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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/EU[1] 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 of Section 2 as well as Section 3 of Part B and Section 3 of Part C of Annex I, dealing respectively with marine engines' testing cycles, the application of the engine's family and choice of parent engine, test fuels, and durability of engines concerning requirements on exhaust and noise emissions (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. The delegation of the power was extended already once for five-year period until 17 January 2024.

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 of the fact that to date the Commission has not adopted any delegated act, the delegation of power as stated in Article 47 of the Directive 2013/53/EU

[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).

should be tacitly extended for a period of five years, in accordance with Article 48(2) of the Directive.

The Commission invites the European Parliament and the Council to take note of this report.