

## **MEETING REPORT FROM RCD ADCO GROUP**

### **Utrecht, 8 June 2016**

The RCD ADCO group gathers market surveillance authorities from all 28 Member States, industry representatives (incl. European Boating Industry, ICOMIA, IMEC), notified bodies (RSG) and the European Commission. The purpose is to discuss matters linked to market surveillance and product compliance.

The highlights of the meeting are the following:

1. RCD transposition
2. Accreditation of notified bodies for RCD2
3. ICSMS, a new tool for market surveillance
4. Template for Declaration of Conformity for boats
5. Template for the importer's label
6. Combination of RCD1/2 boat and engine
7. MIC attribution, implementing act & new project proposal
8. Recreational boating survey from Sweden

#### **1. RCD transposition**

Currently still 9 countries haven't transposed incl. Germany and UK as major boatbuilding countries. France has just adopted its decree and it will be published by end of June.

Germany said work was on going and it should be ready in autumn. No reply from UK though, they probably wait for the referendum result on 23 June to decide whether it is worth transposing or not... ;-)

#### **2. Notification of notified bodies**

Currently only 13 notified bodies are accredited for the new Directive 2013/53/EU whereas some 36 notified bodies are active for the old directive. European Boating Industry expressed concern about the limited resources of these bodies and possible bottlenecks that could be created as the deadline of 18 January 2017 approaches for all craft to be RCD2 compliant after that date.

#### **3. ICSMS, a new tool for market surveillance**

You may remember that the EU uses the RAPEX database to exchange information and alert authorities and consumers about dangerous non-food products. A new system has been developed and is now launched, called ICSMS. You can find out more on <https://webgate.ec.europa.eu/icsms/>

#### **4. Template for Declaration of Conformity for boats**

The ADCO group has approved the attached template for the Declaration of Conformity (DoC) for recreational craft (boats) prepared by European Boating Industry and ICOMIA and we encourage you to distribute it to all your members for use.

The templates for engine and PWC DoC prepared by ICOMIA and IMEC were rejected and will need further corrections before they can be presented again for approval by the ADCO.

→ See DoC template on

<https://europeanboatingindustry.box.com/s/fifbjbsqm3mlfble93iotaxhitnh6v8>

## 5. Template for the importer's label – **NEW**

The ADCO group adopted the recommendation for the importer's label.

→ See document on

<https://europeanboatingindustry.box.com/s/9jcpblm78332nk1pc7xrtwzms4kj0ltj>

## 6. Combination of RCD1/RCD2 boat and engine

A recurrent question that we have been dealing with recently regards the combination of boat and engine certified according to RCD1 (Directive 94/25/EC as amended by Directive 2003/44/EC) and RCD2 (Directive 2013/53/EU) during the transition period and after 18 January 2017 (when only RCD2-compliant products should be placed on the market).

→ See table that summarizes the different legislation in place and the dates of application and transition period on

<https://europeanboatingindustry.box.com/s/rehawsqpsnpaygnjy2qfs3ckmrh6joea>

The critical element that determines what legislation should be applied is not when it is produced but when it is placed on the EU market ("placing on the market" is the first time the product is sold on the EU market, it can be a B2B or B2C transaction and the product can be new or second-hand like an imported second hand boat is placed for first time on EU market). During the transition periods, you have an overlap during which products certified under both legislation can be placed on the market.

For more information, please take a look at our RCD Guide where this is explained in details.

These are the different scenarios that can be faced at the moment:

### **RCD1 boat + RCD1 engine**

Both DoC must refer to 94/25/EC as amended by 2003/44/EC and it can be sold until 17 January 2017

### **RCD1 boat + RCD2 engine**

Can be sold until 17 January 2017 **but** if the boat was placed on the market before 18 January 2017, the combination could be sold after 17 January 2017

### **RCD2 boat + RCD2 engine = the winning combination!**

Can be sold before and after 17 January 2017

### **RCD2 boat + RCD1 engine**

Can be sold until 17 January 2017 **but** if the engine was placed on the market before 18 January 2017 (e.g. bought by the yard to be installed later on), the combination could be sold after 17 January 2017

The difficulty with the second and last combination is to prove that the RCD1 boat or engine were sold during the transition period. Most likely, the boatbuilder, engine manufacturer or dealers involved will not be willing to provide the final customer with a copy of related invoices.

European Boating Industry advised the market surveillance authorities to accept the dates mentioned on the DoC as evidences but individual market surveillance authorities or registration offices may ask for other proofs that the product was placed on the market before 18 January 2017.

European Boating Industry asked for an official document confirming that the last combination is compliant with the Directive. The official document should be released by the European Commission or ADCO group in order to provide full legal certainty to boatbuilders who are currently purchasing engines for boats to be placed on the market after 18 January 2017.

In the meantime, the RSG (group of notified bodies) has produced a document called Directive Legal Interpretation (DLI) but it was made clear during the meeting that such document is not legally binding and carries not legal value.

→ See attached Directive Legal Interpretation from the RSG on <https://europeanboatingindustry.box.com/s/nlhk6mdbqw9c6ifggc23jtlfic80qxss>

At this stage, European Boating Industry remains prudent and only recommends the RCD2 boat + RCD2 engine combination for all new products as this is 100% compliant for now and after 18 January 2017.

About the other combinations, although there was no disagreement expressed during the meeting, the decision is left to individual companies until we receive a more official confirmation from the Commission or the Member States. Individual companies can also seek a written confirmation from their national authority if they have a doubt about the product combination.

#### **7. MIC attribution, implementing act & new project proposal**

As you know, a critical change with the RCD2 is that third country manufacturers have to apply for a MIC (Manufacturer identification Codes) to be attributed by a Member State's authority. The Implementing Act outlining this procedure is still under preparation and could be adopted before the summer recess.

European Boating Industry has put forward a proposal for an online database that will provide information about MIC in Europe. The proposal was welcome by the ADCO group and the proposal will be further presented at the Assembly General Meeting on 16 June.

#### **8. Recreational boating survey from Sweden**

→ See report on <https://europeanboatingindustry.box.com/s/vo63gbrpqhcs9yoxaxdrx5t5hqcqlyp3>