

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
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Emissions and noise from pleasure boats

Formal reference	
94/25/EC (OJ L 164 30.6.1994)	Directive on the approximation of laws, regulations and administrative provisions of the Member States relating to recreational craft
2003/44/EC (OJ L214 26.8.2003)	Amendment
Proposed 12.10.2000 – COM(2000)639	
Legal base	Article 114 TFEU (originally Article 95 TEC)
Binding dates	
Entry into force	26 August 2003
Formal compliance	30 June 2004
Application of measures by Member States	1 January 2005
Application of noise emission standards	1 January 2006
Application of emission limits for all but two-stroke spark ignition engines	1 January 2006
Commission report on possibilities of stricter noise and emission standards	by 31 December 2006
Application of emission limits for two-stroke spark ignition engines	1 January 2007
Commission to propose stricter emission standards if appropriate	by 31 December 2007

Purpose of the Directives

Directive 94/25/EC, known as the ‘Recreational Craft Directive’ sets standards for the design and construction of pleasure boats, although these did not originally extend to provisions on emissions of pollutants and noise. Directive 2003/44/EC amends 94/25/EC, inter alia to include such standards.

Summary of Directive 2003/44/EC

Scope of the Directive

Directives 2003/44/EC and 94/25/EC apply to recreational craft, that is boats of between 2.5 and 24 m in length intended for sports and leisure purposes, and personal water craft, that is vessels of less than 4 m in length. The principal focus of 2003/44/EC is to amend 94/25/EC to include standards for pollutant emissions and noise, although it also includes minor technical amendments and expands its scope to cover personal water craft that were not originally covered. The exhaust emissions requirements apply to engines that are installed, or those that

are intended for installation, in such craft, while the noise requirements apply to most recreational craft, all personal water craft and outboard engines and stern-drive engines used on these vessels. Historical craft, steam-powered craft and boats and engines for personal use, provided that these are not subsequently put on the market, are exempt from the Directives' requirements.

Free movement of goods and placing them on the market

When the products covered by and conforming to these Directives are put on the market they must bear the CE marking of conformity. Member States are not allowed to prohibit, restrict or impede the placing on the market of such products bearing the CE conformity mark.

Maximum limit values for emissions and noise

The maximum limit values for emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NO_x) and particulates from engines used in pleasure boats are given in Table 1. These are applicable from 1 January 2006 for all engines other than two-stroke spark ignition engines, to which the limits are applicable from 1 January 2007. The noise emission levels for pleasure boats and their outboard engines, which are applicable from 1 January 2006, are given in Table 2.

Table 1. Emission limits for engines for use on pleasure boats

Type	CO = $A + B/PNn$			HC = $A + B/PNn$			NO _x	Particulates
	A	B	n	A	B	n		
Two-stroke spark ignition	150.0	600.0	1.0	30.0	100.0	0.75	10.0	Not applicable
Four-stroke spark ignition	150.0	600.0	1.0	6.0	50.0	0.75	15.0	Not applicable
Compression ignition	5.0	0	0	1.5	2.0	0.5	9.8	1.0

where A, B and n are constants taking on the respective values as indicated in the table and PN is the rated engine power in kW.

Table 2. Noise limits for pleasure craft and their outboard engines

Single engine power (in kW)	Maximum sound pressure level = LpASmax (in dB)
PN ≤ 10	67
10 < PN ≤ 40	72
PN > 40	75

Technical amendments

The Committee set up under Directive 94/25/EC will assist the Commission in amending the technical requirements of the Directive, including those relating to the measurement of noise and pollutant emissions.

Penalties

Member States are to put in place penalties for non-compliance with their respective national implementing provisions that are effective, proportionate and dissuasive.

Development of Directive 2003/44/EC

The Commission developed the proposal at the request of Member States, users and industry, as some Member States had already introduced their own legislation to regulate emissions and noise from pleasure boats, while others were planning to do so. The proliferation of such legislation was threatening to fragment the internal market and potentially create an obstacle to trade. As well as contributing to the smooth functioning of the internal market, the proposal would also protect human health and the environment by reducing exhaust and noise emissions.

Even though emissions from pleasure boats were considered to be a relatively small proportion of total emissions in Europe – 0.5 per cent for HC and even less for CO and NO_x – in the proposal's explanatory memorandum the Commission argued that these figures were misleading due to the localized nature of pleasure boat use. As pleasure boats are used on waterways, and especially on sunny weekends, their contribution to local environmental problems can be significant. Studies in Germany and Sweden had identified the threat posed to aquatic life as a result of the toxicity of diesel emissions from boats. US studies suggested that noise from pleasure boats could also have an adverse effect on wildlife. Hence, the Commission published the proposal to amend Directive 94/25/EC in November 2000.

At the European Parliament's first reading in July 2001, two of its principal concerns were to limit the scope of the Directive to those craft and engines that were placed onto the market or put into service after the entry into force of the Directive and to exclude craft and engines built for personal use. In addition it was also sought stricter emissions standards to be applied to engines used on craft on inland lakes, due to the fact that standing waters are more vulnerable, and for a system of in-use compliance testing to be introduced.

In its common position of April 2002, the Council accepted the Parliament's clarifications in relation to the scope to the Directive, even though the Commission had, in its amended proposal, rejected the exemption for engines constructed for personal use. However, both the Commission and the Council rejected Parliament's call for stricter emission standards for certain inland bodies of water and for in-use compliance testing, as the former in particular was considered to be an issue for Member States.

In its second reading in September 2002, Parliament again proposed amendments to introduce tighter standards for inland lakes and in-use compliance testing, which made conciliation talks inevitable. These took place early in 2003, in the course of which the Parliament relented on both points in return for concessions on other technical issues.

However, both the Council and Parliament agreed that the Commission report of 2006 should look at the need for tighter emission standards and the introduction of in-use compliance testing.

Implementation of the Directive

Information on the measures taken by the Member States to transpose Directive 2003/44/EC can be found in their national [execution measures](#).

Information on the measures taken by the Member States to transpose Directive 94/25/EC can be found in their national [execution measures](#).

The Commission submitted on 11 June 2007 a [Communication](#) on the possibilities of further improving the environmental characteristics of engines by the end of 2006. It stated that the improvements from the amendment were hard to evaluate due to Member States' delays in fully implementing the amended Directive. The Commission found that emissions from recreational boats were minor overall. However, it looked at how to further reduce the impact of recreational boats on overall emissions through four possible options. These were based on improving the efficiency of engines. It concluded that although the options would involve a social cost of 13–15 jobs lost per annum, they would avoid damages evaluated at between €2500 and €8200 for each tonne of NO_x emissions avoided per annum, and between €13,000 and €51,000 for each tonne of particulate emissions avoided per annum. This would be a good incentive further to reduce emissions. The Commission also explored other options, such as setting international standards, improving boat design or reducing fuel evaporation. On the basis of these observations, the Commission called for a study assessing the impact of more stringent technology on the emission level and the competitiveness of the EU industry.

In February 2011, the Commission released a Communication ([2011/C 62/06](#)) concerning the implementation of Directive 94/25/EC which sets out the titles and references of harmonised standards under the Directive.

Enforcement and court cases

Two cases have been concluded in the European Court of Justice related to these Directives:

- Case [C-433/05](#) 15.04.10. concerned a case of criminal proceedings against an individual. The Court ruled that Directive 94/25/EC, as amended by Directive 2003/44/EC, does not preclude national regulations which, for reasons relating to the protection of the environment, prohibit the use of personal watercraft on waters other than designated waterways. Articles 34 TFEU and 36 TFEU do not preclude such national regulations, provided that: the competent national authorities are required to adopt the implementing measures provided for in order to designate waters other than general navigable waterways on which personal watercraft may be used; those authorities have actually made use of the power conferred on them in that regard and designated the waters which satisfy the conditions laid down in the national regulations, and such measures have been adopted within a reasonable period after the entry into force of those regulations. It is for the national court to ascertain whether those conditions have been satisfied in the main proceedings.

- Case [C-142/05](#) 04.06.09. In this case the Court decided that Directive 94/25/EC, as amended by Directive 2003/44/EC, does not prevent national regulations which, for reasons relating to the protection of the environment, prohibit the use of personal watercraft on waters other than designated waterways. This ruling repeats the previous one, leaving national discretion to designate waterways and closing them to navigation. The case was sent back to the national courts to decide if the designation was reasonable and respected the principle of non-quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

Further developments

The Commission has examined possible revision of the Directive since 2008. From May to July 2009, a public internet consultation was organised. 32 responses were received, which showed support for the introduction of more stringent exhaust limits, while taking into account the special position of small and medium sized businesses. The consultation also showed the need for clarification of the obligations of economic operators, including private importers.

As a result in July 2011 the Commission published a proposal for a new Directive (COM(2011)456). It proposes stricter emission limits for NO_x and hydrocarbons (-20 per cent) and for particulate matter (-34 per cent) from new motor boats, sailing boats, jet skis and other recreational craft. However, the proposed CO limits are slightly relaxed. Noise emissions would remain unchanged as the noise emitted by watercraft is not the sole result of engines. In order to leave time for adjustment of the production process, the proposal includes three years for transition for industry. Three additional years are available for the adaptation of SMEs selling spark engines below 15 KW. The proposal also includes a mandatory installation of holding tanks to watercraft fitted with toilets, to contribute to marine environmental protection. Also, new safety construction requirements have been defined in accordance with the category of the boat (ocean, offshore, inshore and sheltered waters). Finally the proposal clarifies the obligation to affix the CE marking to all inboard engines and stern drive engines.

In June 2011 the Commission published a proposal for a new Regulation (COM(2011)315) which aims to improve the method of standard setting and the use of standards in Europe to leverage European and international standards for long term competition. Directive 94/25/EC is included in the scope of the Directives to be amended by the proposal.

Related legislation

This Directive contributes to the reduction in emissions of key air pollutants addressed by the Air Quality Framework Directive [2008/50/EC](#). The control of emissions from boat engines also has characteristics relevant to control from other vehicles (see [Emissions from vehicles](#)).

This Directive also has a strong interaction with the legislation concerning noise emissions from other vehicles and noise assessment:

- Directive [2002/49/EC](#) on assessment and management of noise.
- Directive [70/157/EEC](#) on noise emissions from motor vehicles.

- Directive [92/23/EEC](#) relating to tyres for motor vehicles and their trailers, and to their fitting.
- Directive [74/151/EEC](#) stating standards for characteristics of wheeled agricultural or forestry tractors.
- Directive [97/24/EC](#) on certain components and characteristics of two- or three-wheel motor vehicles.