



EUROPEAN COMMISSION

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C(2012) 5195 final

Sen. Renato SCHIFANI
Presidente
Senato della Repubblica
Palazzo Madama
IT – 00100 ROMA

Dear President,

The Commission would like to thank the Italian Senate for sending its Opinion on the Proposal for a Directive of the European Parliament and of the Council on recreational craft and personal watercraft {COM(2011) 456 final}.

The Commission welcomes the thorough analysis by, and the broad support of the Italian Senate for this proposal as well as the Senate's view that the proposal takes adequate account of the principles of subsidiarity and proportionality.

The Opinion of the Italian Senate focuses on the request to consider the introduction of tighter noise emission limits than those currently in force. It also recommends the introduction of a new essential safety requirement concerning an automatic regulation of speed in a distance of less than 200 m from the shore or in other circumstances in which the safety of persons may be put at risk.

While apologising for the delay in replying to your Opinion, the Commission would like to provide the following clarifications.

a) Commission's position on restricting the noise emission limits

The Italian Senate recommends that the transitional period of three or six years for redesigning recreational craft engines in order to adapt to new exhaust requirements, should also be used for redesigning the noise performance of the engine.

The Commission carried out detailed investigations on the feasibility of further reducing the noise impact of recreational crafts. In its Communication to the Council and the European Parliament COM (2007)313 on the conclusion of the Stocktaking Study on the current status and developments in technology and regulations related to the environmental performance of recreational marine engines (TNO, 2004) it reports that further noise reduction implies changes to the hull and therefore will have significant impacts on the final costs of the boat. Further details are provided in the Impact Assessment accompanying the proposal of the revised Directive¹. This

¹ SEC (2011) 958

document assesses the different options for reducing noise. It concludes that further noise reduction from engines can only be achieved through a costly redesign of the engine. Such modifications will however have limited impact on noise reduction. It concludes also that any significant change in noise limits would require a change of the hull of the recreational craft. This will however involve much higher costs, which are disproportionate to the objective to be achieved. Furthermore, there is no economy of scale for reducing the noise emissions and the exhaust emissions because both requirements involve different parts and distinct solutions for the engine redesign. Therefore, taking also into account the difficult economic situation of the boat market, an option was chosen that avoids imposing measures that imply new substantial costly requirements in particular when the immediate benefit of such measures is not proven.

Instead, the Commission recommends that further restrictions should focus on a reduction of perceived noise annoyance which does not necessarily mean the restriction of general noise limits for boats. It was demonstrated in the impact assessment that the perceived noise annoyance of bystanders rather depends on the distance of a boat from shore, speed of the boat, the height of the waves and also a number of boats actually circulating around. These factors contributing to the overall noise in marinas or on waterways would be regulated more effectively by a tailored local restriction of use or speed of boats in certain times or areas. The proposal foresees the possibility of such local restrictions in its Article 5.

b) Commission's position on installing a device regulating speed of boats in harbours

The Italian Senate recommends that a speed limiting device for recreational craft shall be required, which would be mandatory activated when the watercraft is less than 200 m from the shore or in circumstances in which the safety of persons may be put at risk.

While such a device would prevent exceeding a given speed in restricted zones, its use would always remain a decision of the boat master. The boat masters must respect the speed limits given by the harbours. The respect of speed limits appears therefore to be more directly related to the enforcement of the law. The value added of a mandatory requirement for installing a speed limiting device is not demonstrated.

In conclusion, the Commission believes that further restriction of noise emission limits for recreational crafts and personal watercrafts would not contribute efficiently to the intended goal of the restriction of noise annoyance. It is possible to achieve this goal more effectively through other solutions as allowed by the Article 5 of the proposal for the revision of the Recreational Craft Directive.

The Commission is not planning to propose the adding of another essential safety requirement concerning the installation of a speed limitation device, because the value added of such measure is not demonstrated and it appears that the respect of speed limit depends primarily on the efficiency of law enforcement.

I look forward to continuing our dialogue on these important issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*