

Directive 2013/53/EU of the European Parliament and of the Council
of 20 November 2013 on recreational craft and personal watercraft
and repealing Directive 94/25/EC (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Directive lays down requirements for the design and manufacture of products referred to in Article 2(1) and rules on their free movement in the Union.

Article 2

Scope

- 1 This Directive shall apply to the following products:
 - a recreational craft and partly completed recreational craft;
 - b personal watercraft and partly completed personal watercraft;
 - c components listed in Annex II when placed on the Union market separately, hereinafter referred to as ‘components’;
 - d propulsion engines which are installed or specifically intended for installation on or in watercraft;
 - e propulsion engines installed on or in watercraft that are subject to a major engine modification;
 - f watercraft that are subject to major craft conversion.
- 2 This Directive shall not apply to the following products:
 - a with regard to the design and construction requirements set out in Part A of Annex I:
 - (i) watercraft intended solely for racing, including rowing racing boats and training rowing boats, labelled as such by the manufacturer;
 - (ii) canoes and kayaks designed to be propelled solely by human power, gondolas and pedalos;
 - (iii) surfboards designed solely to be propelled by wind and to be operated by a person or persons standing;
 - (iv) surfboards;
 - (v) original historical watercraft and individual replicas thereof designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;
 - (vi) experimental watercraft, provided that they are not placed on the Union market;

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- (vii) watercraft built for own use, provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft;
 - (viii) watercraft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3, regardless of the number of passengers;
 - (ix) submersibles;
 - (x) air cushion vehicles;
 - (xi) hydrofoils;
 - (xii) external combustion steam powered watercraft, fuelled by coal, coke, wood, oil or gas;
 - (xiii) amphibious vehicles, i.e. wheeled or track-laying motor vehicles, which are able to operate both on water and on solid land;
- b with regard to exhaust emission requirements set out in Part B of Annex I:
- (i) propulsion engines installed or specifically intended for installation on the following products:
 - watercraft intended solely for racing and labelled as such by the manufacturer;
 - experimental watercraft, provided that they are not placed on the Union market;
 - watercraft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to paragraph 3, regardless of the number of passengers;
 - submersibles;
 - air cushion vehicles;
 - hydrofoils;
 - amphibious vehicles, i.e. wheeled or track-laying motor vehicles, which are able to operate both on water and on solid land;
 - (ii) original and individual replicas of historical propulsion engines, which are based on a pre-1950 design, not produced in series and fitted on watercraft referred to in points (v) or (vii) of point (a);
 - (iii) propulsion engines built for own use provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft;
- c with regard to noise emission requirements referred to in Part C of Annex I:
- (i) all watercraft referred to in point (b);
 - (ii) watercraft built for own use, provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft.

3 The fact that the same watercraft could also be used for charter or for sports and leisure training shall not prevent it being covered by this Directive when it is placed on the Union market for recreational purposes.

Article 3

Definitions

For the purposes of this Directive the following definitions shall apply:

- (1) ‘watercraft’ means any recreational craft or personal watercraft;
- (2) ‘recreational craft’ means any watercraft of any type, excluding personal watercraft, intended for sports and leisure purposes of hull length from 2,5 m to 24 m, regardless of the means of propulsion;
- (3) ‘personal watercraft’ means a watercraft intended for sports and leisure purposes of less than 4 m in hull length which uses a propulsion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;
- (4) ‘watercraft built for own use’ means a watercraft predominantly built by its future user for his own use;
- (5) ‘propulsion engine’ means any spark or compression ignition, internal combustion engine used directly or indirectly for propulsion purposes;
- (6) ‘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 %;
- (7) ‘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;
- (8) ‘means of propulsion’ means the method by which the watercraft is propelled;
- (9) ‘engine family’ means the manufacturer’s grouping of engines which, through their design, have similar exhaust or noise emission characteristics;
- (10) ‘hull length’ means the length of the hull measured in accordance with the harmonised standard;
- (11) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (12) ‘placing on the market’ means the first making available of a product on the Union market;
- (13) ‘putting into service’ means the first use of a product covered by this Directive in the Union by its end-user;
- (14) ‘manufacturer’ means any natural or legal person who manufactures a product or has such a product designed or manufactured, and markets that product under his name or trademark;

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- (15) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from the manufacturer to act on his behalf in relation to specified tasks;
- (16) ‘importer’ means any natural or legal person established within the Union who places a product from a third country on the Union market;
- (17) ‘private importer’ means any natural or legal person established within the Union who imports in the course of a non-commercial activity a product from a third country into the Union with the intention of putting it into service for his own use;
- (18) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;
- (19) ‘economic operators’ means the manufacturer, the authorised representative, the importer and the distributor;
- (20) ‘harmonised standard’ means harmonised standard as defined in point (c) of Article 2(1) of Regulation (EU) No 1025/2012;
- (21) ‘accreditation’ means accreditation as defined in point 10 of Article 2 of Regulation (EC) No 765/2008;
- (22) ‘national accreditation body’ means national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008;
- (23) ‘conformity assessment’ means the process demonstrating whether the requirements of this Directive relating to a product have been fulfilled;
- (24) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;
- (25) ‘recall’ means any measure aimed at achieving the return of a product that has already been made available to the end-user;
- (26) ‘withdrawal’ means any measure aimed at preventing a product in the supply chain from being made available on the market;
- (27) ‘market surveillance’ means the activities carried out and measures taken by public authorities to ensure that products comply with the applicable requirements set out in Union harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection;
- (28) ‘CE marking’ means a marking by which the manufacturer indicates that the product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;
- (29) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products.

Article 4

Essential requirements

1 The products referred to in Article 2(1) may be made available or put into service only if they do not endanger the health and safety of persons, property or the environment

when correctly maintained and used in accordance with their intended purpose, and only on the condition that they meet the applicable essential requirements set out in Annex I.

2 Member States shall ensure that the products referred to in Article 2(1) are not made available on the market or put into service unless they comply with the requirements of paragraph 1.

Article 5

National provisions concerning navigation

This Directive shall not prevent Member States from adopting provisions concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, provided that those provisions do not require modification to watercraft conforming to this Directive and that those provisions are justified and proportionate.

Article 6

Free movement

1 Member States shall not impede the making available on the market or, without prejudice to Article 5, the putting into service in their territory of watercraft complying with this Directive.

2 Member States shall not impede the making available on the market of partly-completed watercraft where the manufacturer or the importer declares, in accordance with Annex III, that they are intended to be completed by others.

3 Member States shall not impede the making available on the market or putting into service of components complying with this Directive which are intended to be incorporated into watercraft, in accordance with the declaration of the manufacturer or the importer, as referred to in Article 15.

4 Member States shall not impede the making available on the market or putting into service of any of the following propulsion engines:

- a engines, whether or not installed in watercraft, complying with this Directive;
- b engines installed in watercraft and type-approved in accordance with Directive 97/68/EC which are in compliance with stage III A, stage III B or stage IV emission limits for CI engines used in other applications than propulsion of inland waterway vessels, locomotives and railcars, as provided for in point 4.1.2. of Annex I to that Directive, complying with this Directive, with the exclusion of the exhaust emission requirements set out in Part B of Annex I;
- c engines installed in watercraft and type-approved in accordance with Regulation (EC) No 595/2009, complying with this Directive, with the exclusion of the exhaust emission requirements set out in Part B of Annex I.

Points (b) and (c) of the first subparagraph shall apply subject to the condition that where an engine is adapted for installation in a watercraft, the person undertaking the adaptation shall ensure that full account is taken of the data and other information available from the engine manufacturer in order to ensure that, when installed in accordance with the installation instructions provided by the person adapting the engine, that engine will continue to meet the exhaust emission requirements of either Directive

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97/68/EC or of Regulation (EC) No 595/2009, as declared by the engine manufacturer. The person adapting the engine shall declare, as referred to in Article 15, that the engine will continue to meet the exhaust emission requirements of either Directive 97/68/EC or of Regulation (EC) No 595/2009, as declared by the engine manufacturer, when installed in accordance with the installation instructions supplied by the person adapting the engine.

5 At trade fairs, exhibitions, demonstrations and other similar events Member States shall not impede the showing of products referred to in Article 2(1) which do not comply with this Directive, provided that a visible sign clearly indicates that such products do not comply with this Directive and will not be made available or put into service in the Union until they have been made to comply.