

Opinion of the European Economic and Social Committee on the ‘Proposal for a directive of the European Parliament and of the Council on recreational craft and personal watercraft’

COM(2011) 456 final — 2011/0197 (COD)

(2012/C 43/07)

Rapporteur: **Mr PÁSZTOR**

On 1 September 2011, the Council, and, on 13 September 2011, the Parliament decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

Proposal for a Directive of the European Parliament and of the Council on recreational craft and personal watercraft

COM(2011) 456 final — 2011/0197 (COD).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 10 November 2011.

At its 476th plenary session, held on 7 and 8 December 2011 (meeting of 8 December), the European Economic and Social Committee adopted the following opinion by 143 votes to 7 with 10 abstentions:

1. Recommendations

1.1 The EESC welcomes the proposal for a directive on recreational craft and personal watercraft. It considers it an important step forward on the road to reaching the EU’s common goals. Whilst this directive relates to an area of limited importance, its entry into force will contribute to the achievement of several cross-cutting objectives. One could mention, for example, the competitiveness and employment objectives of the Europe 2020 strategy. Strengthening the rules on environmental protection will help achieve the objectives of the biodiversity strategies and of air purity in a key area.

1.2 The EESC considers it especially important that the new rules should strengthen the competitiveness of the sector, despite stricter environmental requirements. It seeks to help it adjust to the expectations of world markets, thus eliminating competitive disadvantages. The EESC hopes that comparable synergies between quality and competitiveness requirements can be created in an increasing number of areas. It therefore recommends closer cooperation with transatlantic partners with a view to achieving comparable treatment of quality parameters.

1.3 The EESC welcomes the Commission’s willingness to ensure that the various bodies work properly and seamlessly. At the same time, the Committee notes that the wording is so general that the same procedures should be applied and the same bodies be set up for every other type of goods.

1.4 In general terms, the EESC is also in agreement with the details of the proposal for a directive. However, it recommends that the following points be clarified:

— it is important to establish clearly that safety and emission standards apply to all waters, not just the seas;

— safety standards apply to all the relevant types of boat;

— for smaller engines, provision could also be made for a shorter transitional period;

— with regard to noise pollution, European monitoring of local regulations should be stepped up.

1.5 The EESC would like to see the European Union seeking to be a standard bearer in the area of environmental rules and regulations and to provide an example to the rest of the world.

1.6 On the basis of the experience accumulated in the process of drafting the directive, the EESC expects the European Commission to involve the broadest possible groups in consultations and to ensure that the questionnaires are available and can be completed in all the participants’ languages.

2. Gist of the draft directive

2.1 The Commission’s draft sets out to revise the 1994 directive on recreational craft and personal watercraft on the basis of two considerations: firstly, strengthening environmental protection requirements; secondly, changing the legislative framework.

2.1.1 There are two reasons why the environmental protection provisions need to be changed. The first is the rise in the number of watercraft and the accompanying environmental impact. Not only has there been – most importantly – a particularly sharp rise in nitrogen oxide emissions, but increased emissions of other pollutants have also been observed in the affected geographical areas. The second reason is the competitive disadvantage vis-à-vis the United States due to lower EU emissions standards; this puts exporters in a difficult situation.

2.1.2 Following adoption of Regulation (EC) 765/2008 and Decision 768/2008/EC, a new directive is needed to include recreational watercraft. These regulations represent a commitment on the part of the Commission to harmonisation of sectoral legislation – in relation to the obligations of economic operators, bodies assessing compliance and their competences, market surveillance authorities, and the CE marking – with a view, above all, to overcoming the uncertainty surrounding impact assessments. They therefore help to ensure legal certainty for all stakeholders.

2.2 The proposal aims to set out more precise definitions than hitherto in the field to be regulated. The concepts of recreational craft and personal watercraft are defined together with the relevant exceptions. The various market players are also defined.

2.3 The proposal then sets out detailed specifications for the institutional structures dealing with environmental and consumer protection requirements, as well as describing their remit and the way they operate. In general, the directive allows local or national authorities to use its provisions merely as a basis, with implementation taking local needs and possibilities into account, in line with the subsidiarity principle.

2.4 The annexes to the directive include health and safety requirements, environmental standards and other procedural documents. All these provisions are appropriate to the safety conditions specific to watercraft. Pollutant emission standards have been tightened up, bringing them into line with similar provisions in the United States.

2.4.1 However, the proposal for a directive does not recommend that the limits on noise pollution be changed. The reason for this is that such pollution is caused by a combination of factors which cannot easily be regulated at EU level. In this respect, local regulation has a particularly important role to play.

2.5 In line with the nature of the subject, the directive would give the Commission the right to amend the technical documents and the compliance procedures relating to environmental standards set out in the annexes, with the exception of the limit values, thus enabling flexible adjustment to technological or scientific developments.

2.6 A key element in the directive is that it envisages an adequate transition period enabling manufacturers and traders to adapt. In the case of emissions standards, this would generally be three years from entry into force of the directive. For SMEs manufacturing and selling outboard motors under 15 kW the transition period would be three years longer.

3. General assessment

3.1 The current draft introduces new legislation in a sector manufacturing final products, engines and components ⁽¹⁾, with 270 000 employees working in 37 000 companies, alongside 'hobby boatbuilding' as a specific leisure activity. It defines recreational boats as watercraft which are 2,5 to 24 metres in length and do not take paying passengers. In the new legislation there is a separate category for personal watercraft of a maximum length of four metres, thus correcting previous legislative shortcomings.

3.2 The EESC welcomes the Commission's efforts to tighten up environmental and consumer protection requirements in this field, in line with its general objectives. It is particularly fortunate that, despite tightening up environmental requirements, the new legislation would actually make the sector more competitive by adjusting it to expectations on international markets, thus overcoming the competitive disadvantage existing here. The EESC hopes that such synergies between quality requirements and competitiveness will be found in more and more areas. It therefore recommends closer cooperation with transatlantic partners on ensuring a similar approach to quality parameters.

3.3 Although the Commission endeavoured to address quite a number of issues, and in many respects succeeded, one may well ask which geographical area the legislation actually applies to. There are several indications that it is targeted at the marine sector. It would be preferable for the directive to state more specifically that it applies to boats that can also be used on inland waterways.

3.4 There is a very detailed discussion in the draft directive of the principles underlying institutional structures dealing with compliance, as well as of their stakeholders, responsibilities, competences and tasks. The EESC accepts and appreciates the Commission's willingness to ensure that the various institutional structures work properly and seamlessly. It considers that, in this respect, the draft directive meets expectations.

3.4.1 At the same time, the Committee feels that the proposal is worded in such general terms as to go beyond the purposes of regulating the instruments applicable to recreational boating. Such procedures or institutions could be applied to any other goods. With regard to watercraft, the substantive provisions are set out in the annexes. The EESC feels that the time is ripe for unified consumer protection legislation laying down a common approach to procedures and institutions, thus enabling sectoral legislation to genuinely take sector-specific issues into account. This way of working would make a major contribution to enhancing the transparency, clarity and acceptance of European legislation.

⁽¹⁾ An independent product built into other products but which can also be used separately.

3.5 The EESC supports the idea of delegating powers to the Commission enabling it to amend the annexes, with the proviso that the Committee retain the right to be consulted on amendments and to be involved in Commission work on amendments.

3.6 The EESC considers that the Commission has not made full use of all the opportunities to involve all the relevant stakeholders as widely as possible in the consultation, in that the written consultation procedure took place exclusively in English. The EESC calls on the Commission to make it possible in future to receive and complete questionnaires in all relevant languages.

4. Specific comments

4.1 The EESC agrees with the categories of watercraft and in general with the exceptions too.

4.1.1 At the same time, the Committee would like to ask whether emissions from watercraft used for competitive purposes should not also be subject to some restrictions; this would also significantly boost technological development. It could be worth setting emission levels for each performance category.

4.1.2 Questions also arise with regard to commercial use of watercraft. The EESC considers that safety and emission standards are unrelated to the purpose for which the boat is being used.

4.1.3 The EESC would also recommend that non-powered watercraft also be explicitly mentioned in the legislation, given that safety needs are still the same – even if the technical solutions differ, this should not affect standards.

4.2 The EESC agrees with the emissions standards and supports the proposal to raise them. However, the Committee thinks it should be emphasised that in line with its commitments, the EU should in future be a leader rather than a follower in raising standards. This should be particularly emphasised in implementation reports, and one of the tasks of the 'committee procedure' could be to link this directive with innovation measures.

4.3 The EESC also agrees that it is important, in order to combat noise pollution, to tighten up local regulations whilst providing for the possibility of monitoring at European level involving civil society stakeholders.

4.4 The EESC supports transition periods for market players.

4.5 The EESC supports the proposal for institutions to monitor compliance and hopes that these will not just mean more bureaucracy but will effectively contribute to consumer and environmental protection. The Committee agrees that in such cases self-regulation and the work of committees representing the relevant economic stakeholders are not sufficient; however, the consultative role of such bodies could be strengthened.

4.5.1 To this end, we need to use the latest IT tools and the Commission needs to encourage Member States to do this.

4.6 The EESC agrees that all watercraft in this category, including self-built craft, should be subject to compliance procedures.

Brussels, 8 December 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON

APPENDIX

to the Opinion of the European Economic and Social Committee

- a) The following amendment, which received more than a quarter of the votes cast, was rejected in the course of the debate (Rule 54(3) of the Rules of Procedure):

Point 1.4

Amend as follows:

1.4 *In general terms, the EESC is also in agreement with the details of the proposal for a directive. However, it recommends that the following points be clarified:*

- *it is important to establish more clearly that safety and emission standards apply to all waters, ~~not just the seas~~;*
- *safety standards apply to all the relevant types of boat;*
- *for smaller engines, provision could also be made for a shorter transitional period;*
- *with regard to noise pollution, European monitoring of local regulations should be stepped up.*

Reason

The definitions in the beginning of the Commission's proposal (implicitly), as well as other sections, like the one about navigation lights and appendix 1 (explicitly), state that the rules be applied on all waters. There is no predominance for sea in the Commission's text; this seems to be a perception of the rapporteur.

Outcome of the vote on the amendment:

Votes in favour: 69
Votes against: 78
Abstentions: 13

- b) The following section opinion text was rejected as a result of the amendments adopted by the assembly, but obtained at least a quarter of the votes cast:

Point 1.3

Amend as follows:

1.3 *The EESC welcomes the Commission's willingness to ensure that the various bodies work properly and seamlessly. At the same time, the Committee notes that the wording is so general that the same procedures should be applied and the same bodies be set up for every other type of goods. The EESC feels that the time is ripe for unified consumer protection legislation laying down a common approach to procedures and institutional structures, thus enabling sectoral legislation to genuinely take sector-specific issues into account. This approach would make a major contribution to enhancing the transparency, clarity and acceptance of European legislation.*

Outcome of the vote on the amendment:

Votes in favour: 73
Votes against: 70
Abstentions: 13

Point 4.4

Amend as follows:

The EESC supports transition periods for market players. For small engines, one or two years might be enough instead of the proposed three years.

Outcome of the vote on the amendment:

Votes in favour: 78
Votes against: 49
Abstentions: 10
