

## Revision of the New Legislative Framework

### EBI position paper

#### 1. Introduction

European Boating Industry (EBI) represents the recreational boating industry, made up of European manufacturers of boats, engines, components, dealers, and importers. It also represents the entire value chain and ecosystem that includes charter, rental, marinas, notified bodies, and related services. EBI's mission is to **advance and represent a sustainable boating and nautical tourism industry #MadeInEurope.**

The boating industry in Europe is a **dynamic and globally competitive sector**, as well as a **significant contributor** to the European economy. This is especially felt in peripheral regions, coastal regions and inland waterways. The industry is mainly made up of **small and medium-sized enterprises** (more than 95% of businesses are SMEs with often low-volume manufacturing). Within the maritime industry, boat-building is unique in having maintained and increased production in Europe in the past years, building global competitiveness.

This position paper lays out the views of the European boating sector with regards to a revision of the New Legislative Framework (NLF). The boating industry is a key stakeholder in this regard due to the Recreational Craft Directive (RCD) and other relevant legislation falling under the NLF.

#### 2. EBI position

**Overall points:** EBI strongly supports the NLF and further extending Single Market principles, supporting competitiveness and avoiding national barriers. The overall focus on simplification and competitiveness should be the guiding principle of the revision. Legislation under the NLF should continue to be target-based with essential requirements and detailed technical requirements through standardisation at ISO level as is the case for the RCD to ensure global harmonisation.

This should include moving from a Directive to Regulation, in the case of the RCD, to ensure consistency and clarity across Member States for all stakeholders. Variations in national transpositions create uncertainty for manufacturers. Alignment across all relevant legislation (including General Product Safety Regulation) is equally crucial, both within the NLF and outside to ensure legal certainty and lack of divergence for sectors. EBI supports the continued risk-based conformity assessment approach and supported by notified bodies.

**Circularity:** The NLF should focus on providing the framework for circularity through the same approach as the essential requirements, with the focus on clarity, definitions and responsibilities. Life Cycle Assessment should be the guiding principle (e.g. EU-PEF and ISO LCA standard). It assesses environmental performance assessment across the entire lifecycle, providing the most accurate and objective approach to measuring environmental impact, encouraging eco-design, consumer information and ensuring innovation achieves its aims of improving environmental performance.

**Substantial modification/major craft conversion:** EBI calls for alignment of definitions across all relevant EU legislation, including the General Product Safety Regulation (GPSR). The alignment with the “creation of a new product” for major craft conversion to apply should be maintained alongside the high threshold as stated in Blue Guide and RCD Application Guide.

The terminology of substantial modification/major craft conversion should not be used for minor changes, installations of equipment or the usual maintenance and upgrades of boats. Equally the term should not be used for circularity terms and definitions and instead new approaches are needed (e.g. reconditioned, repaired, refurbished, remanufactured). It is critical to keep a high threshold for major craft conversion and PCA to ensure that consumers can make changes or installations on their craft without unnecessary regulatory burden. When introducing new concepts to account for circular business models, the high threshold for major craft conversion and post-construction assessment should be maintained.

Otherwise there is a significant risk of legal uncertainty and unintended consequences, such as boat owners not seeking technical expertise and making unsafe changes themselves, increasing regulatory burden and costs while counteracting key challenges in encouraging innovation and taking measures to reduce environmental impact and ensuring boats are used for the longest possible period counteracting circular economy principles.

Issues specific to the RCD and the boating sector should be considered in relation to substantial modification/major craft conversion. Recreational boats are a unique product within the EU product legislation landscape as it is inherently mobile, has a very long lifetime, is highly complex and often sees changes done by the consumer themselves.

**Digital Product Passport (DPP):** EBI overall supports the development of a Digital Product Passport (DPP), but underlines the need for careful consideration of impact and costs for SMEs. With few large players, the sector is largely made up of SMEs building a limited number of boats each year sometimes custom or semi-custom. It is essential to ensure that the introduction of the DPP remains proportionate and cost effective for these companies.

In terms of the RCD, not all items in scope are necessarily suited for DPP and a phased approach should focus on finished product to ensure proportionality. A differentiated approach could exclude certain components, SMEs and/or small volume manufacturers from the scope to ensure ease of deployment while allowing voluntary use.

Critical is also harmonisation of data requirements, centralisation of storage and consideration of life-time access in case companies go out of business (considering very long lifetime of recreational boats of 40-50 years or more).

**Market surveillance:** Market surveillance must be consistent and significantly strengthened in all EU countries whereas it is currently fragmented with lack of resources affecting safety, competitiveness of EU manufacturers, as well as creating the risk of undermining fair competition. Additional resources are needed at EU level, including potentially through a joined-up approach and EU Market Surveillance

Authority if a clear mandate is provided.

**Common specifications:** EBI calls for reinforcement and reform of the standardisation process<sup>1</sup>. The development of common specifications would constitute a deviation from the established processes, which is critical to the efforts of global harmonisation (key US, UK and European market). EBI does not support developing common specifications for the RCD and they should remain a fall-back option in very critical circumstances only.

**Digital documents:** Digitalising key accompanying document, such as Declaration of Conformity and Owners Manual is very much supported by EBI to reduce cost and environmental impact in line with “zero paper” objective, also improves the provision of key information for owners of second-hand boats or when the original paper copy has been lost or damaged, ensuring longer-term accessibility beyond the point of “placing on the market”, as well as access in multiple languages. Regarding safety information, EBI supports continuing to provide key information on the product itself, including through labelling, but further clarification is required to define essential safety information.

Lifetime access also has to be clearly defined, intention of the recreational boating industry to ensure accessibility of the documentation for the entire lifetime of the product, but it should be noted that a recreational boat is a unique product in that it can easily have a lifetime of 50 years or more. The legal text or further guidance should therefore clarify that 10 years is the legal minimum.

### 3. Contact

For more information, data, or other questions, please contact EBI: [pe@europeanboatingindustry.eu](mailto:pe@europeanboatingindustry.eu).

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<sup>1</sup> <https://europeanboatingindustry.eu/eu-affairs/ebi-s-positions>