



**EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD**

Brussels,
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15 JUIL. 2010

Opinion

Title

ENTR - Impact Assessment accompanying proposal for a Directive amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, as amended by Directive 2003/44/EC

(resubmitted draft - version of 5 July 2010)

(A) Context

This Impact Assessment accompanies a proposal for amending the Recreational Craft Directive (94/25/EC) which regulates the placing of pleasure boats on the European market. When it was first introduced, it set safety requirements. The Directive was later amended to set limit values for exhaust emissions and engine noise from compression ignition and spark ignition propulsion engines (Directive 2003/44/EC). The key air pollutants regulated are Nitrogen Oxide (NOx), Hydrocarbons (HC) and Particulates (PT). Carbon monoxide is also controlled. A review clause in the Directive required the Commission to report on the possibility of further improving engines' environmental characteristics by amending emission limits to reflect technological progress and of harmonising EU limits with those in other countries, especially the USA. The Commission issued a report in 2007 (COM(2007/313)). The position of SMEs is a consideration as they account for more than 95% of firms in the sector.

(B) Overall assessment

The report has been significantly improved along the lines of the Board's first opinion, and provides evidence to justify action in this area. It now includes a monetised assessment of the possible net benefits that reflects key environmental impacts and compliance costs for affected firms. It should be strengthened further by making a stronger case for options with mitigation, references to practical effects, a more fully developed evaluation plan, and some further clarification of the text.

(C) Main recommendations for improvements

- (1) Strengthened case for options with mitigation.** The report should better explain and justify the options with mitigating measures. It should explain the US flexibility scheme in option 3.1, and outline the definition of SME (i.e. only true SME's or also "SME

"subsidiaries" of larger groups) that would be used to determine whether a firm qualifies for extra transition time under option 3.3. Given that public authorities disagree with the need for mitigating measures for SMEs and that there is apparently only one (or very few) clearly identifiable independent SME affected, the report should review the proportionality of option 3.3.

(2) References to practical effects. The report should indicate how the preferred option is expected to affect pollutant concentrations in target locations compared to the baseline situation, if known. This could be done by describing changes relative to tables 1-3 (for which the underlying methodology also needs to be explained in the Annexes). To make the practical effects easy to grasp, the expected change in the number or proportion of actual maritime locations where the Environmental Quality Standard is exceeded for relevant pollutants should also be stated if known.

(3) More detail about evaluation plans. Plans for evaluation should be more fully developed, as should plans for tracking monitoring indicators to spot potential problems in the functioning of the Directive.

(4) Prospect of administrative savings. The text on administrative burdens should clarify whether burdens to regulated manufacturers or importers arise from certification requirements, and might be reduced under the preferred option and alignment with US limits.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

In line with the integrated approach to impact assessment, the content of section 6.1.4. ("SME test") should be presented in each of the relevant analytical sections (e.g. consultation, problem definition, options etc) of the IA report. If considered necessary current section 6.1.4 could be repeated in an annex.

Certain changes to the text should be made to clarify the conclusions. Tables 10, 14, 17 and 20 should be labelled 'environmental benefit / year' or 'value of damage avoided / year' rather than 'average annual damage savings / tonne'. Numbers should be presented consistently throughout (e.g. to avoid differing representations of thousands within Annex IX). The labelling of options should be standardised, and be coherent in the main text and annexes (e.g. see Annexes VIII, X, table 22). Calculations in table 21 should be rechecked. The text should indicate clearly whether key studies listed in footnotes 2-4 are available publicly.

(E) IAB scrutiny process

Reference number	2009/ENTR/010
External expertise used	No
Date of Board Meeting	Written procedure The present opinion concerns a resubmitted draft IA report. The first opinion was issued on 16/04/2010.