

Proposal for a Directive of the European Parliament and of the Council modifying Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft

(2001/C 62 E/10)

(Text with EEA relevance)

COM(2000) 639 final — 2000/0262(COD)

(Submitted by the Commission on 12 October 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Developments since the adoption of Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft ⁽¹⁾, have made it necessary to amend that Directive.
- (2) It does not cover personal watercraft, while since its adoption some Member States have introduced laws, regulations and administrative provisions laying down technical requirements for such craft.
- (3) The propulsion engines on recreational craft and personal watercraft produce exhaust emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NO_x) and noise emissions which affect both human health and the environment.
- (4) Noise and exhaust emissions produced by the engines of such recreational craft are also not covered by that Directive.
- (5) It is now necessary to integrate environmental protection requirements into the various Community activities in order to promote sustainable development. Such provisions, which are already the subject of the Council Resolution of 3 December 1992 concerning the relationship between industrial competitiveness and environmental protection ⁽²⁾, were recalled in the conclusions of the Industry Council of 29 April 1999.

(6) Laws, regulations and administrative provisions are in force in some Member States limiting noise and exhaust emissions from engines in order to protect human health, the environment and, where appropriate, domestic animal health. Those provisions differ and are likely to affect the free movement of such products and constitute barriers to trade within the Community.

(7) In the framework of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽³⁾, as amended by Directive 98/48/EC ⁽⁴⁾ the Member States have notified draft national regulations aimed at reducing noise and exhaust emissions from the engines of recreational craft; such technical regulations are considered, like the national provisions already in force, to be likely to affect the free movement of such products or to create obstacles to the proper functioning of the internal market. It is therefore necessary to draw up a binding Community instrument.

(8) The harmonisation of national laws is the only way to abolish such barriers to trade and unfair competition found in the internal market. The objective of limiting noise and exhaust emissions cannot be satisfactorily met by the Member States individually. The measures provided for in this Directive lay down only the essential requirements for the free movement of all the types of engines to which it applies.

(9) These measures are in accordance with the principles for the implementation of the new approach as set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards ⁽⁵⁾ and of making reference to harmonised European standards.

⁽¹⁾ OJ L 164, 30.6.1994, p. 15.

⁽²⁾ OJ C 331, 16.12.1992, p. 5.

⁽³⁾ OJ L 204, 21.7.1998, p. 37.

⁽⁴⁾ OJ L 217, 5.8.1998, p. 18.

⁽⁵⁾ OJ C 136, 4.6.1985, p. 1.

- (10) The provisions on emissions laid down in this Directive should apply to all engines, whether inboard, outboard or stern drive, and to personal watercraft in order to ensure optimum effectiveness in the protection of human health and the environment. Engines undergoing major alterations should also be included as regards gaseous emissions. Craft or partly completed craft with an inboard or stern drive engine, or one of such types of craft whose engine is undergoing major alterations should also comply with the provisions regarding noise emissions.
- (11) Conformity with the essential requirements for emissions from the engines concerned is essential to protect human health and the environment. Maximum authorised levels should be laid down for exhaust emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxide (NO_x) and particulate pollutants. As far as noise emissions are concerned, the maximum levels should be broken down as a function of the power of such engines and the number of engines on board. These measures are consistent with all other measures to reduce engine emissions in order to protect human beings and the environment.
- (12) For the two types of emission in question, the data certifying their conformity should always accompany the recreational craft.
- (13) Harmonised European standards, in particular as regards the measurement of levels and test methods, make it easier to demonstrate conformity with the essential requirements, also in the case of emissions from the recreational craft covered by this Directive.
- (14) In view of the nature of the risks involved, it is necessary to adopt conformity assessment procedures to ensure the necessary level of protection. The manufacturer or his authorised representative should ensure that the products covered by this Directive comply with relevant essential requirements, when they are placed on the market or put into service, relating to personal watercraft and recreational craft engines as appropriate. Adequate procedures should be laid down which provide a choice between procedures with equivalent stringency. Those procedures should comply with Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking which are intended to be used in technical harmonisation Directives⁽¹⁾.
- (15) As far as exhaust emissions are concerned, all types of engines, including personal watercraft and other similar powered craft, should bear the CE mark affixed by the manufacturer or his authorised representative within the Community, except inboard and stern drive engines, which should be accompanied by the manufacturer's certificate of conformity. As far as noise emissions are concerned, only outboard engines must bear the CE mark affixed by the manufacturer or his authorised representative within the Community. For noise emissions and for all types of engines, except outboard engines, the CE mark affixed on the craft demonstrates conformity with the relevant essential requirements.
- (16) Directive 94/25/EC should also be amended, to take account of manufacturing needs, which require a greater choice of certification procedures.
- (17) For the sake of legal certainty and to ensure the safe use of recreational craft, it is necessary to clarify the essential requirement concerning the maximum recommended load to be displayed on the builder's plate.
- (18) In order to facilitate the application of measures concerning the efficient functioning of legislation, the procedure establishing a close cooperation between the Commission and Member States in the framework of a Committee is maintained and reinforced.
- (19) The efficient functioning of legislation requires a mechanism for amending the technical provisions concerning the evolution of exhaust and noise emission limits and of exhaust duty cycles and test fuels in the light of advances in technology; a Regulatory Committee established following the Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾ would be required to advise the Commission on the measures to be taken,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 94/25/EC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

Scope and definitions

1. This Directive shall apply:

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

- (i) recreational craft and partly completed boats,
- (ii) personal watercraft,

⁽¹⁾ OJ L 220, 30.8.1993, p. 23.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

- (iii) components referred to in Annex II when separate and when installed;
- (b) with regard to exhaust emissions, to:
- (i) propulsion engines intended for recreational craft and personal watercraft,
- (ii) propulsion engines installed on or in these craft that are subject to a "major engine modification";
- (c) with regard to noise emissions, to:
- (i) recreational craft and partly-completed boats, with stern drive or inboard propulsion engine installations,
- (ii) recreational craft, with stern drive or inboard propulsion engines that are subject to a "major craft conversion",
- (iii) personal watercraft,
- (iv) outboard engines intended for installation on recreational craft.
2. The following shall be excluded from the scope of this Directive:
- (a) with regard to paragraph 1(a):
- (i) craft intended solely for racing, including rowing racing boats and training rowing boats, labelled as such by the manufacturer;
- (ii) canoes and kayaks, gondolas and pedalos;
- (iii) sailing surfboards;
- (iv) surfboards, including powered surfboards;
- (v) original, and individual replicas of, historical craft designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;
- (vi) experimental craft, provided that they are not subsequently placed on the Community market;
- (vii) craft built for own use, provided that they are not subsequently placed on the Community market during a period of five years;
- (viii) craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3, subparagraph (a), in particular those defined in Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels⁽¹⁾, regardless of the number of passengers;
- (ix) submersibles;
- (x) air cushion vehicles;
- (xi) hydrofoils.
- (b) With regard to paragraph 1(b):
- (i) Propulsion engines installed or specifically intended for installation on the following:
- craft intended solely for racing and labelled as such by the manufacturer;
 - experimental craft, provided that they are not subsequently placed on the Community market;
 - craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3 subparagraph (a), in particular those defined in Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels, regardless of the number of passengers;
 - submersibles;
 - air cushion vehicles;
 - hydrofoils;
- (ii) Original and individual replicas of historical propulsion engines, which are based on a pre 1960 design, not produced in series and fitted on craft referred to in paragraph 2(a)(v).
- (c) With regard to paragraph 1(c):
- all craft referred to in point (b) of this paragraph.
3. For the purposes of this Directive the following definitions shall apply:
- (a) "recreational craft" shall mean any boat of any type intended for sports and leisure purposes of hull length from 2,5 m to 24 m, measured according to the harmonised standard, regardless of the means of propulsion; the fact that the same boat could be used for charter or for recreational boating training shall not prevent it being covered by this Directive when it is placed on the market for recreational purposes;

⁽¹⁾ OJ L 301, 28.10.1982, p. 1, Directive as amended by the Act of Accession of Austria, Finland and Sweden.

- (b) "personal watercraft" shall mean a vessel less than 4 m in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of a hull;
- (c) "propulsion engine" shall mean any spark or compression ignition, internal combustion engine used for propulsion purposes, including 2-stroke and 4-stroke inboard, stern-drive and outboard engines;
- (d) "major engine modification" shall mean the modification of an engine which:
- could potentially cause the engine to exceed the emission limits set out in Annex I.B. excluding routine replacement of engine components that do not alter the emission characteristics; or
 - increases the rated power of the engine by more than 10 %.
- (e) "major craft conversion" shall mean a conversion of an existing craft which:
- changes the means of propulsion of the craft,
 - involves either a major engine modification or the replacement of the propulsion engine by a different type or size of engine,
 - alters the craft to such an extent that it is considered a new craft;
- (f) "means of propulsion" shall mean the mechanical method by which the craft is driven, in particular marine propellers or waterjet mechanical drive systems;
- (g) "engine family" shall mean the manufacturer's grouping of engines which through their design, are expected to have similar exhaust emission characteristics and which comply with the exhaust emissions requirements of this Directive;
- (h) "manufacturer" means any natural or legal person who designs and manufactures a product covered by this Directive or who has such a product designed and/or manufactured with a view to placing it on the market under his own name;
- (i) "authorised representative" means any natural or legal person established in the Community who has received a written mandate from the manufacturer to act on his behalf with regard to the latter's obligation under this Directive.'

2. In Article 4, the following paragraph 3a shall be inserted:

'3a Member States shall not prohibit, restrict or impede the placing on the market and putting into service of inboard and stern drive propulsion engines where the manufacturer or his authorised representative established in the Community declares in accordance with Annex XV.3 that the engine will meet the exhaust emission requirements of this Directive, when installed in a recreational craft or personal watercraft in accordance with the manufacturer's supplied instructions.'

3. The following Article 6a shall be inserted:

'Regulatory Committee

Article 6a

1. Amendments which are necessary, in the light of evolution of technical knowledge and new scientific evidence, to the requirements of Annex I.B.2, concerning limit values of exhaust emissions, duty cycles and reference fuels, and Annex I.C.1, concerning limit values of noise emissions, shall be adopted by the Commission assisted by the Standing Committee set up pursuant to Article 6(3), acting as a regulatory committee in accordance with the procedure referred to in Article 6a(2).

2. Where reference is made to this provision, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) and Article 8 thereof.

3. The period stipulated in Article 5(6) of Decision 1999/468/EC shall be three months.'

4. In Article 7 paragraph 1 shall be replaced by the following:

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

5. Article 8 shall be replaced by the following:

'Article 8

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

In the absence of the manufacturer and of his authorised representative the responsibilities for the product's conformity to this Directive can be assumed by any natural or legal person established within the Community who places the product on the market under his own name.

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

(a) For categories A and B:

- (i) for boats of less than 12 m hull length: the internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII, supplemented by module C (type conformity) referred to in Annex VIII, or any of the following modules: B + D or G or H.
- (ii) for boats from 12 m to 24 m hull length: the EC type-examination (module B) referred to in Annex VII supplemented by module C (type conformity) referred to in Annex VIII, or any of the following modules: B + D, or B + F, or G or H.

(b) For category C:

- (i) for boats from 2,5 m to 12 m hull length:
 - where the harmonised standards relating to Sections 3.2 and 3.3 of Annex I.A are complied with: the internal production control (module A), referred to in Annex V, or internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII, supplemented by module C (type conformity) referred to in Annex VIII, or any of the following modules: B + D, or B + F, or G, or H.
 - where the harmonised standards relating to Sections 3.2 and 3.3 of Annex I.A are not complied with: the internal production control plus tests (module Aa) referred to in Annex VI, or the EC type-examination (module B) as described in Annex VII, supplemented by module C (type conformity) referred to in Annex VIII, or any of the following modules: B + D, or B + F, or G, or H.
- (ii) for boats from 12 m to 24 m hull length: the EC type-examination (module B) referred to in Annex VII followed by module C (type conformity) referred to in Annex VIII, or any of the following modules: B + D, or B + F, or G or H.

(c) For category D:

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

(d) For personal watercraft:

the EC type-examination (module B) as described in Annex VII followed by module C (type conformity) referred to in Annex VIII, or any of the following modules: B + D, B + E, B + F, or G, or H.

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

3. With regard to exhaust emissions:

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

(b) for compression ignition engines type-approved according to Directive 97/68/EC which are in compliance with stage II provided for in section 4.2.3 of Annex I to this Directive, the engine manufacturer or his authorised representative established in the Community shall apply the internal production control (Module A) referred to in Annex V.

(4) With regard to noise emissions:

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

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

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

- (b) For products referred to in Article 1(1)(c)(iii) and (iv), the personal watercraft/engine manufacturer or his authorised representative established in the Community shall apply: internal control plus supplementary requirements referred to in Annex VI (module Aa) or module G or H.'
6. In Article 10, paragraphs 1, 2 and 3 shall be replaced by the following:
- '1. When the following products are placed on the market, they must bear the CE marking of conformity:
- (a) recreational craft, personal watercraft and components referred to in Annex II, which are regarded as meeting the corresponding essential requirements set out in Annex I;
- (b) outboard engines which are regarded as meeting the essential requirements set out in Annex I.B and I.C.
2. The CE marking of conformity, as shown in Annex IV, must appear in a visible, legible and indelible form on the craft and the personal watercraft as in point 2.2 of Annex I.A, on components, as referred to in Annex II and/or on their packaging, and on outboard engines and personal watercraft engines as in point 1.1 of Annex I.B.
- The CE marking shall be accompanied by the identification number of the notified body responsible for implementation of the procedures set out in Annexes IX, X, XI, XII and XVI.
3. The affixing of markings or inscriptions on the craft, the personal watercraft, and on propulsion engines which are likely to mislead third parties with regard to the meaning or the form of the CE marking shall be prohibited. Any other markings may be affixed to the recreational craft and components as referred to in Annex II and/or on their packaging provided that the visibility and legibility of the CE marking is not thereby reduced.'
7. Annex I shall be amended in accordance with Part A of the Annex to this Directive.
8. Annex VI shall be replaced by the text in Part B of the Annex to this Directive.
9. In Annex VIII the following new point 4 is added:
- '4. With regard to the assessment of conformity with the exhaust emission requirements of this Directive, a notified body chosen by the manufacturer must carry out or have carried out product checks at random intervals. When the quality level appears unsatisfactory or when it seems necessary to verify the validity of the data presented by the manufacturer, the following procedure shall be used:

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

10. In Annex X, point 5.3, a new subparagraph shall be added as follows:
- 'For the assessment of conformity with the exhaust emission requirements the procedure defined in Annex XVII shall be applied.'
11. Annex XIII shall be replaced by the text in Part C of the Annex to this Directive.
12. In Annex XIV, point 1, the first sentence shall be replaced by the following:
- '1. The body, its director and the staff responsible for carrying out the verification tests shall not be the designer, manufacturer, supplier or installer of the products referred to in Article 1 which they inspect, nor the authorised representative of any of these parties.'
13. Annex XV shall be replaced by the text in Part D of the Annex to this Directive.
14. A new Annex XVI is added, as set out in Part E of the Annex to this Directive.
15. A new Annex XVII is added, as set out in Part F of the Annex to this Directive.

Article 2

Two years after the implementation of this Directive by the Member States, the Commission shall submit a report to the European Parliament and the Council on how to implement a system of in-use compliance testing.

Article 3

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with the requirements of this Directive not later than June 2003. They shall immediately inform the Commission thereof.

Member States shall apply such provisions as from December 2003.

2. Member States shall permit the placing on the market and putting into service of products which comply with the rules in force in their territory on the date of entry into force of this Directive, as follows:

- until December 2004 for the products falling under Article 1(1)(a);
- until December 2004 for compression ignition and 4-stroke spark ignition engines; and,
- until December 2005 for 2-stroke spark ignition engines.

3. When Member States adopt the provisions referred to in paragraph 1, 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.

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

Article 4

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

Article 5

This Directive is addressed to the Member States.

ANNEX

A — Annex I is amended as follows:

1. The heading is replaced by the following:

'ANNEX I: ESSENTIAL REQUIREMENTS

Preliminary observation

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

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

2. The paragraph under section 2. 'General requirements' is replaced by the following:

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

3. In section 2.2 'Builder's plate', fourth indent, the following words shall be added at the end of the sentence:

'... excluding the weight of the fuel and water tanks when full.'

4. In section 3.6 'Manufacturer's maximum recommended load' the following words shall be deleted:

'... , as marked on the builder's plate, ...'

5. A new section shall be added in section 5 'Installation requirements':

'5.1.5. Personal watercraft running without driver. Personal watercraft shall be designed either with an automatic engine cut-off or with an automatic switch to provide reduced speed, circular, forward movement when the driver dismounts deliberately or falls overboard.'

6. Two new parts, B and C, shall be added to this Annex as follows:

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

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

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

Reference fuels specified in Directive 98/69/EC shall be used for the emissions tests (Annex XI, Table 2 and Table 3).

3. DURABILITY

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

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

The normal life of the engine is considered to mean:

- Inboard or stern drive engines: 480 hours or 10 years, whichever occurs first
- Personal Watercraft engines: 350 hours or 5 years, whichever occurs first
- Outboard engines: 350 hours or 10 years, whichever occurs first.

4. OWNERS MANUAL

Each engine shall be provided with an Owners Manual in the Community language or languages, which may be determined by the Member State in which the engine is to be marketed in accordance with the Treaty. This manual should:

- Provide instructions for the installation and maintenance needed to assure the proper functioning of the engine to meet the requirements of paragraph 3, (Durability).
- 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, personal watercraft and outboard engines shall comply with the following essential requirements for noise emissions.

1. NOISE EMISSION LEVELS

- 1.1. Recreational craft with inboard or stern drive engines, personal watercraft and outboard engines shall be designed, constructed and assembled so that noise emissions measured in accordance with tests defined in the harmonised standard shall not exceed the limit values in the following table:

Table 2

Engine Power 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 at rated speed and L_{pASmax} = maximum sound pressure level in dB.

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

- 1.2. As an alternative to sound measurement tests, recreational craft with inboard or stern drive engine configurations 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.
- 1.3. "Certified reference boat" shall mean a specific hull/inboard or stern drive engine combination that has been found to comply with the noise emission requirements, when measured in accordance with section 1.1 above, 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. OWNERS MANUAL

For recreational craft with inboard or stern drive engines and personal watercraft, the Owners Manual required under Annex I.A Section 2.5, shall include information necessary to maintain the craft and exhaust system in a condition, that in so far as is practicable, will ensure compliance with the specified noise limit values when in normal use.

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

B — Annex VI is replaced as follows:

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

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

A. Design and construction:

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

- test of stability according to point 3.2 of the Essential Requirements,
- test of buoyancy characteristics according to point 3.3 of the Essential Requirements.

Provisions common to both variations: These tests or calculations or control shall be carried out under the responsibility of a notified body chosen by the manufacturer.

B. Noise emissions:

For recreational craft fitted with inboard or stern drive engines and for personal watercraft:

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

For outboard engines:

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

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

C — Annex XIII is replaced as follows:

'ANNEX XIII: TECHNICAL DOCUMENTATION SUPPLIED BY THE MANUFACTURER

The technical documentation referred to in Annexes V, VII, VIII, IX and XI must comprise all relevant data or means used by the manufacturer to ensure that components or craft comply with the essential requirements relating to them.

The technical documentation shall enable understanding of the design, manufacture and operation of the product, and shall enable assessment of conformity with the requirements of this Directive.

The documentation shall contain so far as relevant for assessment:

- a general description of the type,
- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product,
- a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to fulfil the essential requirements when the standards referred to in Article 5 have not been applied,
- results of design calculations made, examinations carried out, etc.,
- test reports, or calculations namely on stability according to point 3.2 of the Essential Requirements and on buoyancy according to point 3.3 of the Essential Requirements (Annex I.A),

- exhaust emissions test reports according to point 2 of the Essential Requirements (Annex I.B),
- sound emissions test reports or reference boat data according to point 1 of the Essential Requirements (Annex I.C).'

D — Annex XV is replaced as follows:

'ANNEX XV: WRITTEN DECLARATION OF CONFORMITY

1. The written declaration of conformity to the provisions of the Directive must always accompany:

- the recreational craft and the personal watercraft and must be included with the owner's manual (Annex I.A point 2.5);
- the components, as referred to in Annex II;
- propulsion engines and must be included with the owner's manual (Annex I.B.4).

2. The written declaration of conformity shall include the following ⁽¹⁾:

- name and address of the manufacturer or his authorised representative established in the Community ⁽²⁾;
- description of the product defined in paragraph 1 above ⁽³⁾;
- references to the relevant harmonised standards used, or references to the specifications in relation to which conformity is declared;
- where appropriate, reference to the EC type-examination certificate issued by a notified body;
- where appropriate, the name and address of the notified body;
- identification of the person empowered to sign on behalf of the manufacturer or his authorised representative established within the Community.

3. With regard to inboard and stern drive propulsion engines the declaration of conformity shall include in addition to the information of point 2 above, a statement of the manufacturer that the engine will meet the exhaust emission requirements of this Directive, when installed in a recreational craft, in accordance with the manufacturer's supplied instructions and that this engine must not be put into service until the recreational craft into which it is to be installed has been declared in conformity with the relevant provision of the Directive.'

E — The following Annex XVI is added to

Directive 94/25/EC:

'ANNEX XVI: PRODUCT QUALITY ASSURANCE (MODULE E) — EXHAUST EMISSIONS

1. This module describes the procedure whereby the engine manufacturer who satisfies the obligations of point 2 ensures and declares that the products concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the directive that apply to them. The manufacturer or his authorised representative established within the Community must affix the CE mark to each product and draw up a written declaration of conformity. The CE mark must be accompanied by the identification symbol of the notified body responsible for surveillance as specified in point 4.
2. The manufacturer must operate an approved quality system for final product inspection and testing as specified in paragraph 3 and must be subject to surveillance as specified in point 4.

⁽¹⁾ And be drawn up in the language(s) as foreseen under point 2.5 of Annex I.A.

⁽²⁾ Business name and full address; authorised representative must also give the business name and address of the manufacturer.

⁽³⁾ Description of the product make, type, serial number, where appropriate

3. Quality system

- 3.1. The manufacturer must lodge an application for assessment of his quality system for the products concerned, with a notified body of his choice.

The application must include:

- all relevant information for the product category envisaged;
- the quality system's documentation;
- if applicable, the technical documentation of the approved type and a copy of the EC type-examination certificate.

- 3.2. Under the quality system, each product must be examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5 or equivalent tests shall be carried out in order to ensure its conformity with the relevant requirements of the directive. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must ensure a common understanding of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;
- the examinations and tests that will be carried out after manufacture;
- the means to monitor the effective operation of the quality system;
- quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

- 3.3. The notified body must assess the quality system to determine whether it satisfies the requirements referred to in point 3.2.

It presumes conformity with these requirements in respect of quality systems that implement the relevant harmonised standard.

The auditing team must have at least one member experienced as an assessor in the product technology concerned. The assessment procedure must include an assessment visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

- 3.4. The manufacturer must undertake to fulfil the obligations arising from the quality system as approved and to maintain it in an appropriate and efficient manner.

The manufacturer or his authorised representative must keep the notified body which has approved the quality system informed of any intended updating of the quality system.

The notified body must evaluate the modifications proposed and decide whether the modified quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a re-assessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

4. Surveillance under the responsibility of the notified body

- 4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

- 4.2. The manufacturer must allow the notified body entrance for inspection purposes to the locations of inspection, testing and storage and shall provide it with all necessary information, in particular:
- the quality system documentation;
 - the technical documentation;
 - the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.
- 4.3. The notified body must periodically carry out audits to ensure that the manufacturer maintains and applies the quality system and must provide an audit report to the manufacturer.
- 4.4. Additionally, the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality system where necessary; it must provide the manufacturer with a visit report and, if a test has been carried out, with a test report.
5. The manufacturer must, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:
- the documentation referred to in the third indent of point 3.1;
 - the updating referred to in the second paragraph of point 3.4;
 - the decisions and reports from the notified body which are referred to in the final paragraph of point 3.4, points 4.3 and 4.4.
6. Each notified body must forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.'

F — The following Annex XVII is added to

Directive 94/25/EC:

'ANNEX XVII: CONFORMITY OF PRODUCTION ASSESSMENT FOR EXHAUST EMISSIONS

1. For verifying the conformity of an engine family, a sample of engines is taken from the series. The manufacturer shall decide the size (n) of the sample, in agreement with the notified body.
2. The arithmetical mean X of the results obtained from the sample shall be calculated for each regulated component of the exhaust and noise emission. The production of the series shall be deemed to conform to the requirements ("pass decision") if the following condition is met:

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

S is standard deviation, where:

$$S^2 = \frac{\sum (x - X)^2}{(n - 1)}$$

X = the arithmetical mean of the results

x = the individual results of the sample

L = the appropriate limit value

n = the number of engines in the sample

k = statistical factor depending on n, see table

n	2	3	4	5	6	7	8	9	10
k	0,973	0,613	0,489	0,421	0,376	0,342	0,317	0,296	0,279
n	11	12	13	14	15	16	17	18	19
k	0,265	0,253	0,242	0,233	0,224	0,216	0,210	0,203	0,198

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