



Council of the
European Union

017919/EU XXVI. GP
Eingelangt am 17/04/18

Brussels, 17 April 2018
(OR. en)

8030/18

ENT 70
ENV 229

COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 12 April 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2018) 182 final

Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL on the exercise of the power to adopt delegated acts
conferred on the Commission pursuant to 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

Delegations will find attached document COM(2018) 182 final.

Encl.: COM(2018) 182 final



Brussels, 12.4.2018
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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to 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

INTRODUCTION

Directive 2013/53/EU¹ lays down requirements on the design and manufacture of recreational craft and personal watercraft and rules on their free movement in the Union. Article 47 of the Directive empowers the Commission to adopt delegated acts to amend:

- points 2.3, 2.4 and 2.5 as well as Section 3 of Part B and Section 3 of Part C of Annex I, dealing respectively with marine engines' testing cycles, test fuels, the application of the engine's family and choice of parent engine and durability (Article 47(a)(i)), in order to take into account the progress of technical knowledge and new scientific evidence;
- Annexes VII and IX dealing respectively with 'conformity of production assessment for exhaust and noise emissions' and 'technical documentation' (Article 47(a)(ii)), in order to take into account the progress of technical knowledge and new scientific evidence.
- Annex V setting out requirements on 'Equivalent conformity based on Post-Construction Assessment' (Article 47(b)), in order to take into account the progress of technical knowledge, the adequacy of ensuring equivalent conformity and new scientific evidence.

LEGAL BASIS

This report is required under Article 48.2 of Directive 2013/53/EU. Pursuant to that provision, the power to adopt delegated acts is conferred on the Commission for a period of five years from 17 January 2014 and the Commission is required to prepare a report in respect of the delegation of power not later than nine months before the end of the five-year period.

EXERCISE OF THE DELEGATION

Since the entry into force of Directive 2013/53/EU, the Commission has not made use of the empowerment. No delegated act has been adopted yet.

However, the reasons, which have led the co-legislators to delegate the power to adopt delegated acts on the Commission, are still valid and the Commission may indeed need to make use of the empowerment in the future. For example, the Directive sets out the test cycles for petrol as well as diesel marine engines, however it does not encompass a test cycle for hybrid marine engine technology. This is a novel technology in marine use combining combustion engines with electrical propulsion. The Commission might therefore make use of the empowerment to introduce test cycles for hybrid marine engines.

CONCLUSION

The Commission believes that, despite to date the Commission hasn't adopted any delegated act, the delegation of power as stated in Article 47 of the Directive 2013/53/EU should be extended. Article 48 of the Directive foresees that "the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period".

¹ 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 (OJ L 354, 28.12.2013, p. 90–131).