L.N. 231 of 2001

PRODUCT SAFETY ACT (ACT NO. V OF 2001)

Recreational Craft Regulations, 2001

IN exercise of the powers conferred by articles 38 to 40 of the Product Safety Act, 2001, the Minister for Economic Services, acting on the advice of the Malta Standards Authority, has made the following regulations:-

Citation and commencement.

1.1. The title of these regulations is the Recreational Craft Regulations, 2001.

1.2. These regulations shall become operative on the 1st July, 2002, which date shall be notified by the Authority in the Government Gazette.

1.2.1. Provided that the requirement of regulation 5 of these regulations and the CE marking shall not be obligatory prior to the 1st January 2003 in respect of:

1.2.1.1. recreational craft already placed on the market prior to the 1st July 2002;

1.2.1.2. recreational craft ordered before the 1st July 2002 and imported into Malta up to the 30th June 2002.

1.2.2. Provided that the requirement of regulation 5 of these regulations and the CE marking shall not be obligatory prior to the 1st January 2003 in respect of recreational craft manufactured in Malta up to 31st December 2002 and which is in compliance with other Orders and/or regulations currently in force in Malta.

1.2.3. Provided that the requirement to provide information to the Commission referred to in Regulation 7.4 shall come into force on such date as the Minister responsible for consumer affairs, after consultation with the Malta Standards Authority, may prescribe.

Scope.

2.1. These regulations shall apply to recreational craft, partly completed boats and components referred to in Schedule II to these regulations, when separate and when installed.

2.1.1. "Product" means any recreational craft, partly completed recreational craft or component.

2.2. The following are excluded from the scope of these regulations:

(a) craft intended solely for racing, including rowing racing boats and training rowing boats labelled as such by the manufacturer;

(b) canoes and kayaks, gondolas and pedalos;

(c) sailing surfboards;

(d) powered surfboards, personal watercraft and other similar powered craft;

(e) original, and individual replicas of, historical craft designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;

(f) experimental craft, provided that they are not subsequently placed on the market;

(g) craft built for own use, provided that they are not subsequently placed on the market during a period of five years;

(h) craft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to regulation 3.1.1, in particular those defined in Directive 82/716/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels[1], regardless of the number of passengers;

(i) submersibles;

(j) air cushion vehicles;

(k) hydrofoils.

Definitions.

3.1. For the purposes of these regulations, the following definitions shall apply:

3.1.1. "Recreational craft" shall mean any boat of any type, regardless of the means of propulsion, from 2.5 to 24 m hull length, measured according to the appropriate harmonized standards intended for sports and leisure purposes.

3.1.1.1. The fact that the same boat could be used for charter or for recreational boating training shall not prevent it being covered by these regulations when it is placed on the market for recreational purposes.

[1] OJ No. L301, 28-10-82, P.1

3.1.2. "The Directive" means Council Directive 94/25/EC[2] on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.

3.1.3. "Harmonised Standard" means a technical specification adopted by the European Committee for Standardisation (CEN) or the European Committee for Electrotechnical Standardisation (CENELEC) or the European Telecommunications Standards Institute (ETSI), upon a remit from the European Commission in accordance with Directive 98/34/EC[3] of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations as amended by Directive 98/48/EC[4] of the European Parliament and of the Council.

3.1.4. "National Standard transposing the Harmonised Standard" means a Standard issued by one of the members of CEN/CENELEC/ETSI which is declared and noted to be technically equivalent to the Harmonised Standard originally issued by CEN/CENELEC/ETSI.

3.1.5. "OJ" means the Official Journal of the European Communities.

3.1.6. "Community" means the European Community.

3.1.7. "Essential health and safety requirements" means the requirements in Annex I of the Directive which is set out in Schedule I hereto.

3.1.8. "Notified body" means a body responsible for carrying out functions relating to the conformity assessment procedures set out in Article 8 of the Directive and described in regulation 6 of these regulations which has been notified by the Member State concerned to the Commission and the other Member States pursuant to Article 9(1) of the Directive.

3.1.9. "CE marking" means the CE conformity marking consisting of the symbol 'CE' as set out in Schedule IV to these regulations.

3.1.10. "Manufacturer" means the person:

3.1.10.1. who is primarily responsible for the design and construction of the product so that it complies with the requirements of these regulations;

[2] OJ No. L164, 30-06-94, P.15
[3] OJ No. L204, 21-07-98, P.37
[4] OJ No. L217, 05-08-98, P.18

3.1.10.2. who is responsible for "re-building" or modifying an existing product, and who in so doing is creating an "as-new" product;

3.1.10.3. who takes responsibility for the appraisal of the design, construction and any necessary modification of used imported products.

3.1.11. "Local authorised representative" means any person (or organisation) established in Malta who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by these regulations.

3.1.12. "Importer" means any person who places a product from a foreign country on to the Maltese market so that he supplies such product on the first occasion that it is supplied in Malta.

3.1.13. "Person who supplies products" means wholesalers, distributors, retailers etc.

3.1.14. "Supply" includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly:

Provided that "supply" does not include exhibition at trade fairs and exhibitions of products in respect of which the provisions of these regulations are not satisfied if a notice is displayed in relation to the product in question to the effect:-

(a) that it does not satisfy those provisions; and

(b) that it may not lawfully be supplied until the responsible person has ensured that those provisions are satisfied;

3.1.15. "Responsible person" in relation to products means:

(a) the manufacturer thereof;

(b) the manufacturer's local authorised representative; or

(c) where the manufacturer is not established in Malta and he has not appointed a local authorised representative, the person who places the products on the local market.

3.1.16. "Placing on the market" means importation, wholesale, retail, sale and distribution free of charge.

3.1.17. "Commission" means the European Commission.

Applicability.

4.1. The provisions of these regulations are applicable to all imported products as well as to those manufactured for the local market.

4.1.1. No person may construct, import, place on the market or put into service any product which does not comply with the provisions of these regulations.

General requirements.

5.1. No person shall place on the market any product to which these regulations apply unless the requirements of regulation 5.2 below have been complied with in relation to it.

5.2. The requirements in respect of any product are that:

5.2.1. It satisfies the essential safety requirements which are applicable to that product and, for the purpose of satisfying those requirements-

(i) where a transposed harmonised standard covers one or more of the essential safety requirements, a product which conforms with that standard shall be presumed to comply with that or, as the case may be, those essential safety requirements; and

(ii) in the case of a partly completed recreational craft, it complies with the requirements which apply at the relevant stage of construction;

5.2.2. Except in the case of any partly completed recreational craft and subject to regulation 5.2.3 below,

(i) the appropriate conformity assessment procedure has been carried out in accordance with regulation 6.1 of these regulations-

(a) by the manufacturer; or

(b) by the manufacturer's authorised representative,

save that where the procedure set out in Schedules V, VII and VIII to these regulations is part of or, as the case may be, is the appropriate conformity assessment procedure and the person placing the product on the

market is neither the manufacturer nor his authorised representative, the obligation to retain the technical documentation, required as part of the appropriate conformity assessment procedure, shall be fulfilled by the person who places that product on the market; and

(ii) the CE marking has been affixed to it or, in the case of a component, its packaging in accordance with regulation 8.2 and Schedule IV to these regulations to indicate that it conforms with all the provisions of these regulations and of the Directive, including the appropriate conformity assessment procedure;

5.2.3. In the case of any partly completed recreational craft, the manufacturer or his authorised representative or the person responsible for the placing on the market declares, in accordance with Schedule III(a) to these regulations, that it is intended to be completed by others; and

5.2.4. When correctly constructed, maintained and used in accordance with its intended purpose, it does not endanger the safety and health of persons, property or the environment.

5.3. In the case of a component to which these regulations apply and which is intended to be incorporated into a recreational craft, compliance with the appropriate conformity assessment procedure is not required where a declaration is made in accordance with Schedule III(b) by-

(a) the manufacturer or his authorised representative; or

(b) in the case of an importer, any person who places that component on the market,

and, in the case of such a component, the CE marking shall indicate that that component complies with the essential safety requirements which are relevant to it.

5.4. The free movement, placing on the market or putting into service in the Maltese territory of products which satisfy the provisions of these regulations shall not be impeded.

Conformity assessment procedures.

6.1. For the purposes of regulation 5.2.2 (i), the appropriate conformity assessment procedure shall be determined in accordance with regulation 6.2 below.

6.2. For boat design categories A, B, C and D as referred to in section 1 of Schedule I to these regulations, the manufacturer of any product or his authorised representative shall apply the following procedures-

6.2.1. For categories A and B-

(i) for boats of less than 12 metres hull length, the internal production control plus tests (module Aa) referred to in Schedule VI to these regulations;

(ii) or boats from 12 metres to 24 metres hull length, the EC type-examination (module B) referred to in Schedule VII to these regulations, supplemented by type conformity (module C) referred to in Schedule VIII to these regulations, or any of the following modules: B plus D, or B plus F, or G or H;

6.2.2. For category C-

(i) for boats from 2.5 metres to 12 metres hull length-

(a) where the harmonised standards relating to sections 3.2 and 3.3 of Schedule I to these regulations are complied with, the internal production control (module A), referred to in Schedule V to these regulations,

(b) where the harmonised standards relating to sections 3.2 and 3.3 of Schedule I to these regulations are not complied with, the internal production control plus tests (module Aa) referred to in Schedule VI to these regulations;

(ii) for boats from 12 metres to 24 metres hull length, the EC type-examination (module B) referred to in Schedule VII to these regulations, followed by type conformity (module C) referred to in Schedule VIII to these regulations, or any of the following modules: B plus D, or B plus F, or G or H;

6.2.3. For category D, for boats from 2.5 metres to 24 metres hull length, the internal production control (module A) referred to in Schedule V to these regulations; and

6.2.4. For components, any of the following modules: B plus C, or B plus D, or B plus F, or G or H.

6.3. For the purposes of regulation 6.2-

6.3.1. A reference to module B, C, D, F, G or H is a reference to the module which respectively comprises the conformity assessment procedure in Schedules VII, VIII, IX, X, XI and XII of these regulations;

6.3.2. The technical documentation, which is required as part of the conformity assessment procedures in Schedules V, VII, VIII, IX and XI of these regulations is specified in Schedule XIII of these regulations; and

6.3.3. The contents of the written declaration of conformity, which is required as part of the conformity assessment procedures in Schedules V, VIII, IX, X, XI and XII of these regulations, are specified in Schedule XIV to these regulations.

Withdrawal and prohibition from market.

7.1. Where it is ascertained that recreational craft or components referred to in Schedule II to these regulations and bearing the CE marking referred to in Schedule IV to these regulations when correctly constructed, installed, maintained and used in accordance with their intended purpose may endanger the safety and health of persons, property or the environment, the Director of Consumer Affairs shall take all appropriate interim measures to withdraw them from the market or prohibit or restrict their being placed on the market or put into service.

7.1.1. The Director of Consumer Affairs shall immediately inform the Head of the Consumer and Industrial Goods Directorate[5] of the Malta Standards Authority of any such measure, indicating the reason for its decision and, in particular, whether non-conformity is due to:-

(a) failure to satisfy the essential requirements referred to in regulation 5.2;

(b) incorrect application of the standards referred to in regulation 5.2;

(c) shortcomings in the standards themselves referred to in regulation 5.2.

7.2. Where a non-complying component referred to in Schedule II to these regulations or craft bears the CE marking, the Director of Consumer Affairs shall take appropriate action against whosoever has affixed the marking or drawn up the declaration and shall so inform the Head of the Consumer and Industrial Goods Directorate of the Malta Standards Authority.

[5] L.N. 213 of 2000 – Malta Standards Authority (Establishment of Directorates) Order, 2000, published in the Government Gazette No. 17,002 of 20th October, 2000.

7.3. Any decision taken pursuant to these regulations which restricts the placing on the market and putting into service of products shall state the exact grounds on which it is based.

7.3.1. Such a decision shall be notified as soon as possible to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in force in Malta and of the time limits to which such remedies are subject.

7.4. The Head of the Consumer and Industrial Goods Directorate of the Malta Standards Authority shall immediately inform the Commission of any measures taken in pursuance of regulations 7.1, 7.1.1, 7.2, 7.3 and 7.3.1.

CE Marking.

8.1. The CE conformity marking shall consist of the initials 'CE'.

8.1.1. The form of the marking to be used is shown in Schedule IV to these regulations.

8.2. Subject to regulations 8.3 to 8.7, recreational craft and components which either meet the essential safety requirements or are presumed so to do in accordance with regulation 5.2.1(i) shall bear the CE marking in a visible, legible and indelible form, affixed by either the manufacturer or his authorised representative.

8.3. In the case of any recreational craft, the CE marking shall be affixed in accordance with paragraph 2.2 of Schedule 1 to these regulations.

8.4. In the case of any component, the CE marking shall be affixed either on the component itself or on its packaging or on both.

8.5. The CE marking shall be accompanied by the identification number of the notified body responsible for carrying out the procedures in Schedules VI, IX, X, XI and XII to these regulations.

8.6. Subject to regulation 8.7 below, where any recreational craft or component is subject to any other directive or directives, as the case may be, in addition to the Directive which also provides for the affixing of the CE marking, the CE marking shall indicate that that recreational craft or component, as the case may be, also fulfils the provisions of that other directive or those directives.

8.7. Where one or more of the other directives referred to in regulation 8.6 allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate that the recreational craft or component in question fulfils the provisions

only of the directive or directives applied by the manufacturer; and, in this case, particulars of the directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by those directives and accompanying the recreational craft or component in question.

8.8. No person shall affix on any recreational craft or component, to which these regulations apply, any markings or inscriptions which are likely to mislead third parties with regard to the meaning or the form of the CE marking.

8.9. Without prejudice to regulation 8.8, nothing in these regulations shall prohibit the affixing on any recreational craft or component, or on the packaging of any such component, of any other markings, provided that the visibility and legibility of the CE marking are not thereby reduced.

8.10 Without prejudice to regulation 7:

(a) where it is established that the CE marking has been affixed wrongly, the manufacturer or his authorized representative shall be obliged to end the infringement under conditions laid down by the Director of Consumer Affairs;

(b) where non-compliance continues, the Director of Consumer Affairs shall take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market, in accordance with the procedure laid down in regulation 7.

8.11. A person who places on the market-

(a) a recreational craft or a component which does not bear a CE marking and, in the case of that component, no CE marking appears on its packaging; or

(b) a partly completed recreational craft,

shall, on his being required at a reasonable time to give such information, give to the Director of Consumer Affairs, or to any of his officers, all the information he has about-

(i) the date when that recreational craft, component or partly completed recreational craft, as the case may be, was placed on the market; and

(ii) the basis on which the recreational craft, component or that component's packaging is not so marked.

Schedule I

Based on Annex I of the Directive

ESSENTIAL HEALTH AND SAFETY REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF RECREATIONAL CRAFT

1. BOAT DESIGN CATEGORIES

Design Category	Wind force (Beaufort scale)	Significant wave height (H 1/3, metres)
A-'Ocean'	exceeding 8	exceeding 4
B-'Offshore'	up to, and including, 8	up to, and including, 4
C-'Inshore'	up to, and including, 6	up to, and including, 2
D-'Sheltered waters'	up to, and including, 4	up to, and including, 0.5

Definitions:

A. OCEAN: Designed for extended voyages where conditions may exceed wind force 8 (Beaufort scale) and significant wave heights of 4 m and above, and vessels largely self-sufficient.

B. OFFSHORE: Designed for offshore voyages where conditions up to, and including, wind force 8 and significant wave heights up to, and including, 4 m may be experienced.

C. INSHORE: Designed for voyages in coastal waters, large bays, estuaries, lakes and rivers where conditions up to, and including, wind force 6 and significant wave heights up to, and including, 2 m may be experienced.

D. SHELTERED WATERS: Designed for voyages on small lakes, rivers, and canals where conditions up to, and including, wind force 4 and significant wave heights up to, and including, 0.5 m may be experienced.

Boats in each Category must be designed and constructed to withstand these parameters in respect of stability, buoyancy, and other relevant essential requirements listed in this Schedule, and to have good handling characteristics.

2. GENERAL REQUIREMENTS

Recreational craft and components as referred to in Schedule II to these regulations shall comply with the essential requirements in so far as they apply to them.

2.1. Hull identification

Each craft shall be marked with a hull identification number including the following information:

- manufacturer's code,

- country of manufacture,

- unique serial number,

- year of production,

- model year.

The relevant harmonized standard gives details of these requirements.

2.2. Builder's plate

Each craft shall carry a permanently affixed plate mounted separately from the boat hull identification number, containing the following information:

- manufacturer's name
- CE marking (see Schedule IV to these regulations),
- boat design category according to section 1 of this Schedule,
- manufacturer's maximum recommended load according to section 3.6 of this Schedule,
- number of persons recommended by the manufacturer for which the boat was designed to carry when under way.

2.3. Protection from falling overboard and means of reboarding

Depending on the design category, craft shall be designed to minimize the risks of falling overboard and to facilitate reboarding.

2.4. Visibility from the main steering position

For motor boats, the main steering position shall give the operator, under normal conditions of use (speed and load), good all-round visibility.

2.5. Owner's manual

Each craft shall be provided with an owner's manual in either Maltese and/or English. This manual should draw particular attention to risks of fire and flooding and shall contain the information listed in sections 2.2, 3.6 and 4 of this Schedule as well as the unladen weight of the craft in kilograms.

3. INTEGRITY AND STRUCTURAL REQUIREMENTS

3.1. Structure

The choice and combination of materials and its construction shall ensure that the craft is strong enough in all respects. Special attention shall be paid to the design category according to section 1 of this Schedule, and the manufacturer's maximum recommended load in accordance with section 3.6. of this Schedule.

3.2. Stability and freeboard

The craft shall have sufficient stability and freeboard considering its design category according to section 1 of this Schedule and the manufacturer's maximum recommended load according to section 3.6. of this Schedule.

3.3. Buoyancy and flotation

The craft shall be constructed to ensure that it has buoyancy characteristics appropriate to its design category according to section 1.1 of this Schedule, and the manufacturer's maximum recommended load according to section 3.6 of this Schedule. All habitable multihull craft shall be so designed as to have sufficient buoyancy to remain afloat in the inverted position.

Boats of less than six metres in length that are susceptible to swamping when used in their design category shall be provided with appropriate means of flotation in the swamped condition.

3.4. Openings in hull, deck and superstructure

Openings in hull, deck(s) and superstructure shall not impair the structural integrity of the craft or its weathertight integrity when closed.

Windows, portlights, doors and hatchcovers shall withstand the water pressure likely to be encountered in their specific position, as well as pointloads applied by the weight of persons moving on deck.

Through hull fittings designed to allow water passage into the hull or out of the hull, below the waterline corresponding to the manufacturer's maximum recommended load according to section 3.6 of this Schedule, shall be fitted with shutoff means which shall be readily accessible.

3.5. Flooding

All craft shall be designed so as to minimize the risk of sinking.

Particular attention should be paid where appropriate to:

- cockpits and wells, which should be self-draining or have other means of keeping water out of the boat interior,

- ventilation fittings,

- removal of water by pumps or other means.

3.6. Manufacturer's maximum recommended load

The manufacturer's maximum recommended load (fuel, water, provisions, miscellaneous equipment and people (in kilograms)) for which the boat was designed, as marked on the builder's plate, shall be determined according to the design category (section 1 of this Schedule), stability and freeboard (section 3.2 of this Schedule) and buoyancy and flotation (section 3.3 of this Schedule).

3.7. Liferaft stowage

All craft of categories A and B, and craft of categories C and D longer than six metres shall be provided with one or more stowage points for a liferaft (liferafts) large enough to hold the number of persons the boat was designed to carry as recommended by the manufacturer. This (these) stowage point(s) shall be readily accessible at all times.

3.8. Escape

All habitable multihull craft over 12 metres long shall be provided with viable means of escape in the event of inversion.

All habitable craft shall be provided with viable means of escape in the event of fire.

3.9. Anchoring, mooring and towing

All craft, taking into account their design category and their characteristics shall be fitted with one or more strong points or other means capable of safely accepting anchoring, mooring and towing loads.

4. HANDLING CHARACTERISTICS

The manufacturer shall ensure that the handling characteristics of the craft are satisfactory with the most powerful engine for which the boat is designed and constructed. For all recreational marine engines, the maximum rated engine power shall be declared in the owner's manual in accordance with the harmonized standard.

5. INSTALLATION REQUIREMENTS

5.1. Engines and engine spaces

5.1.1. Inboard engine

All inboard mounted engines shall be placed within an enclosure separated from living quarters and installed so as to minimize the risk of fires or spread of fires as well as hazards from toxic fumes, heat, noise or vibrations in the living quarters.

Engine parts and accessories that require frequent inspection and/or servicing shall be readily accessible.

The insulating materials inside engine spaces shall be non-combustible.

5.1.2. Ventilation

The engine compartment shall be ventilated. The dangerous ingress of water into the engine compartment through all inlets must be prevented.

5.1.3. Exposed parts

Unless the engine is protected by a cover or its own enclosure, exposed moving or hot parts of the engine that could cause personal injury shall be effectively shielded.

5.1.4. Outboard engines starting

All boats with outboard engines shall have a device to prevent starting the engine in gear, except:

(a) when the engine produces less than 500 newtons (N) of static thrust;

(b) when the engine has a throttle limiting device to limit thrust to 500 N at the time of starting the engine.

5.2. Fuel system

5.2.1. General

The filling, storage, venting and fuel-supply arrangements and installations shall be designed and installed so as to minimize the risk of fire and explosion.

5.2.2. Fuel tanks

Fuel tanks, lines and hoses shall be secured and separated or protected from any source of significant heat. The material the tanks are made of and their method of construction shall be according to their capacity and the type of fuel. All tank spaces shall be ventilated.

Liquid fuel with a flash point below 55 °C shall be kept in tanks which do not form part of the hull and are:

(a) insulated from the engine compartment and from all other source of ignition;

(b) separated from living quarters.

Liquid fuel with a flash point equal to or above 55 °C may be kept in tanks that are integral with the hull.

5.3. Electrical system

Electrical systems shall be designed and installed so as to ensure proper operation of the craft under normal conditions of use and shall be such as to minimize risk of fire and electric shock.

Attention shall be paid to the provision of overload and short-circuit protection of all circuits, except engine starting circuits, supplied from batteries.

Ventilation shall be provided to prevent the accumulation of gases which might be emitted from batteries. Batteries shall be firmly secured and protected from ingress of water.

5.4. Steering system

5.4.1. General

Steering systems shall be designed, constructed and installed in order to allow the transmission of steering loads under foreseeable operating conditions.

5.4.2. Emergency arrangements

Sailboat and single-engined inboard powered motor boats with remote-controlled rudder steering systems shall be provided with emergency means of steering the craft at reduced speed.

5.5. Gas system

Gas systems for domestic use shall be of the vapour-withdrawal type and shall be designed and installed so as to avoid leaks and the risk of explosion and be capable of being tested for leaks. Materials and components shall be suitable for the specific gas used to withstand the stresses and exposures found in the marine environment.

Each appliance shall be equipped with a flame failure device effective on all burners. Each gas-consuming appliance must be supplied by a separate branch of the distribution system, and each appliance must be controlled by a separate closing device. Adequate ventilation must be provided to prevent hazards from leaks and products of combustion.

All craft with a permanently installed gas system shall be fitted with an enclosure to contain all gas cylinders. The enclosure shall be separated from the living quarters, accessible only from the outside and ventilated to the outside so that any escaping gas drains overboard. Any permanent gas system shall be tested after installation.

5.6. Fire protection

5.6.1. General

The type of equipment installed and the layout of the craft shall take account of the risk and spread of fire. Special attention shall be paid to the surroundings of open flame devices, hot areas or engines and auxiliary machines, oil and fuel overflows, uncovered oil and fuel pipes and avoiding electrical wiring above hot areas of machines.

5.6.2. Fire-fighting equipment

Craft shall be supplied with fire-fighting equipment appropriate to the fire hazard. Petrol engine enclosures shall be protected by a fire extinguishing system that avoids the need to open the enclosure in the event of fire. Where fitted, portable fire extinguishers shall be readily accessible and one shall be so positioned that it can easily be reached from the main steering position of the craft.

5.7. Navigation lights

Where navigation lights are fitted, they shall comply with the 1972 Colreg or CEVNI regulations, as appropriate.

5.8. Discharge prevention

Craft shall be constructed so as to prevent the accidental discharge of pollutants (oil, fuel, etc.) overboard.

Craft fitted with toilets shall have either:

(a) holding tanks; or

(b) provision to fit holding tanks on a temporary basis in areas of use where the discharge of human waste is restricted.

In addition, any through-the-hull pipes for human waste shall be fitted with valves which are capable of being sealed shut.

Schedule II

Based on Annex II of the Directive

COMPONENTS

1. Ignition-protected equipment for inboard and stern drive engines.
2. Start-in-gear protection devices for outboard engines.
3. Steering wheels, steering mechanisms and cable assemblies.
4. Fuel tanks and fuel hoses.
5. Prefabricated hatches and portlights.

Schedule III

Based on Annex III of the Directive

DECLARATION BY THE BUILDER OR HIS AUTHORIZED REPRESENTATIVE OR THE PERSON RESPONSIBLE FOR PLACING ON THE MARKET

(Regulation 5 of these regulations and Article 4 (2) and (3) of the Directive)

(a) The declaration by the builder or his authorized representative referred to in regulation 5 of these regulations and Article 4 (2) of the Directive (partly completed craft) shall contain the following:

- the name and address of the builder,

- the name and address of the representative of the builder or, if appropriate, of the person responsible for the placing on the market,

- a description of the partly completed craft,

- a statement that the partly completed craft is intended to be completed by others and that it complies with the essential requirements that apply at this stage of construction.

(b) The declaration by the builder, his authorized representative or the person responsible for placing on the market referred to in regulation 5 of these regulations and Article 4 (3) of the Directive (components) shall contain the following:

- the name and address of the builder,

- the name and address of the representative of the builder or, if appropriate, of the person responsible for the placing on the market,

- a description of the component,

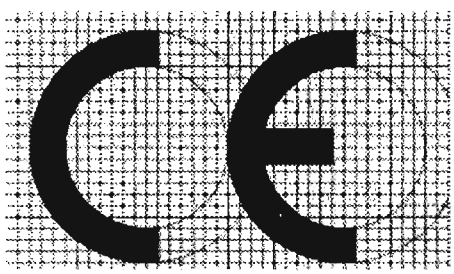
-a statement that the component complies with the relevant essential requirements.

Schedule IV

Based on Annex IV of the Directive

CE CONFORMITY MARKING

– The CE conformity marking shall consist of the initials 'CE' taking the following form:



For the avoidance of doubt, it is hereby declared that the grid providing the background in the above graduated drawing is not part of the CE marking.

- if the CE marking is reduced or enlarged the proportions given in the above drawing must be respected,

- the various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm,

- the CE marking is followed by the identification number of the notified body, if it intervenes in the control of production, as well as by the last two figures of the year that the CE marking is affixed.

Schedule V

Based on Annex V of the Directive

INTERNAL PRODUCTION CONTROL
(module A)

1. The manufacturer or his authorized representative, who carries out the obligations laid down in paragraph 2 of this Schedule, ensures and declares that the products concerned satisfy the requirements of the Directive that apply to them. The manufacturer or his authorized representative shall affix the CE marking to each product and draw up a written declaration of conformity (see Schedule XIV to these regulations).

2. The manufacturer shall establish the technical documentation described in paragraph 3 of this Schedule and he or his authorized representative shall keep it for a period ending at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes.

Where neither the manufacturer nor his authorized representative is established locally, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the market.

3. Technical documentation shall enable the conformity of the products with the requirements of the Directive to be assessed. It shall, as far as relevant for such assessment, cover the design, manufacture and operation of the product (see Schedule XIII to these regulations).

4. The manufacturer or his authorized representative shall keep a copy of the declaration of conformity with the technical documentation.

5. The manufacturer shall take all measures necessary in order that the manufacturing process shall ensure compliance of the manufactured products with the technical documentation referred to in paragraph 2 of this Schedule and with the requirements of the Directive that apply to them.

Schedule VI

Based on Annex VI of the Directive

INTERNAL PRODUCTION CONTROL PLUS TESTS
(module Aa, option 1)

This module consists of module A, as referred to in Schedule V to these regulations, plus the following supplementary requirements:

On one or several boats representing the production of the manufacturer one or more of the following tests, equivalent calculation or control shall be carried out by the manufacturer or on his behalf:

– test of stability according to paragraph 3.2 of the Essential Requirements (Schedule I to these regulations),

– test of buoyancy characteristics according to paragraph 3.3 of the Essential Requirements (Schedule I to these regulations)

Provisions common to both variations

These tests or calculations or control shall be carried out on the responsibility of a notified body chosen by the manufacturer. On the responsibility of the notified body, the manufacturer shall affix the former's distinguishing number during the manufacturing process.

Schedule VII

Based on Annex VII of the Directive

EC TYPE-EXAMINATION (module B)

1. A notified body ascertains and attests that a specimen, representative of the production envisaged, meets the provisions of the Directive that apply to it.

2. The application for the EC type-examination shall be lodged by the manufacturer or his authorized representative with a notified body of his choice.

The application shall include:

- the name and address of the manufacturer and, if the application is lodged by the authorized representative, his name and address in addition,

- a written declaration that the same application has not been lodged with any other notified body,

- the technical documentation, as described in paragraph 3 of this Schedule.

The applicant shall place at the disposal of the notified body a specimen, representative of the production envisaged and hereinafter called 'type'[6].

The notified body may request further specimens if needed for carrying out the test programme.

3. The technical documentation shall enable the conformity of the product with the requirements of the Directive to be assessed. It shall, as far as relevant for such assessment, cover the design, manufacture and functioning of the product (see Schedule XIII to these regulations).

4. The notified body shall:

4.1. examine the technical documentation, verify that the type has been manufactured in conformity with the technical documentation and identify the elements which have been designed in accordance with the relevant provisions of the standards referred to in regulation 5 of these regulations and Article 5 of the Directive, as well as the components which have been designed without applying the relevant provisions of those standards;

4.2. perform or have performed the appropriate examinations and necessary tests to check whether, where the standards referred to in regulation 5 to these

[6] A type may cover several versions of the product provided that the differences between the versions do not affect the level of safety and the other requirements concerning the performance of the product.

regulations and Article 5 of the Directive have not been applied, the solutions adopted by the manufacturer meet the Essential Requirements of the Directive (Schedule I to these regulations);

4.3. perform or have performed the appropriate examinations and necessary tests to check whether, where the manufacturer has chosen to apply the relevant standards, these have actually been applied;

4.4. agree with the applicant the location where the examinations and necessary tests shall be carried out.

5. Where the type meets the provisions of the Directive, the notified body shall issue an EC type-examination certificate to the applicant. The certificate shall contain the name and address of the manufacturer, conclusions of the examination, conditions for its validity and the necessary data for identification of the approved type.

A list of the relevant parts of the technical documentation shall be annexed to the certificate and a copy kept by the notified body.

If the manufacturer is denied a type certification, the notified body shall provide detailed reasons for such denial.

6. The applicant shall inform the notified body that holds the technical documentation concerning the EC type-examination certificate of all modifications to the approved product which must receive additional approval where such changes may affect the conformity with the essential requirements or the prescribed conditions for use of the product. This additional approval is given in the form of an addition to the original EC type-examination certificate.

7. Each notified body shall communicate to the other notified bodies the relevant information concerning the EC type-examination certificates and additions issued and withdrawn.

8. The other notified bodies may receive copies of the EC type-examination certificates and/or their additions. The annexes to the certificates shall be kept at the disposal of the other notified bodies.

9. The manufacturer or his authorized representative shall keep with the technical documentation copies of EC type-examination certificates and their additions for a period ending at least 10 years after the last product has been manufactured. Where neither the manufacturer nor his authorized representative is established locally, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the market.

Schedule VIII

Based on Annex VIII of the Directive

CONFORMITY TO TYPE
(module C)

1. The manufacturer or his authorized representative ensures and declares that the products concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that applies to them. The manufacturer shall affix the CE marking to each product and draw up a written declaration of conformity (see Schedule XIV to these regulations).

2. The manufacturer shall take all measures necessary to ensure that the manufacturing process assures compliance of the manufactured products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.

3. The manufacturer or his authorized representative shall keep a copy of the declaration of conformity for a period ending at least 10 years after the last product has been manufactured.

Where neither the manufacturer nor his authorized representative is established locally, the obligation to keep the technical documentation available shall be the responsibility of the person who places the product on the market (see Schedule XIII to these regulations).

Schedule IX

Based on Annex IX of the Directive

PRODUCTION QUALITY ASSURANCE (module D)

1. The manufacturer who satisfies the obligations of paragraph 2 of this Schedule ensures and declares that the products concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.

The manufacturer or his authorized representative shall affix the CE marking to each product and draw up a written declaration of conformity (see Schedule XIV to these regulations). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the monitoring as specified in paragraph 4 of this Schedule.

2. The manufacturer shall operate an approved quality system for production, final product inspection and testing as specified in paragraph 3 of this Schedule and shall be subject to monitoring as specified in paragraph 4 of this Schedule.

3. Quality system

3.1. The manufacturer shall lodge an application for assessment of his quality system with a notified body of his choice, for the products concerned.

The application shall include:

- all relevant information for the product category envisaged,
- the documentation concerning the quality system,
- where appropriate, the technical documentation of the approved type (see Schedule XIII to these regulations) and a copy of the EC type-examination certificate.

3.2. The quality system shall ensure compliance of the products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plan, manuals and records.

It shall contain in particular an adequate description of:

- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to product quality,

- the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,

- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,

- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,

- the means to monitor the achievement of the required product quality and the effective operation of the quality system.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2 of this Schedule. It shall presume conformity with these requirements in respect of quality systems that implement the relevant harmonized standard.

The auditing team shall have at least one member with experience of evaluation in the product technology concerned. The evaluation procedure shall include an inspection visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorized representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 of this Schedule or whether a reassessment is required.

It shall notify its decisions to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

4. Surveillance under the responsibility of the notified body

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of manufacture, inspection and testing, and storage and shall provide it with all necessary information, in particular:

– the quality system documentation,

– the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4. Additionally the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality system is functioning correctly, if necessary. The notified body shall provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:

– the documentation referred to in the second indent of the second subparagraph of point 3.1 of this Schedule,

– the updating referred to in the second subparagraph of paragraph 3.4 of this Schedule,

– the decision and reports from the notified body which are referred to in the final subparagraph of paragraph 3.4, paragraph 4.3 and paragraph 4.4 all of this Schedule.

6. Each notified body shall give the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

Schedule X

Based on Annex X of the Directive

PRODUCT VERIFICATION
(module F)

1. This module describes the procedure whereby a manufacturer or his authorized representative checks and attests that the products subject to the provisions of paragraph 3 of this Schedule are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.

2. The manufacturer shall take all measures necessary in order that the manufacturing process ensures conformity of the products with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them. The manufacturer or his authorized representative shall affix the CE marking to each product and shall draw up a declaration of conformity (see Schedule XIV to these regulations).

3. The notified body shall carry out the appropriate examinations and tests in order to check the conformity of the product with the requirements of the Directive either by examination and testing of every product as specified in paragraph 4 of this Schedule or by examination and testing of products on a statistical basis, as specified in paragraph 5 of this Schedule, at the choice of the manufacturer.

3.1. The manufacturer or his authorized representative shall keep a copy of the declaration of conformity for a period ending at least 10 years after the last product has been manufactured.

4. Verification by examination and testing of every product

4.1. All products shall be individually examined and appropriate tests as set out in the relevant standard or standards referred to in regulation 5 of these regulations and Article 5 of the Directive or equivalent tests shall be carried out in order to verify their conformity with the type as described in the EC type-examination certificate and the requirements of the Directive that apply to them.

4.2. The notified body shall affix, or cause to be affixed, its distinguishing number to each approved product and draw up a written certificate of conformity relating to the tests carried out.

4.3. The manufacturer or his authorized representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

5. Statistical verification

5.1. The manufacturer shall present his products in the form of homogeneous lots and shall take all measures necessary in order that the manufacturing process ensures the homogeneity of each lot produced.

5.2. All products shall be available for verification in the form of homogeneous lots. A random sample shall be drawn from each lot. Products in a sample shall be individually examined and appropriate tests as set out in the relevant standard or standards referred to in regulation 5 of these regulations and Article 5 of the Directive, or equivalent tests, shall be carried out to ensure their conformity with the requirements of the Directive which apply to them and to determine whether the lot is accepted or rejected.

5.3. The statistical procedure shall use the following elements:

– the statistical method to be applied,

– the sampling plan with its operational characteristics.

5.4. In the case of accepted lots, the notified body shall affix, or cause to be affixed, its distinguishing number to each product and shall draw up a written certificate of conformity relating to the tests carried out. All products in the lot may be put on the market except those products from the sample which were found not to be in conformity.

If a lot is rejected, the notified body or the competent authority shall take appropriate measures to prevent the putting on the market of that lot. In the event of frequent rejection of lots the notified body may suspend the statistical verification.

The manufacturer may, under the responsibility of the notified body, affix the latter's distinguishing number during the manufacturing process.

5.5. The manufacturer or his authorized representative shall ensure that he is able to supply the notified body's certificates of conformity on request.

Schedule XI

Based on Annex XI of the Directive

UNIT VERIFICATION
(module G)

1. This module describes the procedure whereby the manufacturer ensures and declares that the product concerned, which has been issued with the certificate referred to in paragraph 2 of this Schedule, conforms to the requirements of the Directive that apply to it. The manufacturer or his authorized representative shall affix the CE marking to the product and draw up a declaration of conformity (see Schedule XIV to these regulations).

2. The notified body shall examine the individual product and carry out the appropriate tests as set out in the relevant standard or standards referred to in regulation 5 of these regulations and Article 5 of the Directive, or equivalent tests, to ensure its conformity with the relevant requirements of the Directive.

The notified body shall affix, or cause to be affixed, its distinguishing number on the approved product and shall draw up a certificate of conformity concerning the tests carried out.

3. The aim of the technical documentation is to enable conformity with the requirements of the Directive to be assessed and the design, manufacture and operation of the product to be understood (see Schedule XIII to these regulations).

Schedule XII

Based on Annex XII of the Directive

FULL QUALITY ASSURANCE (module H)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 of this Schedule ensures and declares that the products concerned satisfy the requirements of the Directive that apply to them. The manufacturer or his authorized representative shall affix the CE marking to each product and draw up a written declaration of conformity (see Schedule XIV to these regulations). The CE marking shall be accompanied by the distinguishing number of the notified body responsible for the surveillance as specified in paragraph 4 of this Schedule.

2. The manufacturer shall operate an approved quality system for design, manufacture and final product inspection and testing as specified in paragraph 3 of this Schedule and shall be subject to surveillance as specified in paragraph 4 of this Schedule.

3. Quality system

3.1. The manufacturer shall lodge an application for assessment of his quality system with a notified body.

The application shall include:

– all relevant information for the product cagetory envisaged,

– the quality system's documentation.

3.2. The quality system shall ensure compliance of the products with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

– the quality objectives and the organizational structure, responsibilities and powers of the management with regard to design and product quality,

– the technical design specifications, including standards, that will be applied and, where the standards referred to in Article 5 will not be applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the products will be met,

– the design control and design verification techniques, processes and systematic actions that will be used when designing the products pertaining to the product category covered,

– the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,

– the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,

– the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,

– the means to monitor the achievement of the required design and product quality and the effective operation of the quality system.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2 of this Schedule. It shall presume compliance with these requirements in respect of quality systems that implement the relevant harmonized standard (MSA EN 9000).

The auditing team shall have at least one member experienced as an assessor in the product technology concerned. The evaluation procedure shall include an assessment visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to uphold it so that it remains adequate and efficient.

The manufacturer or his authorized representative shall keep the notified body that has approved the quality system informed of any intended updating of the quality system.

The notified body shall evaluate the modifications proposed and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 of this Schedule or whether a reassessment is required.

It shall notify its decision to the manufacturer. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

4. EC surveillance under the responsibility of the notified body

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall allow the notified body entrance for inspection purposes to the locations of design, manufacture, inspection and testing, and storage, and shall provide it with all necessary information, in particular:

– the quality system documentation,

– the quality records as foreseen by the design part of the quality system, such as results of analyses, calculations, tests, etc.,

– the quality records as foreseen by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.

4.3. The notified body shall periodically carry out audits to make sure that the manufacturer maintains and applies the quality system and shall provide an audit report to the manufacturer.

4.4. Additionally the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality system where necessary; it shall provide the manufacturer with a visit report and, if a test has been carried out, with a test report.

5. The manufacturer shall, for a period ending at least 10 years after the last product has been manufactured, keep at the disposal of the national authorities:

– the documentation referred to in the second indent of the second subparagraph of paragraph 3.1 of this Schedule,

– the updating referred to in the second subparagraph of paragraph 3.4 of this Schedule,

– the decisions and reports from the notified body which are referred to in the final subparagraph of paragraph 3.4, paragraph 4.3 and paragraph 4.4 of this Schedule.

Each notified body shall forward to the other notified bodies the relevant information concerning the quality system approvals issued and withdrawn.

Schedule XIII

Based on Annex XIII of the Directive

TECHNICAL DOCUMENTATION SUPPLIED BY THE MANUFACTURER

The technical documentation referred to in Schedules V, VII, VIII, IX and XI of these regulations must comprise all relevant data or means used by the manufacturer to ensure that components or craft comply with the essential requirements relating to them.

The technical documentation shall enable understanding of the design, manufacture and operation of the product, and shall enable assessment of conformity with the requirements of these regulations and the Directive.

The documentation shall contain so far as relevant for assessment:

- a general description of the type,

- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,

- descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product,

- a list of the standards referred to in regulation 5 of these regulations and Article 5 of the Directive, applied in full or in part, and descriptions of the solutions adopted to fulfil the essential requirements when the standards referred to in regulation 5 of these regulations and Article 5 of the Directive have not been applied,

– results of design calculations made, examinations carried out, etc.,

– test reports, or calculations namely on stability according to paragraph 3.2 of the Essential Requirements and on buoyancy according to paragraph 3.3 of the Essential Requirements, listed in Schedule I to these regulations.

Schedule XIV

Based on Annex XV of the Directive

WRITTEN DECLARATION OF CONFORMITY

1. The written declaration of conformity to the provisions of these regulations and the Directive must always accompany:

- the recreational craft and be joined to the owner's manual (Schedule I to these regulations, paragraph 2.5),

- the components as referred to in Schedule II to these regulations.

2. The written declaration of conformity shall include the following[7]:

- name and address of the manufacturer or his authorized representative[8],

- description of the recreational craft[9] or of the component[9],

- references to the relevant harmonized standards used, or references to the specifications in relation to which conformity is declared,

- where appropriate, reference to the EC type-examination certificate issued by a notified body,

- where appropriate, the name and address of the notified body,

- identification of the person empowered to sign on behalf of the manufacturer or his authorized representative.

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[7] and be drawn up in either Maltese and/or English as foreseen under paragraph 2.5 of Schedule I to these regulations.

[8] business name and full address; authorized representative must also give the business name and address of the manufacturer.

[9] description of the product make, type, serial number, where appropriate.