

RECREATIONAL CRAFT DIRECTIVE
AND
COMMENTS TO THE DIRECTIVE
COMBINED

21/10/98

SECOND EDITION

**A GUIDE TO THE APPLICATION OF DIRECTIVE 94/25/EC OF THE 16 JUNE
1994 ON THE APPROXIMATION OF THE LAWS, PROCEDURES AND
ADMINISTRATIVE PROVISIONS OF THE MEMBER STATES AND EEA STATES
RELATING TO RECREATIONAL CRAFT.**

FOREWORD

1. This document sets out and comments on the text of Directive 94/25/EC relating to the construction requirements for recreational craft.
2. This guide is intended to be a reference document for all parties directly or indirectly involved with the recreational craft industry. It should be read and used as an aid in the application of the Directive. It does not, however, substitute for it. It is the intention that it should explain and clarify certain important issues related to the Directive. In addition these guidelines are intended to promote the free movement of goods in the EU/EEA internal market having been presented to Member States' government experts, industry, notified bodies, users and other parties for comment. The competent services of the Commission very much appreciate the assistance given during the preparation of this guide.
3. The Guide is publicly available, but it is not binding in the same sense as legal acts adopted by the Community. The legally binding provisions are those transposing the Directive.
4. As stated above this Guide is intended as an aid for the application of the Directive. To this end it should be read in conjunction with the Recreational Craft Sectoral Group (RSG) Guidelines, the RSG being the group of notified bodies under the Directive with representatives of industry and users, which give guidance, primarily to notified bodies, on the uniform technical implementation of the Directive.

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

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CHAPTER I

Article 1: Scope

1. This Directive shall apply to recreational craft, partly completed boats and components referred to in Annex II when separate and when installed.

Paragraph 1 specifies the products covered:

- Recreational craft in the proper sense
- Partly completed boats
 - A partly completed boat is a boat consisting of a hull and one or more components.
 - The 'partly completed boat' does not fulfil all the essential requirements of the Directive and is destined to be completed, i.e. completely fulfil the essential requirements, by another party who will be regarded as the manufacturer.
- The components referred to in Annex II when separate and when installed.
 - The statement that the Directive applies to components referred to in Annex II "when separate and when installed" means in particular that these components are subject to conformity assessment in accordance with Article 8 before being installed in boats.

Note: Kit Boats

Kit boats may be envisaged as boats purchased from a manufacturer where all parts necessary to complete the construction, for compliance with the Directive, of the boat are provided

When the kit boat manufacturer supplies all parts necessary for completion, as defined above, then subject to written confirmation that the boat was completed in accordance with the manufacturers instructions being returned to the kit boat manufacturer, CE marking shall be fixed accordingly. Compliance with the Directive shall in these cases be ensured for all variations available from the manufacturer, especially those that would change the stability characteristics from the basic model e.g. variations in mast configuration and rigging.

The above does not absolve the kit manufacturer of his responsibilities, within the modular system, as detailed under Article 8 of the Directive.

2. 'Recreational craft' shall mean any boat of any type, regardless of the means of propulsion, from 2,5 to 24 m hull length, measured according to the appropriate harmonised standards intended for sports and leisure purposes. 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.

Paragraph 2 defines the types of recreational craft covered.

These boats are defined, not by their type or means of propulsion, but:

- - by their hull length of 2.5 to 24 m, and in particular
- - by their intended use for sports and leisure purposes.

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

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

Paragraph 3 contains a list of craft, which are excluded from the scope of the Directive:

Whilst it is for the manufacturer to decide whether a boat is covered by the Directive or not, advice may be sought from the Member State Administration, in order, perhaps, to give greater validity to the decision. Both the Commissions Comments to the Directive and the RSG Guidelines explain the basic text of the Directive and these texts may be used for guidance. If a Member State Administration is, at the end of the day, still unsure, even after consultation with a notified body, then advice may be sought from the Commission. In this case advice would be sought on a wider basis using the services of the committees or groups created under the Directive.

There is no provision for this information to be notified to the Commission or for the Commission to keep a list of excluded craft.

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

the exclusion in (a) concerns craft intended solely for racing and designated as such by their builder. These include rowing racing boats and boats intended for rowing training, that are designed exclusively for racing. Some racing boats are by their very design so extreme in their racing profile that they could in no way be examined against the requirements of the Directive. It is these designs for which this exclusion was drafted. In the remaining majority of craft, examination against the requirements of the Directive could be feasible. That said, a manufacturer who decides, as it is his decision, to label the boat "intended solely for racing" is demonstrating the intended prime purpose of the boat to adequately compete with other boats within a class (perhaps employing minimalist internal fittings). If, in the future this boat is placed on the EEA market not as a racing boat, perhaps because the design is no longer competitive, the boat then falls under the requirements of the Directive as this would constitute the "first placing on the market" as a recreational craft.

(b) canoes and kayaks, gondolas and pedalos;

the exclusions in (b) concern types of watercraft, which are by nature incompatible with some of the essential requirements but whose inclusion in the Directive might be debatable. Canoes and kayaks, gondolas and pedalos are considered to be craft designed to be propelled by human power excluding rowing. Rowing is considered to be the use of more than one oar.

(c) sailing surfboards;

the exclusion in (c) concerns craft whose design is incompatible with the essential requirements of the directive

(d) powered surfboards, personal watercraft and other similar powered craft;

the exclusion in (d) is intended to exclude Personal Watercraft defined in ISO 13590 as:

“Craft less than 4 metres in length, which use an internal combustion engine powering a water jet pump as its primary source of propulsion and which is designed to be operated by a person or persons sitting, standing or kneeling on rather than within, the confines of its hull.”

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

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

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

the exclusion in (e) is intended to exclude from the scope of the Directive craft designed before 1950. In addition this exclusion is also intended to exclude craft and/or types or classes of craft which were designed or developed before 1950 and which are individually constructed predominantly but not exclusively using the original materials. Builders of historical craft are able to build the same authentic bygone design, one boat after another. These boats are still unique and individual, when built using methods and materials consistent with the original design, and retain their aesthetic charm and characteristics. In this respect, predominantly means using the original material for both the hull and the deck, but allowing contemporary use of materials e.g. plywood instead of solid timber, laminated frames, modern adhesives, paints, sealant and fastenings. Series production by means of moulds (e.g. GRP production) shall not be possible in these cases.

It is noted that some classes of boat that were designed before 1950 that were originally made exclusively of wood are now produced of modern plastics. These contemporary constructions are considered to fall within the scope of the Directive as the criteria regarding “predominantly of original materials” is not fulfilled.

Note: All Member States have individual boat designs that are peculiar to that State or region thereof, e.g. “pattini” in Italy or “treehandiri” in Greece. These boats are generally:

- of a design pre-dating 1950
- built in specialist yards of original materials

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

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

the exclusion in (f) concerns experimental craft. Such craft may be placed on the EEA Market only if their design and construction is subsequently certified in conformity with the Directive. It is recognised that some experimental craft are rejected, whilst inherently safe, because design and performance criteria are not fulfilled. Post construction certification of a prototype or experimental boat would ensure that the high level of protection regarding safety, health, consumer and environmental protection envisaged by the Directive is maintained if such a boat were to be placed on the market or into service.

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

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

If, for whatever reason, a boat built for own use is intended to be placed on the Community market, whether completed or partly completed, within the 5 year period, then certification by a person or persons fulfilling the role of manufacturer would be required in a similar manner to (f) above. These persons would take the responsibility for the appraisal of the design, construction and any necessary modification of the boat. This appraisal, with regard to compliance with essential requirements of the Directive, involves the procedures necessary for conformity assessment.

Note

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

It should be made clear that a private person who enters into a contractual arrangement with a professional company, yard or individual constructor to build a one off boat (be-spoke) is deemed to have entered into an arrangement where there will be a transfer of ownership. Such a boat is deemed to fall under the Directive and will have to comply with the Essential Requirements of the Directive and applicable conformity assessment procedures. Reference is made to text expanding Article 4.

Boats built for own use have the concept that a person is building their own boat and not having it built by others.

(h) craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 2, in particular those defined in Directive 82/716/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels (2), regardless of the number of passengers;

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

NOTE

Council Directive 82/714/EEC of 4 October 1982, which lays down technical requirements for inland waterway vessels, excludes recreational craft from its scope but does not define them. However, it does exclude and define passenger boats as follows:

"Passenger boat" means any vessel built and fitted out to carry more than 12 passengers. As a result of this definition, the phrase "regardless of the number of passengers" had to be added to Directive 94/25/EC.

- (i) submersibles;
- (j) air cushion vehicles;
- (k) hydrofoils.

The above three exclusions lie outside of the Directive, as their physical characteristics are not consistent with the Essential Requirements.

Article 2: Placing on the market and putting into service

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

Paragraph 1 points out that the Member States are obliged to take all necessary measures to ensure that recreational craft and the other products referred to in Article 1(1) can only be placed on the market and put into service if they do not endanger the safety and health of persons, property or the environment.

One of the prime objectives of the Directive was to ensure the free circulation of goods by removing barriers to trade. In this respect a craft bearing CE Marking is considered as fulfilling the requirements of Paragraph 1.

The application of this paragraph "voids" Article 36 of the Treaty in respect of the Member States. Paragraph 3 of Article 100a lays down not only the Commission's fields of action with regard to harmonisation directives but also a level of performance:

The Commission envisaged in paragraph 1 high levels of protection for health, safety, the environment and consumers.

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

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

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

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

Article 3: Essential Requirements

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

The essential requirements set out in the Annex I, which must be met by the products covered by the scope of the Directive, fall within the four areas referred to in paragraph 3 of Article 100a:

- safety;
- health;
- environmental protection; and
- consumer protection,

and **not** only the first two areas (those referred to in Article 36).

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

The concept of environmental protection is included, as this has to be taken into account from the design stage for certain craft.

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

Article 4: Free movement of the products referred to in Article 1 (1)

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

Paragraph 1 establishes free movement in the single market for:

- recreational craft;
- partly completed boats;
- the components referred to in Annex II.

For complete comprehension of this Article it is necessary to explain the following terms:

PLACING ON THE MARKET

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

The concept of "Placing on the market" determines the moment when a product covered by the Directive passes for the time from the manufacturing stage to the market of the EEA or the importing stage from a third country with a view to its distribution and/or use in the EEA. Since placing on the market refers only to the first instance of making the product available on the EEA market with a view to distribution or use within the Community, the directive only covers new products manufactured in the EEA and new or used products imported from a third country.

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

The concept of placing on the market must be clearly distinguished from sale. Placing on the market relates to the physical availability of the product regardless of the legal aspects of the act of transfer (loan, gift, sale or hire). Thus manufacturer's stock, wherever physically situated after the 16 June 1998, where no transfer has taken place (see definition of "making available), will be required to comply with the requirements of the Directive when placed on the market.

MAKING AVAILABLE

"Making available," means the transfer of the product

The transfer of the product is:

Either the completion of the craft to a stage at which CE Marking may be affixed

or the transfer of ownership

or the physical handover of the product by:

- the manufacturer
- the manufacturer's authorised representative in the EEA.
- the importer, **to**
- the person responsible for distribution of the product on the EEA market, **or**
- the passing of the product to the final user

whatever the legal act on which the transfer is based (sale, loan, hire, lease, gift or any other type of legal instrument).

THE PRODUCT MUST COMPLY WITH THE DIRECTIVE AT THE MOMENT OF TRANSFER.

PUTTING INTO SERVICE

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

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

If a product is manufactured or imported from a third country for the manufacturer's or importer's own use, there is confusion between placing on the market and putting into service. The obligation of conformity with the Directive arises at the time of the first use.

The free movement of the products covered by the scope of the Directive is granted by the Member States provided the products bear the CE marking, which indicates their conformity with all provisions of the Directive, including the conformity assessment procedures. This does not affect the rights of Member States under Article 7.

MANUFACTURER

The manufacturer is the person or persons

- responsible for the design and construction of the product covered by the Directive with a view to placing it on the EEA market on his/their behalf.
- responsible for “re-building” or modifying an existing boat or product falling under the Directive, in so doing creating an “as-new” product, with a view to placing this on the EEA market also become manufacturers.
- the person or persons who take responsibility for the appraisal of the design, construction and any necessary modification of used products from Third countries covered by the Directive also fulfil the role of manufacturer. This appraisal, with regard to compliance with essential requirements of the Directive, involves the procedures necessary for conformity assessment. This relates to the requirement that Third Country imports, whether new or used are subject to the provisions of the Directive

The manufacturer may be based in the EEA or elsewhere. In either case, the manufacturer may appoint an authorised representative who must be established in the EEA, to act on his behalf.

Comments

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

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

The “re-building” or modifying of a boat (or component) in the context of manufacturer responsibility means that the boat has been changed to such an extent that compliance considerations with the Essential Requirements are altered from those of the boat when originally assessed. This would mean, for example, that the stability and buoyancy characteristics of the boat have been changed due to the addition of new accommodation or rigging arrangement. Such modification would mean that the “new” boat presents a new overall design and with it new risks. In this respect such a modification in a third country of a boat with CE Marking or an existing boat would require compliance with the Directive if placed on the EEA market or put into service.

AUTHORISED REPRESENTATIVE

A person appointed by the manufacturer to act on his behalf in carrying out certain tasks required by the Directive, which have been delegated to him by the manufacturer.

All authorised representatives appointed by the manufacturer must be established in the EEA territory in order to act on behalf of the manufacturer under the terms of the Directive. In this respect the manufacturer shall provide the authorised representative with a written mandate to act on his behalf. The obligations, for which the manufacturer delegates responsibility, shall be detailed therein.

Comment

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

IMPORTER

The term “importer” is not used explicitly in the Directive. However, it is a term that should be defined to clarify the exact meaning and to avoid confusion with the authorised representative as these are frequently thought to be interchangeable.

The importer is the person who places on the EEA market and puts into service the product that is covered by the Directive and imported from a third country.

Unlike the authorised representative, the importer has no preferential relationship with the manufacturer in the third country.

Comment

An owner who buys a boat in a third country (whether new or second hand) and sails to EEA territory, or returns an existing boat to EEA territory, is considered to be an importer. At the time of putting into service the provisions of the Directive become applicable under the heading “second hand boat imported from a third country”. The only exemption being that the boat was designed before 1950. It should be mentioned that any Member State usage or navigation requirements would, additionally, be applicable.

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

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

Paragraphs 2 and 3 provide for free movement:

- for partly completed boats,
- for components.

Partly completed boats are not given the CE marking since, by definition, they cannot be in conformity with all of the relevant essential requirements of the Directive but are the subject of a declaration by the builder (Annex IIIa). With regard to boats that are designed to be operated in conjunction with an outboard motor or have the provision to be fitted with such a unit, reference is made to the requirements of Annex XV.

Components as referred to in Annex II are given the CE marking and are also the subject of a declaration by the component manufacturer.

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

Paragraph 4 concerning the showing at exhibitions of products, which do not comply with the Directive.

Comment 1

Do boats or components that are exhibited at boat shows have to comply with the requirements of the Directive? Some boat show organisers believe that only CE-marked boats or components can be exhibited after the 16th June 1998?

Boats or components exhibited at boat shows do not necessarily have to comply with the requirements of the Directive, even after the 16 June 1998. The display of a boat or component at a boat show, whether a trade or retail show, does not constitute “placing on the market”. However, if the boat or component is not in full conformity

with the provisions of the Directive this fact must be clearly advertised next to the boat or component being exhibited.

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

Comment 2

Do boats or components that are offered in a catalogue have to comply with the requirements of the Directive? Does this constitute placing on the market?

If a manufacturer, his authorised representative in the EEA or the importer offers a boat or component covered by the Directive in a catalogue, it is deemed not to have been placed on the market until it is actually made available for the first time. Therefore boats or components offered in a catalogue would not have to be in conformity with the Boat Directive, but this fact must be clearly advertised in the catalogue.

5. Where the products referred to in Article 1 (1) are subject to other Directives concerning other aspects and which also provide for the affixing of the CE marking, the latter shall indicate that such products also fulfil the provisions of those other Directives. However, should one or more of those Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate that the product fulfils the provisions only of those Directives applied by the manufacturer. In this case, the particulars of those Directives, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by those Directives and accompanying such products.

Paragraph 5 refers to the provisions, which will apply if the products referred to in Article 1(1) are the subject of other directives, which relate to other aspects and provide for the affixing of the CE marking.

APPLICATION OF THE MACHINERY DIRECTIVE

The following should be pointed out in response to the question concerning possible application of the Machinery Directive to the engines of recreational craft:

As regards inboard and sterndrive engines: "means of transport, i.e. vehicles and their trailers intended solely for transporting passengers by air or on road, rail or water networks" ... are excluded from the scope of Community legislation on machinery (Directives 89/392/EEC and 91/368/EEC, Article 1, paragraph 3). The essence of the Directive outlines that the vehicle itself and the engine incorporated into it are excluded; thus inboard engines and sterndrive engines are only subject to the essential requirements of the Directive on recreational craft, particularly those in points 2.5, 4 and 5.1.1 to 5.1.3 of Annex I.

As regards outboard engines, these are subject to the essential requirements of the Directive on recreational craft, particularly those in points 2.5, 4 and 5.1.4 of Annex I.

Moreover, paragraph 4 of Article 1 of the Machinery Directive should be taken into consideration:

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

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

In these circumstances, outboard engines are subject::

- to the essential requirements of the Directive on recreational craft, particularly those in points 2.5, 4 and 5.1.4 of Annex I
- to the essential health and safety requirements of the Machinery Directive.

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

Summary of the Application of the Directive after the 16 June 1998

The Requirements of the Directive apply to:

All new boats placed on the EEA market

- A boat produced within the EEA must comply with the Directive and thus be provided with CE Marking.
- This also applies to boats that are completed from partly completed boats, from inside or outside of the EEA. In this respect it is the date of completion of the boat that takes precedence and not the date of manufacture of the partly completed boat
- Regarding kit boats the requirements of the Directive shall apply to all kits placed on the market after the 16th June 1998, that contain all parts necessary for completion, to comply with the Directive. For kits that do not contain all parts necessary to fulfill all the essential requirements of the Directive are considered to fall under Annex III as partly completed boats.

All boats placed on the EEA market from third countries

- A boat produced in a third country, after the 16 June 1998, must comply with the Directive and thus be provided with CE Marking when placed on the EEA market regardless of whether put into service or not
- A boat manufactured in a third country and placed, for the first time, on the EEA market as "second hand/used boat" must comply with the requirements of the Directive.

NOTE

Switzerland, while a member of EFTA, is not a contracting party to the EEA agreement and, as a result, second hand boats originating in Switzerland are considered as originating outside the EEA

All boats first put into service in the EEA

- All boats that are put into service for the first time in EEA territory waters, without prior placing on the market, shall be subject to the requirements of the Directive.
- A boat owner who has bought a new boat or a used boat in a third country and returns the boat by whatever means to the EEA territory and places that boat into service, for the first time in the EEA, will be subject to the requirements of the Directive.
- In addition, used boats from third countries that are put into service for the first time in the EEA territory also fall under the scope of the Directive. This means that the owner of a boat from a third country shall ensure that his boat complies with the Directive when the boat is first put into service. Reference is made to the “1950” exclusion, below and in Article 1(e).

Partly completed boats from Third Countries that are brought into the EEA and placed on the EEA market

- Boats that are partly completed when brought into the EEA (see Annex 3), specifically destined to be placed individually on the market, will be required to comply with the applicable requirements of the directive at the time of entry.

The Requirements of the Directive do not apply to:

Boats already in the EEA

- The Directive does not contain any retrospective provisions and as such existing boats in service (in use) in the EEA lie outside of the Directive whatever their origin of build. In this case placing on the market is considered to have been carried out.

Partly completed boats that are brought into the EEA for completion

- Boats that are partly completed when brought into the EEA, specifically destined for completion by another party, who will be regarded as the manufacturer, will not be required to comply with the applicable requirements of the directive at the time of entry.

NOTE

Placing on the market is considered not to take place where a product is transferred to a manufacturer for further processing (e.g. to modify the product or to integrate it into another product, or to put his own name on the product);

Boats already in the EEA subsequently placed on the EEA market

- Again it is considered that these boats have already been placed on the market and put into service in the EEA and as such lie outside of the Directive (see existing boats above)

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

- Self-explanatory.

All boats designed before 1950 (wherever constructed)

- These are considered to be historical craft, reference is made to Article 1 paragraph (e).

All replica boats based on designs that pre-date 1950

- These are considered to be historical craft, reference is made to Article 1 paragraph (e).

Tourist Boats

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

Boats in (customs) Transit

Placing on the market is considered not to take place where a product is not (yet) granted release for free circulation by customs, or has been placed under another customs procedure (e.g. transit, warehousing or temporary importation), or is in a free zone;¹

Existing Boats

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

¹ See Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

- Where a boat had been constructed, placed on the market or put into service in the present EEA Member States prior to full application of the Directive, then the requirements of the Directive do not apply if the boat is brought back into the EEA after the 16th June 1998. For the purposes of this section the "EEA" is considered to include not only "EEA" States but also their overseas territories and dependencies to which Community Law applies. These territories and dependencies are listed in the Treaty.
- The applicability of the Directive is not dependent on where the boat was on the 16th June 1998, but where it had been previously.
- In very broad terms, regarding used boats from Third Countries, the Directive will only apply to boats built outside the EEA which have never been sold or used in the EEA before.

Given the above, the requirements of the Directive may not apply if an owner is "returning an existing boat to EEA". However, the Directive's requirements would apply to a boat in the case of "the placing on the market and/or putting an existing boat into service for the **first** time in the EEA". This approach was outlined to all parties in the various Committees during drafting, and is consistent with other New Approach Directives and Commission documents.

Further reading

For deeper analysis of standards, their application and all aspects of Directives reference is made to the Commission's "Guide to the Implementation of Directives Based on New Approach and Global Approach". This document is also known as the "Blue Book".

Article 5: Proof of Conformity

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

This Article contains three important elements with regard to the Recreational Craft Directive:

- Presumption of conformity
- Essential requirements
- Harmonised standards

These elements are very closely related

The "essential requirements" as referred to in Article 3 and detailed in Annex I have to be met by products covered by the Directive. The application by a manufacturer of a harmonised standard in order to fulfil the essential requirements gives a presumption of conformity. However, application of a harmonised standard may not be the only method available to declare conformity with the essential requirements. The manufacturers can choose whether or not he refers to harmonised standards, as long as his products fulfil the essential requirements. However, if a manufacturer chooses not to follow a harmonised standard, he has the obligation to prove that his product is in

conformity with the essential requirements by the use of other means of his own choice (e.g. by means of any existing technical specifications).

HARMONISED STANDARDS

In very broad terms, harmonised standards are European standards, which match the essential requirements of the Directive.

European standards are technical specifications adopted by one of the European standards agencies (CEN, CENELEC and ETSI) for repeated or continuous application. In the case of Recreational Craft only CEN¹ and, perhaps CENELEC², would be applicable.

Under the Recreational Craft Directive the standards listed in Appendix 3 are those mandated under the Directive. The mandate may be thought of as a "shopping list" of standards required by the Commission and, at the same time, the agreement by which the European standards organisations undertake to develop those standards.

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

Elaboration of the technical aspects of standards is carried out in designated "working groups" by technical experts. On completion the text is first made available for public enquiry after which any comments received are analysed. After voting by the individual national standards bodies, the standards organisation ratifies the text and transmits the references to the Commission for publication. This process is necessarily long, with periods of standstill to allow reflection and verification.

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

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

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

Further reading

For deeper analysis of standards, their application and all aspects of Directives reference is made to the Commission's "Guide to the Implementation of Directives Based on New Approach and Global Approach". This document is also known as the "Blue Book".

- 1 CEN - European Standards Organisation
- 2 CENELEC - European Electrical Standards Organisation

Article 6: Management of the Lists of Standards

1. Where a Member State or the Commission is of the opinion that the harmonised standards referred to in Article 5 do not fully meet the essential requirements referred to in Article 3, the Commission or the Member State shall notify the committee set up under Directive 83/189/CEE, setting out its reasons. The committee shall deliver an urgent opinion. In the light of the opinion of the committee, the Commission shall inform Member States if the standards concerned should be withdrawn from the publications referred to in Article 5.

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

2. The Commission may adopt any appropriate measure with a view to ensuring that this Directive is applied practically in a uniform manner in pursuance of paragraph 3.
3. The Commission shall be assisted by a Standing Committee composed of representatives appointed by the Member States and chaired by a representative from the Commission. The Standing Committee shall draw up its own rules of procedure. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit, which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.
The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.
4. The Standing Committee may, in addition, examine any question concerning the application of this Directive and raised by its chairman, either at the chairman's initiative or at the request of a Member State.

Paragraphs 2, 3 and 4

- empowers the Commission to adopt any appropriate measure to ensure that the Directive is applied practically in a uniform manner;
- set up an advisory Standing Committee to deliver opinions on the drafts of measures to be taken. The Chairman, who is a representative from the Commission, submits these drafts, and, if necessary, a vote is taken.

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

Furthermore, the Committee may also examine any question not relating to the adoption of measures.

Article 7: Safeguard clause

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

1. Where a Member State ascertains that recreational craft or components referred to in Annex II 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.

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

- (a) failure to comply with the essential requirements referred to in Article 3;
- (b) incorrect application of the standards referred to in Article 5, in so far as it is claimed that those standards have been applied;
- (c) shortcomings in the standards referred to in Article 5 themselves.

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

(a) failure to comply with the relevant essential requirements. Attention is drawn in this respect to the first paragraph of point 2 of Annex I (Essential requirements): "Recreational craft and components as referred to in Annex II shall comply with the essential requirements insofar as they apply to them";

(b) incorrect application of the standards referred to in Article 5, insofar as it is claimed that those standards have been applied: this refers in particular to category C craft (design category: "inshore") of 2.5 to 12 m for which the declaration of compliance with the harmonised standards relating to

- stability and freeboard (essential requirement 3.2), and
- buoyancy and flotation (essential requirement 3.3)

enables the manufacturer to use module A (internal production control) and not to have to involve a third party;

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

The procedure described in the comment relating to Article 5 has been extended precisely in order to try to avoid these shortcomings.

2. The Commission shall enter into consultation with the parties concerned as soon as possible. Where, after such consultation, the Commission finds that:
 - the measures are justified, it shall immediately so inform the Member State which took the initiative and the other Member States; where the decision referred to in paragraph 1 is attributed to shortcomings in the standards, the Commission shall, after consulting the parties concerned, bring the matter before the Committee referred to in Article 6 (1) within two months, if the Member State which has taken the decision intends to maintain it, and shall initiate the procedure referred to in Article 6 (1),
 - the measures are unjustified, it shall immediately so inform the Member State which took the initiative and the manufacturer or his authorised representative established in the Community.
3. Where a non-complying component referred to in Annex II or craft bears the CE marking, the appropriate measures shall be taken by the Member State which has authority over whomsoever affixed the marking; that Member State shall inform the Commission and the other Member States thereof.
4. The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.

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

Paragraph 2 sets out the continuation:

- (a) the Commission consults the parties concerned as soon as possible, in particular through the Standing Committee provided for in Article 6(3). The Chairman, a representative from the Commission, submits to the Standing Committee a draft of the measures to be taken on which the Committee delivers its opinion. The draft will consist:
 - either of confirming the safeguard measure taken by the Member State if it is considered to be justified and thus extending it throughout the Community for a period to be agreed; or
 - requesting the Member State concerned to terminate the safeguard measure if it is considered to be unjustified; or
 - adopting another solution to ensure that the Directive is applied practically in a uniform manner, the Commission being responsible for this;
- (b) if the safeguard measure was attributed to shortcomings in the standards, the Commission, after consulting the Standing Committee, will also consult the Directive 83/189 Committee before

informing the Member States of the possible withdrawal of the standards concerned from the list of titles of standards published in the Official Journal.

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

CHAPTER II: Conformity assessment

Article 8: Modular Choice

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 following procedures for boat design categories A, B, C and D as referred to in Section 1 of Annex I.

1. For categories A and B:

- for boats of less than 12 m hull length: the internal production control plus tests (module Aa) referred to in Annex VI,
- 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.

2. For category C:

- (a) 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 are complied with: the internal production control (module A), referred to in Annex V,
 - where the harmonised standards relating Sections 3.2 and 3.3 of Annex I are not complied with: the internal production control plus tests (module Aa) referred to in Annex VI.
- (b) 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.

3. 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.

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

The choice of the modules was the subject of difficult negotiation between the Member States and the outcome is a compromise. The modular framework does not permit a manufacturer the freedom to choose another module other than A or Aa, where these are specified, thus involving a Notified Body, and still remain in the regulatory modular system.

Design Category	Available Modular Choice		
A "Ocean"	Aa		B+C or B+D or B+F or G or H
B "Offshore"			
C "Inshore"	If harmonised standards for stability and buoyancy assessment	A	
	If harmonised standards not used	Aa	
D "Sheltered Waters"	A		
"Components"	B+C or B+D or B+F or G or H		
Hull Length	2.5m	12m	24m

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

NOTE

In Category C, regarding boats of hull length below 12m, it is considered that until such time as the standards relating to stability and buoyancy become harmonised, manufacturers of these boats will be required to seek the involvement of a notified body in the conformity assessment process.

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

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

If a manufacturer chooses for commercial reasons additional assessment or certification following for example the procedures laid down in another module than that required, such a decision lies in the voluntary domain. The Certification Body involved may then undertake certification under its own name and not under an EC Certification heading.

Directive/Regulatory Domain	Private Domain
- conformity assessment according to the appropriate module	- conformity assessment according to the agreement between the manufacturer and the certification body (the principles laid down in a module may be used)
Notified Body	certification body (which may be a notified body)
CE - Marking	Private logos and markings
Always COMPULSORY	Always VOLUNTARY

Until such time as the choice of modules available within the Directive may be amended, the modular choice for manufacturers, within the regulatory sector, remains that shown above

Article 9: Notified bodies

1. Member States shall notify the Commission and other Member States of the bodies which they have appointed to carry out the tasks pertaining to the conformity assessment procedures referred to in Article 8, together with the specific tasks which these bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission.
The Commission shall publish a list of the notified bodies, together with the identification numbers it has allocated to them and the tasks for which they have been notified, in the Official Journal of the European Communities. It shall ensure that the list is kept up to date.

Paragraph 1 stipulates that the Member States are responsible for informing the Commission of the bodies, which they have appointed to carry out conformity assessment. The notification must indicate the specific field for which the body has been notified.

Please find attached in Annex 4 a, non-exhaustive list of Notified Bodies under the Recreational Craft Directive and their specified modules. This list was correct at time of going to press, however Member States may promote or withdraw a Notified Body at any time.

2. Member States shall apply the criteria laid down in Annex XIV in assessing the bodies to be indicated in such notification. Bodies meeting the assessment criteria laid down in the relevant harmonised standards shall be presumed to fulfil those criteria.
3. A Member State shall withdraw its approval from such a body if it is established that the latter no longer satisfies the criteria referred to in Annex XIV. It shall inform the Commission and the other Member States of its action forthwith.

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

CHAPTER III: Marking to Demonstrate Conformity

Article 10: CE Marking

1. Recreational craft and components as referred to in Annex II which are regarded as meeting the essential requirements referred to in Article 3 must bear the CE marking of conformity when they are placed on the market.
2. The CE marking of conformity, as shown in Annex IV, must appear in a visible, legible and indelible form on the recreational craft as in point 2.2 of Annex I and on components as referred to in Annex II and/or on their packaging. The CE marking shall be accompanied by the identification number of the notified body responsible for implementation of the procedures set out in Annexes VI, IX, X, XI and XII.

Recreational craft must, when they are placed on the market, bear the CE marking on the builder's plate together with other information indicated in essential requirement 2.2.

CE Marking symbolises conformity to all the obligations incumbent on manufacturers in respect of the product covered by the Directive.

In the case of components as referred to in Annex II, the marking may appear on the packaging if it cannot be applied to a particular component.

The identification number of the notified body must accompany the CE marking where they intervene during the manufacturing process (Modules D, F, G and H).

Module B

Reference to Module B (Annex VII) is omitted as it refers to the role of the Notified Body in the Design stages i.e.:

- Ascertains conformity with essential requirements
- Carries out tests if necessary
- Issues EC Type Examination Certificate

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

Module C

The identification number of a Notified Body is not required under Module C; In this case the manufacturer or his authorised representative is responsible to ensure conformity with the approved prototype (EC Type Examination).

3. The affixing of markings or inscriptions on the craft 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.

4. Without prejudice to Article 7:

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

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

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

The design of the CE marking is defined in Annex IV. Reference should be made to documents prepared by the Recreational Craft Sectoral Group with regard to the design, format and information contained therein of the CE marking label.

CHAPTER IV: Final provisions

Article 11: Decisions

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

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

Article 12: Information

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

This Article is addressed to the Member States, while Article 12 stipulates that the Commission is responsible for ensuring that data affecting decisions concerning the management of the Directive are made available.

Article 13: Transposition

Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive not later than 16 December 1995. They shall immediately inform the Commission thereof. Member States shall apply these provisions from 16 June 1996.

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

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

The procedure for such reference shall be adopted by Member States.

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

Article 14: Entry into Force

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

Articles 13 and 14 set out the timetable for the introduction of the Directive.

- - Adoption: 16 June 1994;
- - Entry into force: 30 June 1994 (Publication in the Official Journal);
- - Adoption and publication of the national transpositions of the Directive: 16 December 1995;
- - Application of the Directive: 16 June 1996;

Transitional Period

Moreover, until 16 June 1998, Member States must maintain in force the rules applicable in their territory on 16 June 1994. This obligation covers not only all binding provisions in force on that date but also all national specifications applied by manufacturers on a voluntary basis. Thus, Member States must maintain the arrangements existing on 16 June 1994. As regards freedom of movement, the Directive does not cover products manufactured in accordance with existing arrangements.

In broad terms, the two-year transitional period of the directive should be seen as a period of "soft adaptation" with regard to the requirements of the directive. It was a period when the national arrangements in place on the 16th June 1994 remained applicable. Thus, any national legislation or standards in the voluntary sector applied by Member States still applied: the manufacturer exporting into the Member States could continue doing what he always did. The major change was that the Member States with regard to placement on the market also had to accept a boat, or component, that complied with the requirements of the Directive, even if it did not comply with national requirements. It should be said that only boats, or components, that comply with the directive may be placed on the market and put into service after 16 June 1998. On a practical basis, therefore, manufacturers were encouraged to apply the requirements of the directive to their products before 1998. This may be achieved either by re-design of the product or examination and verification of compliance in accordance with the Directive. Apart from the re-design/verification options, export outside the EU/EEA territory would remain the only option after the 16 June 1998.

Regarding boats imported from third countries during the transitional period, these too could similarly continue with the existing system until 16 June 1998.

Article 15: Final Article

This Directive is addressed to the Member States.
Done at Brussels, 16 June 1994.

ANNEX I: Essential Requirements

ESSENTIAL SAFETY REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF RECREATIONAL CRAFT

1. BOAT DESIGN CATEGORIES

Article 3 of the Directive : **Essential Requirements**

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

Design Categories

A. OCEAN: Designed for extended voyages where conditions may exceed wind force 8 (Beaufort scale) and significant wave heights of 4 m and above, and vessels largely self-sufficient.

B. OFFSHORE: Designed for offshore voyages where conditions up to, and including, wind force 8 and significant wave heights up to, and including, 4 m may be experienced.

C. INSHORE: Designed for voyages in coastal waters, large bays, estuaries, lakes and rivers where conditions up to, and including, wind force 6 and significant wave heights up to, and including, 2 m may be experienced.

D. SHELTERED WATERS: Designed for voyages on small lakes, rivers, and canals where conditions up to, and including, wind force 4 and significant wave heights up to, and including, 0,5 m may be experienced.

Boats 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.

Notes on Boat Design Categories

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

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

NOTE

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

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

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

For **Category A**, extreme conditions apply as they reflect that a vessel engaged on a long voyage might incur any conditions and should be designed accordingly, excluding abnormal weather conditions e.g. hurricane."

For **Category D**, allowance should be made for waves of passing vessels up to a maximum wave height of 0.5m.

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

Reference Standard or parts thereof

ISO 12217 – Small craft – Stability and buoyancy

2. GENERAL REQUIREMENTS

Recreational craft and components as referred to in Annex II shall comply with the essential requirements in so far as they apply to them.

A number of ISO and EN standards are in preparation to help demonstrate conformity with the Essential Requirements of the Directive and these are indicated below. A list of standards mandated under this Directive can be found in Appendix 3.

2.1 Hull identification

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

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

The relevant harmonised standard gives details of these requirements.

The Hull Identification Number identifies the boat and gives details of the above mentioned subjects. It refers to the original place of manufacture. Therefore, the three digits are not designed to refer to the "nationality" of the person who places the boat on the EEA market or puts it into service.

Relevant Standard or parts thereof

ISO 10087 - Small craft - Hull identification - coding systems

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 according to section 3.6,
- number of persons recommended by the manufacturer for which the boat was designed to carry when under way.

Builder's plate: The Commission's services have proposed to CEN, ISO and to ICOMIA, the trade association representing the European recreational marine industry, to prepare a standard for the builder's plate, because the required information to be written on the builder's plate is indicated in this Essential Requirement, whereas the format and other provisions are not indicated. Such a standard is new work and implies a certain time of preparation; however it could not be prepared before the adoption of the directive, as some information is directly linked with the wording of this essential requirement

Some boat-builders may wish to add the maximum permitted engine power to the Builders Plate. This information is already contained in the Owners Manual: such a practice is considered acceptable.

The builder's plate refers to the manufacturer of the boat and not, in the context of second hand boats, the person who places the boat on the EEA market.

- In the case of second hand boats that are extensively modified to be considered "new", here again the person carrying out the modification becomes the manufacturer (CC Article 2 refers). As the re-building or modification could change the information on the original builder's plate (load capacity, number of persons and even builders name) a new builder's plate should be provided: in addition to the remaining requirements of the Directive.

2.3 Protection from falling overboard and means of reboarding

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

As far as "means of reboarding" are concerned, the basic principle indicating that essential requirements shall be complied with, "in so far as they apply" to the boats to be certified, shall be taken into account. Therefore, the reduction of the possibility of falling overboard should be considered for all boats to be certified.

Relevant Standard or part thereof

ISO 15085 "Small Craft - Man overboard prevention and recovery".

2.4 Visibility from the main steering position

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

Relevant Standard or parts thereof

ISO 11591 - Engine-driven small craft - Field of vision from helm position.

2.5 Owner's manual

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

Relevant Standard or parts thereof

ISO 10240 - Small craft - Owner's Manual.

The Owner's Manual is provided as guidance to the owner of the boat, most particularly on safety issues. This manual should be written in the language applicable to the EEA State onto whose market the product is to be placed: This includes boats, partly completed boats, components and second hand boats from third countries.

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

Some sections of the manual may be filled in by hand, especially when related to one particular boat design.

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.

Relevant Standard or parts thereof

ISO 12215-1:- Small craft - hull construction -- scantlings --Parts 1-6

ISO 6185 - Shipbuilding and marine structures -- inflatable boats -- boats made of reinforced elastomers or plastomers.

3.2 Stability and freeboard

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

3.3 Buoyancy and flotation

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

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

Relevant Standard or parts thereof

ISO 12217 Small craft - Stability and Buoyancy - Methods of assessment and categorisation

Part 1: Non-sailing boats over 6m hull length

Part 2: Sailing boats over 6m hull length

Part 3: Boats up to and including 6m hull length

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

Special attention should be paid to the directive's provisions concerning:

- a) habitable multihull craft
- b) boats of less than six metres in length, susceptible to swamping as accepted by TC 188 WG 22.

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.

Relevant Standard or parts thereof

ISO 9093 - Small craft - Seacocks and through hull fittings

ISO 12216 - Small craft - Windows portlights, hatches, deadlights and doors - Strength and tightness requirements

3.5 Flooding

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

Particular attention should be paid where appropriate to:

- cockpits and wells, which should be self-draining or have other means of keeping water out of the boat interior,
- ventilation fittings,
- removal of water by pumps or other means.

Relevant Standard or parts thereof

ISO 11812 - Small craft - Watertight and quick draining cockpits

The removal of water by pumps is not covered, however two standards are relevant in this respect:

- ISO 8849 - Electrically operated bilge pumps
- ISO 15082 - Small craft - Bilge pumping systems

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, as marked on the builder's plate, shall be determined according to the design category (section 1), stability and freeboard (section 3.2) and buoyancy and flotation (section 3.3).

This very important indication of the manufacturer's maximum recommended load is to be written on the builder's plate and in the owner's manual.

This paragraph governs the maximum load in relation to Design Category, stability and buoyancy and flotation. Fuel and water tanks are to be assumed to be full when the recommended load is assigned and excluded from the load measurement.

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.

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

3.8 Escape

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

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

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

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

Relevant Standard or parts thereof

ISO 9094-1, ISO 9094-2 - Fire protection

ISO 12216 - Windows, portlights, hatches, deadlights and doors - Strength and tightness requirements

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.

Relevant Standard or parts thereof

ISO 15084 Small craft - Anchoring, mooring and towing - Strong points

4. HANDLING CHARACTERISTICS

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

For all recreational marine engines, the maximum rated engine power shall be declared in the owner's manual in accordance with the harmonised standards.

Relevant Standard or parts thereof

The ISO/EN 8665 - Marine propulsion engines and systems: power measurements and declarations. On purpose, this standard is made mandatory by the directive.

ISO 11592 - Determination of maximum propulsion power - Engine powered craft less than 8m hull length.

5. INSTALLATION REQUIREMENTS

5.1. Engines and engine spaces

5.1.1. Inboard engine

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

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

No standard is proposed for this Essential Requirement regarding specifically the protection of living quarters against hazards, which might come from the engine enclosure (fire, toxic fumes, heat, noise, vibrations etc). The reason for this absence of standardising initiative is due to the variety of means capable of meeting this requirement.

Relevant Standard or parts thereof

ISO 8845 - Small craft Electrical devices - Protection against ignition of surrounding flammable gases

ISO 9094 - Small craft - Fire protection

ISO 7840 - Small craft - Fire resistant fuel hoses

ISO 10088 - Small craft - Permanently installed fuel systems and fixed fuel tanks

ISO 10133 - Small craft - Electrical equipment - Extra low- voltage electrical installations

ISO 11105 - Small craft - Ventilation of petrol engines and/or petrol tank compartments

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

Non-Combustible material refers to materials not sustaining combustion

Materials are considered to be non-combustible if the oxygen index is at least 21 when measured in accordance with ISO 4589 or ASTM D 2863.

5.1.2. Ventilation

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

Relevant Standard or parts thereof

ISO 11105 - Small craft - Ventilation of petrol engine and/or petrol tank compartments.

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.

Relevant Standard or parts thereof

No standard is envisaged due to the different methods of complying with this essential requirement..

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.

Relevant Standard or parts thereof

ISO 11547 - Small craft - Start-in-gear protection

5.2. Fuel system

5.2.1. General

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

Relevant Standard or parts thereof

ISO 7840 - Small craft - Fire resistant fuel hoses.

ISO 8469 - Small craft - .Non-fire resistant fuel hoses

ISO 10088 - Small craft - .Permanently installed fuel systems and fuel tanks

ISO 11105 - Small craft - .Ventilation of petrol engines and/or petrol tank compartments

ISO 13592 - Small craft - .Backfire flame control for petrol engines

ISO 9094 - Small craft - .Fire protection

- Note: Portable fuel tanks and their portable hoses are considered to lie outside the scope of the Directive

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.

Liquid fuel with a flash point below 55 °C 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.

Liquid fuel with a flash point equal to or above 55 °C may be kept in tanks that are integral with the hull. The ISO standard 10088 "permanently installed fuel system and fixed fuel tanks" was published in 1992.

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

The definition of petrol fuel as having a flashpoint lower than 55°C and diesel fuel as having a flashpoint higher than 55C is now obsolete.

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

5.3. Electrical system

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

Attention shall be paid to the provision of overload and short-circuit protection of all circuits, except engine starting circuits, supplied from batteries.

Ventilation shall be provided to prevent the accumulation of gases, which might be emitted from batteries. Batteries shall be firmly secured and protected from ingress of water.

Relevant Standard or parts thereof

ISO 10133 - Small craft - .Electrical equipment - Extra-low-voltage electrical installations

ISO 13297 - Small craft - .Electrical equipment - AC installations

ISO 8846 - Small craft - .Electrical devices - Protection against ignition of surrounding flammable gases

- In so far as electrical safety is concerned the Low Voltage Directive (LVD) remains applicable. This is Council Directive 73/23/EEC of the 19 February 1973 on the harmonisation of laws of Member States relating to electrical equipment for use within certain voltage limits (LVD), as amended by Directive 93/68/EEC (Article 13) on the affixing and use of the CE Marking.
- Low voltage with regard to the Low Voltage Directive refers to 75-1500 volts DC or 50-1000 volts AC.

5.4. Steering system

5.4.1. General

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

Relevant Standard or parts thereof

ISO 8847 - Small craft - Steering rear-wire rope and pulley systems

ISO 8848 - Small craft - Remote steering systems

ISO 10592 - Small craft - Hydraulic steering

ISO 9775 - Small craft - Steering gear - single outboard motors 15-40 kW

ISO 13929 - Small craft - Rack and pinion direct link systems

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.

This Essential Requirement does not need a standard and non exists.

5.5. Gas system

Gas systems for domestic use shall be of the vapour-withdrawal type and shall be designed and installed so as to avoid leaks and the risk of explosion and be capable of being tested for leaks.

Materials and components shall be suitable for the specific gas used to withstand the stresses and exposures found in the marine environment.

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

All craft with a permanently installed gas system shall be fitted with an enclosure to contain all gas cylinders. The enclosure shall be separated from the living quarters, accessible only from the outside and ventilated to the outside so that any escaping gas drains overboard. Any permanent gas system shall be tested after installation.

Relevant Standard or parts thereof

ISO 10239 - Small craft - Liquefied petroleum gas (LPG) systems

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.

5.6.2. Fire-fighting equipment

Craft shall be supplied with fire-fighting equipment appropriate to the fire hazard. 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.

Relevant Standard or parts thereof

ISO 9094 - Small craft - Fire protection

Due to differing national regulations regarding fire-fighting equipment, this paragraph only requires the position for and capacity of the fire-fighting equipment to be designated.

5.7. Navigation lights

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

Navigation Lights have to comply with the 1972 COLREG or CEVNI Rules. This, however, allows different national requirements. Use of a harmonising standard may be considered.

5.8. Discharge prevention

Craft shall be constructed so as to prevent the accidental discharge of pollutants (oil, fuel, etc.) overboard. Craft fitted with toilets shall have either:

holding tanks; or

provision to fit holding tanks on a temporary basis in areas of use where the discharge of human waste is restricted.

In addition, any through-the-hull pipes for human waste shall be fitted with valves, which are capable of being sealed shut.

The directive states that pipes penetrating the hull and carrying human waste shall be fitted with valves capable of being sealed shut. The concept of sealed shut in this case is to prevent inadvertent or accidental discharge. To this end these valves shall be provided with the means of being sealed shut, thus preventing the valves being inadvertently opened. If the seal is broken, then there is clear indication that the valve has been operated, whether intentionally or in error.

Relevant Standard or parts thereof

ISO 8099 - Small craft - Waste water retention and treatment - Toilet retention systems

ANNEX II: COMPONENTS

Annex II gives five specific components listed under the Directive, which when separate and when installed require their own conformity assessment and CE Marking. According to article 8, five conformity assessment modules or combinations of modules can be applied to them. All these modules imply a third party intervention, which has to take place before the component is put on the market.

In cases where the components are produced by or for the boat manufacturer for use on a boat he is placing on the market, using conformity assessment modules A or Aa, these components shall fall under the CE Marking of the boat. This applies only to Components detailed in Paras 3, 4 and 5 below.

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

For ignition-protected equipment for inboard and stern drive petrol engines and petrol fuel tank spaces: refer in Annex I to points 5.1.1. 5.3. first indent.

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

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

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

3. Steering wheels, steering mechanisms and cable assemblies

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

4. Fuel tanks and fuel hoses.

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

It is considered that fuel tanks refers to prefabricated, separate fuel tanks, i.e. those not integral to the structure of the vessel, fabricated prior to installation.

In addition, it is considered that portable fuel tanks i.e. those that not only are independent of the structure but are not permanently fixed to the boat structure to the extent they may be easily removed, fall outside the scope of the directive.

5. Prefabricated hatches and portlights.

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

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

Note

It is considered that the description “prefabricated” used above for “hatches” is also applicable to “steering wheels” (Annex II.3) and “fuel tanks” (Annex II.4)

Annex III: DECLARATION BY THE BUILDER OR HIS AUTHORISED REPRESENTATIVE ESTABLISHED IN THE COMMUNITY OR THE PERSON RESPONSIBLE FOR PLACING ON THE MARKET (Article 4 (2) and (3))

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

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

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

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

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

Reference is made to the definitions given under Article 4 of "manufacturer" and "authorised representative" etc.

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

When a boat manufacturer delivers a boat, requiring an inboard or stern-drive engine, to the market without an engine being mounted, this is considered to be an incomplete boat under the Directive. The requirements of the above Annex would therefore apply. In these few instances the engine is selected by the end user and not fitted by the boat manufacturer, prior to delivery. It is considered that, in these cases, competent marine engine installers would fit the engine and would then take the responsibility to complete the remaining conformity assessment requirements.

ANNEX IV: CE MARKING

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

If the marking is reduced or enlarged, the proportions given in the above graduated drawing must be respected. The various elements of the CE marking must have about the same vertical dimension, which shall not be less than 5 mm.

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

Note

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

ANNEX V: INTERNAL PRODUCTION CONTROL (module A)

1. The manufacturer or his authorised representative established within the Community, who carries out the obligations laid down in point 2, ensures and declares that the products concerned satisfy the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV).
2. The manufacturer shall establish the technical documentation described in paragraph 3 and he or his authorised representative established within the Community shall keep it for a period ending at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes. Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the Community market.
3. Technical documentation shall enable the conformity of the products with the requirements of the Directive to be assessed. It shall, as far as relevant for such assessment, cover the design, manufacture and operation of the product (see Annex XIII).
4. The manufacturer or his authorised representative shall keep a copy of the declaration of

conformity with the technical documentation.

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

ANNEX V describes the conformity assessment module A: internal production control, where the manufacturer takes himself the whole responsibility of declaring that the products concerned satisfy the requirements of the directive, without any third party intervention.

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

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

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 on the responsibility of a notified body chosen by the manufacturer. On the responsibility of the notified body, the manufacturer shall affix the former's distinguishing number during the manufacturing process.

ANNEX VI describes Module Aa option 1, where the module A procedure is supplemented by

- - 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.

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

In discussions with the manufacturer the Notified Body should agree on the type, number and scope of the tests to be carried out.

Module Aa requires notified body intervention only for stability and buoyancy for the craft under review and the fixing of the Notified Body's distinguishing number.. It should be noted that there is no explicit requirement for notified body intervention in the manufacturing process.

ANNEX VII: EC TYPE-EXAMINATION (module B)

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

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

The application shall include:

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

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

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

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

4. The notified body shall:

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

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

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

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

5. Where the type meets the provisions of the Directive, the notified body shall issue an EC type-examination certificate to the applicant. The certificate shall contain the name and address of the manufacturer, conclusions of the examination, conditions for its validity and the necessary data for identification of the approved type. A list of the relevant parts of the technical documentation shall be annexed to the certificate and a copy kept by the notified body.

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

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

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

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

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

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

(*) A type may cover several versions of the product provided that the differences between the versions do not affect the level of safety and the other requirements concerning the performance of the product.

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

ANNEX VIII: CONFORMITY TO TYPE (module C)

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

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

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

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

ANNEX VIII describes module C, which is the conformity to type module.

ANNEX IX: PRODUCTION QUALITY ASSURANCE (module D)

1. The manufacturer who satisfies the obligations of point 2 ensures and declares that the products concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the monitoring as

specified in point 4.

2. The manufacturer shall operate an approved quality system for production, final product inspection and testing as specified in paragraph 3 and shall be subject to monitoring as specified in point 4.

3. Quality system

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

The application shall include:

- all relevant information for the product category envisaged,
- the documentation concerning the quality system,
- where appropriate, the technical documentation of the approved type (see Annex XIII) and a copy of the EC type-examination certificate.

3.2. The quality system shall ensure compliance of the products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plan, manuals and records.

It shall contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality,
- the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,
- the means to monitor the achievement of the required product quality and the effective operation of the quality system.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with these requirements in respect of quality systems that implement the relevant harmonised standard.

The auditing team shall have at least one member with experience of evaluation in the product technology concerned. The evaluation procedure shall include an inspection visit to the manufacturer's premises.

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

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

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

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

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

4. Surveillance under the responsibility of the notified body

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

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of manufacture, inspection and testing, and storage and shall provide it with all necessary information, in particular:

- the quality system documentation,
 - the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.
- 4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.
- 4.4. Additionally the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality system is functioning correctly, if necessary. The notified body shall provide the manufacturer with a visit report and, if a test has taken place, with a test report.
5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:
- the documentation referred to in the second indent of the second subparagraph of point 3.1,
 - the updating referred to in the second subparagraph of point 3.4,
 - the decision and reports from the notified body which are referred to in the final subparagraph of point 3.4, point 4.3 and point 4.4.
6. Each notified body shall give the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

Annex IX describes the module D, which is the Production Quality Assurance module.

ANNEX X: PRODUCT VERIFICATION (module F)

1. This module describes the procedure whereby a manufacturer or his authorised representative established within the Community checks and attests that the products subject to the provisions of point 3 are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.

2. The manufacturer shall take all measures necessary in order that the manufacturing process ensures conformity of the products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and shall draw up a declaration of conformity (see Annex XV).

3. The notified body shall carry out the appropriate examinations and tests in order to check the conformity of the product with the requirements of the Directive either by examination and testing of every product as specified in point 4 or by examination and testing of products on a statistical basis, as specified in point 5, at the choice of the manufacturer.

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

4. Verification by examination and testing of every product

4.1. All products shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5 or equivalent tests shall be carried out in order to verify their conformity with the type as described in the EC type-examination certificate and the requirements of the Directive that apply to them.

4.2. The notified body shall affix, or cause to be affixed, its distinguishing number to each approved product and draw up a written certificate of conformity relating to the tests carried out.

4.3. The manufacturer or his authorised representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

5. Statistical verification

5.1. The manufacturer shall present his products in the form of homogeneous lots and shall take all measures necessary in order that the manufacturing process ensures the homogeneity of each lot produced.

5.2. All products shall be available for verification in the form of homogeneous lots. A random sample shall be drawn from each lot. Products in a sample shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, shall be carried out to ensure their conformity with the requirements of the Directive which apply to them and to determine whether the lot is accepted or rejected.

5.3. The statistical procedure shall use the following elements:

- the statistical method to be applied,
- the sampling plan with its operational characteristics.

5.4. In the case of accepted lots, the notified body shall affix, or cause to be affixed, its

distinguishing number to each product and shall draw up a written certificate of conformity relating to the tests carried out. All products in the lot may be put on the market except those products from the sample which were found not to be in conformity.

If a lot is rejected, the notified body or the competent authority shall take appropriate measures to prevent the putting on the market of that lot. In the event of frequent rejection of lots the notified body may suspend the statistical verification.

The manufacturer may, under the responsibility of the notified body, affix the latter's distinguishing number during the manufacturing process.

5.5. The manufacturer or his authorised representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

ANNEX X describes the module F, which is the Product Verification module.

ANNEX XI: UNIT VERIFICATION (module G)

1. This module describes the procedure whereby the manufacturer ensures and declares that the product concerned, which has been issued with the certificate referred to in point 2, conforms to the requirements of the Directive that apply to it. The manufacturer or his authorised representative established within the Community shall affix the CE marking to the product and draw up a declaration of conformity (see Annex XV).

2. The notified body shall examine the individual product and carry out the appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, to ensure its conformity with the relevant requirements of the Directive.

The notified body shall affix, or cause to be affixed, its distinguishing number on the approved product and shall draw up a certificate of conformity concerning the tests carried out.

3. The aim of the technical documentation is to enable conformity with the requirements of the Directive to be assessed and the design, manufacture and operation of the product to be understood (see Annex XIII).

ANNEX XI describes the module G, which is the Unit Verification module.

ANNEX XII: FULL QUALITY ASSURANCE (module H)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 ensures and declares that the products concerned satisfy the requirements of the Directive that apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the surveillance as specified in point 4.

2. The manufacturer shall operate an approved quality system for design, manufacture and final product inspection and testing as specified in point 3 and shall be subject to surveillance as specified in point 4.

3. Quality system

3.1. The manufacturer shall lodge an application for assessment of his quality system with a notified body.

The application shall include:

- all relevant information for the product category envisaged,
- the quality system's documentation.

3.2. The quality system shall ensure compliance of the products with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality,
- the technical design specifications, including standards, that will be applied and, where the standards referred to in Article 5 will not be applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the products will be met,
- the design control and design verification techniques, processes and systematic actions that will be used when designing the products pertaining to the product category covered,

- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,
- the means to monitor the achievement of the required design and product quality and the effective operation of the quality system.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume compliance with these requirements in respect of quality systems that implement the relevant harmonised standard (EN 29001).

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

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

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

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

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

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

4. EC surveillance under the responsibility of the notified body

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

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of design, manufacture, inspection and testing, and storage, and shall provide it with all necessary information, in particular:

- the quality system documentation,
- the quality records as foreseen by the design part of the quality system, such as results of analyses, calculations, tests, etc.,
- the quality records as foreseen by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4. Additionally the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality system where necessary; it shall provide the manufacturer with a visit report and, if a test has been carried out, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:

- the documentation referred to in the second indent of the second subparagraph of point 3.1,
- the updating referred to in the second subparagraph of point 3.4,
- the decisions and reports from the notified body which are referred to in the final subparagraph of point 3.4, point 4.3 and point 4.4.

6. Each notified body shall forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

ANNEX IX describes the module H, which is the Full Quality Assurance module.

ANNEX XIII: TECHNICAL DOCUMENTATION SUPPLIED BY THE MANUFACTURER

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 XIII indicates the technical documentation, which has to be supplied by the manufacturer using the following conformity assessment modules: A, B, C, D and G.

This documentation includes test reports or calculations namely on stability according to point 3.2 of the ER and on buoyancy according to point 3.3 of the Essential Requirements..

ANNEX XIV: MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER STATES FOR THE NOTIFICATION OF BODIES

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 boat or components which they inspect, nor the authorised representative of any of these parties. They shall not become either involved directly or as authorised representatives in the design, construction, marketing or maintenance of the said products. This does not preclude the possibility of exchanges of technical information between the manufacturer and the body.
2. The body and its staff shall carry out the verification tests with the highest degree of professional integrity and technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the result of the inspection, especially from persons or groups of persons with an interest in the result of verifications.
3. The body shall have at its disposal the necessary staff and possess the necessary facilities to enable it to perform properly the administrative and technical tasks connected with verification; it shall also have access to the equipment required for special verification.
4. The staff responsible for inspection shall have:
 - sound technical and professional training,
 - satisfactory knowledge of the requirements of the tests they carry out and adequate experience of such tests,
 - the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.
5. The impartiality of inspection staff shall be guaranteed. Their remuneration shall not depend on the number of tests carried out or on the results of such tests.
6. The body shall take out liability insurance unless its liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the tests.
7. The staff of the body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks (except vis-à-vis the competent administrative authorities of the State in which its activities are carried out) under the Directive or any provision of national law giving effect to it.

ANNEX XIV indicates the Minimum criteria to be taken into account by Member States for the Notification of Bodies.

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 be joined to the owner's manual (Annex I, point 2.5),
- the components as referred to in Annex II.

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 recreational craft (3) or of the component (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.

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

(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.

ANNEX XV deals with the written declaration of conformity to the provisions of the Directive.

1) This declaration of conformity must always accompany:

the recreational craft and be joined to the owner's manual (Annex I , point 2.5.)

the components as referred to in Annex II.

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 recreational craft ⁽³⁾ or of the component ⁽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.

. Reference is made to the definitions given under Article 4 of manufacturer and authorised representative etc.

A number of boat manufacturers build boats designed to be powered by outboard motors without the motors being part of the final delivery when the boat is placed on the market. The dealer or the end-user chooses the size and type of motor to be used and in some cases whether a motor is actually desired. In this respect the boat is considered to be ready for use before the motor is selected and reference should be made to the above requirements for the written Declaration of Conformity.

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

⁽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.

Appendix 1: Preamble and Justifications

DIRECTIVE 94/25/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,
Having regard to the proposal from the Commission (1),
Having regard to the opinion of the Economic and Social Committee (2),
Acting in accordance with the procedure laid down in Article 189b of the Treaty (3),

Whereas the internal market is to comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

The first recital is taken from the second paragraph of Article 7a (formerly 8a) of the Treaty establishing the single market. Article 100a, the legal basis of the Directive, is cited in the first paragraph of this Article as one of the provisions on the basis of which the Community adopts measures for the progressive establishment of the single market.

Whereas the laws, regulations and administrative provisions in force in the various Member States relating to the safety characteristics of recreational craft differ in scope and content; whereas such disparities are liable to create barriers to trade and unequal conditions of competition within the internal market;

The second recital stipulates that the laws, regulations and administrative provisions of the Member States which differ in scope and content (and must be harmonised) are those relating to the safety characteristics of recreational craft. These concern only the safety characteristics for the construction of recreational craft and not any other provisions.

Whereas harmonisation of national legislation is the only way in which to remove these barriers to free trade; whereas this objective cannot be satisfactorily achieved by the individual Member States; whereas this Directive merely lays down the requirements vital to freedom of movement for recreational craft;

The third recital justifies harmonisation by means of the Directive, the transpositions of which replace the former national provisions, on the grounds that this is the only way in which to remove the barriers to trade.

It has been possible to quantify the effects of these barriers to trade: the Member States with national laws in this area covered about 70% of market demand from domestic production, while other Member States covered only about 50%. This recital also restricts the scope of the Directive to laying down essential construction requirements to remove barriers to trade.

Whereas this Directive should cover only recreational craft of a minimum length of 2,5 m and a maximum length of 24 m, derived from the ISO standards;

The fourth recital introduces Article 1 and stipulates the hull length (Lh) of the recreational craft concerned, namely 2.5 to 24 m inclusive.

Whereas the removal of technical barriers in the field of recreational craft and their components, to the extent that they cannot be removed by mutual recognition of equivalence among all the Member States, should follow the new approach set out in the Council resolution of 7 May 1985 (4) which calls for the definition of essential requirements on safety and other aspects which are important for the general well-being; whereas paragraph 3 of Article 100a provides that, in its proposals, concerning health, safety, environmental protection and consumer protection, the Commission will take as a base a high level of protection; whereas the essential requirements constitute the criteria with which recreational craft, partly completed craft and their components when separate and when installed must comply;

The fifth recital again justifies the Directive on the grounds that some Member States do not have any laws, regulations or administrative provisions that could be the subject of mutual recognition of equivalence between the Member States.

Since protection of the safety of persons is an obligation and a fundamental prerogative of the Member States, the latter could, in the absence of a Directive, at any time invoke Article 36, which allows a derogation from the principle of free movement, by claiming that there is no equivalence between safety regulations. The aim of the Directive is to "void" Article 36 as regards the risks covered by the Directive and to create a single market in recreational craft.

This recital also brings the Directive under the "new approach" and in particular paragraph 3 of Article 100a, which states that Commission proposals concerning health, safety, environmental protection and consumer protection will take as a base, a high level of protection. Although safety is the field normally covered by the "new approach" directives, this Directive is the first in which the environment has been specifically covered by one of the essential product construction requirements.

Whereas, therefore, this Directive sets out essential requirements only; whereas, in order to facilitate the task of proving compliance with the essential requirements, harmonised European standards are necessary for recreational craft and their components as referred to in Annex II; whereas harmonised European standards are drawn up by private bodies and must retain their non-mandatory status; whereas, for this purpose, the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) are recognised as the bodies competent to adopt harmonised standards which follow the general guidelines for cooperation between the Commission and those two bodies, signed on 13 November 1984; whereas, for the purposes of this Directive, a harmonised standard is a technical specification (European Standard or harmonisation document) adopted by one or other of those bodies, or by both, at the prompting of the Commission pursuant to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (5) and pursuant to the general guidelines referred to above;

The sixth recital repeats the need for compliance with the essential requirements of the Directive and the role of harmonised standards to facilitate the task of proving compliance with the essential requirements while retaining their non-mandatory status.

Whereas, in view of the nature of the risks involved in the use of recreational craft and their components, it is necessary to establish procedures applying to the assessment of compliance with the essential requirements of the Directive; whereas these procedures must be devised in the light of the level of risk which may be inherent in recreational craft and their components; whereas, therefore, each category of conformity must be supplemented by an appropriate procedure or a choice between several equivalent procedures; whereas the procedures adopted comply with Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking which are intended to be used in the technical harmonisation Directives (1);

The seventh recital justifies the adoption of different procedures for the assessment of compliance with the essential requirements depending on the level of risk inherent in the recreational craft.

Whereas the Council has provided for the affixing of the CE marking by either the manufacturer or his authorised representative within the Community; whereas that mark means that the recreational craft and components comply with all the essential requirements and assessment procedures provided for by the Community law applying to the product;

The eighth recital explains the meaning of CE marking, namely to indicate compliance with the essential requirements and the conformity assessment procedures applying to the product;

Whereas it is appropriate that the Member States, as provided for by Article 100a (5) of the Treaty, may take provisional measures to limit or prohibit the placing on the market and the use of recreational craft or constituent products thereof in cases where they present a particular risk to the safety of persons and, where appropriate, domestic animals or property, provided that the measures are subject to a Community control procedure;

The ninth recital introduces the safeguard clause in Article 7.

Whereas the recipients of any decision taken as part of this Directive must be aware of the reasons behind that decision and the means of appeal open to them;

The tenth recital introduces the transparency clause in Articles 11 and 12.

Whereas it is necessary to provide for a transitional arrangement enabling recreational craft and their components manufactured in compliance with the national regulations in force at the date of adoption of this Directive to be marketed and placed in service;

The eleventh recital explains the need for the transitional arrangement provided for in Article 13(3).

Whereas this Directive does not contain any provisions directed towards limiting the use of the recreational craft after it has been put into service;

The twelfth recital makes it clear that no provision in the Directive is intended to restrict the use of recreational craft.

Whereas the construction of recreational craft may have an impact on the environment to the extent that the craft may discharge polluting substances; whereas it is therefore necessary to include provisions on the protection of the environment in the Directive, in so far as those provisions concern the construction of recreational craft from the point of view of its direct impact on the environment;

The thirteenth recital introduces the essential construction requirements, which must be provided for in the design of recreational craft in order to protect the environment.

Whereas the provisions of this Directive should not affect Member States' entitlement to lay down, in accordance with the Treaty, such requirements as they may deem necessary concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways and ensuring safety on waterways, provided that this does not mean that the recreational craft is modified in a way not specified in this Directive,

The fourteenth and last recital underpins the twelfth recital and indicates that, in accordance with the Treaty, the Member States may lay down requirements concerning navigation on certain waters provided that this does not mean that the recreational craft is modified in a way not specified in the Directive.

HAVE ADOPTED THIS DIRECTIVE:

Appendix 2: Text of Directive 94/25/EC

COUNCIL DIRECTIVE of the xx xxx 19xx amending Directive 94/425 on the approximation of laws relating to Recreational Craft

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof

HAS ADOPTED THIS DIRECTIVE

CHAPTER I

Article 1

1. This Directive shall apply to recreational craft, partly completed boats components referred to Annex II when separate and when installed.
2. 'Recreational craft' shall mean any boat of any type, regardless of the means of propulsion, from 2,5 to 24 m hull length, measured according to the appropriate harmonized standards intended for sports and leisure purposes. 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.
3. The following shall be excluded from the scope of this Directive:
 - (a) craft intended solely for racing, including rowing racing boats and training rowing boats labelled as such by the manufacturer;
 - (b) canoes and kayaks, gondolas and pedalos;
 - (c) sailing surfboards;
 - (d) powered surfboards, personal watercraft and other similar powered craft;
 - (e) original, and individual replicas of, historical craft designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;
 - (f) experimental craft, provided that they are not subsequently placed on the Community market;
 - (g) craft built for own use, provided that they are not subsequently placed on the Community market during a period of five years;
 - (h) craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 2, in particular those defined in Directive 82/716/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels (2), regardless of the number of passengers;
 - (i) submersibles;
 - (j) air cushion vehicles;
 - (k) hydrofoils.

Article 2

Placing on the market and putting into service

1. Member States shall take all necessary measures to ensure that the products referred to in Article 1 (1) may be placed on the market and put into service for use in accordance with their intended purpose only if they do not endanger the safety and health of persons, property or the environment when correctly constructed and maintained.
2. The provisions of this Directive shall not prevent Member States from adopting, in compliance with the Treaty, provisions concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, providing that this does not require modification to craft conforming to this Directive.

Article 3

Essential requirements

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

Article 4

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

1. Member States shall not prohibit, restrict or impede the placing on the market and putting into service in their territory of the products referred to in Article 1 (1) bearing the CE marking referred to in Annex IV, which indicates their conformity with all provisions of this Directive, including the conformity procedures set out in Chapter II.
2. Member States shall not prohibit, restrict or impede the placing on the market of partly-completed boats where the builder or his authorized representative established in the Community or the person responsible for the placing on the market declares, in accordance with Annex IIIA, that they are intended to be completed by others.
3. Member States shall not prohibit, restrict or impede the placing on the market and putting into service of components referred to in Annex II and bearing the CE marking referred to in Annex IV which indicates their conformity with the relevant essential requirements where these components are intended to be incorporated into recreational craft, in accordance with the declaration, referred to in Annex IIIB, of the manufacturer, his authorized representative established in the Community or, in the case of imports from a third country, of any person who places those components on the Community market.
4. At trade fairs, exhibitions, demonstrations, etc., Member States shall not create any obstacles to the showing of the products referred to in Article 1 (1) which do not comply with this Directive, provided that a visible sign clearly indicates that such products may not be marketed or put into service until they have been made to comply.
5. Where the products referred to in Article 1 (1) are subject to other Directives concerning other aspects and which also provide for the affixing of the CE marking, the latter shall indicate that such products also fulfil the provisions of those other Directives. However, should one or more of those Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate that the product fulfils the provisions only of those Directives applied by the manufacturer. In this case, the particulars of those Directives, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by those Directives and accompanying such products.

Article 5

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

Article 6

1. Where a Member State or the Commission is of the opinion that the harmonized standards referred to in Article 5 do not fully meet the essential requirements referred to in Article 3, the Commission or the Member State shall notify the committee set up under Directive 83/189/CEE, setting out its reasons. The committee shall deliver an urgent opinion. In the light of the opinion of the committee, the Commission shall inform Member States if the standards concerned should be withdrawn from the publications referred to in Article 5.
2. The Commission may adopt any appropriate measure with a view to ensuring that this Directive is applied practically in a uniform manner in pursuance of paragraph 3.
3. The Commission shall be assisted by a Standing Committee composed of representatives appointed by the Member States and chaired by a representative from the Commission. The Standing Committee shall draw up its own rules of procedure. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.
4. The Standing Committee may, in addition, examine any question concerning the application of this Directive and raised by its chairman, either at the chairman's initiative or at the request of a Member State.

Article 7

Safeguard clause

1. Where a Member State ascertains that recreational craft referred to in Annex II 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.

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

- (a) failure to comply with the essential requirements referred to in Article 3;
- (b) incorrect application of the standards referred to in Article 5, in so far as it is claimed that those standards have been applied;
- (c) shortcomings in the standards referred to in Article 5 themselves.

2. The Commission shall enter into consultation with the parties concerned as soon as possible. Where, after such consultation, the Commission finds that: - the measures are justified, it shall immediately so inform the Member State which took the initiative and the other Member States; where the decision referred to in paragraph 1 is attributed to shortcomings in the standards, the Commission shall, after consulting the parties concerned, bring the matter before the Committee referred to in Article 6 (1) within two months, if the Member State which has taken the decision intends to maintain it, and shall initiate the procedure referred to in Article 6 (1), - the measures are unjustified, it shall immediately so inform the Member State which took the initiative and the manufacturer or his authorized representative established in the Community.

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

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

CHAPTER II

Conformity assessment

Article 8

Before producing and placing on the market referred to in Article 1 (1), the manufacturer or his authorized 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.

1. For categories A and B:

- for boats of less than 12 m hull length: the internal production control plus tests (module Aa) referred to in Annex VI,
- 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.

2. For category C:

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

- where the harmonized standards relating to sections 3.2 and 3.3 of Annex I are complied with: the internal production control (module A), referred to in Annex V,

- where the harmonized standards relating Sections 3.2 and 3.3 of Annex I are not complied with: the internal production control plus tests (module Aa) referred to in Annex VI.

(b) 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.

3. 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.

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

Article 9

Notified bodies

1. Member States shall notify the Commission and other Member States of the bodies which they have appointed to carry out the tasks pertaining to the conformity assessment procedures referred to in Article 8, together with the specific tasks which these bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission.
The Commission shall publish a list of the notified bodies, together with the identification numbers it has allocated to them and the tasks for which they have been notified, in the Official Journal of the European Communities. It shall ensure that the list is kept up to date.
2. Member States shall apply the criteria laid down in Annex XIV in assessing the bodies to be indicated in such notification. Bodies meeting the assessment criteria laid down in the relevant harmonized standards shall be presumed to fulfil those criteria.
3. A Member State shall withdraw its approval from such a body if it is established that the latter no longer satisfies the criteria referred to in Annex XIV. It shall inform the Commission and the other Member States of its action forthwith.

CHAPTER III CE Marking

Article 10

1. Recreational craft components as referred to in Annex II which are regarded as meeting the essential requirements referred to in Article 3 must bear the CE marking of conformity when they are placed on the market.
2. The CE marking of conformity, as shown in Annex IV, must appear in a visible, legible and indelible form on the recreational craft as in point 2.2 of Annex I on components as referred to in Annex II and/or on their packaging
The CE marking shall be accompanied by the identification number of the notified body responsible for implementation of the procedures set out in Annexes VI, IX, X, XI and XII.
3. The affixing of markings or inscriptions on the craft 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 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.
4. Without prejudice to Article 7:
 - (a) where a Member State establishes that the CE marking has been affixed wrongly, the manufacturer or his authorized representative established in the Community shall be obliged to end the infringement under conditions laid down by the Member State;
 - (b) where non-compliance continues, the Member State shall take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market, in accordance with the procedure laid down in Article 7.

CHAPTER IV Final provisions

Article 11

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

Article 12

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

Article 13

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive not later than 15 December 1995. They shall immediately inform the Commission thereof.
Member States shall apply these provisions from 16 June 1996.
The Standing Committee referred to in Article 6 (3) may assume its tasks from the date of the entry into force of this Directive. Member States may take the measures referred to in Article 9 of such date.
When Member States adopt the provisions referred to in the first subparagraph, these shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.
2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field governed by this Directive.
3. Member States shall accept the placing on the market and putting into service of products referred to in Article 1 (1) which comply with the rules in force in their territory on the 16 June 1994 during a period of four years from that date.

Article 14

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

Article 15

This Directive is addressed to the Member States.

Done at Brussels, 16 June 1994.
For the European Parliament
The President
E. KLEPSCH
For the Council

The President
Y. PAPANTONIOU

- (1) OJ No C 123, 15. 5. 1992, p. 7.
- (2) OJ No C 313, 30. 11. 1992, p. 38.
- (3) Opinion of the European Parliament of 16 November 1992 (OJ No C 337, 21. 12. 1992, p. 17); Council common position of 16 December 1993 (OJ No C 137, 19. 5. 1994, p. 1); Decision of the European Parliament of 9 March 1994 (OJ No C 91, 28. 3. 1994).
- (4) OJ No C 136, 4. 6. 1985, p. 1.
- (5) OJ No L 109, 26. 4. 1983, p. 8. Directive as last amended by Directive 88/182/EEC (OJ No L 81, 26. 3. 1988, p. 75).
- (1) OJ No L 220, 30. 8. 1993, p. 23.
- (2) OJ No L 301, 28. 10. 1982, p. 1.

ANNEX I

ESSENTIAL SAFETY REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF RECREATIONAL CRAFT

1. BOAT DESIGN CATEGORIES

>TABLE POSITION>

Definitions:

- A. OCEAN: Designed for extended voyages where conditions may exceed wind force 8 (Beaufort scale) and significant wave heights of 4 m and above, and vessels largely self-sufficient.
- B. OFFSHORE: Designed for offshore voyages where conditions up to, and including, wind force 8 and significant wave heights up to, and including, 4 m may be experienced.
- C. INSHORE: Designed for voyages in coastal waters, large bays, estuaries, lakes and rivers where conditions up to, and including, wind force 6 and significant wave heights up to, and including, 2 m may be experienced.
- D. SHELTERED WATERS: Designed for voyages on small lakes, rivers, and canals where conditions up to, and including, wind force 4 and significant wave heights up to, and including, 0,5 m may be experienced.
- Boats 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.

2. GENERAL REQUIREMENTS

Recreational craft and components as referred to in Annex II shall comply with the essential requirements in so far as they apply to them.

2.1. Hull identification

Each craft shall be marked with a hull 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 according to section 3.6,
- 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.

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, as marked on the builder's plate, shall be determined according to the design category (section 1), stability and freeboard (section 3.2) and buoyancy and flotation (section 3.3).

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.

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.

5.2. 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.

Liquid fuel with a flash point below 55 °C 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.

Liquid fuel with a flash point equal to or above 55 °C 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.

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.

5.6.2. Fire-fighting equipment

Craft shall be supplied with fire-fighting equipment appropriate to the fire hazard. 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

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 on a temporary basis in areas of use where the discharge of human waste is restricted.

In addition, any through-the-hull pipes for human waste shall be fitted with valves which are capable of being sealed shut.

ANNEX II

COMPONENTS

1. Ignition-protected equipment for inboard and stern drive engines.
2. Start-in-gear protection devices for outboard engines.
3. Steering wheels, steering mechanisms and cable assemblies.
4. Fuel tanks and fuel hoses.
5. Prefabricated hatches and portlights.

ANNEX III

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

(Article 4 (2) and (3))

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

- the name and address of the builder,

- the name and address of the representative of the builder established in the Community or, if appropriate, of the person responsible for the placing on the market,

- a description of the partly completed craft,

- a statement that the partly completed craft is intended to be completed by others and that it complies with the essential requirements that apply at this stage of construction.

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

- the name and address of the builder,

- the name and address of the representative of the builder established in the Community or, if appropriate, of the person responsible for the placing on the market,

- a description of the component,

- a statement that the component complies with the relevant essential requirements.

ANNEX IV

CE MARKING

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

>REFERENCE TO A GRAPHIC<

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

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

The CE marking is followed by the identification number of the notified body, if it intervenes in the control of production, as well as by the last two figures of the year that the CE marking is affixed.

ANNEX V

INTERNAL PRODUCTION CONTROL (module A)

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

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

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

3. Technical documentation shall enable the conformity of the products with the requirements of the Directive to be assessed. It shall, as far as relevant for such assessment, cover the design, manufacture and operation of the product (see Annex XIII).
4. The manufacturer or his authorized representative shall keep a copy of the declaration of conformity with the technical documentation.
5. The manufacturer shall take all measures necessary in order that the manufacturing process shall ensure compliance of the manufactured products with the technical documentation referred to in point 2 and with the requirements of the Directive that apply to them.

ANNEX 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:

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 on the responsibility of a notified body chosen by the manufacturer. On the responsibility of the notified body, the manufacturer shall affix the former's distinguishing number during the manufacturing process.

ANNEX VII

EC TYPE-EXAMINATION (module B)

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

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

The application shall include:

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

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

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

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

4. The notified body shall:

- 4.1. examine the technical documentation, verify that the type has been manufactured in conformity with the technical documentation and identify the elements which have been designed in accordance with the relevant provisions of the standards referred to in Article 5, as well as the components which have been designed without applying the relevant provisions of those standards;
- 4.2. perform or have performed the appropriate examinations and necessary tests to check whether, where the standards referred to in Article 5 have not been applied, the solutions adopted by the manufacturer meet the Essential Requirements of the Directive;
- 4.3. perform or have performed the appropriate examinations and necessary tests to check whether, where the manufacturer has chosen to apply the relevant standards, these have actually been applied;
- 4.4. agree with the applicant the location where the examinations and necessary tests shall be carried out.

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

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

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

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

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

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

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

Where neither the manufacturer nor his authorized representative is established within the Community, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the Community market. (*) A type may cover several versions of the product provided that the differences between the versions do not affect the level of safety and the other requirements concerning the performance of the product.

ANNEX VIII

CONFORMITY TO TYPE (module C)

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

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

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

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

ANNEX IX

PRODUCTION QUALITY ASSURANCE (module D)

1. The manufacturer who satisfies the obligations of point 2 ensures and declares that the products concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them. The manufacturer or his authorized representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the monitoring as specified in point 4.

2. The manufacturer shall operate an approved quality system for production, final product inspection and testing as specified in paragraph 3 and shall be subject to monitoring as specified in point 4.

3. Quality system

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

The application shall include:

- all relevant information for the product category envisaged,
 - the documentation concerning the quality system,
 - where appropriate, the technical documentation of the approved type (see Annex XIII) and a copy of the EC type-examination certificate.
- 3.2. The quality system shall ensure compliance of the products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plan, manuals and records.

It shall contain in particular an adequate description of

- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to product quality,
- the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,
- the means to monitor the achievement of the required product quality and the effective operation of the quality system.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with these requirements in respect of quality systems that implement the relevant harmonized standard.

The auditing team shall have at least one member with experience of evaluation in the product technology concerned. The evaluation procedure shall include an inspection visit to the manufacturer's premises.

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

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient. The manufacturer or his authorized representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

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

4. Surveillance under the responsibility of the notified body

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

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of manufacture, inspection and testing, and storage and shall provide it with all necessary information, in particular:

- the quality system documentation,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4. Additionally the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality system is functioning correctly, if necessary. The notified body shall provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:

- the documentation referred to in the second indent of the second subparagraph of point 3.1,
- the updating referred to in the second subparagraph of point 3.4,
- the decision and reports from the notified body which are referred to in the final subparagraph of point 3.4, point 4.3 and point 4.4.

6. Each notified body shall give the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

ANNEX X

PRODUCT VERIFICATION (module F)

1. This module describes the procedure whereby a manufacturer or his authorized representative established within the Community checks and attests that the products subject to the provisions of point 3 are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.

2. The manufacturer shall take all measures necessary in order that the manufacturing process ensures conformity of the products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them. The manufacturer or his authorized representative established within the Community shall affix the CE marking to each product and shall draw up a declaration of conformity (see Annex XV).

3. The notified body shall carry out the appropriate examinations and tests in order to check the conformity of the product with the requirements of the Directive either by examination and testing of every product as specified in point 4 or by examination and testing of products on a statistical basis, as specified in point 5, at the choice of the manufacturer.

- 3a. The manufacturer or his authorized representative shall keep a copy of the declaration of conformity for a period ending at least 10 years after the last product has been manufactured.
4. Verification by examination and testing of every product
- 4.1. All products shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5 or equivalent tests shall be carried out in order to verify their conformity with the type as described in the EC type-examination certificate and the requirements of the Directive that apply to them.
- 4.2. The notified body shall affix, or cause to be affixed, its distinguishing number to each approved product and draw up a written certificate of conformity relating to the tests carried out.
- 4.3. The manufacturer or his authorized representative shall ensure that he is able to supply the notified body's certificates of conformity on request.
5. Statistical verification
- 5.1. The manufacturer shall present his products in the form of homogeneous lots and shall take all measures necessary in order that the manufacturing process ensures the homogeneity of each lot produced.
- 5.2. All products shall be available for verification in the form of homogeneous lots. A random sample shall be drawn from each lot. Products in a sample shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, shall be carried out to ensure their conformity with the requirements of the Directive which apply to them and to determine whether the lot is accepted or rejected.
- 5.3. The statistical procedure shall use the following elements:
- the statistical method to be applied,
 - the sampling plan with its operational characteristics.
- 5.4. In the case of accepted lots, the notified body shall affix, or cause to be affixed, its distinguishing number to each product and shall draw up a written certificate of conformity relating to the tests carried out. All products in the lot may be put on the market except those products from the sample which were found not to be in conformity.
- If a lot is rejected, the notified body or the competent authority shall take appropriate measures to prevent the putting on the market of that lot. In the event of frequent rejection of lots the notified body may suspend the statistical verification.
- The manufacturer may, under the responsibility of the notified body, affix the latter's distinguishing number during the manufacturing process.
- 5.5. The manufacturer or his authorized representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

ANNEX XI

UNIT VERIFICATION (module G)

1. This module describes the procedure whereby the manufacturer ensures and declares that the product concerned, which has been issued with the certificate referred to in point 2, conforms to the requirements of the Directive that apply to it. The manufacturer or his authorized representative established within the Community shall affix the CE marking to the product and draw up a declaration of conformity (see Annex XV).
2. The notified body shall examine the individual product and carry out the appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, to ensure its conformity with the relevant requirements of the Directive.
- The notified body shall affix, or cause to be affixed, its distinguishing number on the approved product and shall draw up a certificate of conformity concerning the tests carried out.
3. The aim of the technical documentation is to enable conformity with the requirements of the Directive to be assessed and the design, manufacture and operation of the product to be understood (see Annex XIII).

ANNEX XII

FULL QUALITY ASSURANCE (module H)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 ensures and declares that the products concerned satisfy the requirements of the Directive that apply to them. The manufacturer or his authorized representative established within the Community shall affix the CE marking to each product and draw up a written declaration of conformity (see Annex XV). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the surveillance as specified in point 4.
2. The manufacturer shall operate an approved quality system for design, manufacture and final product inspection and testing as specified in point 3 and shall be subject to surveillance as specified in point 4.
3. Quality system
- 3.1. The manufacturer shall lodge an application for assessment of his quality system with a notified body.
- The application shall include:
- all relevant information for the product category envisaged,
 - the quality system's documentation.
- 3.2. The quality system shall ensure compliance of the products with the requirements of the Directive that apply to them.
- All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.
- It shall contain in particular an adequate description of:
- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to design and product quality,
 - the technical design specifications, including standards, that will be applied and, where the standards referred to in Article 5 will not be applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the products will be met,
 - the design control and design verification techniques, processes and systematic actions that will be used when designing the products pertaining to the product category covered,
 - the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,
 - the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
 - the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,
 - the means to monitor the achievement of the required design and product quality and the effective operation of the quality system.
- 3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume compliance with these requirements in respect of quality systems that implement the relevant harmonized standard (EN 29001).

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

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

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorized representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

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

4. EC surveillance under the responsibility of the notified body

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

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of design, manufacture, inspection and testing, and storage, and shall provide it with all necessary information, in particular:

- the quality system documentation,
- the quality records as foreseen by the design part of the quality system, such as results of analyses, calculations, tests, etc.,
- the quality records as foreseen by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4. Additionally the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality system where necessary; it shall provide the manufacturer with a visit report and, if a test has been carried out, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:

- the documentation referred to in the second indent of the second subparagraph of point 3.1,
- the updating referred to in the second subparagraph of point 3.4,
- the decisions and reports from the notified body which are referred to in the final subparagraph of point 3.4, point 4.3 and point 4.4.

6. Each notified body shall forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

ANNEX 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 XIV

MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER STATES FOR THE NOTIFICATION OF BODIES

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 boat or components which they inspect, nor the authorized representative of any of these parties. They shall not become either involved directly or as authorized representatives in the design, construction, marketing or maintenance of the said products. This does not preclude the possibility of exchanges of technical information between the manufacturer and the body.

2. The body and its staff shall carry out the verification tests with the highest degree of professional integrity and technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgment or the result of the inspection, especially from persons or groups of persons with an interest in the result of verifications.

3. The body shall have at its disposal the necessary staff and possess the necessary facilities to enable it to perform properly the administrative and technical tasks connected with verification; it shall also have access to the equipment required for special verification.

4. The staff responsible for inspection shall have:

- sound technical and professional training,
- satisfactory knowledge of the requirements of the tests they carry out and adequate experience of such tests,
- the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.

5. The impartiality of inspection staff shall be guaranteed. Their remuneration shall not depend on the number of tests carried out or on the results of such tests.

6. The body shall take out liability insurance unless its liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the tests.

7. The staff of the body shall be bound to observe professional secrecy with regard to all information gained in carrying out its tasks (except vis-à-vis the competent administrative authorities of the State in which its activities are carried out) under the Directive or any provision of national law giving effect to it.

ANNEX XV

WRITTEN DECLARATION OF CONFORMITY

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

- the recreational craft and be joined to the owner's manual (Annex I, point 2.5),
- the components as referred to in Annex II.

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

- name and address of the manufacturer or his authorized representative established in the Community (2),
- description of the recreational craft (3) or of the component (3),
- references to the relevant harmonized 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 authorized representative established within the Community.

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

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

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

Appendix 3: Standards Mandated under Directive 94/25/EC

REFERENCE	TITLE	PUBLICATION IN THE OJEC
EN* 24565	Small craft - Anchor chains	
EN ISO* 4566	Small craft with inboard engine - Propeller shaft ends and bosses with 1:10 taper	
EN* 24567	Shipbuilding - Yachts - Waste water fittings	
ISO 6185-1	Small craft - Inflatable boats with a minimum buoyancy of 1800 N - Part 1: Motor maximum power rating of 4,5 kW	
ISO 6185-2	Small craft - Inflatable boats with a minimum buoyancy of 1800 N - Part 2: Motor power rating of 4,5 kW to 15 kW inclusive	
ISO 6185-3	Small craft - Inflatable boats with a minimum buoyancy of 1800 N - Part 3: Motor power rating of 15 kW and greater	
EN ISO 7840	Small craft - Fire-resistant fuel hoses	C59 25.02.98
ISO 8099-1	Small craft – Waste water retention and treatment systems – Part 1: Toilet retention systems	
ISO* 8099-2	Small craft – Waste water retention and treatment systems – Part 2: Toilet recirculating and treatment systems	
ISO* 8099-3	Small craft – Waste water retention and treatment systems – Part 3: Grey water retention systems	
EN ISO 8469	Small craft - Non-fire-resistant fuel hoses	C59 25.02.98
EN ISO 8665	Small craft - Marine propulsion engines and systems - Power measurements and declarations	C384 18.12.97
ISO 8666	Small craft – Principal data	
EN 28846	Small craft - Electrical devices - Protection against ignition of surrounding flammable gases	C255 30.09.95
EN 28847	Small craft - Steering gear - Wire rope and pulley systems	C255 30.09.95
EN 28848	Small craft - Remote steering systems	C255 30.09.95
EN 28849	Small craft - Electrically operated bilge-pumps	C255 30.09.95
ISO 9093-1	Small craft – Seacocks and through-hull fittings – Part 1: Metallic	
ISO 9093-2	Small craft - Seacocks and through-hull fittings – Part 2: Non-metallic	
ISO 9094-1	Small craft - Fire protection - Part 1: Craft with a hull length of up to and including 15 m	
ISO 9094-2	Small craft - Fire protection - Part 2: Craft with a hull length of over 15 m and up to 24 m	
EN ISO 9097	Small craft - Electric fans	C59 25.02.98
EN 29775	Small craft - Remote steering systems for single outboard motors of 15 kW to 40 kW power	C255 30.09.95
EN ISO 10087	Small craft - Hull identification - Coding system	C384 18.12.97
ISO 10088	Small craft - Permanently installed fuel systems and fixed fuel tanks	
ISO 10133	Small craft - Electrical systems - Extra-low-voltage d.c. installations	

ISO 10239	Small craft - Liquefied petroleum gas (LPG) systems	
EN ISO 10240	Small craft - Owner's manual	C384 18.12.97
EN ISO 10592	Small craft - Hydraulic steering systems	C59 25.02.98
EN ISO 11105	Small craft - Ventilation of petrol engine and/or petrol tank compartments	C384 18.12.97
ISO 11192	Small craft – Graphical symbols	
ISO 11547	Small craft - Start-in-gear protection	C384 18.12.97
ISO 11591	Engine-driven small craft - Field of vision from helm position	
ISO 11592	Small craft - Determination of maximum propulsion power	
ISO 11812	Small craft – Cockpits and cockpit drainage	
ISO 12215-1	Small craft - Hull construction - Scantlings - Part 1: Materials: Thermosetting resins, glass fibre reinforcement, reference laminate	
ISO 12215-2	Small craft - Hull construction - Scantlings - Part 2: Materials for sandwich construction, embedded materials	
ISO 12215-3	Small craft - Hull construction - Scantlings - Part 3: Materials: Steel, aluminium, wood, materials	
ISO 12215-4	Small craft - Hull construction - Scantlings - Part 4: Workshop and construction	
ISO 12215-5	Small craft - Hull construction - Scantlings - Part 5: Design pressures, allowable stresses, scantling determination	
ISO 12215-6	Small craft - Hull construction - Scantlings - Part 6: Details of design and construction	
ISO 12216	Small craft - Windows, portlights, hatches, deadlights and doors - Strength and tightness requirements	
ISO 12217-1	Small craft - Stability and buoyancy - Methods of assessment and categorisation - Part 1: Non-sailing boats	
ISO 12217-2	Small craft - Stability and buoyancy - Methods of assessment and categorisation - Part 2: Sailing boats	
ISO 12217-3	Small craft - Stability and buoyancy - Methods of assessment and categorisation - Part 3: Boats of up to and including 6 m Lh	
ISO 13297	Small craft - Electrical systems - Alternating current installations	
ISO 13929	Small craft - Steering gear - Rack and pinion direct link systems	
ISO* 14509	Small craft - Measurement of sound pressure level of airborne sound emitted by motor craft	
ISO 14945	Small craft - Builder's plate	
ISO 14946	Small craft - Maximum load capacity	
ISO 15083	Small craft - Bilge pumping systems	
ISO 15084	Small craft - Anchoring, mooring and towing - Strong points	
ISO 15085	Small craft - Guardrails, lifelines and handrails	
	Small craft - Inboard-mounted petrol engine fuel and electrical system components	

* Standards that do not specifically apply to the 94/25/EC Directive.

Appendix 4: List of Notified Bodies

Name & address of the notified bodies	Identification number	Responsible for the following products	Responsible for the following procedures/modules	Annexes/articles of the directives
LLOYD'S REGISTER OF SHIPPING Lloyd's Register House - 29, Wellesley Road GB - CRO 2AJ CROYDON	0038	Design Category A - Ocean Design Category B - Offshore Design Category A	Internal production	Annex VI Annex VII
		Components	Type-examination	Annex VII
BUREAU VERITAS 17bis, place des Reflets F-92077 PARIS LA DEFENSE CEDEX 44	0062	Recreational craft	Internal production Type-examination Production quality Product verification Unit verification Full quality assurance	Annex VI Annex VII Annex IX Annex X Annex XI Annex XII
LLOYD'S REGISTER QUALITY ASSURANCE, Ltd. Carolyn House, Dingwall Road GB - CRO 9XF CROYDON	0088	Design Category A - Ocean Design Category B - Offshore Design Category A Components	Production quality Full quality assurance	Annex IX Annex XII
GEMANISCHER LLOYD AG Vorsetzen 32 D-20459 HAMBURG	0098	Recreational craft of a minimum length of 2,5 m and a maximum length of 24 m, and the components referred to in Annex II	Internal production Type-examination Production quality Product verification Unit verification Full quality assurance	Annex VI Annex VII Annex IX Annex X Annex XI Annex XII
FACHAUSSCHUß PERSÖNLICHE SCHUTZAUSRÜSTUNG PRÜF- UND ZERTIFIZIERUNGSSTELLE IM BG-PRÜFZERT Klinkerweg 4 D-40699 ERKRATH	0299	Recreational craft of a minimum length of 2,5 m and a maximum length of 24 m, and the components referred to in Annex II	Internal production Type-examination Production quality Product verification Unit verification Full quality assurance	Annex VI Annex VII Annex IX Annex X Annex XI Annex XII
VTT VALMISTUSTEKNIikka / TURVALISUUSTEKNIikka (VTT MANUFACTURING TECHNOLOGY / SAFETY ENGINEERING) P.O. Box 1705 FIN-02044 VTT	0401	Recreational craft of a minimum length of 2,5 m and a maximum length of 24 m, and the components referred to in Annex II	Internal production Type-examination Production quality Product verification Unit verification Full quality assurance	Annex VI Annex VII Annex IX Annex X Annex XI Annex XII

Name & address of the notified bodies	Identification number	Responsible for the following products	Responsible for the following procedures/modules	Annexes/articles of the directives
<p><i>AEA TECHNOLOGY PLC</i> <i>D5, Culham, Abingdom</i> <i>UK - OX14 3DB OXFORDSHIRE</i></p>	<p>0466</p>	<p>Design Category A - Ocean Design Category B - Offshore Design Category A Design Category C Design Category D</p> <p>Components</p>	<p>Internal production Type-examination Conformity to type Production quality Product verification Unit verification Full quality assurance</p> <p>Type-examination Conformity to type Production quality Product verification Unit verification Full quality assurance</p>	<p>Annex VI Annex VII</p> <p>Annex VIII</p> <p>Annex IX Annex X Annex XI Annex XII</p> <p>Annex VII Annex VIII Annex IX Annex X Annex XI Annex XII</p>
<p><i>REGISTRO ITALIANO NAVALE</i> <i>RINA</i> <i>Via Corsica, 12</i> <i>I-16128 GENOVA</i></p>	<p>0474</p>	<p>Boats of less than 12 m hull length Boats from 12 m to 24 m hull length Boats from 2,5 m to 12 m hull length Boats from 2,5 m to 24 m hull length</p>	<p>Internal production Type-examination Production quality Product verification Unit verification Full quality assurance</p>	<p>Annex VI Annex VII Annex IX Annex X Annex XI Annex XII</p>
<p><i>LLOYD'S REGISTER TECHNIKAL SERVICES GmbH</i> <i>Mönckebergstraße 27</i> <i>D-20095 HAMBURG</i></p>	<p>0525</p>	<p>Recreational craft of a minimum length of 2,5 m and a maximum length of 24 m, and the components referred to in Annex II</p>	<p>Internal production Type-examination Production quality Product verification Unit verification Full quality assurance</p>	<p>Annex VI Annex VII Annex IX Annex X Annex XI Annex XII</p>
<p><i>DET NORSKE VERITAS CLASSIFICATION AS</i> <i>Veritasveien 1</i> <i>N-1322 HØVIK</i></p>	<p>0575</p>	<p>Boats and components according to Article 1</p>	<p>Internal production Type-examination Conformity to type Production quality Product verification Unit verification Full quality assurance</p>	<p>Annex VI Annex VII Annex VIII Annex IX Annex X Annex XI Annex XII</p>
<p><i>MARINTEST</i> <i>Sjöfartsverket</i> <i>S-601 78 NORRKÖPING</i></p>	<p>0590</p>	<p>Recreational craft and partly completed boats</p> <p>Ignition-protected equipment for inboard and stern drive</p> <p>Start-in-gear protection devices for outboard engines</p> <p>Steering wheels, steering mechanisms and cable</p>	<p>Internal production Type-examination Product verification Unit verification</p> <p>Type-examination Product verification Unit verification</p>	<p>Annex VI Annex VII Annex X Annex XI</p> <p>Annex VII Annex X Annex XI</p>

<i>INSTITUTE - IMCI</i> <i>Trierstraat 45</i> <i>B-1040 BRUSSELS</i>			Type-examination Conformity to type	Annex VII Annex VIII
<i>NEDERLAND KEURINGSINSTITUUT VOOR</i> <i>PLEZIERVAARTUIGEN</i> <i>Postbus 24</i> <i>NL-8530 AA LEMMER</i>	0613	Recreational craft of a minimum length of 2,5 m and a maximum length of 24 m, and the components referred to in Annex II	Internal production Type-examination Conformity to type Production quality Product verification Unit verification Full quality assurance	Annex VI Annex VII Annex VIII Annex IX Annex X Annex XI Annex XII
<i>EUROPEAN CERTIFICATION BUREAU NEDERLAND</i> <i>Postbus 118</i> <i>NL-1135 ZK EDAM</i>	0614	Boats and components	Internal production Type-examination Production quality Product verification Unit verification	Annex VI Annex VII Annex IX Annex X Annex XI
<i>LLOYD'S REGISTER OF SHIPPING</i> <i>Weena-Zuid 170 - Postbus 701</i> <i>NL-3000 AS ROTTERDAM</i>	0676	Recreational craft	Internal production Type-examination	Annex VI Annex VII
<i>HELLENIC REGISTER OF SHIPPING</i> <i>HRS</i> <i>Akti Miaouli 23</i> <i>GR-18535 PIRAEUS</i>	0618	Recreational craft	Internal production control plus tests Type-examination Production quality assurance Product verification Unit verification Full quality assurance	Annex VI Annex VII Annex IX Annex X Annex XI Annex XII

Appendix 5: Useful Addresses

EUROPEAN COMMISSION SERVICES
DG III/D/5 MARITIME INDUSTRIES

Mr. Costas Andropoulos (Head of Unit)
III/D/5 –SC15 4/32
200, rue de la Loi
B- 1049 Brussels
Tel.: +32 2 295 66 01
Fax : +32 2 296 70 14
E-mail: constantin.andropoulos@dg3.cec.be

Ms Anna Passera
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Fax : +32 2 296 70 14
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Mr. John Cowley
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Fax : +32 2 296 70 14
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Mrs Rita L'Abbate
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Mrs Maria Spiliopoulou
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B- 1049 Brussels
Tel.: +32 2 295 84 70
Fax : +32 2 296 70 14
E-mail: maria.spiliopoulou@dg3.cec.be

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