



EuropeAid /114385/D/SV/CY

Assessment and administration capacity building  
for the harmonisation with the New Approach directives



# **GUIDE**

**to the implementation of**

**DIRECTIVE**

**94/25/EC**

**on**

# **RC**

# **Recreational Craft**

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## BRIEF OVERVIEW

From 16 June 1996, manufacturers or importers of recreational craft, partly completed recreational craft or specified components covered by the Directive had the choice until 15 June 1998 of either complying with the European Community Directive on recreational craft (94/25/EC) or continuing to comply with any local safety provisions with which the product would have had to comply on 16 June 1994. The Directive does not apply to any product which is placed on the market before 16 June 1996.

From 16 June 1998:

- recreational craft intended for sports and leisure purposes, regardless of the means of propulsion, and measuring between 2.5 and 24 metres in hull length, partly completed recreational craft, and the components specified in Annex II to the Directive, whether constructed in or imported into the EEA, may only be placed on the market in the EEA and put into service for use if they meet the essential safety requirements (ESRs) set out in Annex I of the Directive;
- depending on their design category, recreational craft and (subject to a limited exception) the specified components, will need to satisfy conformity assessment procedures involving a Notified Body (certification body);
- recreational craft and the specified components will be required to carry a CE marking;
- the product must not endanger the safety and health of persons, property or the environment.

Failure to comply with these requirements will mean that these products may be prohibited from being placed on the Community/European Economic Area (EEA) market, and withdrawn if previously placed on the market. CE marked products complying with the Directive's requirements may be supplied anywhere in the EEA.

The Directive is not retrospective; products supplied in the EC before 16 June 1996 are exempt from the Directive. However, if products of the same design continue to be sold after the Directive became mandatory (16 June 1998) they will need to comply with the requirements of the Directive.

## DESCRIPTION OF THE DIRECTIVE

A New and Global Approach Directive created by the European Commission for the European Parliament as a vehicle for Technical Harmonisation. Products compliant with the Directive have freedom of access to the markets of the European Community. Compliance means that a product has reached agreed levels of safety to reduce risk of personal injury or risk to the environment.

CE marking is not an endorsement of quality.

Product Directives such as the RCD cover design, production and testing up to the point of placing on the market or putting into service. The twelfth recital of the Directive states: "the Directive does not contain any provisions directed towards limiting the use of the recreational craft after it has been put into service".

This means that the RCD does not include any regulations concerning navigation or usage. The Directive's design categories are intended only to inform the user of the conditions for which the boat was designed and built. There is no link between the Directive's design categories and the required mode of use or required distance offshore of a craft from a nominated departure point.

## **FREE CIRCULATION**

Under European Community law - as set out in the Recreational Craft Directive – Member States must not impede the placing on the market of craft, or the specified components, which satisfy the requirements of that Directive. Furthermore, the CE marking of a product symbolises the conformity of that product to those requirements.

## **SAFEGUARD PROCEDURE**

It is theoretically possible for an unsafe product to be endowed with characteristics not foreseen at the time of the authoring of harmonised standards yet which comply with those standards. Under the Safeguard Clause given in Article 7, Members States are permitted to remove such products from the EEA market, despite their compliance with the Directive.

Article 7 states:

Member States are required to take all appropriate measures to withdraw from the Community/EEA market, or to prohibit and restrict the supply of, products bearing CE marking which may endanger the safety and health of persons, property or the environment. They must then inform immediately the European Commission of its action and give reasons. The Commission must consult the parties concerned as soon as possible and, where it finds the action justified, inform immediately all member States.

## **SCOPE OF THE DIRECTIVE**

The RCD applies to recreational craft between 2.5m and 24m hull length. It includes complete and part-built boats.

It also includes the following specific components (reference Annex II of the Directive):

- Ignition-protected equipment for inboard and stern drive engines.
- Start-in-gear protection devices for outboard motors.
- Steering wheels, steering mechanisms and cable assemblies.
- Fuel tanks and fuel hoses.
- Prefabricated hatches and port lights.

## **PART BUILT CRAFT - ANNEX IIIA DECLARATION**

Annex III of the Directive defines the requirements for part-built craft being put on the market. It requires the builder to provide the craft with a Declaration of Conformity for a partly built Craft. This Declaration is intended to:

- Identify the builders in the supply chain.
- Identify the work done by each builder.
- Make it clear to the purchaser and the authorities that the boat is partly complete on leaving that builder and is intended to be completed by others.
- Identify the requirements of the RCD under which the work to that stage has been carried out.
- Declare that, as far as is possible for the stage of construction, the boat complies with these requirements or stated reasons why it does not.

## CATEGORISATION OF RECREATIONAL CRAFT

Annex I lists the Essential Safety Requirements of the directive. The first such ESR lays down a definition for four Design Categories. All recreational craft within the scope of the Directive must fall into at least one design category as follows:

**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.

The design categories are not intended to regulate usage. They are intended to set a goal for design and production and to allow users to understand the design limitations of their craft.

Many of the harmonized standards set different criterion for the range of design categories.

## EXCLUSIONS

There are eleven excluded categories of craft specified in the Directive. It is the manufacturer's responsibility to decide whether a boat is covered by the Directive or not. Advice may be sought from the Member State Administration who may refer to the texts of the Commissions Comments to the Directive or the RSG Guidelines. If this does resolve the question, it is possible to make a direct application to the Commission. In this case, advice would be sought on a wider basis using the services of the committees and groups created under the Directive.

### CRAFT EXCLUDED FROM THE SCOPE OF THE DIRECTIVE:

- a. Craft intended solely for racing, including rowing racing boats and training rowing boats labelled as such by the manufacturer.

The design of some racing boats is so extreme as to be impossible to be examined against the requirements of the Directive. The exclusion was drafted to cover this type of boat. Many boats, particularly dinghies, have a primary purpose of racing but their design and construction lends itself to recreational use and also to conformance with the RCD. Manufacturers of such craft usually choose to affix a CE marking.

- b. Canoes, kayaks, gondolas and pedalos.

This exclusion concerns watercraft whose nature is incompatible with the Directive but whose inclusion in the Directive might be subject to debate.

The boats are designed to be human powered excluding rowing which is considered to be the use of more than one oar.

- c. Sailing surfboards

The design of such craft is incompatible with the essential requirements of the Directive.

- d. Powered surfboards, personal watercraft and other similar craft.

This excludes Personal Watercraft defined in ISO 13590 as:

“Craft less than 4m 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 the hull”

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

Craft of similar description lie outside the scope of the Directive. The proposed amendment to the Directive will bring boats in this clause under its scope.

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

This enables historical craft to be built to the same authentic bygone design, one boat after another. The boats retain their uniqueness and individuality. “Predominantly” means using the original material for the hull and the deck but permits the use of contemporary materials such as plywood joinery, laminated frames, modern adhesives, paints, sealants and fastenings etc. Series production with the repeated use of male or female moulds is not permissible.

Designs pre-dating 1950 now built in GRP fall within the scope of the Directive.

- f. Experimental craft provided they are not subsequently placed on the Community market.

This is to allow experimentation without the cost being incurred of proving conformity. Some experimental craft, whilst reaching satisfactory levels of safety may not fulfil their design and performance targets and not therefore go into production. An experimental craft can have Post Construction Assessment applied to bring it to a status that would allow it to have a CE marking.

- g. Craft built for own use, provided that they are not subsequently placed on the Community market during a period of five years.

This clause is designed to allow a private individual to build a boat for his own use on the basis that his boat concerns only his own safety.

The five year period has two functions:

- a) to prevent professional builders from claiming to be home-builders to avoid the requirements of the Directive.
- b) to provide a “test period” for the boat. If it safely navigates for 5 years then it is reasonable to assume it is of safe and sound construction and does not pose a danger to a potential purchaser.

The home-builder is allowed to contract specialists to carry out certain aspects of the work. Examples are the installation of electrical and LPG systems. The home builder is not allowed to project manage a number of professionals all contributing to the finished boat.

A kit boat which is bought by its end user but not finished inline with the manufacturer’s instructions is regarded as a home-built boat.

If, for whatever reason, such a boat is placed on the Community market, either complete or part complete, it falls under the scope of the Directive. Assessment and certification would then have to be carried out with a person or persons assuming the role of the manufacturer.

It is to be noted that a home built boat does not need to comply with the Directive when built but it is not fully exempted from the Directive until it is 5 years old.

- h. Craft specifically intended to be crewed and to carry passengers for commercial purposes, regardless of the number of passengers.

Recreational craft that are sometime chartered and/or crewed are not excluded. Therefore charter yachts and boats available for hire in sport or leisure circumstances have to comply with the Directive unless they are only ever used in the commercial operations of business.

- i. Submersibles

This excludes all craft designed to operate under the surface of the water.

- j. Air cushion vehicles

This excludes all craft designed to operate above the surface of the water. Boats that use air cushions to assist in the production of lift could be required to comply.

- k. Hydrofoils

This excludes all craft designed to be supported clear of the water on foils providing dynamic lift.

There is no provision for excluded craft to be notified to the Commission or for the Commission to keep a register of excluded craft. There is no official mechanism for “certifying” the exclusion of a craft from the scope of RCD. At least one commercially operated register of craft issued with an exemption certificates is in operation to fill this vacuum. It is to be noted that such a system is a commercial solution and is not an official protocol.

## **POINT OF APPLICATION**

Products that fall within scope, must comply with the RCD at the following points in time:

### **PLACING ON THE MARKET**

This means the first making available, against payment or free of charge, of a product within the EEA, for the purpose of 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 that physically exists and is complete regardless of the time or place of manufacture and whether it was made as an individual unit or in series.

“Making available” means the transfer of a product.

The transfer of the product is:

- Either the completion of the product to a stage at which the CE marking may be affixed,
- or the transfer of ownership,
- or the physical hand-over 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 moment of transfer.

The Directive allows for boats to be displayed at boat shows without having a CE marking. This is to allow the presentation of new concepts and developments. Such boats cannot be sold until they have CE marking and their status should be clearly identified at the show.

## **PROHIBITIONS ON PLACING ON THE MARKET**

No product to which the Directive applies can be placed on the EEA market unless the following requirements have been complied with:

- it satisfies the essential safety requirements applicable to that product, as set out in Annex I to the Directive, whilst recognising that a product conforming with a transposed harmonised European standard which covers one or more of the essential safety requirements is presumed to comply with that, or those, requirements;
- except in the case of partly completed recreational craft and some components, the appropriate conformity assessment procedure has been carried out in accordance with Article 8 by the manufacturer or his authorised representative established in the Community/EEA;
- the obligation to retain the technical documentation required as part of the appropriate conformity assessment procedure must be met by them or the person who places the product on the market;
- except in the case of a partly completed recreational craft, the CE marking has been affixed to it or, in the case only of a component, its packaging in accordance with Annex IV to indicate that it conforms with all the provisions of the Directive; in certain specified circumstances, the CE marking on a component (or its packaging) will only indicate conformity with the essential safety requirements relevant to it;
- in the case of any partly completed recreational craft, the manufacturer or his authorised representative established in the Community/EEA, or any other person responsible for the placing on the market declares, in accordance with Annex III(a) to the Directive, that it is intended to be completed by others;
- when correctly constructed, maintained and used in accordance with its intended purpose, it does not endanger the safety and health of persons, property or the environment.

## **PUTTING INTO SERVICE**

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

'Use' is defined as used for its intended purpose, floated or made operational etc. There is no exemption for a person making a "private or personal import" and all the previous considerations apply.

It is not the intention of the RCD to restrict the free movement of persons onboard craft temporarily in service within the EEA, for reasons of tourism or passage. Craft in such use lie outside the scope of the Directive. Local usage requirements and bylaws remain applicable.

Boats in (Customs) transit are outside the scope of the directive where the product has not been granted release for free circulation by Customs or has been placed under another Customs procedure (e.g. Transit, warehousing, temporary importation or Free Zone).



## **RESPONSIBILITY FOR COMPLIANCE**

Responsibility for compliance with the RCD lies with either:

- The Manufacturer,
- The Authorised Representative or
- The Importer.

### **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 on his / their behalf.
- responsible for “re-building” or modifying an existing boat or product falling under the Directive and in so doing, creating an “as new” product with a view to placing on the EEA market.
- responsible for the appraisal of the design, construction and any necessary modification of used products from Third Countries covered by the Directive. This appraisal, with regard to compliance with essential requirements of the Directive, involves all 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 to act on his behalf.

The manufacturer may sub-contract some operations including design and may use proprietary items with or without CE marking as appropriate. Regardless of the combination, the manufacturer retains responsibility for compliance unless transferring responsibility to an Authorised Representative.

The re-building or modifying of a boat (or component) concerns boats where the changes have been sufficient to no longer conform to the considerations of the Essential safety requirements when the boat was originally assessed.

### **AUTHORISED REPRESENTATIVE**

A person appointed by the manufacturer to act on his behalf in carrying out certain tasks or all aspects of the requirements of the Directive. The Directive requires that all authorised representatives must be established in the EEA in order to act on behalf of the manufacturer.

The manufacturer must provide a written mandate to the Authorised Representative setting out the terms and delegations of the arrangement.

The representative could be appointed to undertake any combination of the following:

- Testing and inspections.
- Compiling the Technical Documentations and Manuals.
- Managing the Notified Body involvement (if applicable).
- Completing the Declaration of Conformity.
- Affixing the CE marking
- Holding the Technical Documentation and Declaration of Conformity at the disposal of the Competent (policing) Authorities.

## **IMPORTER**

The term importer is not used explicitly in the Directive. An importer is the person who places on the EEA market or puts into service, a product covered by the Directive, from a Third Country. Unlike the authorised representative, the importer has no preferential relationship with the manufacturer in the third country. The importer is directly responsible for compliance with the Directive unless he subcontracts complete responsibility to a competent third party.

A private owner, who buys a boat in a third country (whether new or second-hand) and sails or ships the boat to EEA territory, or returns an existing boat to EEA territory, is considered to be an importer. The only exemption to this rule is if the boat was designed before 1950.

## **TECHNICAL STANDARDS**

The Essential Safety Requirements do not, themselves, lay down detailed requirements. On the contrary, they simply define issues which must be addressed. The ESRs do not propose how to measure whether these issues have been satisfactorily addressed. A range of technical standards have, therefore, been mandated to support the ESRs of the Directive and to offer the missing prescription. The standards mandated specifically to support the Directive are known as harmonised standards.

## **HARMONISED STANDARDS**

Standards are developed by Technical Committees appointed by The Comité Européen de Normalisation (CEN) and/or the International Standards Organisation (ISO). The progress through committees is overseen by a convenor with respect to the draft standard's fitness to support the requirements of the Directive. At the end of the drafting process, CEN approves the standards and each member state must then adopt them as a national standard. Where ISO has also adopted the standard, the document will acquire the "ISO" reference. All harmonised standards must, by definition, be labelled "EN" but they need not be labelled "EN ISO".

Once all member states have adopted a standard, the standard's reference is published in the Commission's Official Journal. From this point the standard is considered to be "harmonised".

A harmonised standard has two distinguishing features with respect to the Directive:

- a. It has been officially recognised as satisfying particular Essential Safety Requirements of the Directive
- b. It has been adopted (and thus recognised) by each Member State

These two characteristics mean that the harmonised standards carry a "presumption of conformity". This means that a product which properly complies with all the relevant harmonised standards must be considered, by all authorities in all Member States, as satisfying the requirements of the Directive: with due regard of the Safeguard Clause.

## **ALTERNATIVE SOLUTIONS**

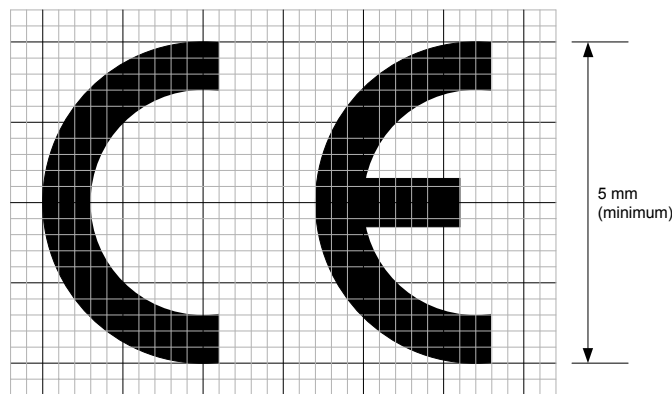
The Directive does not oblige conformity to harmonised standards in order to comply with the Essential Safety requirements (ESR). Any other alternative solution may be applied to measure and demonstrate compliance if equivalent safety can be proven.

## CE MARKING

Recreational craft and specified components (listed in Annex II) intended to be incorporated into them, which meet the essential safety requirements in accordance with Annex I to the Directive, must bear the CE marking in a visible, legible and indelible form and be affixed by either the manufacturer or his authorised representative established in the Community/EEA. In the case of any component, the CE marking must be affixed either on the component itself or on its packaging or on both. Where a Notified Body is involved in the conformity assessment procedures its identification number must accompany the CE marking.

The CE marking indicates that the product(s) fulfils the provisions of all applicable directives. It is the responsibility of the manufacturer to ascertain which directives are applicable and to ensure compliance. The Directive includes provisions as regards other markings and inscriptions.

In the case of the RCD, the CE marking must be affixed to the craft on a Builders Plate, described in ESR 2.2. The Builders Plate can be made in a wide range of materials and should be permanently affixed. The proportions of the CE marking should conform to the proportions shown in the figure below:



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

## CONFORMITY ASSESSMENT

### MODULAR CHOICE

Compliance with the RCD is carried out according to Conformity Assessment Modules. The allowable choice of modules is prescribed in the following table according to Design Category:

Category	A	B	C	D
LH<12m	Aa		A if harmonised stability standard applied Aa if not	A
LH≥12m	B+C or B+D or B+F or G or H			

The original RCD (94/25/EC) does not allow the choice of modules outside the above table – even if a manufacturer should wish to apply a more onerous module than that which is prescribed. The amendment to the RCD (2003/44/EC) will allow the choice of more onerous modules from 1st January 2005.

## DEFINITION OF MODULES

The scope of the Assessment Modules is detailed in Annexes V to XII in the Directive. The table below summarizes the characteristics:

Module	Title	Description
A	Internal control of production	This module covers both the design and production phases. It may be applied in isolation. Conformity assessment by the manufacturer alone. The manufacturer must compile Technical Documentation & signs the Declaration of Conformity. There is no involvement of a Notified Body.
Aa	Internal control of production plus tests	This module covers both the design and production phases. It may be applied in isolation.  The manufacturer's responsibilities are the same of those in module A. A Notified Body, however, must verify & certify the results of the stability and buoyancy tests. The Notified Body does not intervene in any other aspect of compliance.
B	EC Type Examination	This module covers only the design phase and must, therefore be combined with another module covering the production phase.  The Notified Body issues a Type Examination Certificate on the satisfactory assessment of a representative sample of production and its associated Technical Documentation.  This module is applied to where more than one example of the model is to be manufactured. It cannot, therefore, be used in Post Construction Assessment where every craft must be assumed to have a unique history.
C	Conformity to type	This module covers the production phase only and must, therefore, be combined with Module B.  Under this module, the manufacturer issues a Declaration of Conformity stating that an individual boat conforms to the specification outlined in the Technical Documentation which has previously been issued with an EC Type Examination certificate by a Notified Body under Module B. The Notified Body is not required to verify this Declaration.
D	Production Quality Assurance	This module covers the production phase only and must, therefore, be combined with Module B. To apply module D, a manufacturer must carry out production in accordance with a Production Quality System initially approved by a Notified Body as meeting the requirements of the Directive. The

		Notified Body is also required to conduct ongoing audits of the quality system.
F	Product Verification	This module covers the production phase only and must, therefore, be combined with Module B. The manufacturer's responsibilities are exactly as per Module C. Under this module, however, a Notified Body verifies the Declaration on the basis of inspection of samples taken from production.  This module only applies to series production.
G	Unit Verification	This module covers both the design and production phases. It may be applied in isolation.  Under this module the manufacturer's responsibility is exactly as shown in Module C. A Notified Body, however, is required to inspect, verify and certify each individual craft and associated documentation. Each craft is considered unique by this module and is, therefore, applicable for Post Construction Assessment.
H	Full Quality Assurance	This module covers both the design and production phases. It may be applied in isolation.  To apply module H, a manufacturer must carry out design and production in accordance with a Quality System initially approved by a Notified Body as meeting the requirements of the Directive. The Notified Body is also required to conduct ongoing audits of the quality system.

Under every module, the manufacturer must issue a Declaration of Conformity for every craft that falls within the scope of the Directive. The contents of the Declaration are described in the following pages.

The manufacturer is required to compile Technical Documentation for all module combinations except module "H", (Module H requires Quality System record keeping in place of Technical Documentation). The content of the Technical Documentation is outlined in the following section.

## TECHNICAL DOCUMENTATION

The Technical Documentation is required for all assessment modules except Module H. It applies to components as well as boats. Annex XIII describes the contents of the Technical Documentation.

The Directive states:

"The technical documentation 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".

This can be summarised into four key points:

1. The document must comprehensively demonstrate how the product complies with the Directive.
2. The document must allow a reader to understand the main elements of the design.
3. The document must allow a reader to understand how the product is manufactured.
4. The document must allow a reader to understand how the product is operated.

This information is contained within the Owner's Manual which is an integral part of the Technical Documentation as a means of demonstrating compliance with ESR 2.5.

The Directive details the type of information that will achieve the above goals:

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.

No requirements are prescribed for the layout of Technical Documentation.

The manufacturer, or his authorised representative for the purpose of the RCD, has a statutory duty to retain the Technical Documentation for a period of ten years after the date of completion of a one-off boat or after completion of the last boat in a series.

The Technical Documentation need only be made available to RCD Surveillance Authorities when requested.

## **DECLARATION OF CONFORMITY**

The contents of the Declaration are described in Annex XV of the Directive. The Directive refers to the document as the Written Declaration of Conformity. This is one of the few areas where the Directive is prescriptive.

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 [ESR 2.5 – Owners Manual]
  - (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.

A standard template is strongly recommended for use by the Advisory Cooperation Group (the national market surveillance authorities). This is shown in Appendix II of this document.

## **PENALTIES**

The Recreational Craft Directive becomes part of the law of each individual EU member state. Each member state publishes the penalties that may be applied where the requirements of the Directive have not been applied.

## **DIRECTIVE 2003/44/EC AMENDING DIRECTIVE 94/25/EC**

On 19th May 2003 the EU Parliament adopted Directive 2003/44/EC amending the RCD. The new amendment entered into force on 26 August 2003.

The amendment was considered necessary:

- Due to increased environmental awareness
- Due to need for enhanced consumer protection
- To avoid market fragmentation & barriers to trade
- To improve/clarify some existing provisions which experience has found ambiguous.

The major changes are as follows:

1. Scope amended to include personal water craft (PWC) and propulsion engines
2. Major engine conversion & craft conversion defined and noted as additional points for triggering RCD compliance
3. Harmonised limits for emissions of:
  - CO, HC, NOX and particulate pollutants
  - sound emissions
4. Wider choice of conformity assessment modules, including new module “E”
5. Post Construction conformity assessment procedure formally defined
6. Changes to essential requirements relating to:

- Design Category A (note excluding abnormal conditions)
- Design Category D (wave height reduced to 0.3m)
- HIN (changed to Craft Identification Number)
- Builder’s plate (to exclude weight of fluids from quoted load)
- Fuel tanks (flashpoint definitions replaced with petrol and diesel)
- Fire fighting equipment (appropriate to the fire hazard to be supplied, or it’s position and capacity to be indicated. The equipment to be in place when craft is put into service)
- Discharge prevention (craft with permanently installed holding tanks to be fitted with standard discharge connection for connection to reception facilities ashore)

**HARMONISED SOUND EMISSION LIMITS**

Engine Power (kW)	Maximum Sound Pressure (dB)
PN ≤ 10	67
10 < PN ≤ 40	72
PN > 40	75

**HARMONISED EXHAUST EMISSIONS LIMITS:**

Type	Carbon Monoxide CO=A + B/P (g/kWh)			Hydrocarbons HC=A + B/P (g/kWh)			Nitrogen oxides NO <sub>x</sub> (g/kWh)	Particulates
	A	B	n	A	B	n		
Two-stroke spark ignition	150,0	600,0	1,0	30,0	100,0	0,75	10,0	Not applicable
Four-stroke spark ignition	150,0	600,0	1,0	6,0	50,0	0,75	15,0	Not applicable
Compression Ignition	5,0	0	0	1,5	2,0	0,5	9,8	1,0



## **POST CONSTRUCTION CONFORMITY ASSESSMENT:**

If the manufacturer or his authorised representative does not fulfil the responsibilities for the craft's conformity, these can be assumed by any natural or legal person established within the Community who places the recreational craft on the market, and/or puts it into service, under his own responsibility.

This person must lodge an application for a post-construction report with a notified body, which shall examine the individual product and carry out calculations and other assessment to ensure its equivalent conformity.

The Builder's plate shall include the words "Post-construction certificate"

The responsible person shall draw up a Declaration of Conformity and affix the CE-mark or have it affixed.

## **KEY DATES**

- Directive 2003/44/EC adopted on 19 May 2003 and entered into force on 26 August 2003 (publication in OJEU)
- Member States to transpose amendments into national legislation by 30 June 2004
- National measures to start applying as from 1 January 2005
- Transitional arrangements:
  - general: until 31.12.2005
  - diesel and 4-stroke spark ignition engines: until 31.12. 2005
  - 2-stroke spark ignition engines: until 31.12.2006
- Full application from 1 January 2007

## ESSENTIAL SAFETY REQUIREMENTS & CORRESPONDING HARMONISED STANDARDS

RCD ESSENTIAL REQUIREMENTS		RELEVANT STANDARD
1	Boat Design Category	n/a
2.1	Hull Identification Number (HIN)	EN ISO 10087 Small Craft – Hull identification – Coding system
2.2	Builder's Plate	EN ISO 14945 Small Craft – Builders plate
2.3	Protection from falling overboard	EN ISO 15085 Small Craft – Man overboard prevention and recovery
2.4	Visibility from main steering position	EN ISO 11591.2 Engine driven small craft – Field of vision from helm position
2.5	Owners manual	EN ISO 10240 Small Craft – Owner's manual
3.1	Structure	EN ISO 12215 (parts 1-6) Small Craft – Hull construction/scantlings
3.2	Stability and Freeboard	EN ISO 12217 (parts 1-3) Small Craft – Stability and buoyancy assessment and categorization
3.3	Buoyancy and flotation	EN ISO 12217 (parts 1-3) Small Craft – Stability and buoyancy assessment and categorization
3.4	Openings in hull deck and superstructure	EN ISO 9093.1 Small Craft – Seacocks and through hull fittings – Part 1: Metallic EN ISO 9093.2 Small Craft – Seacocks and through hull fittings – Part 2: Non-metallic EN ISO 12216 Small Craft – Windows, port lights, hatches, deadlights and doors
3.5	Flooding	EN ISO 11812

		<p>Small Craft – Watertight cockpits and quick draining cockpits</p> <p>EN ISO 15083</p> <p>Small Craft – Bilge pumping system</p>
3.6	Manufacturers recommended load	<p>EN ISO 12217 (parts 1-3)</p> <p>Small Craft – Stability and buoyancy assessment and categorization</p>
3.7	Life raft stowage	n/a
3.8	Escape	<p>EN ISO 9094.1</p> <p>Small Craft – Fire protection (<math>\leq 15\text{mLOA}</math>)</p> <p>EN ISO 9094.2</p> <p>Small Craft – Fire protection (<math>&gt; 15\text{mLOA}</math>)</p> <p>EN ISO 12216</p> <p>Small Craft – Windows, port lights, hatches, deadlights and doors</p>
3.9	Anchoring, mooring and towing	<p>EN ISO 15084</p> <p>Small Craft – Anchoring, mooring and towing – Strong points</p>
4	Handling Characteristics	<p>EN ISO 8665</p> <p>Small Craft – Marine propulsion engines and systems – Power measurement</p> <p>EN ISO 11592</p> <p>Small Craft – Determination of maximum power</p>
5.1.1	Inboard engine	<p>EN ISO 8846</p> <p>Small Craft – Electrical devices – Protection against ignition of surrounding flammable gases</p> <p>EN ISO 9094.1</p> <p>Small Craft – Fire protection (<math>\leq 15\text{mLOA}</math>)</p> <p>EN ISO 9094.2</p> <p>Small Craft – Fire protection (<math>&gt; 15\text{mLOA}</math>)</p> <p>EN ISO 7840</p> <p>Small Craft – Fire resistant fuel hoses</p> <p>EN ISO 10088</p> <p>Small Craft – Permanently installed fuel systems and fixed fuel tanks</p> <p>EN ISO 10133</p>

		<p>Small Craft – Electrical systems – Extra-low-voltage d.c. installations</p> <p>EN ISO 11105</p> <p>Small Craft – Ventilation of petrol engines and/or petrol tank compartments</p>
5.1.2	Ventilation	<p>EN ISO 11105</p> <p>Small Craft – Ventilation of petrol engines and/or petrol tank compartments</p>
5.1.3	Exposed parts	n/a
5.1.4	Outboard Engine starting	<p>EN ISO 11547</p> <p>Small Craft – Start-in-gear protection</p>
5.2.1	Fuel System General	<p>EN ISO 7840</p> <p>Small Craft – Fire resistant fuel hoses</p> <p>EN ISO 8469</p> <p>Small Craft – Non-fire-resistant fuel hoses</p> <p>EN ISO 10088</p> <p>Small Craft – Permanently installed fuel systems and fixed fuel tanks</p> <p>EN ISO 11105</p> <p>Small Craft – Ventilation of petrol engines and/or petrol tank compartments</p>
5.2.2	Fuel Tanks	<p>EN ISO 10088</p> <p>Small Craft – Permanently installed fuel systems and fixed fuel tanks</p>
5.3	Electrical Systems	<p>EN ISO 10133</p> <p>Small Craft – Electrical systems – Extra-low-voltage d.c. installations</p> <p>EN ISO 13297</p> <p>Small Craft – Electrical systems – Alternating current installations</p> <p>EN ISO 8846</p> <p>Small Craft – Electrical devices – Protection against ignition of surrounding flammable gases</p>
5.4.1	Steering System General	<p>EN ISO 8847</p> <p>Wire rope and pulley steering systems on small craft 1987</p> <p>EN ISO 8848</p>

		<p>Small Craft – Remote steering systems EN 28848</p> <p>Small Craft – Remote steering systems EN ISO 10592</p> <p>Small Craft – Hydraulic steering systems EN ISO 9775</p> <p>Small Craft – Steering gear – Single outboard motors 15 kW to 40 kW EN 29775</p> <p>Small Craft – Steering gear – Single outboard motors 15 kW to 40 kW EN ISO 13929</p> <p>Small Craft – Steering gear – Rack and pinion – Direct link systems</p>
5.4.2	Emergency Steering Arrangements	n/a
5.5	Gas System	<p>EN ISO 10239</p> <p>Small Craft – Liquefied petroleum gas (LPG) systems</p>
5.6.1	General Fire Protection	<p>EN ISO 9094.1</p> <p>Small Craft – Fire protection (<math>\leq 15\text{mLOA}</math>)</p> <p>EN ISO 9094.2</p> <p>Small Craft – Fire protection (<math>&gt; 15\text{mLOA}</math>)</p>
5.6.2	Fire-fighting Equipment	n/a
5.7	Navigation Lights	1972 COLREG or CEVNI
5.8	Discharge Prevention	<p>EN ISO 8099</p> <p>Small Craft – Waste water retention and treatment systems</p>

EN ISO 6185 (part 1-3) Small Craft - Inflatable boats with a minimum buoyancy of 1800N

(This standard covers the full range of ESR for inflatable craft).



.....: \_\_\_\_\_  
**Deck**  
.....: \_\_\_\_\_  
**Construction material**  
.....: \_\_\_\_\_  
**Propulsion**  
.....: \_\_\_\_\_  
**Type of engine**  
.....: \_\_\_\_\_  
**Maximum recommended engine power (kW)**  
.....: \_\_\_\_\_ / \_\_\_\_\_  
Hull length and beam (m)  
.....: \_\_\_\_\_  
Draught (m)

I declare at my own responsibility that the boat mentioned above complies with all applicable essential requirements in the way specified on the opposite side

Name \_\_\_\_\_ Printed \_\_\_\_\_

Date (yr/mo/day)

**• Type of boat**

01 • sailboat

02 • inflatable

03 • other:

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**• Type of hull:**

01 • monohull

02 • multihull

03 • other:

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**• Construction material:**

01 • aluminium, aluminium alloys

02 • plastic, fibre reinforced plastic

03 • steel, steel alloys

04 • wood

05 • other:

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**• Propulsion:**

01 • sails

02 • petrol engine

03 • diesel engine

04 • electrical motor

05 • oars

06 • other:

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**• Type of engine:**

01 • outboard

02 • inboard

03 • z or sterndrive

04 • other:

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**• Deck**

01 • decked

02 • partly decked

03 • open



<p style="text-align: center;"><b>ESSENTIAL REQUIREMENTS</b></p> <p style="text-align: center;">(ref. to relevant article in Annex 1 of the Directive)</p>	Harmonised standards used	ISO-standards used	Other normative document used	See the technical file
• General requirements (2)				
• Hull Identification Number – HIN (2.1)				
• Builder's Plate (2.2)				
• Protection from falling overboard and means of reboarding (2.3)				
• Visibility from the main steering position (2.4)				
• Owner's manual (2.5)				
• Structure (3.1)				
• Stability and freeboard (3.2)				
• Buoyancy and floatation (3.3)				
• Openings in hull, deck and superstructure (3.4)				
• Flooding (3.5)				
• Manufacturer's maximum recommended load (3.6)				
• Liferaft stowage (3.7)				
• Escape (3.8)				
• Anchoring, mooring and towing (3.9)				
• Handling characteristics (4)				
• Engines and engine spaces (5.1)				
• Inboard engine (5.1.1)				
• Ventilation (5.1.2)				
• Exposed parts (5.1.3)				
• Outboard engine starting (5.1.4)				
• Fuel system (5.2)				
• General – fuel system (5.2.1)				
• Fuel tanks (5.2.2)				
• Electrical systems (5.3)				
• Steering systems (5.4)				
• General – steering system (5.4.1)				
• Emergency arrangements (5.4.2)				
• Gas systems (5.5)				
• Fire protection (5.6)				
• General – fire protection (5.6.1)				
• Navigation lights (5.7)				
• Discharge prevention (5.8)				

## **FURTHER INFORMATION**

### **Recreational Craft Sectoral Group (RSG)**

The official forum for RCD Notified Bodies to discuss technical interpretation. The group also has members representing The European Commission, The Recreational Craft Industry, User Organisations and CEN. The RSG publish annual Guidelines for the Directive.

**<http://www.rsg.be/>**

### **New Approach Website**

Source of text of Directives and lists of harmonized standards for all New Approach Directives.

**[www.newapproach.org/Directives/Default.asp](http://www.newapproach.org/Directives/Default.asp)**

### **Europa Website**

Commission's Official website including a guide on the application of New & Global Approach Directives.

**[europa.eu.int/comm/enterprise/newapproach/legislation/guide/legislation.htm](http://europa.eu.int/comm/enterprise/newapproach/legislation/guide/legislation.htm)**

**Information on standards** and guidance information can be obtained from the Standards Body of Cyprus:

### **CYS**

Cyprus Organisation for the Promotion of Quality  
At the Ministry of Commerce, Industry and Tourism  
13-15, Andreas Araouzou Street  
1421 Nicosia

**Further information** and links to all relevant European websites are available at

**[www.cys.mcit.gov.cy](http://www.cys.mcit.gov.cy)**

under the button named:

**NEW APPROACH**

## **CYPRUS COMPETENT AUTHORITY**

In Cyprus the Ministry of Communication and Works is responsible for enforcement of the RC related regulation. Further details on enforcement and penalties are available at Cyprus Contact point at the

Ministry of Communications and Works  
Department of Merchant Shipping

**Contact:**

George Demetriades  
maritimeadmin@dms.mcw.gov.cy

## **CYPRUS LEGISLATION**

General requirements and stipulation are layed down in the Cyprus Framework Law **N. 30(I)2002** (published 5.4.2002) and its amendment Framework Law (Amend.) **N. 29(I)2003** (published 28.3.2003).

The Framework Law represents the legal basis for the Cyprus Regulations addressing respective Directives.

The Cyprus Regulation addressing the RC directive is **Regulation P.I. 307/2003** (published 18.4.2003).