(b) Where tests are conducted without using the harmonised standard for noise measurement, Module G (conformity based on unit verification).

(c) Where the Froude number and power displacement ratio method is used for

assessment, any of the following modules:

- (i) Module A (internal production control);
- (ii) Module G (conformity based on unit verification);
- (iii) Module H (conformity based on full quality assurance).

2. With regard to noise emissions for personal watercraft and outboard propulsion engines and stern drive propulsion engines with integral exhausts intended for installation on recreational craft, the personal watercraft or engine manufacturer shall apply the following procedures set out in Annex II to Decision No 768/2008/EC:

(a) Where tests are conducted using the harmonised standard for noise measurement, any of the following modules:

- (i) Module A1 (internal production control plus supervised product testing);
- (ii) Module G (conformity based on unit verification);
- (iii) Module H (conformity based on full quality assurance).

(b) Where tests are conducted without using the harmonised standard for noise measurement, Module G (conformity based on unit verification).

Article 23

Post-construction assessment

The post-construction assessment referred to in Article 19(2), (3) and (4) shall be carried out as set out in Annex V.

Article 24

Supplementary requirements

1. When Module B of Annex II to Decision No 768/2008/EC is used, the EU type examination shall be carried out in the manner specified in the second indent of point 2 of that module. A production type referred to in Module B may cover several versions of the product provided that:

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

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

2. When Module A1 of Annex II to Decision No 768/2008/EC is used, the product checks shall be carried out on one or several watercraft representing the production of the manufacturer and the supplementary requirements set out in Annex VI to this Directive shall apply.

3. The possibility of using accredited in-house bodies referred to in Modules A1 and C1 of Annex II to Decision No 768/2008/EC shall not be applicable.

4. When Module F of Annex II to Decision No 768/2008/EC is used, the procedure described in Annex VII to this Directive shall apply for the assessment of conformity with the exhaust emission requirements.

5. When Module C of Annex II to Decision No 768/2008/EC is used, 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 Module H of Annex II to Decision No 768/2008/EC, a notified body chosen by the manufacturer shall carry out product checks or have them carried out at random intervals determined by that body, in order to verify the quality of the internal checks on

the product. When the quality level appears unsatisfactory or when it seems necessary to verify the validity of the data presented by the manufacturer, the procedure set out in Annex VIII to this Directive shall apply.

Article 25

Technical documentation

1. The technical documentation referred to in Article 7(2) shall contain all relevant data and details of the means used by the manufacturer to ensure that the product complies with the requirements set out in Article 4(1) and Annex I. It shall, in particular, contain the relevant documents listed in Annex IX.

2. The technical documentation shall ensure that the design, construction, operation and assessment of conformity may be clearly understood.

CHAPTER V

NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

Article 26

Notification

Member States shall notify the Commission and the other Member States of the bodies authorised to carry out third-party conformity assessment tasks under this Directive.

Article 27

Notifying authorities

1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies for the purposes of this Directive, and for the monitoring of notified bodies, including compliance with the provisions of Article 32.

2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.

3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body shall be a legal entity and shall comply *mutatis mutandis* with the requirements laid down in Article 28. In addition, that body shall have arrangements to cover liabilities arising out of its activities.

4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.

Article 28

Requirements relating to notifying authorities

1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies occurs.

2. A notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.

3. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment.

4. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.

5. A notifying authority shall safeguard the confidentiality of the information it obtains.

6. A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.

Article 29

Information obligation on notifying authorities

Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto. The Commission shall make that information publicly available.

Article 30

Requirements relating to notified bodies

1. For the purposes of notification under this Directive, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.

2. A conformity assessment body shall be established under national law and shall have legal personality.

3. A conformity assessment body shall be a third-party body independent of the organisation or the product it assesses. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the products which they assess, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design or manufacture, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

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5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

6. A conformity assessment body shall be capable of carrying out the conformity assessment tasks assigned to it by the provisions of Articles 19 to 24 and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times and for each conformity assessment procedure and each kind or category of products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:

(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

(b) descriptions of procedures in accordance with which conformity assessment is carried out ensuring the transparency and ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;

(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the technology of the product in question and the mass or serial nature of the production process.

It shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.

7. The personnel responsible for carrying out the conformity assessment activities shall have the following:

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of the essential requirements, the applicable harmonised standards, the relevant Union harmonisation legislation and the relevant national legislation;

(d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

8. The impartiality of the conformity assessment bodies, their top level management and of the assessment personnel shall be guaranteed. The remuneration of the top level management and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.

9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the Member State in accordance with its national law, or the Member State itself is directly responsible for the conformity assessment.

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Articles 19 to 24 or any provision of national law giving effect to it, except in relation to the competent

authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

11. Conformity assessment bodies shall participate in, or ensure that their assessment personnel are informed of, the relevant standardisation activities and the activities of the notified body coordination group established under Article 42, and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

Article 31

Presumption of conformity

Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union it shall be presumed to comply with the requirements set out in Article 30 in so far as the applicable harmonised standards cover those requirements.

Article 32

Subsidiaries of and subcontracting by notified bodies

1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 30 and shall inform the notifying authority accordingly.

2. Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.

3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.

4. Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under Articles 19 to 24.

Article 33

Application for notification

1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.

2. The application referred to in paragraph 1 shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the product or products for which that body claims to be competent, as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 30.

3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 30.

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Article 34

Notification procedure

1. Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements laid down in Article 30.
2. Notifying authorities shall notify the Commission and the other Member States using the electronic notification tool developed and managed by the Commission.
3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules, product or products concerned and the relevant attestation of competence.
4. Where a notification is not based on an accreditation certificate as referred to in Article 33(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 30.
5. The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification where an accreditation certificate is used or within two months of a notification where accreditation is not used. Only such a body shall be considered a notified body for the purposes of this Directive.
6. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.

Article 35

Identification numbers and lists of notified bodies

1. The Commission shall assign an identification number to each notified body. It shall assign a single such number even where the body is notified under several Union acts. Member States shall in addition assign an identification code to a notified body that has been authorised by a notifying authority to undertake the post-construction conformity assessments.
2. The Commission shall make publicly available the list of the bodies notified under this Directive, including the identification numbers and, if applicable, codes that have been allocated to them and the activities for which they have been notified. The Commission shall ensure that that list is kept up to date.

Article 36

Changes to notifications

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 30, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.
2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.

Article 37

Challenge of the competence of notified bodies

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfillment by a notified body of the requirements and responsibilities to which it is subject.
2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned.
3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.
4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act requesting the notifying Member State to take the necessary corrective measures, including withdrawal of notification if necessary.

That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 50(2).

Article 38

Operational obligations of notified bodies

1. Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in Articles 19 to 24.
2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators and private importers. Conformity assessment bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process. In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the product with this Directive.
3. Where a notified body finds that requirements laid down in Article 4(1) and Annex I or in corresponding harmonised standards have not been met by a manufacturer or a private importer, it shall require that manufacturer or private importer to take appropriate corrective measures and shall not issue a conformity certificate.
4. Where, in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that a product is no longer in compliance, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.
5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.

Article 39

Appeal procedure

Member States shall ensure that an appeal procedure against decisions of the notified bodies is available.

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Article 40

Information obligation on notified bodies

1. Notified bodies shall inform the notifying authority of the following:
 - (a) any refusal, restriction, suspension or withdrawal of a certificate;
 - (b) any circumstances affecting the scope of and conditions for notification;
 - (c) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;
 - (d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.
2. Notified bodies shall provide the other bodies notified under this Directive carrying out similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Article 41

Exchange of experience

The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.

Article 42

Coordination of notified bodies

The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Directive are put in place and properly operated in the form of a sectoral group or groups of notified bodies. Member States shall ensure that the bodies notified by them participate in the work of that group or groups, directly or by means of designated representatives.

CHAPTER VI

UNION MARKET SURVEILLANCE, CONTROL OF PRODUCTS ENTERING THE UNION MARKET AND SAFEGUARD PROCEDURES

Article 43

Union market surveillance and control of products entering the Union market

Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to products covered by this Directive.

Article 44

Procedure for dealing with products presenting a risk at national level

1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by this Directive presents a risk to the health or safety of persons, to property or to the environment, they shall carry out an

evaluation in relation to the product concerned covering the relevant requirements laid down in this Directive. The relevant economic operators or the private importer shall cooperate as necessary with the market surveillance authorities.

In the case of an economic operator, where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take the appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as they may prescribe. In the case of a private importer, where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Directive, the private importer shall be informed without delay of the appropriate corrective action to be taken to bring the product into compliance with those requirements, to suspend the putting into service of the product or to suspend the use of the product, commensurate with the nature of the risk.

The market surveillance authorities shall inform the relevant notified body accordingly. Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second and third subparagraphs of this paragraph.

2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the relevant economic operator to take.

3. The economic operator shall ensure that the appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the Union.

The private importer shall ensure that the appropriate corrective action is taken in respect of the product that he has imported in the Union for his own use.

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the product being made available on their national market, to withdraw the product from that market or to recall it.

Where the private importer does not take adequate corrective action, the market surveillance authorities shall take all appropriate provisional measures to prohibit the putting into service of the product, or prohibit or restrict the use of the product in their territory.

The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator or the private importer. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either:

- (a) failure of the product to meet requirements relating to the health or safety of persons, the protection of property or the environment laid down in this Directive; or
- (b) shortcomings in the harmonised standards referred to in Article 14 conferring a presumption of conformity.

6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the

non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.

7. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

8. Member States shall ensure that appropriate restrictive measures are taken in respect of the product concerned, such as withdrawal of the product from their market, without delay.

Article 45

Union safeguard procedure

1. Where, on completion of the procedure set out in Article 44(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators or the private importer and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators or the private importer.

2. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant product is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

3. Where the national measure is considered to be justified and the non-compliance of the product is attributed to short comings in the harmonised standards referred to in point (b) of Article 44(5) of this Directive, the Commission shall apply the procedure of Article 11 of Regulation (EU) No 1025/2012.

Article 46

Formal non-compliance

1. Without prejudice to Article 44, where a Member State makes one of the following findings, it shall require the relevant economic operator or the private importer to put an end to the non-compliance concerned:

- (a) the CE marking, has been affixed in violation of Article 16, Article 17 or Article 18;
- (b) the CE marking, as referred to in Article 17, has not been affixed;
- (c) the EU declaration of conformity or the declaration referred to in Annex III has not been drawn up;
- (d) the EU declaration of conformity or the declaration referred to in Annex III has not been drawn up correctly;
- (e) the technical documentation is either not available or not complete;
- (f) the information set out in Article 7(6) or Article 9(3) is absent, false or incomplete;
- (g) any other administrative requirement provided for in Article 7 or Article 9 is not fulfilled.

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the product being made available on the market or ensure that it is recalled or withdrawn from the market, or in the case of a product imported by a private importer for his own use, that its use is prohibited or restricted.

CHAPTER VII

DELEGATED ACTS AND IMPLEMENTING ACTS

Article 47

Delegated power

The Commission shall be empowered to adopt delegated acts in accordance with Article 48 to amend the following:

- (a) in order to take into account the progress of technical knowledge and new scientific evidence:
 - (i) points 2.3, 2.4 and 2.5 as well as Section 3 of Part B and Section 3 of Part C of Annex I;
 - (ii) Annexes VII and IX; and
- (b) Annex V in order to take into account the progress of technical knowledge, the adequacy of ensuring equivalent conformity and new scientific evidence.

Article 48

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 47 shall be conferred on the Commission for a period of five years from 17 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-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.

3. The delegation of power referred to in Article 47 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 47 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 49

Implementing acts

1. In order to take into account the progress of technical knowledge and to ensure that this Directive is applied in a uniform manner, the Commission may adopt implementing acts concerning the following:

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- (a) detailed procedures for the implementation of Article 24, taking into account the specific conformity assessment needs of the products covered by this Directive;
- (b) the detailed application of the watercraft design categories set out in point 1 of Part A of Annex I, including on the use of weather terminology and measurement scales used therein;
- (c) detailed procedures for the watercraft identification set out in point 2.1 of Part A of Annex I, including clarification of terminology, and assignment and administration of manufacturer's codes granted to manufacturers established outside the Union;
- (d) the information on the builder's plate set out in point 2.2 of Part A of Annex I;
- (e) the application of the Regulations on navigation lights set out in point 5.7 of Part A of Annex I;
- (f) arrangements for discharge prevention, in particular as regards operation of holding tanks, set out in point 5.8 of Part A of Annex I;
- (g) the installation and testing of gas appliances and permanently installed gas systems on watercraft;
- (h) the format and content of owner's manuals;
- (i) the format and content of the reporting questionnaire to be completed by Member States as referred to in Article 51.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 50(3).

2. On duly justified imperative grounds of urgency when a product presents a serious risk to the health and safety of persons, property or to the environment, in respect of points (a), (b), (e), (f) and (g) of paragraph 1, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 50(4).

Article 50

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.
5. The committee shall be consulted by the Commission on any matter for which consultation of sectoral experts is required by Regulation (EU) No 1025/2012 or by any other Union legislation.
6. The Committee may furthermore examine any other matter concerning the application of this Directive raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.

CHAPTER VIII

SPECIFIC ADMINISTRATIVE PROVISIONS

Article 51

Reporting

By 18 January 2021 and every five years thereafter, Member States shall complete a questionnaire issued by the Commission on the application of this Directive. By 18 January 2022 and every five years thereafter, the Commission, with reference to the responses of Member States to the questionnaire referred to in the first paragraph, shall draw up and submit to the European Parliament and to the Council a report on the application of this Directive.

Article 52

Review

By 18 January 2022 the Commission shall submit a report to the European Parliament and to the Council on the following:

- (a) the technical feasibility for further reducing the emissions of marine propulsion engines and introducing requirements for evaporative emissions and fuel systems that apply to propulsion engines and systems taking into account the cost efficiency of technologies and the need to agree globally harmonised values for the sector, taking into account any major market initiatives; and
- (b) the impact on consumer information and on manufacturers, in particular small and medium-sized enterprises, of the watercraft design categories listed in Annex I, which are based on resistance to wind force and significant wave height, taking into account developments in international standardisation. That report shall include an evaluation of whether the watercraft design categories require additional specifications or subdivisions, and shall suggest additional sub categories, as appropriate.

The reports referred to in points (a) and (b) of the first paragraph shall, where appropriate, be accompanied by legislative proposals.

Article 53

Penalties

Member States shall lay down rules on penalties which may include criminal sanctions for serious infringements, applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.

The penalties provided for shall be effective, proportionate and dissuasive and may be increased if the relevant economic operator or the private importer has previously committed a similar infringement of this Directive.

CHAPTER IX

FINAL AND TRANSITIONAL PROVISIONS

Article 54

Transposition

1. Member States shall adopt and publish, by 18 January 2016, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures. They shall apply those measures from 18 January 2016. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Transitional period

1. Member States shall not impede the making available on the market or the putting into service of products covered by Directive 94/25/EC which are in conformity with that Directive and which were placed on the market or put into service before 18 January 2017.

2. Member States shall not impede the making available on the market or the putting into service of outboard SI propulsion engines with power equal to or less than 15 kW which comply with the stage I exhaust emission limits laid down in point 2.1 of Part B of Annex I and which were manufactured by small and medium-sized enterprises as defined in Commission Recommendation 2003/361/EC (1) and placed on the market before 18 January 2020.

Article 56

Repeal

Directive 94/25/EC is repealed with effect from 18 January 2016. References to the repealed Directive shall be construed as references to this Directive.

Article 57

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 58

Addressees

This Directive is addressed to the Member States. Done at Strasbourg, 20 November 2013. For the European Parliament The President M. SCHULZ.

For the Council The President V. LEŠKEVIČIUS

Official Journal of the European Union 28.12.2013

FOOTNOTES

(1) OJ C 43, 15.2.2012, p. 30.

(3) OJ L 164, 30.6.1994, p. 15.

(4) OJ L 214, 26.8.2003, p. 18.

(5) OJ C 136, 4.6.1985, p. 1.

(7) OJ L 218, 13.8.2008, p. 30.

(9) OJ L 316, 14.11.2012, p. 12.

(11) OJ L 188, 18.7.2009, p. 1.

(13) OJ L 55, 28.2.2011, p. 13.

(2) Position of the European Parliament of 9 October 2013 (not yet published in the Official Journal) and decision of the Council of 15 November 2013.

(6) OJ L 204, 21.7.1998, p. 37.

(8) OJ L 218, 13.8.2008, p. 82.

(10) OJ L 59, 27.2.1998, p. 1.

(12) OJ L 11, 15.1.2002, p. 4.

(14) OJ L 124, 20.5.2003, p. 36.

ESSENTIAL REQUIREMENTS

A. Essential requirements for the design and construction of products referred to in Article 2(1)

1. WATERCRAFT DESIGN CATEGORIES Design category

Design category	Wind force (Beaufort scale)	Significant wave height (H 1/3, metres)
A	exceeding 8	exceeding 4
B	up to, and including, 8	up to, and including, 4
C	up to, and including, 6	up to, and including, 2
D	up to, and including, 4	up to, and including, 0,3

Explanatory notes:

A. A recreational craft given design category A is considered to be designed for winds that may exceed wind force 8 (Beaufort scale) and significant wave height of 4 m and above but excluding abnormal conditions, such as storm, violent storm, hurricane, tornado and extreme sea conditions or rogue waves.

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

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

D. A watercraft given design category D is considered to be designed for a wind force up to, and including, 4 and significant wave height up to, and including, 0,3 m, with occasional waves of 0,5 m maximum height. Watercraft in each design category must be designed and constructed to withstand the parameters in respect of stability, buoyancy, and other relevant essential requirements listed in this Annex, and to have good handling characteristics.

2. GENERAL REQUIREMENTS

- 2.1. Watercraft identification: Each watercraft shall be marked with an identification number including the following information: (1) country code of the manufacturer, (2) unique code of the manufacturer assigned by the national authority of the Member State, (3) unique serial number, (4) month and year of production, (5) model year. Detailed requirements for the identification number referred to in the first paragraph are set out in the relevant harmonised standard.

- 2.2. Watercraft builder's plate: Each watercraft shall carry a permanently affixed plate mounted separately from the watercraft identification number, containing at least the following information: (a) manufacturer's name, registered trade name or registered trade mark, as well as contact address;

- (b) CE marking, as provided for in Article 18;

- (c) watercraft design category in accordance with Section 1;

- (d) manufacturer's maximum recommended load derived from point 3.6 excluding the weight of the contents of the fixed tanks when full;

- (e) number of persons recommended by the manufacturer for which the watercraft was designed. In the case of post-construction assessment, the contact details and the requirements referred to in point (a) shall include those of the notified body which has carried out the conformity assessment.

2.3. Protection from falling overboard and means of reboarding 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.

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2.4. Visibility from the main steering position For recreational craft, the main steering position shall give the operator, under normal conditions of use (speed and load), good all-round visibility.

2.5. Owner's manual Each product shall be provided with an owner's manual in accordance with Article 7(7) and Article 9(4). That manual shall provide all the information necessary for safe use of the product drawing particular attention to set up, maintenance, regular operation, prevention of risks and risk management.

3. INTEGRITY AND STRUCTURAL REQUIREMENTS

3.1. Structure

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

3.2. Stability and freeboard

The watercraft shall have sufficient stability and freeboard considering its design category in accordance with Section 1 and the manufacturer's maximum recommended load in accordance with point 3.6.

3.3. Buoyancy and flotation

The watercraft shall be constructed as to ensure that it has buoyancy characteristics appropriate to its design category in accordance with Section 1 and the manufacturer's maximum recommended load in accordance with point 3.6. All habitable multihull recreational craft susceptible of inversion shall have sufficient buoyancy to remain afloat in the inverted position. Watercraft of less than 6 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.

3.4. Openings in hull, deck and superstructure

Openings in hull, deck(s) and superstructure shall not impair the structural integrity of the watercraft or its weather-tight integrity when closed. Windows, port lights, 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 in accordance with point 3.6, shall be fitted with a means of shutoff which shall be readily accessible.

3.5. Flooding

All watercraft shall be designed so as to minimise the risk of sinking. Where appropriate, particular attention shall be paid to:

- (a) cockpits and wells, which should be self-draining or have other means of keeping water out of the watercraft interior;
- (b) ventilation fittings;
- (c) removal of water by pumps or other means.

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 watercraft was designed, shall be determined in accordance with the design category (Section 1), stability and freeboard (point 3.2) and buoyancy and flotation (point 3.3).

3.7. Life raft stowage

All recreational craft of design categories A and B, and recreational craft of design categories C and D longer than 6 metres shall be provided with one or more stowage points for a life raft (life rafts) large enough to hold the number of persons the recreational craft was designed to carry as recommended by the manufacturer. Life raft stowage point(s) shall be readily accessible at all times.

3.8. Escape

All habitable multihull recreational craft susceptible of inversion shall be provided with viable means of escape in the event of inversion. Where there is a means of escape provided for use in the inverted position, it shall not compromise the structure (point 3.1), the stability (point 3.2) or buoyancy (point 3.3) whether the recreational craft is upright or inverted. Every habitable recreational craft shall be provided with viable means of escape in the event of fire.

3.9. Anchoring, mooring and towing

All watercraft, 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.

4. HANDLING CHARACTERISTICS

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

5. INSTALLATION REQUIREMENTS

5.1. Engines and engine compartments

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 the engine compartment shall not sustain combustion.

5.1.2. Ventilation

The engine compartment shall be ventilated. The ingress of water into the engine compartment through openings must be minimised.

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.

5.1.4. Outboard propulsion engine starting

Every outboard propulsion engine fitted on any watercraft shall have a device to prevent the engine being started 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.

5.1.5. Personal watercraft running without driver

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

5.1.6. Tiller-controlled outboard propulsion engines shall be equipped with an emergency stopping device which can be linked to the helmsman.

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.

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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 in accordance with their capacity and the type of fuel. Petrol fuel tank spaces shall be ventilated. Petrol fuel tanks shall not form part of the hull and shall be: (a) protected against fire from any engine and from all other sources of ignition; (b) separated from living quarters. Diesel fuel tanks may be integral with the hull.

5.3. Electrical system

Electrical systems shall be designed and installed so as to ensure proper operation of the watercraft under normal conditions of use and shall be such as to minimise risk of fire and electric shock. All electrical circuits, except engine starting circuits supplied from batteries, shall remain safe when exposed to overload. Electric propulsion circuits shall not interact with other circuits in such a way that either would fail to operate as intended. Ventilation shall be provided to prevent the accumulation of explosive gases which might be emitted from batteries. Batteries shall be firmly secured and protected from ingress of water.

5.4. Steering system

5.4.1. General

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

5.4.2. Emergency arrangements

Every sailing recreational craft and single-propulsion engine non-sailing recreational craft with remote-controlled rudder steering systems shall be provided with emergency means of steering the recreational craft at reduced speed.

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 gas appliance intended by the manufacturer for the application for which it is used shall be so installed in accordance with the manufacturer's instructions. 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 watercraft with a permanently installed gas system shall be fitted with an enclosure to contain all gas cylinders. The enclosure shall be separated from the living quarters, accessible only from the outside and ventilated to the outside so that any escaping gas drains overboard. In particular, any permanently installed gas system shall be tested after installation.

5.6. Fire protection

5.6.1. General

The type of equipment installed and the layout of the watercraft 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 routing of electrical wiring in particular away from heat sources and hot areas.

5.6.2. Fire-fighting equipment

Recreational 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 compartments shall be protected by a fire extinguishing system that avoids the need to open the compartment 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 recreational craft.

5.7. Navigation lights, shapes and sound signals

Where navigation lights, shapes and sound signals are fitted, they shall comply with the 1972 COLREG (The International Regulations for Preventing Collisions at Sea) or CEVNI (European Code for Interior Navigations for inland waterways) Regulations as appropriate.

5.8. Discharge prevention and installations facilitating the delivery ashore of waste
Watercraft shall be constructed so as to prevent the accidental discharge of pollutants (oil, fuel, etc.) overboard. Any toilet fitted in a recreational craft shall be connected solely to a holding tank system or water treatment system. Recreational craft with installed holding tanks shall be fitted with a standard discharge connection to enable pipes of reception facilities to be connected with the recreational 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.

B. Essential requirements for exhaust emissions from propulsion engines

Propulsion engines shall comply with the essential requirements for exhaust emissions set out in this Part.

1. PROPULSION ENGINE IDENTIFICATION

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

- (a) engine manufacturer's name, registered trade name or registered trade mark and contact address; and, if applicable, the name and contact address of the person adapting the engine;
- (b) engine type, engine family, if applicable;
- (c) a unique engine serial number;
- (d) CE marking, as provided for in Article 18.

1.2. The marks referred to in point 1.1 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. The marks must be secured to an engine part necessary for normal engine operation and not normally requiring replacement during the engine life.

1.4. The marks must be located so as to be readily visible 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 point 2.1, Table 1 and point 2.2, Tables 2 and 3:

2.1. Values applying for the purposes of Article 55(2) and Table 2 of point 2.2:

Table 1

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.

2.2. Values applying from 18 January 2016:

Table 2
Exhaust emission limits for compression ignition (CI) engines (**)

Swept Volume SV (L/cyl)	Rated Engine Power P _N (kW)	Particulates PT (g/kWh)	Hydrocarbons + Nitrogen Oxides HC + NO _x (g/kWh)
SV < 0,9	P _N < 37	The values referred to in table 1	
	37 ≤ P _N < 75 (*)	0,30	4,7
	75 ≤ P _N < 3 700	0,15	5,8
0,9 ≤ SV < 1,2	P _N < 3 700	0,14	5,8
1,2 ≤ SV < 2,5		0,12	5,8
2,5 ≤ SV < 3,5		0,12	5,8
3,5 ≤ SV < 7,0		0,11	5,8

(*) Alternatively, compression-ignition engines with rated engine power at or above 37 kW and below 75 kW and with a swept volume below 0,9 L/cyl shall not exceed a PT emission limit of 0,20 g/kWh and a combined HC + NO_x emission limit of 5,8 g/kWh.

(**) Any compression-ignition engine shall not exceed a Carbon monoxide (CO) emission limit of 5,0 g/kWh.

Table 3
Exhaust emission limits for spark ignition (SI) engines

Type of engine	Rated Engine Power P _N (kW)	Carbon monoxide CO (g/kWh)	Hydrocarbons + Nitrogen Oxides HC + NO _x (g/kWh)
Stern-drive and inboard engines	P _N ≤ 373	75	5
	373 < P _N ≤ 485	350	16
	P _N > 485	350	22
Outboard engines and PWC engines	P _N ≤ 4,3	500 - (5,0 × P _N)	30
	4,3 < P _N ≤ 40	500 - (5,0 × P _N)	15,7 + $\left(\frac{50}{P_N^{0,9}}\right)$
	P _N > 40	300	15,7 + $\left(\frac{50}{P_N^{0,9}}\right)$

2.3. Test cycles:

Test cycles and weighting factors to be applied:

The following requirements of ISO standard 8178-4:2007 shall be used, taking into account the values set out in the table below. For variable speed CI engines test cycle E1 or E5 shall be applied or alternatively, above 130 kW, test cycle E3 may be applied. For variable speed SI engines test cycle E4 shall be applied.

Cycle E1, Mode number	1	2	3	4	5
Speed	Rated speed		Intermediate speed		Low-idle speed
Torque, %	100	75	75	50	0
Weighting factor	0,08	0,11	0,19	0,32	0,3
Speed	Rated speed		Intermediate speed		Low-idle speed
Cycle E3, Mode number	1	2	3	4	
Speed, %	100	91	80	63	
Power, %	100	75	50	25	
Weighting factor	0,2	0,5	0,15	0,15	
Cycle E4, Mode number	1	2	3	4	5
Speed, %	100	80	60	40	Idle
Torque, %	100	71,6	46,5	25,3	0
Weighting factor	0,06	0,14	0,15	0,25	0,40
Cycle E5, Mode number	1	2	3	4	5
Speed, %	100	91	80	63	Idle
Power, %	100	75	50	25	0
Weighting factor	0,08	0,13	0,17	0,32	0,3

Notified bodies may accept tests carried out on the basis of other tests cycles as specified in a harmonised standard and as applicable for the engine duty cycle.

2.4. Application of the propulsion engine family and choice of parent propulsion engine The engine manufacturer shall be responsible for defining those engines from his range which are to be included in an engine family. A parent engine shall be selected from an engine family in such a way that its emissions characteristics are representative for all engines in that engine family. The engine incorporating those features that are expected to result in the highest specific emissions (expressed in g/kWh), when measured on the applicable test cycle, should normally be selected as the parent engine of the family.

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2.5. Test fuels

The test fuel used for exhaust emission testing shall meet the following characteristics:

Petrol Fuels				
Property	RF-02-99 Unleaded		RF-02-03 Unleaded	
	min	max	min	max
Research Octane Number (RON)	95	—	95	—
Motor Octane Number (MON)	85	—	85	—
Density at 15 °C (kg/m ³)	748	762	740	754
Initial boiling point (°C)	24	40	24	40
Mass fraction of sulphur (mg/kg)	—	100	—	10

Petrol Fuels				
Property	RF-02-99 Unleaded		RF-02-03 Unleaded	
	min	max	min	max
Lead content (mg/l)	—	5	—	5
Reid vapour pressure (kPa)	56	60	—	—
Vapour pressure (DVPE) (kPa)	—	—	56	60

Diesel Fuels				
Property	RF-06-99		RF-06-03	
	min	max	min	max
Cetane number	52	54	52	54
Density at 15 °C (kg/m ³)	833	837	833	837
Final boiling point (°C)	—	370	—	370
Flash point (°C)	55	—	55	—
Mass fraction of sulphur (mg/kg)	To be reported	300 (50)	—	10
Mass fraction of ash (%)	To be reported	0,01	—	0,01

Notified bodies may accept tests carried out on the basis of other tests fuel as specified in a harmonised standard.

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 limits set out in points 2.1 and 2.2 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 as follows:

- (a) For CI engines: 480 hours of operation or 10 years, whichever occurs first;
- (b) For SI inboard or stern drive engines with or without integral exhaust:
 - (i) for the engine category PN ≤ 373 kW: 480 hours of operation or 10 years, whichever occurs first,
 - (ii) for engines in the category 373 < PN ≤ 485 kW: 150 hours of operation or three years, whichever occurs first,

- (iii) for the engine category PN > 485 kW: 50 hours of operation or one year, whichever occurs first;
- (c) personal watercraft engines: 350 hours of operation or five years, whichever occurs first;
- (d) outboard engines: 350 hours of operation or 10 years, whichever occurs first

4. OWNER'S MANUAL

Each engine shall be provided with an owner's manual in a language or languages which can be easily understood by consumers and other end-users, as determined by the Member State in which the engine is to be marketed.

The owner's manual shall:

- (a) provide instructions for the installation, use and maintenance needed to assure the proper functioning of the engine to meet the requirements of Section 3 (Durability);
- (b) specify the power of the engine when measured in accordance with the harmonised standard.

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 essential requirements for noise emissions set out in this Part.

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 shall not exceed the limit values in the following table:

Rated Engine Power (single engine) in kW	Maximum Sound Pressure Level = L _{pASmax} in dB
P _N ≤ 10	67
10 < P _N ≤ 40	72
P _N > 40	75

where P_N = rated engine power in kW of a single engine 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.

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 the noise requirements set out in point 1.1 if they have a Froude number of ≤ 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.

1.3. 'Froude number' F_n shall be calculated by dividing the maximum recreational craft speed V (m/s) by the square root of the waterline length lwl (m) multiplied by a given gravitational acceleration constant, g, of 9,8 m/s².

$$F_n = \frac{V}{\sqrt{(g \cdot lwl)}}$$

'Power to Displacement ratio' shall be calculated by dividing the rated engine power PN (in kW) by the recreational craft's displacement D (in tonnes).

$$\text{Power to Displacement ratio} = \frac{P_N}{D}$$

2. OWNER'S MANUAL

For recreational craft with inboard engine or stern drive engines without integral exhaust and personal watercraft, the owner's manual required under point 2.5 of Part A, shall include information necessary to maintain the recreational 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.

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

3. DURABILITY

The provisions on the durability in Section 3 of Part B shall apply mutatis mutandis to the compliance with the requirements on noise emissions set out in Section 1 of this part.

ANNEX II

COMPONENTS OF WATERCRAFT

- (1) Ignition-protected equipment for inboard and stern drive petrol engines and petrol tank spaces;
- (2) Start-in-gear protection devices for outboard engines;
- (3) Steering wheels, steering mechanisms and cable assemblies;
- (4) Fuel tanks intended for fixed installations and fuel hoses;
- (5) Prefabricated hatches, and port lights.

ANNEX III

DECLARATION BY THE MANUFACTURER OR THE IMPORTER OF THE PARTLY COMPLETED WATERCRAFT (ARTICLE 6(2))

The declaration by the manufacturer or the importer established in the Union referred to in Article 6(2) shall contain the following:

- (a) the name and address of the manufacturer;
- (b) the name and address of the representative of the manufacturer established in the Union or, if appropriate, of the person responsible for the placing on the market;
- (c) a description of the partly completed watercraft;

(d) a statement that the partly completed watercraft complies with the essential requirements that apply at this stage of construction; this shall include references to the relevant harmonised standards used, or references to the specifications in relation to which compliance is declared at this stage of construction; furthermore, it is intended to be completed by other legal or natural persons in full compliance with this Directive.

ANNEX IV

EU DECLARATION OF CONFORMITY

1. No xxxxx (!) No xxxxx (Product: product, batch, type, or serial number);
2. Name and address of the manufacturer or his authorised representative [The authorised representative must also give the business name and address of the manufacturer] or the private importer.
3. This declaration of conformity is issued under the sole responsibility of the manufacturer or the private importer or the person referred to in Article 19(3) or (4) of Directive 2013/53/EU.
4. Object of the declaration (identification of product allowing traceability. It may include a photograph, where appropriate);
5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation;
6. References to the relevant harmonised standards used or references to the other technical specifications in relation to which conformity is declared;
7. Where applicable, the notified body ... (name, number) performed ... (description of intervention) and issued the certificate;
8. Identification of the person empowered to sign on behalf of the manufacturer or his authorised representative
9. Additional information:

The EU declaration of conformity shall include a statement of the propulsion engine manufacturer and that of the person adapting an engine in accordance with points (b) and (c) of Article 6(4) that:

(a) when installed in a watercraft, in accordance with the installation instructions accompanying the engine, the engine will meet:

- (i) the exhaust emission requirements of this Directive;
- (ii) the limits of Directive 97/68/EC as regards engines type-approved in accordance with Directive 97/68/EC which are in compliance with stage III A, stage III B or stage IV emission limits for CI engines used in other applications than propulsion of inland waterway vessels, locomotives and railcars, as provided for in point 4.1.2 of Annex I to that Directive; or
- (iii) the limits of Regulation (EC) No 595/2009 as regards engines type-approved in accordance with that Regulation.

The engine must not be put into service until the watercraft into which it is to be installed has been declared in conformity, if so required, with the relevant provision of this Directive. If the engine has been placed on the market during the additional transitional period provided for in Article 55(2), the EU declaration of conformity shall contain an indication thereof.

Signed for and on behalf of: (place and date of issue) (name, function) (signature)

- (1) It is optional to assign a number to the declaration of conformity.

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EQUIVALENT CONFORMITY BASED ON POST-CONSTRUCTION ASSESSMENT
(MODULE PCA)

1. Conformity based on post-construction assessment is the procedure to assess the equivalent conformity of a product for which the manufacturer has not assumed the responsibility for the product's conformity with this Directive, and whereby a natural or legal person referred to in Article 19(2), (3) or (4) who is placing the product on the market or putting it into service under his own responsibility is assuming the responsibility for the equivalent conformity of the product. This person shall fulfill the obligations laid down in points 2 and 4 and ensure and declare on his sole responsibility that the product concerned, which has been subject to the provisions of point 3, is in conformity with the applicable requirements of this Directive.

2. The person who is placing the product on the market or putting it into service shall lodge an application for a post-construction assessment of the product with a notified body and must provide the notified body with the documents and technical file enabling the notified body to assess the conformity of the product with the requirements of this Directive and any available information on the use of the product after its first putting into service. The person who is placing such a product on the market or putting it into service shall keep these documents and information at the disposal of the relevant national authorities for 10 years after the product has been assessed on its equivalent conformity in accordance with the post-construction assessment procedure.

3. The notified body shall examine the individual product and carry out calculations, tests and other assessments, to the extent necessary to ensure that the equivalent conformity of the product with the relevant requirements of this Directive is demonstrated. The notified body shall draw up and issue a certificate and a related report of conformity concerning the assessment carried out and shall keep a copy of the certificate and related report of conformity at the disposal of the national authorities for 10 years after it has issued these documents. The notified body shall affix its identification number next to the CE marking on the approved product or have it affixed under its responsibility. In case the assessed product is a watercraft, the notified body shall also have affixed, under his responsibility, the watercraft identification number as referred to in point 2.1 of Part A of Annex I, whereby the field for the country code of the manufacturer shall be used to indicate the country of establishment of the notified body and the fields for the unique code of the manufacturer assigned by the national authority of the Member State to indicate the post-construction assessment identification code assigned to the notified body, followed by the serial number of the post-construction assessment certificate. The fields in the watercraft identification number for the month and year of production and for the model year shall be used to indicate the month and year of the post-construction assessment.

4. CE marking and EU declaration of conformity

4.1. The person who is placing the product on the market or putting it into service shall affix the CE marking and, under the responsibility of the notified body referred to in Section 3, the latter's identification number to the product for which the notified body has assessed and certified its equivalent conformity with the relevant requirements of this Directive.

4.2. The person who is placing the product on the market or putting it into service shall draw up an EU declaration of conformity and keep it at the disposal of the national authorities for 10 years after the date the post-construction assessment certificate has been issued. The declaration of conformity shall identify the product for which it has been drawn up. A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

4.3. In the case the assessed product is a watercraft, the person who is placing the watercraft on the market or putting it into service shall affix to the watercraft the builder's plate described in point 2.2 of Part A of Annex I, which shall include the words

'post-construction assessment', and the watercraft identification number described in point 2.1 of Part A of Annex I, in accordance with the provisions set out in Section 3.5. The notified body shall inform the person who is placing the product on the market or putting it into service of his obligations under this post-construction assessment procedure.

ANNEX VI

SUPPLEMENTARY REQUIREMENTS WHEN INTERNAL PRODUCTION CONTROL
PLUS SUPERVISED PRODUCTION TESTS SET OUT IN MODULE A1 IS USED
(ARTICLE 24(2))

Design and construction

On one or several watercrafts 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 in accordance with point 3.2 of Part A of Annex I;
- (b) test of buoyancy characteristics in accordance with point 3.3 of Part A of Annex I.

Noise emissions

For recreational craft fitted with inboard or stern drive engines without integral exhaust and for personal watercraft, on one or several watercraft representing the production of the watercraft manufacturer, the sound emission tests defined in Part C of Annex I shall be carried out by the watercraft manufacturer, or on his behalf, under the responsibility of a notified body chosen by the manufacturer.

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 Part C of Annex I 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 VII shall be applied to ensure conformity of the sample.

ANNEX VII

CONFORMITY OF PRODUCTION ASSESSMENT FOR EXHAUST AND NOISE
EMISSIONS

1. For verifying the conformity of an engine family, a sample of engines shall be 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:

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$$X + k \cdot S \leq L$$

S is standard deviation, where:

$$S^2 = \sum(x - X)^2 / (n - 1)$$

X = the arithmetical mean of the results obtained from the sample

x = the individual results obtained from the sample

L = the appropriate limit value

n = the number of engines in the sample

k = statistical factor depending on n (see table below)

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 $n \geq 20$ then $k = 0,860/\sqrt{n}$.

ANNEX VIII

SUPPLEMENTARY PROCEDURE TO BE APPLIED UNDER CONFORMITY TO TYPE BASED ON INTERNAL PRODUCTION CONTROL (MODULE C)

In the cases referred to in Article 24(5) when the quality level appears unsatisfactory, the following procedure shall apply:

An engine is taken from the series and subjected to the test described in Part B of Annex I. Test engines shall have been run in, partially or completely, in accordance with the manufacturer's specifications. If the specific exhaust emissions of the engine taken from the series exceed the limit values in accordance with Part B of Annex I, 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 with the requirements of this Directive, the statistical method described in Annex VII shall be applied.

ANNEX IX

TECHNICAL DOCUMENTATION

The technical documentation referred to in Article 7(2) and Article 25 shall, as far as it is relevant for the assessment, contain the following:

- (a) A general description of the type;
- (b) Conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, and other relevant data;
- (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 14, applied in full or in part, and descriptions of the solutions adopted to fulfil the essential requirements when the standards referred to in Article 14 have not been applied;

(e) Results of design calculations made, examinations carried out and other relevant data;

(f) Test reports, or calculations namely on stability in accordance with point 3.2 of Part A of Annex I and on buoyancy in accordance with point 3.3 of Part A of Annex I;

(g) Exhaust emissions test reports demonstrating compliance with Section 2 of Part B of Annex I;

(h) Sound emissions test reports demonstrating compliance with Section 1 of Part C of Annex I.

Appendix II: Comparative table

[Link to appendix I: The EU Directive](#)

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OLD Directive 94/25/EC as amended by Directive 2003/44/EC	NEW Directive 2013/53/EU	Harmonised standard																														
<p style="text-align: center;">ANNEX I ESSENTIAL REQUIREMENTS</p>	<p style="text-align: center;">ANNEX I ESSENTIAL REQUIREMENTS</p>																															
<p>PRELIMINARY OBSERVATION</p> <p>For the purposes of this Annex the term ‘craft’ shall cover recreational craft and personal watercraft.</p> <p>A. Essential safety requirements for the design and construction of craft</p> <p>1. BOAT DESIGN CATEGORIES</p> <table border="1" data-bbox="653 752 1503 1071"> <thead> <tr> <th>Design category</th> <th>Wind force (Beaufort scale)</th> <th>Significant wave height (H 1/3, metres)</th> </tr> </thead> <tbody> <tr> <td>A- “Ocean”</td> <td>exceeding 8</td> <td>exceeding 4</td> </tr> <tr> <td>B – “Offshore”</td> <td>up to, and including, 8</td> <td>up to, and including, 4</td> </tr> <tr> <td>C – “Inshore”</td> <td>up to, and including, 6</td> <td>up to, and including, 2</td> </tr> <tr> <td>D – “Sheltered waters”</td> <td>up to, and including, 4</td> <td>up to, and including, 0,3</td> </tr> </tbody> </table> <p>Definitions</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	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	<p>A. Essential requirements for the design and construction of <u>products referred to in Article 2(1)</u></p> <p>1. <u>WATERCRAFT</u> DESIGN CATEGORIES</p> <table border="1" data-bbox="1542 662 2398 968"> <thead> <tr> <th>Design category</th> <th>Wind force (Beaufort scale)</th> <th>Significant wave height (H 1/3, metres)</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>exceeding 8</td> <td>exceeding 4</td> </tr> <tr> <td>B</td> <td>up to, and including, 8</td> <td>up to, and including, 4</td> </tr> <tr> <td>C</td> <td>up to, and including, 6</td> <td>up to, and including, 2</td> </tr> <tr> <td>D</td> <td>up to, and including, 4</td> <td>up to, and including, 0,3</td> </tr> </tbody> </table> <p>Explanatory notes:</p> <p>A. A recreational craft given design category A is considered to be designed for winds that may exceed wind force 8 (Beaufort scale) and significant wave height of 4 m and above but excluding abnormal conditions, <u>such as storm, violent storm, hurricane, tornado and extreme sea conditions or rogue waves.</u></p> <p>B. A recreational craft given design category B is considered to be designed for a wind force up to, and including, 8 and significant wave height up to, and including, 4 m.</p> <p>C. A watercraft given design category C is considered to be designed for a wind force up to, and including, 6 and significant wave height up to, and including, 2 m.</p> <p>D. A watercraft given design category D is considered to be designed for a wind force up to, and including, 4 and significant wave height up to, and including, 0,3 m, with occasional waves of 0,5 m maximum height.</p> <p>Watercraft in each design category must be designed and constructed to withstand the parameters in respect of stability, buoyancy, and other relevant essential requirements listed in this Annex, and to have good handling characteristics.</p>	Design category	Wind force (Beaufort scale)	Significant wave height (H 1/3, metres)	A	exceeding 8	exceeding 4	B	up to, and including, 8	up to, and including, 4	C	up to, and including, 6	up to, and including, 2	D	up to, and including, 4	up to, and including, 0,3	
Design category	Wind force (Beaufort scale)	Significant wave height (H 1/3, metres)																														
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2. GENERAL REQUIREMENTS

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

2.1. Craft identification

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

- manufacturer's code,
- country of manufacture,
- unique serial number,
- year of production,
- model year.

The relevant harmonized standard gives details of these requirements.

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,
- manufacturer's maximum recommended load derived from section 3.6 excluding the weight of the contents of the fixed tanks when full,
- number of persons recommended by the manufacturer for which the boat was designed to carry when under way.

2.3. Protection from falling overboard and means of reboarding

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

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.

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.

2. GENERAL REQUIREMENTS

2.1. Watercraft identification

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

- (1) country code of the manufacturer,
- (2) unique code of the manufacturer assigned by the national authority of the Member State.
- (3) unique serial number,
- (4) month and year of production,
- (5) model year.

Detailed requirements for the identification number referred to in the first paragraph are set out in the relevant harmonised standard.

2.2 Watercraft builder's plate

Each watercraft shall carry a permanently affixed plate mounted separately from the watercraft identification number, containing at least the following information:

- (a) manufacturer's name, registered trade name or registered trade mark, as well as contact address;
- (b) CE marking, as provided for in Article 18;
- (c) watercraft design category in accordance with Section 1;
- (d) manufacturer's maximum recommended load derived from point 3.6 excluding the weight of the contents of the fixed tanks when full;
- (e) number of persons recommended by the manufacturer for which the watercraft was designed.

In the case of post-construction assessment, the contact details and the requirements referred to in point (a) shall include those of the notified body which has carried out the conformity assessment.

2.3. Protection from falling overboard and means of reboarding

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.

2.4. Visibility from the main steering position

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

2.5. Owner's manual

Each product shall be provided with an owner's manual in accordance with Article 7(7) and Article 9(4). That manual shall provide all the information necessary for safe use of the product drawing particular attention to set up, maintenance, regular operation, prevention of risks and risk management.

EN ISO
10087:2006
Craft
identification -
Coding system

EN ISO
14945:2004
Builder's plate

EN ISO
15085:2003
Man-overboard
prevention and
recovery

EN ISO
11591:2011
Field of vision
from helm
position

EN ISO
10240:2004
Owner's manual

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3. INTEGRITY AND STRUCTURAL REQUIREMENTS

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.

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.

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 hatchcovers shall withstand the water pressure likely to be encountered in their specific position, as well as pointloads 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.

3.5. Flooding

All craft shall be designed so as to minimize 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.

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).

3. INTEGRITY AND STRUCTURAL REQUIREMENTS

3.1. Structure

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

3.2. Stability and freeboard

The watercraft shall have sufficient stability and freeboard considering its design category in accordance with Section 1 and the manufacturer's maximum recommended load in accordance with point 3.6.

3.3. Buoyancy and flotation

The watercraft shall be constructed as to ensure that it has buoyancy characteristics appropriate to its design category in accordance with Section 1 and the manufacturer's maximum recommended load in accordance with point 3.6. All habitable multihull recreational craft susceptible of inversion shall have sufficient buoyancy to remain afloat in the inverted position.

Watercraft of less than 6 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.

3.4. Openings in hull, deck and superstructure

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

Windows, port lights, 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 in accordance with point 3.6, shall be fitted with a means of shutoff which shall be readily accessible.

3.5. Flooding

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

Where appropriate, particular attention shall be paid to:

- (a) cockpits and wells, which should be self-draining or have other means of keeping water out of the watercraft interior;
- (b) ventilation fittings;
- (c) removal of water by pumps or other means.

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 watercraft was designed, shall be determined in accordance with the design category (Section 1), stability and freeboard (point 3.2) and buoyancy and flotation (point 3.3).

EN ISO 12215-
Parts 1-9:2012
Hull construction
and scantlings

EN ISO 12217-
Parts 1-3:2013
Stability and
buoyancy
assessment and
categorization

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

EN ISO 9093-
Parts 1-2:1997
Seacocks and
through-hull
fittings

EN ISO
11812:2001
Watertight
cockpits and
quick-draining
cockpits

EN ISO
15083:2003
Bilge-pumping
systems

EN ISO
14946:2001
Maximum load
capacity

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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 (liferrafts) 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.

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.

3.9. 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.

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 harmonized standard.

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 minimize 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.

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.

3.7. Life raft stowage

All recreational craft of design categories A and B, and recreational craft of design categories C and D longer than 6 metres shall be provided with one or more stowage points for a life raft (life rafts) large enough to hold the number of persons the recreational craft was designed to carry as recommended by the manufacturer. Life raft stowage point(s) shall be readily accessible at all times.

3.8. Escape

All habitable multihull recreational craft susceptible of inversion shall be provided with viable means of escape in the event of inversion. Where there is a means of escape provided for use in the inverted position, it shall not compromise the structure (point 3.1), the stability (point 3.2) or buoyancy (point 3.3) whether the recreational craft is upright or inverted.

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

3.9. Anchoring, mooring and towing

All watercraft, 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.

4. HANDLING CHARACTERISTICS

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

5. INSTALLATION REQUIREMENTS

5.1. Engines and engine compartments

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 the engine compartment shall not sustain combustion.

5.1.2. Ventilation

The engine compartment shall be ventilated. The ingress of water into the engine compartment through openings must be minimised.

EN ISO
15084:2003
Anchoring,
mooring and
towing - Strong
points

EN ISO
8665:2006
Marine
propulsion
reciprocating
internal
combustion
engines - Power
measurements
and declarations

EN ISO
11592:2001
Determination
of maximum
propulsion
power rating

EN ISO
15584:2001
Inboard petrol
engines
- Engine-
mounted fuel
and electrical
components

EN ISO
16147:2002
Inboard diesel
engines
- Engine-
mounted fuel
and electrical
components

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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

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 newtons (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.

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.

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 minimize the risk of fire and explosion.

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.

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 minimize risk of fire and electric shock.

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.

5.1.4. Outboard propulsion engine starting

Every outboard propulsion engine fitted on any watercraft shall have a device to prevent the engine being started 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.

5.1.5. Personal watercraft running without driver

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

5.1.6. Tiller-controlled outboard propulsion engines shall be equipped with an emergency stopping device which can be linked to the helmsman.

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 minimize the risk of fire and explosion.

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 in accordance with their capacity and the type of fuel.

Petrol fuel tank spaces shall be ventilated.

Petrol fuel tanks shall not form part of the hull and shall be:

(a) protected against fire from any engine and from all other sources of ignition;

(b) separated from living quarters.

Diesel fuel tanks may be integral with the hull.

5.3. Electrical system

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

EN ISO
11105:1997
Ventilation
of petrol
engine and/
or petrol tank
compartments

EN ISO
11547:1995
Start-in-gear
protection

EN ISO
13590:2003
Personal
watercraft -
Construction
and system
installation
requirements

EN ISO
11105:1997
Ventilation
of petrol
engine and/
or petrol tank
compartments

EN ISO
21487:2012
Permanently
installed petrol
and diesel fuel
tanks

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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.

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.

5.4.2. 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.

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.

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.

All electrical circuits, except engine starting circuits supplied from batteries, shall remain safe when exposed to overload.

Electric propulsion circuits shall not interact with other circuits in such a way that either would fail to operate as intended.

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

5.4. Steering system

5.4.1. General

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

5.4.2. Emergency arrangements

Every sailing recreational craft and single-propulsion engine non-sailing recreational craft with remote-controlled rudder steering systems shall be with emergency means of steering the recreational craft at reduced speed.

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 gas appliance intended by the manufacturer for the application for which it is used shall be so installed in accordance with the manufacturer's instructions. 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 watercraft with a permanently installed gas system shall be fitted with an enclosure to contain all gas cylinders. The enclosure shall be separated from the living quarters, accessible only from the outside and ventilated to the outside so that any escaping gas drains overboard.

In particular, any permanently installed gas system shall be tested after installation.

5.6. Fire protection

5.6.1. General

The type of equipment installed and the layout of the watercraft 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 routing of electrical wiring in particular away from heat sources and hot areas.

EN ISO
13297:2012
Electrical
systems -
Alternating
current
installations

EN ISO
25197:2012
Electrical/
electronic
control systems
for steering, shift
and throttle

EN ISO
8847:2004
Steering gear -
Cable and pulley
systems

EN ISO
10592:1995
Hydraulic
steering systems

EN ISO
13929:2001
Steering gear
-Geared link
systems

EN ISO
14895:2003
Liquid-fuelled
galley stoves

EN ISO
10239:2008
Liquefied
petroleum gas
(LPG) systems

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

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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.

5.7. Navigation lights

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

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.

B. Essential requirements for exhaust emissions from propulsion engines

Propulsion engines shall comply with the following essential requirements for 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.

5.6.2. Fire-fighting equipment

Recreational 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 compartments shall be protected by a fire extinguishing system that avoids the need to open the compartment 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 recreational craft.

5.7. Navigation lights, shapes and sound signals

Where navigation lights, shapes and sound signals are fitted, they shall comply with the 1972 COLREG (The International Regulations for Preventing Collisions at Sea) or CEVNI (European Code for Interior Navigations for inland waterways) Regulations as appropriate.

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

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

Any toilet fitted in a recreational craft shall be connected solely to a holding tank system or water treatment system.

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

B. Essential requirements for exhaust emissions from propulsion engines

Propulsion engines shall comply with the essential requirements for exhaust emissions set out in this Part.

1. PROPULSION ENGINE IDENTIFICATION

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

- (a) engine manufacturer's name, registered trade name or registered trade mark and contact address; and, if applicable, the name and contact address of the person adapting the engine;
- (b) engine type, engine family, if applicable;
- (c) a unique engine serial number;
- (d) CE marking, as provided for in Article 18.

1.2. The marks referred to in point 1.1 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.

EN ISO 9094-2:2002 Fire protection - Part 2: Craft with a hull length of over 15 m
*NOTE: These two parts will be joined into a single standard by the end of 2014

EN ISO 16180:2013 Navigation lights - Installation, placement and visibility

EN ISO 8099:2000 Toilet waste retention systems

EN ISO 18854:2014 Reciprocating internal combustion engines exhaust emission measurement — Test-bed measurement of gaseous and particulate exhaust emissions
*NOTE: This is a new harmonised standard due to be published at the end of 2014.

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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

Type	Carbon monoxide CO = A + B/ P _x ⁿ			Hydrocarbons HC = A + B/ P _x ⁿ			Nitrogen oxides NO _x	Particulates PT
	A	1,0	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_x is the rated engine power in kW and the exhaust emissions are measured in accordance with the harmonised standard (1).

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

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.

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

1.4. The marks must be located so as to be readily visible 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 point 2.1, Table 1 and point 2.2, Tables 2 and 3:

2.1. Values applying for the purposes of Article 55(2) and Table 2 of point 2.2:

Table 1

Type	Carbon monoxide CO = A + B/ P _N ⁿ			Hydrocarbons HC = A + B/ P _N ⁿ			Nitrogen oxides NO _x	Particulates PT
	A	1,0	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.

2.2. Values applying from 18 January 2016:

Table 2

Exhaust emission limits for compression ignition (CI) engines (++)

Swept Volume SV (L/cyl)	Rated Engine Power P _N (kW)	Particulates PT (g/kWh)	Hydrocarbons + Nitrogen Oxides HC + NO _x (g/kWh)
SV < 0,9	P _N < 37	The values referred to in table 1	
	37 ≤ P _N < 75 (+)	0,30	4,7
	75 ≤ P _N < 3 700	0,15	5,8
0,9 ≤ SV < 1,2	P _N < 3 700	0,14	5,8
1,2 ≤ SV < 2,5		0,12	5,8
2,5 ≤ SV < 3,5		0,12	5,8
3,5 ≤ SV < 7,0		0,11	5,8

(++) Alternatively, compression-ignition engines with rated engine power at or above 37 kW and below 75 kW and with a swept volume below 0,9 L/cyl shall not exceed a PT emission limit of 0,20 g/kWh and a combined HC + NO_x emission limit of 5,8 g/kWh.

(++) Any compression-ignition engine shall not exceed a Carbon monoxide (CO) emission limit of 5,0 g/kWh

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Table 3

Exhaust emission limits for spark ignition (SI) engines

Type of engine	Rated Engine Power P_N (kW)	Carbon monoxide CO (g/kWh)	Hydrocarbons + Nitrogen Oxides HC + NO _x (g/kWh)
Stern-drive and inboard engines	$P_N \leq 373$	75	5
	$373 < P_N \leq 485$	350	16
	$P_N > 485$	350	22
Outboard engines and PWC engines	$P_N \leq 4,3$	$500 - (5,0 \times P_N)$	30
	$4,3 < P_N \leq 40$	$500 - (5,0 \times P_N)$	$15,7 + \left(\frac{50}{P_N^{0,9}}\right)$
	$P_N > 40$	300	$15,7 + \left(\frac{50}{P_N^{0,9}}\right)$

2.3. Test cycles:

Test cycles and weighting factors to be applied:

The following requirements of ISO standard 8178-4:2007 shall be used, taking into account the values set out in the table below.

For variable speed CI engines test cycle E1 or E5 shall be applied or alternatively, above 130 kW, test cycle E3 may be applied. For variable speed SI engines test cycle E4 shall be applied.

Cycle E1, Mode number	1	2	3	4	5
Speed	Rated speed		Intermediate speed		Low-idle speed
Torque, %	100	75	75	50	0
Weighting factor	0,08	0,11	0,19	0,32	0,3
Speed	Rated speed		Intermediate speed		Low-idle speed
Cycle E3, Mode number	1	2	3	4	
Speed, %	100	91	80	63	
Power, %	100	75	50	25	
Weighting factor	0,2	0,5	0,15	0,15	
Cycle E4, Mode number	1	2	3	4	5
Speed, %	100	80	60	40	Idle
Torque, %	100	71,6	46,5	25,3	0
Weighting factor	0,06	0,14	0,15	0,25	0,40
Cycle E5, Mode number	1	2	3	4	5
Speed, %	100	91	80	63	Idle
Power, %	100	75	50	25	0
Weighting factor	0,08	0,13	0,17	0,32	0,3

The following requirements of ISO standard 8178-4:2007 shall be used, taking into account the values set out in the table below.

For variable speed CI engines test cycle E1 or E5 shall be applied or alternatively, above 130 kW, test cycle E3 may be applied. For variable speed SI engines test cycle E4 shall be applied.

Notified bodies may accept tests carried out on the basis of other tests cycles as specified in a harmonised standard and as applicable for the engine duty cycle.

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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.

2.4. Application of the propulsion engine family and choice of parent propulsion engine

The engine manufacturer shall be responsible for defining those engines from his range which are to be included in an engine family.

A parent engine shall be selected from an engine family in such a way that its emissions characteristics are representative for all engines in that engine family. The engine incorporating those features that are expected to result in the highest specific emissions (expressed in g/kWh), when measured on the applicable test cycle, should normally be selected as the parent engine of the family.

2.5. Test fuels

The test fuel used for exhaust emission testing shall meet the following characteristics:

Petrol Fuels				
Property	RF-02-99 Unleaded		RF-02-03 Unleaded	
	min	max	min	max
Research Octane Number (RON)	95	-	95	-
Motor Octane Number (MON)	85	-	85	-
Density at 15°C (kg/m ³)	748	762	740	754
Initial boiling point (°C)	24	40	24	40
Mass fraction of sulphur (mg/kg)	-	100	-	10

Petrol Fuels				
Property	RF-02-99 Unleaded		RF-02-03 Unleaded	
	min	max	min	max
Lead content (mg/l)	-	5	-	5
Reid vapour pressure (kPa)	56	60	-	-
Vapour pressure (DVPE) (kPa)	-	-	56	60

Diesel Fuels				
Property	RF-06-99		RF-06-03	
	min	max	min	max
Cetane number	52	54	52	54
Density at 15 °C (kg/ m ³)	833	837	833	837
Final boiling point (°C)	-	370	-	370
Flash point (°C)	55	-	55	-
Mass fraction of sulphur (mg/kg)	To be reported	300 (50)	-	10
Mass fraction of ash (%)	To be reported	0,01	-	0,01

Notified bodies may accept tests carried out on the basis of other tests fuel as specified in a harmonised standard.

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 limits set out in points 2.1 and 2.2 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 as follows:

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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.

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 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.

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 (1) shall not exceed the limit values in the following table:

Table 2

Rated Engine Power (single engine) In kW	Maximum Sound Pressure Level = INSER In dB
$P_N \leq 10$	67
$10 < P_N \leq 40$	72
$P_N > 40$	75

(a) For CI engines: 480 hours of operation or 10 years, whichever occurs first;

(b) For SI inboard or stern drive engines with or without integral exhaust:

(i) for the engine category PN mniejsze rowne 373 kW: 480 hours of operation or 10 years, whichever occurs first,

(ii) for engines in the category $373 < PN$ mniejsze rowne 485 kW: 150 hours of operation or three years, whichever occurs first,

(iii) for the engine category $PN > 485$ kW: 50 hours of operation or one year, whichever occurs first;

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

(d) outboard engines: 350 hours of operation or 10 years, whichever occurs first

4. OWNER'S MANUAL

Each engine shall be provided with an owner's manual in a language or languages which can be easily understood by consumers and other end-users, as determined by the Member State in which the engine is to be marketed.

The owner's manual shall:

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

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

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 essential requirements for noise emissions set out in this Part.

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 shall not exceed the limit values in the following table:

Rated Engine Power (single engine) In kW	Maximum Sound Pressure Level = L_{pASmax} In dB
$P_N \leq 10$	67
$10 < P_N \leq 40$	72
$P_N > 40$	75

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

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where PN = rated engine power in kW at rated speed and LpASmax = maximum sound pressure level in dB.

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

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 $\leq 1,1$ and a power displacement ratio of ≤ 40 and where the engine and exhaust system are installed in accordance with the engine manufacturer's specifications.

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, ($g = 9,8 \text{ m/s}^2$)

$$Fn = x = \frac{v}{\sqrt{(g \cdot lwl)}}$$

'Power displacement ratio' shall be calculated by dividing the engine power P (kW) by the boat's displacement D (t) = P/D

1.4. As a further alternative to sound measurement tests, recreational craft within board 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.

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.

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.

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

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 the noise requirements set out in point 1.1 if they 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.

1.3. 'Froude number' Fn shall be calculated by dividing the maximum recreational craft speed V (m/s) by the square root of the waterline length lwl (m) multiplied by a given gravitational acceleration constant, g, of $9,8 \text{ m/s}^2$

$$Fn = x = \frac{v}{\sqrt{(g \cdot lwl)}}$$

'Power to Displacement ratio' shall be calculated by dividing the rated engine power PN (in kW) by the recreational craft's displacement D (in tonnes)

$$\text{Power to Displacement ratio} = \frac{P_N}{D}$$

2. OWNER'S MANUAL

For recreational craft with inboard engine or stern drive engines without integral exhaust and personal watercraft, the owner's manual required under point 2.5 of Part A, shall include information necessary to maintain the recreational 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.

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

3. DURABILITY

The provisions on the durability in Section 3 of Part B shall apply mutatis mutandis to the compliance with the requirements on noise emissions set out in Section 1 of this part.