

EBA Statement on Recreational Craft Directive and Major Craft Conversions

At its recent General Assembly meeting the European Boating Association (EBA) discussed the Recreational Craft Directive (Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft¹).

The Recreational Craft Directive (RCD) regulates pleasure craft built and used with the European Economic Area (EEA). It applies to all recreational craft between 2.5 and 24 metres in hull length whatever the means of propulsion. Most craft built since 16 June 1998 intended for sport & leisure must meet essential safety requirements if they are to be placed on the EEA market or put into service within the EEA.

The Recreational Craft Directive includes a requirement for any person placing on the market or putting into service a propulsion engine or a watercraft after a major modification or conversion thereof², or any person changing the intended purpose of a watercraft not covered by the Directive in a way that it falls under its scope, to apply the Post-Construction Assessment procedure before placing the product on the market or putting it into service. This reassessment of second-hand products before placing on the market or putting into service is unusual. Recreational watercraft are the only products we are aware of having such a process.

European Boating Association members collectively expressed concern about developing proposals which seek to more closely interpret the definition of what constitutes a Major Craft Conversion within the Directive. Market Surveillance Authorities and Notified Bodies have both been developing lists with examples of what changes to a recreational watercraft might or might not constitute a Major Craft Conversion.

¹ <https://eur-lex.europa.eu/eli/dir/2013/53/oj/eng>

² **‘major engine modification’** means the modification of a propulsion engine which could potentially cause the engine to exceed the emission limits set out in Part B of Annex I or increases the rated power of the engine by more than 15 %;

‘major craft conversion’ means a conversion of a watercraft which changes the means of propulsion of the watercraft, involves a major engine modification, or alters the watercraft to such an extent that it may not meet the applicable essential safety and environmental requirements laid down in this Directive

Although these steps are intended to make recreational boating safer, they also bring unwelcome consequences, which boat owners need to be aware of. If a boat owner makes changes to their boat which constitute a Major Craft Conversion, to be re-certified under the Directive, the watercraft must undergo a Post Construction Assessment process. According to Annex V of the Directive³, the boat owner then becomes responsible for the entire vessel (in the same way as the manufacturer is responsible for the conformity of a new boat).

The European Boating Association members believe that is an unreasonable responsibility to place on a boat owner, unless (in accordance with the interpretation provided by the Blue Guide on the implementation of the product rules⁴ and the RCD Application Guide⁵) the changes are sufficiently significant that the boat needs to be treated as a new craft. Post-Construction Assessment must therefore be limited to genuine situations where a watercraft has been altered to the extent it is in essence a new watercraft.

The European Boating Association members strongly oppose any move to classify modifications as a Major Craft Conversion that are not clearly within the current agreed interpretation of the Directive as published in the Blue Guide and the RCD Application Guide.

³ Conformity based on post-construction assessment is the procedure to assess the equivalent conformity of a product for which the manufacturer has not assumed the responsibility for the product's conformity with this Directive, and whereby a natural or legal person referred to in Article 19(2), (3) or (4) who is placing the product on the market or putting it into service under his own responsibility is assuming the responsibility for the equivalent conformity of the product. This person shall fulfill the obligations laid down in points 2 and 4 and ensure and declare on his sole responsibility that the product concerned, which has been subject to the provisions of point 3, is in conformity with the applicable requirements of this Directive.

⁴ https://single-market-economy.ec.europa.eu/news/blue-guide-implementation-product-rules-2022-published-2022-06-29_en

⁵ <https://ec.europa.eu/docsroom/documents/48294>