

<b>Title:</b> Directive on Recreational Craft and Personal Watercraft <b>IA No:</b> BIS011(C)-16-ER <b>Lead department or agency:</b> Department for Business, Energy & Industrial Strategy <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 21 January 2015		
	<b>Stage:</b> Consultation		
	<b>Source of intervention:</b> EU		
	<b>Type of measure:</b> Secondary legislation		
<b>Contact for enquiries:</b> Kevin Lane 020 7215 1774			
<b>Summary: Intervention and Options</b>		<b>RPC Opinion: Amber</b>	

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out? Measure qualifies as
£1.48m	-£3.10m	£0.28m	No   In

**What is the problem under consideration? Why is government intervention necessary?**

The Directive on Recreational Craft 94/25/EC as amended regulates the safety and certain environmental requirements for recreational craft within the EU. This EU Directive has been revised and will be replaced by a new Directive 2013/53/EU on Recreational Craft and Personal Watercraft. The new Directive will improve the safety, set stricter exhaust emission limits and align with the New Legislative Framework (NLF). The NLF provides a unified framework for implementation of product safety rules, in particular by clarifying obligations for importers, distributors and authorised representatives, and strengthening administrative processes in order to improve traceability of products through the supply chain. The UK has to implement the Directive in order to meet our obligations under the Treaty.

**What are the policy objectives and the intended effects?**

The Government supports the principles of safety of both recreational craft and personal watercraft, and the principles of the single market. The measures are in line with UK policy to improve environmental protection by reducing emissions from exhausts. Industry had proposed the new emissions limits which replicate current US limits. Stakeholders consider that this alignment of the emissions limits will be beneficial to UK industry in that it will assist in setting a global limit which will create many more opportunities to UK exporters to export to markets such as the US, than there are at present. The NLF alignment for this Directive is consistent with the alignment of a number of other Directives.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Options for reducing the exhaust and noise emissions with some mitigating action have been considered as set out below. Option 4 is the preferred option as this meets the policy requirements with minimal cost to business.

Other options such as:

- self regulation for exhaust emissions (a voluntary code for industry) or
- discontinuing existing EU regulation by repealing the exhaust and noise emission limits from the Directive and having a labelling requirement only were discarded at an early stage by the European Commission as not suited to provide a common legal obligation across the Union internal market.

<b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date:</b> 01/2020					
Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> Yes	<b>&lt; 20</b> Yes	<b>Small</b> Yes	<b>Medium</b> Yes	<b>Large</b> Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b> N/A		<b>Non-traded:</b>

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible SELECT SIGNATORY: ..... Date: \_\_\_\_\_

## Summary: Analysis & Evidence

## Policy Option 1

**Description:** Introduction of stricter exhaust emission limits to align with those in the US with no mitigating factors. No change to current noise emission limits, and with alignment to the NLF.

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV))		
			Low:	High:	Best Estimate:
2014	2014	10	-9.71	12.81	-1.35

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	4.3	0.0	4.0
High	11.7	0.0	10.9
Best Estimate	8.0	0.0	7.5

#### Description and scale of key monetised costs by 'main affected groups'

Costs solely comprise of compliance costs faced by manufacturers of CI (Diesel) and SI (Petrol) engines, which incorporate both fixed and variable costs per unit. These costs relate mainly to fixed costs such as testing and re-certification of engines and increased manufacturing costs which cannot be offset by increased prices. These figures are scaled down by a factor of one eighth, of the relevant EU figures which are taken from the European Commission's Impact Assessment which is considered to reflect the UK share. See Risks and assumptions section

#### Other key non-monetised costs by 'main affected groups'

There are a number of potential costs for economic operators (i.e. manufacturers, authorised representatives, distributors and importers) in view of the new responsibilities contained in the NLF. Further details of the costs to economic operator set out in Sections 5 and 8 of the Evidence Base. Some job losses – up to 20 – may occur as a result of these costs being imposed on manufacturers.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0.0	0.1	1.2
High	0.0	2.0	16.8
Best Estimate	0.0	0.7	6.1

#### Description and scale of key monetised benefits by 'main affected groups'

Benefit calculations solely comprise of the volume of emissions saved as a result of regulatory change. These emissions include nitrous oxide (NOx) and particulate matter (PM); values for which are extracted from Defra air quality Green Book (See 'Risks and assumptions' section below).

#### Other key non-monetised benefits by 'main affected groups'

Manufacturers that comply with the Directive are expected to benefit from the proposed improvements in transparency and traceability because it should be more difficult for others to place non-compliant products on the market. The further restrictions on unfair competition should benefit UK manufacturers by removing more non-compliant, unsafe and cheap products from the internal market. The NLF alignment will bring benefits to both consumers and manufacturers. Enforcement Authorities will see greater traceability for goods which will assist in removing non-compliant products from the market and improving consumer confidence.

#### Key assumptions/sensitivities/risks

See 'Risks and assumptions' section below.

#### Discount rate (%)

3.5

### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual):	In scope of OITO?	Measure qualifies as
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<b>Costs:</b> 0.7	<b>Benefits:</b> 0.0	<b>Net:</b> -0.7	No	In
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## Summary: Analysis & Evidence

## Policy Option 2

**Description:** Introduction of stricter exhaust emission limits which will be lower for marine engines to align with those in the US. Use of a flexibility scheme as foreseen in Directive 97/68/EC on Non-road Mobile Machinery, which would allow engine manufacturers to place on the market a fixed limited number of marine engines compliant with the previous emissions limits, after the entry into force of the new emission limits. No change to the current noise emission limits, and with alignment to the NLF.

### FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period Years 10	Net Benefit (Present Value (PV))		
			Low: -5.72	High: 10.28	Best Estimate: 0.27

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	2.3	0.0	2.1
High	7.1	0.0	6.6
Best Estimate	4.7	0.0	4.4

#### Description and scale of key monetised costs by 'main affected groups'

Costs solely comprise of compliance costs faced by manufacturers of CI (diesel) and SI (petrol) engines, which incorporate both fixed and variable costs per unit. These costs relate mainly to fixed costs such as testing and re-certification of engines and increased manufacturing costs that cannot be offset by increased prices. These figures are scaled down by a factor one eighth of the EU figures which are taken from the European Commission's Impact Assessment which is considered to be the UK share. See 'Risks and assumptions' section below.

#### Other key non-monetised costs by 'main affected groups'

There are a number of potential costs for economic operators (i.e. manufacturers, authorised representatives, distributors and importers) in view of the new responsibilities contained in the NLF. Further details of the costs to economic operators are set out in Sections 5 and 8 of the Evidence Base. Some job losses – up to 10 – may occur as a result of these costs being imposed on manufacturers.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0.0	0.1	0.9
High	0.0	1.4	12.4
Best Estimate	0.0	0.5	4.7

#### Description and scale of key monetised benefits by 'main affected groups'

Benefit calculations solely comprise of the volume of emissions saved as a result of regulatory change. These emissions include nitrous oxide (NOx) and particulate matter (PM); values for which are extracted from Defra air quality Green Book (see 'Risks and assumptions' section below).

#### Other key non-monetised benefits by 'main affected groups'

Manufacturers that comply with the Directive are expected to benefit from the proposed improvements in transparency and traceability because it should be more difficult for others to place non-compliant products on the market. The further restrictions on unfair competition should benefit UK manufacturers by removing more non-compliant, unsafe and cheap products from the internal market. The NLF alignment will bring benefits to both consumers and manufacturers. Enforcement Authorities will see greater traceability for goods which will assist in removing non-compliant products from the market and improving consumer confidence.

#### Key assumptions/sensitivities/risks

See 'Risks and assumptions' section below.

#### Discount rate (%)

3.5

### BUSINESS ASSESSMENT (Option 2)

<b>Direct impact on business (Equivalent Annual) :</b>			<b>In scope of OITO?</b>	<b>Measure qualifies as</b>
<b>Costs:</b> 0.4	<b>Benefits:</b> 0.0	<b>Net:</b> -0.4	No	In

## Summary: Analysis & Evidence

## Policy Option 3

**Description:** Introduction of stricter exhaust emission limits for marine engines with use of a transitional period for all engine manufacturers until 20th January 2017. No change to current noise emission limits, and with alignment to the NLF.

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV))		
			Low:	High:	Best Estimate:
2014	2014	10	-3.89	11.18	1.48

  

COSTS (£m)	Total Transition		Average Annual	Total Cost
	(Constant Price)	Years		
Low	1.5		0.0	1.4
High	5.1		0.0	4.8
Best Estimate	3.3		0.0	3.1

**Description and scale of key monetised costs by 'main affected groups'**  
 Costs solely comprise of compliance costs faced by manufacturers of CI (diesel) and SI (petrol) engines, which incorporate both fixed and variable costs per unit. These costs relate mainly to fixed costs such as testing and re-certification of engines and increased manufacturing costs that cannot be offset by increased prices. These figures are scaled down by a factor one eighth of the EU figures which are taken from the European Commission's Impact Assessment which is considered to be the UK's share. See 'Risks and assumptions' section below.

**Other key non-monetised costs by 'main affected groups'**  
 There are a number of potential costs for economic operators (i.e. manufacturers, authorised representatives, distributors and importers) in view of the new responsibilities contained in the NLF. Further details of the costs to economic operators are set out in Sections 5 and 8 of the Evidence Base. Some job losses – up to 10 – may occur as a result of these costs being imposed on producers. The relative impact on manufacturers is mitigated by allowing a transitional period to facilitate cost absorption over time, however.

BENEFITS (£m)	Total Transition		Average Annual	Total Benefit
	(Constant Price)	Years		
Low	0.0		0.1	0.9
High	0.0		1.5	12.6
Best Estimate	0.0		0.5	4.6

**Description and scale of key monetised benefits by 'main affected groups'**  
 Benefit calculations solely comprise of the volume of emissions saved as a result of regulatory change. These emissions include nitrous oxide and particulate matter; values for which are extracted from Defra air quality Green Book (see 'Risks and assumptions' section below).

**Other key non-monetised benefits by 'main affected groups'**  
 Manufacturers that comply with the Directive are expected to benefit from the proposed improvements in transparency and traceability because it should be more difficult for others to place non-compliant products on the market. The further restrictions on unfair competition should benefit UK manufacturers by removing more non-compliant, unsafe and cheap products from the internal market.  
 The NLF alignment will bring benefits to both consumers and manufacturers. Enforcement Authorities will see greater traceability for goods which will assist in removing non-compliant products from the market and improving consumer confidence.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	3.5
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See 'Risks and assumptions' section below.

### BUSINESS ASSESSMENT (Option 3)

<b>Direct impact on business (Equivalent Annual):</b>			<b>In scope of OITO?</b>	<b>Measure qualifies</b>
<b>Costs:</b> 0.3	<b>Benefits:</b> 0.0	<b>Net:</b> -0.3	No	In

### Summary: Analysis & Evidence **Policy Option 4**

**Description:** Introduction of stricter exhaust emission limits for marine engines with use of a transitional period for all engine manufacturers and a specific transitional period for a small and medium sized engine manufacturers placing on the EU market the petrol outboard engines less than or equal to 15kW until 20th January 2020. No change to noise emission limits, and with alignment to the NLF.

#### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV))		
			Low:	High:	Best Estimate:
2014	2014	10	-3.89	11.18	1.48

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	1.5	0.0	1.4
High	5.1	0.0	4.6
Best Estimate	3.3	0.0	3.1

#### Description and scale of key monetised costs by 'main affected groups'

Costs solely comprise of compliance costs faced by manufacturers of CI (diesel) and SI (petrol) engines, which incorporate both fixed and variable costs per unit. These costs relate mainly to fixed costs such as testing and re-certification of engines and increased manufacturing costs that cannot be offset by increased prices. These figures are scaled down by a factor of one eighth of the relevant EU figures which are taken from the European Commission's Impact Assessment, which is considered to the UK's share. See Risks and assumptions section below.

#### Other key non-monetised costs by 'main affected groups'

There are a number of potential costs for economic operators (i.e. manufacturers, authorised representatives, distributors and importers) in view of the new responsibilities contained in the NLF. Further details of the costs to economic operators are set out in Sections 5 and 8 of the Evidence Base. Job losses are considered unlikely, as a result of the transitional period afforded to SMEs. This facilitates more time to absorb cost changes, mitigating the impact on these types of manufacturers that might otherwise be affected quite severely.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0.0	0.1	0.9
High	0.0	1.5	12.6
Best Estimate	0.0	0.5	4.6

#### Description and scale of key monetised benefits by 'main affected groups'

Benefit calculations solely comprise of the volume of emissions saved as a result of regulatory change. These emissions include nitrous oxide (NOx) and particulate matter (PM); values for which are extracted from Defra air quality Green Book (see 'Risks and assumptions' section below).



**Other key non-monetised benefits by 'main affected groups'**

Manufacturers that comply with the Directive are expected to benefit from the proposed improvements in transparency and traceability because it should be more difficult for others to place non-compliant products on the market. The further restrictions on unfair competition should benefit UK manufacturers by removing more non-compliant, unsafe and cheap products from the internal market. The NLF alignment will bring benefits to both consumers and manufacturers. Enforcement Authorities will see greater traceability for goods which will assist in removing non-compliant products from the market and improving consumer confidence.

**Key assumptions/sensitivities/risks****Discount rate (%)**

3.5

See risks and assumptions section below

**BUSINESS ASSESSMENT (Option 4)**

Direct impact on business (Equivalent Annual) :			In scope of OITO?	Measure qualifies
<b>Costs:</b> 0.3	<b>Benefits:</b> 0.0	<b>Net:</b> -0.3	No	In

## Evidence Base (for summary sheets)

1) Problem under consideration	p11
2) Rationale for intervention	p12
3) Policy Objective	p12
4) Description of options considered	p12
5) Monetised and non-monetised costs and benefits of each option (including administrative burden)	p13
6) Risks and assumptions	p16
7) Wider Impacts	p17
8) Direct costs to business	p18
9) Direct benefits to business	p19
10) Background to Impact Assessment	p19
11) Summary and preferred option with description of implementation plan	p20

## 1) Problem under consideration

The Recreational Craft Directive 94/25/EC (the Directive), as amended, regulates the placing of craft intended for recreational purposes on the EU market. It lays down essential safety requirements, specific requirements for exhaust emissions from marine engines and craft noise emissions.

A proposal to revise the Directive was published by the European Commission in July 2011. The new Directive 2013/53/EU was published in the Official Journal on 28th December 2013. Member States have until 18th January 2016 to transpose the Directive into national laws.

In seeking to address these issues the vulnerable position of some smaller enterprises must be taken into account. The recreational craft sector consists mainly of micro businesses.

A small number of players in the industry are manufacturers of high value craft such as luxury motor yachts. They are less affected by changes in legislation to the extent that they are better able to absorb costs.

The recreational craft industry is niche sector consisting of around 3,000 business employing approximately 30,000 people.

### *Environmental*

The contribution of recreational craft to the overall levels of air pollution in the UK is not significant. However, at certain peak times in summer and in certain locations (particularly marinas, lakes and some sea shores), there is often a higher concentration of exhaust emissions and any reduction will be helpful to reduce environmental pollution. The concentration of nitrogen oxide (NOx) especially, can exceed the environmental quality standards (EQS) in these areas, as required by the Water Framework Directive.

US legislation regulating the exhaust emissions is stricter than the current EU rules. EU engine manufacturers have made a business case to adopt these. In order to better protect the environment and ensure a global market for recreational craft, the European Commission considered it necessary to assess whether

- (i) the exhaust and noise emissions should be strengthened at EU level and
- (ii) should be aligned with the emission levels in the US.

### *New Legislative Framework alignment*

In 2006 the European Commission conducted a review of the way that the internal market for goods was working. The Commission found that though the harmonised legislation was working effectively across and within EU Member States experience showed that it could be significantly improved. They identified three main problems including (i) the number of products that were on the EU market that did not comply with product safety legislation; (ii) the unsatisfactory performance of some Notified Bodies (the bodies which determine whether a product meets the essential requirements of the legislation) and (iii) difficulties in using and understanding the current legislation. The Commission proposed a Decision to provide a framework to be used in future Union legislation to address these issues.

The New Legislative Framework (NLF) which resulted is a common set of principles which aims to make legislation on the Single Market for Goods clearer, more consistent and more understandable. It was adopted as an EU Regulation 765/2008/EC and an EU Decision 768/2008/EC in July 2008. Over time all new approach directives are to be aligned to the NLF as they are revised. In addition, an "Alignment Package" was introduced to align nine existing EU Directives to the NLF. Since technical changes (such as stricter exhaust emissions), were required for the Recreational Craft Directive, this Directive was revised separately from the Alignment Package.

The main provision of the NLF are to introduce common definitions and responsibilities for Economic Operators i.e. manufacturers, importers and distributors. The NLF also clarifies what economic operators must do when a product is non-compliant e.g. distributors who suspect a product does not comply must take corrective action to make it compliant or take steps to recall it.

## **2) Rationale for intervention**

Under the Treaty the UK is obliged to implement the new Directive into UK law. The Directive supports the proper functioning of the single market and promotes safety of recreational craft and personal watercraft and the UK fully supports these objectives. The UK also agrees that there is a case to reduce exhaust emissions to further protect the environment.

Should the UK fail to transpose the Directive by the deadline set by the Commission (18 January 2016) we risk proceedings being pursued against the UK by the Commission which may result in a fine. The Directive does not allow for a non-regulatory approach and if we did not implement by way of transposing legislation, we would risk putting UK business at a competitive disadvantage.

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until the exit negotiations are concluded the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU. The assumptions used in this impact assessment have been chosen accordingly.

## **3) Policy objective**

There is a need to further improve the environmental performance of recreational craft and personal watercraft, by revising exhaust emission limits for engines. There is also a need to improve safety of recreational craft and personal watercraft and there have been some small changes to the essential requirements to make this possible. However, generally speaking the current directive has worked well and the revision has made only minimal changes to the technical requirements.

The revised Directive is intended to enhance the functioning of the single market while at the same time protecting vulnerable economic operators such as micro businesses from a potentially difficult position in the market and potential job losses because of the need to comply with the new legislation. Micro businesses will have more difficulty in absorbing extra costs and some may not gain from any benefits. However, without aligning the emission limits for engines to the US limits which are becoming the global norm UK industry will be disadvantaged in its ability to export standard products which are acceptable in the EU.

The new Directive will be aligned to the NLF. The requirements of the NLF are being introduced in all product sectors regulated under Union harmonisation legislation and it would be inconsistent and potentially confusing not to introduce them in this sector. The implementation will be carried out by way of copy out. There is no intention in transposing into national legislation to go further than is required by the Directive.

## **4) Description of options considered**

List of Options that were considered by the European Commission to tackle the problem identified above.

1. Introduction of stricter exhaust emission limits with no mitigating factors. No change to noise emission limits, and with alignment to the NLF;

2. Introduction of stricter exhaust emission limits with the use of a flexibility scheme as foreseen in Directive 97/68/EC on Non-road Mobile Machinery. No change to noise emission limits, and with alignment to the NLF;
3. Introduction of stricter exhaust emission limits for marine engines with use of a transitional period for all engine manufacturers until 20th January 2017. No change to noise emission limits, and with alignment to the NLF; and
4. Introduction of stricter exhaust emission limits for marine engines with use of a transitional period for all engine manufacturers and a specific transitional period for a small and medium sized engine manufacturers placing on the EU market the SI (petrol) outboard engines less than or equal to 15kW until 20th January 2020. No change to noise emission limits, but with alignment to the NLF.

'Do nothing' was not considered as the European Commission had a legal obligation to align the Recreational Craft Directive to the NLF, which was the minimum change that could be done. The NLF was agreed in 2008 three years before the proposal to revise the RCD appeared. The UK has Treaty obligations to implement Directives into UK law.

#### *Alignment of the new Directive with the New Legislative Framework (NLF)*

The new Directive will be brought in line with the principles of the NLF. This means the inclusion of obligations in the Directive for manufacturers and other economic operators, such as importers, authorised representatives and distributors. There will also be improved traceability of products (back to the point of manufacturer). Appointment procedures for Notified Bodies will be harmonised with those for other product safety directives. All the options 1-4 include these aspects.

## **5) Monetised and non-monetised costs and benefits of each option (including administrative burden)**

### Monetised

#### A. Impact of exhaust emissions limits

##### *Option 1 – Stricter (lower) Exhaust emission limits introduced*

The main concern here would be the impacts on the environment. Firstly, NO<sub>x</sub> concentrations are likely to exceed the environmental quality standards in some coastal marinas at peak periods.

Whilst bringing EU emissions limits for recreational craft in line with those in the US will bring benefits for consumers in the form of reduced emissions (see below for further detail) they will also entail potentially significant compliance costs for those manufacturers who are not currently selling into the US market. These costs will vary by type of engine (petrol or diesel), size of engine and production volumes, as well as the extent to which emission reduction technologies can be adopted from other applications.

The costs will consist of both variable costs related to ongoing manufacture of new engines to meet the revised emission limits and fixed costs related to the redesign and manufacture of new engines if necessary. The figures included in this IA are drawn on the more detailed analysis undertaken by the EU to consider these costs. The fixed costs are generally thought to be more significant as variable costs related to material, labour and energy inputs can be more easily reflected in price adjustments for engines sold into the EU and other markets. Fixed costs would be related to testing, redesign, assembly line adaptation and retooling for the manufacture of new or amended engines. For some manufacturers there may also be some additional R&D required (this represents the upper bound of figures set out in the summary tables above) but for most manufacturers these costs will have been borne by engine

manufacturers in other sectors. The lower bound reflects the costs of recertification and testing only (most likely for larger companies).

*Option 2 - Stricter (lower) exhaust emission limits introduced. Offset by the introduction of a flexibility scheme.*

The alignment of EU and the US restriction of the exhaust emission levels aligning the EU and the US limits for the recreational marine engines is likely to bring an environmental improvement but also a high compliance cost for the engine manufacturers as set out above under Option 1. An option to mitigate the effects of stricter exhaust emission rules was considered by the European Commission such as the introduction of a flexibility scheme as established in Article 4 of Directive 97/68/EC on exhaust emissions from non-road mobile machinery. This would allow engine manufacturers to place on the market a fixed limited number of recreational marine engines compliant with the previous stage of emission limits, after the entry into force of the new emission limit values.

*Option 3 — Stricter (lower) exhaust emission limits introduced with a transitional period for all engine manufacturers*

Although the compliance costs will remain for this option a transitional period of one year for manufacturers of engines will give time to adapt to the reduction in exhaust emission limits reducing the overall cost for all manufacturers, in the new Directive, and which are already applicable in the US.

Use of a transitional period allows companies to mitigate the negative economic impacts meeting the US limits and provides a minimal burden in terms of administration. However, as the sector is dominated by small and micro businesses this level of mitigation is not considered likely to fully allow for the special needs of these enterprises.

The SME test has revealed that complying with the new emission limits entails proportionately higher compliance and administrative costs. Smaller enterprises have limited liquidity and access to the finance that is required for modifying current engine design to meet their requirements.

Previous consultations by the European Commission in 2009 with stakeholders showed that smaller or micro petrol engine manufacturers producing low power engines will be those that have greatest difficulties in complying with the new stricter limits.

*Option 4 – Stricter (lower) exhaust emission limits introduced with a transitional period (one year) for all engine manufacturers + a longer transitional period (additional 3 years) for small and medium sized engine manufacturers placing on the EU market SI (petrol) outboard engines ≤ 15 kW.*

With the additional transitional period of 3 years, small and medium sized SI (petrol) engine manufacturers would have longer to adapt their business models as necessary, making the impact less severe

*Net economic benefit (savings/costs analysis)*

	Net benefit
Option 1 – Stricter exhaust limits	-£1,348,276
Option 2 – Stricter exhaust limits + Flexibility Scheme	£273,857
Option 3 – Stricter exhaust limits + Transitional period	£1,477,736
Option 4 – Stricter exhaust limits + Transitional period + Specific transitional period for SME SI (petrol) engine manufacturers	£1,476,132

## Non-monetised

### *Comparisons of the social impact measured in units/year*

	Total job losses <sup>1</sup>
Option 1 – Stricter exhaust limits	<20
Option 2 – Stricter exhaust limits + Flexibility Scheme	<10
Option 3 – Stricter exhaust limits + Transitional period	<10
Option 4 – Stricter exhaust limits + Transitional period + Specific transitional period for SME SI (petrol) engine manufacturers	0

Options 1-4 meet the objectives of the new Directive as they firstly lead to the decrease of air pollutants in the environment and secondly they provide a common legislative framework for engine manufacturers operating within the UK market and thirdly ensure the alignment of engine emission requirements with the US. The use of a flexibility scheme envisaged in Option 2 was not considered suitable for the sector. It is designed for a special situation where an original equipment manufacturer needs additional lead time for adjusting the machinery design to new developed engines but not for the engine manufacturer as such. Option 3 does not sufficiently meet the specific objective to protect small vulnerable enterprises. Option 4 takes account of the impact on small and micro enterprises.

Option 4 is considered the most efficient compromise for micro businesses in terms of environmental effects combined with economic and job losses. **Therefore it is the preferred option.**

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### **Impact of the measures aligning the Recreational Craft & Personal Watercraft Directive with the New Legislative Framework (NLF)**

#### (i) Harmonisation

It is expected there will be some benefit from clarification and harmonisation of definitions for businesses across all Member States. Harmonising of duties of those in the supply chain and clarification of those duties across the EU will improve the free movement of goods in the internal market with potential positive implications on competition

#### (ii) Labelling

There is a new labelling requirement on the products within scope that will increase costs for business especially for smaller businesses which make up the costs for the majority of business in this sector.

#### (iii) Retention of information

There will be a duty on all economic operators to keep information for ten years as to who supplied them with a product within scope and to whom they have supplied the product.

#### (iv) Change of Directive number

There will be a new directive number and these will inevitably lead to costs being incurred for manufacturers and notified bodies necessitating the re-drafting and re-issue of documents and manuals to include the revised number. There will be a transitional period before these

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<sup>1</sup> Rounded to nearest 10.

requirements will come into force hence any alterations could be incorporated more broadly into periodic updating so any additional cost should be marginal.

(v) Notification process

Notified Bodies (NBs) for the recreational craft and personal watercraft industry could be affected due to reinforcement of the notification requirements and information obligations – strengthened obligations on information sharing among NBs would lead to some on-going costs. There are already some occasions when NBs are required to exchange information but the obligation has been widened and will need to be more frequent.

(vi) Familiarisation

Enforcement authorities, industry and government will need to ensure that importers, distributors and manufacturers are aware of the changes to the legislation and this could lead to some one-off costs.

(v) Traceability: benefits

Clearer duties on economic operators throughout the supply chain may also bring some minor benefits in that an enforcement authority will be able to target more directly those not complying with the requirements. There may also be some reduction in enforcement costs due to the improved traceability requirements and increased co-operation between Notified Bodies.

(vi) Traceability: costs

Economic operators will incur costs in keeping records as required by the by the new traceability requirements

In summary there is likely to be increased costs for all economic operators because the implementation of the NLF, although these might be partially off-set by some benefits. It has not been possible to quantify these in any detail. Further information will be sought by the planned consultation on the implementation of the NLF.

## 6) Risks and assumptions

### Key assumptions

Specific to this IA:

- Baseline scenario assumes that no change to the regulatory framework in the sector. It is assumed, however, that UK firms with an interest in the US market will make changes to their engine specifications *in spite* of the absence of UK regulation. As no further information relating to this matter is available, the following assumptions are made regarding the baseline scenario:
  - That approximately 20 per cent of UK firms currently exports to the US;
  - This portion of the market will implement changes to the entirety of their output (that is, not just the portion exported to the US); and
  - No other UK firms will develop an interest in the US market going forward.
- The following costs and benefits are scaled down by a factor of 0.2, to account for 20 per cent of the market making the relevant adjustments in the baseline scenario:
  - Fixed and variable costs;
  - Total job losses; and
  - Volume of emissions.
- As no further information is available, the following impacts have been calculated as a function of the size of the EU market (figures for which are contained in the European



Commission's IA – see link below). This scale factor has been confirmed as 5/41, **approximately one eighth**. The affected factors are as follows:

- Number of units placed on the market;
  - Compliance costs;
  - Volume of emissions; and
  - Total job losses.
- After applying factors to accordingly scale down figures contained in the European commission's IA, the compliance cost for any given option is assumed to be a **midpoint** of the range of values provided.
  - Calculations implicitly assume that the ratio of SI (petrol) and CI (diesel) engine use in the UK is 5:1, that is, equivalent to that of the EU. It is also assumed that the share of different engine sizes and type in the UK market is equivalent to that of the EU.
  - Air quality damage costs, valued as per Data Supplementary Guidance (page 17, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197893/pu1500-air-quality-greenbook-supp2013.pdf)) (2010 prices, midpoint used). Sensitivity analysis has been performed to validate the results. It is worth noting that the 'central estimate' is not a midpoint of the 'low' and 'high' estimates; this is reflected through a downward bias in the benefits figures, explaining why the 'best estimate' NPV figures tends towards the 'low estimate' calculations.
  - GBP-EUR exchange rate used for the sake of these calculations is £0.81 = EUR1.
  - Discount rate of 3.5 per cent utilised in calculating the NPV, as per HMT Green Book guidelines
  - Inflation in the recreational craft sector is assumed to be the equivalent of the Consumer Price Index (CPI), as no sector-specific information is available relating to this matter.

Specific to the European Commission's IA:

- The compound (HC + NOx) is assumed to consist of 40 per cent NOx.
- The impact of CO on air quality is not incorporated into the valuation of costs.
- It is worth noting that any minor differences in cost (between options 3 and 4, for example) may not be obvious due to the degree of accuracy (one or two decimal places) employed in this document.

<http://www.europarl.europa.eu/document/activities/cont/201405/20140515ATT84089/20140515ATT84089EN.pdf>

## 7) Wider Impacts

### *Background*

In the UK some manufacturers of marine engines may see some cost increase. There is a small possibility of job losses in the industry sector in response to engine manufacturers needing to make adjustments to production in order to comply with the new requirements. Marinisers, who convert existing land engines intended for use in a marine environment, will see minimal changes as their economic activities do not alter the level of exhaust emissions.

### *Essential Requirements*

There are some minor changes to the essential requirements in the new Directive, compared to the current one. These changes were not envisaged by the European Commission when they drew up their IA. Some businesses will be affected by these changes but it is not clear what the level of this impact on the businesses will be. The impact will also depend on the type of craft being manufactured or being put into service as the changes to essential

requirements are not relevant to all watercraft in scope but all are justifiable to address advances in consumer expectations for watercraft safety. The consultation will be asking for economic operators to provide information on the impact of the essential requirements.

## **8) Direct costs to business**

### *NLF requirements on economic operators*

#### (i) All economic operators

Economic operators including manufacturers, importers and distributors will all have new record keeping responsibilities and will have to provide the following to enforcement authorities on request:

- Identification of any economic operator who has supplied them with a product within scope
- Identification of any economic operator to whom they have supplied a product within scope
- Keep this information for 10 years

In addition Notified Bodies may pass on costs from their new requirements (revised notification process, obligations to share information) to UK business customers.

Currently all businesses are required to keep a certain amount of information for HMRC reporting purposes for up to 6 years. The additional costs relate to the extra 4+ years of data retention.

#### (ii) Manufacturers

There are new requirements for manufacturers which could have a cost associated. These include:

- Keeping technical documentation and declaration of conformity (DoC) for 10 years for products that are assessed under Module G (unit verification) not previously required for this module.
- Keeping a record of the type, batch or serial number on the product or packaging.
- Carrying out sample testing following a justified request and keeping a register of complaints
- Complying with the economic operators obligations above

Although the Directive will require the labelling to include a product, batch or serial number, the choice between these different numbers will be left to the manufacturer. It is expected that most manufacturers will choose to include a product number (at a relatively small cost), rather than a batch number at a much large cost. Therefore this new labelling requirement is not expected to give rise to significant new costs for manufacturers.

#### (iii) Importers

New requirements for importers include:

- Keeping technical documentation and declaration of conformity (DoC) for 10 years
- Keeping a record of the type, batch or serial number on the product or packaging.

- Carrying out sample testing following a justified request and keeping a register of complaints

(iv) Distributors

New requirements for distributors including:

- Where distributors consider or have reason to believe that a product within scope is not in conformity with the essential requirements, they must not make that product available on the market
- Ensuring that storage and transport conditions do not jeopardise compliance the essential requirements
- Complying with the economic operators obligations above.

Currently we do not have any detailed analysis of the monetary costs or benefits that implementation of the NLF will have on the recreational craft and personal watercraft industry. Some importers and distributors might see increased costs if they are required to provide information to enforcement authorities on products they have traded. It should be said that the recreational craft industry is a niche sector and the NLF changes do not have a significant impact on the wider economy. We will be asking in the consultation for economic operators to provide information on this issue. We can then update the IA if necessary. The NLF clarified a number of responsibilities on economic operators, some of which are already requirements in UK national law.

The NLF clarifies the responsibilities of notified bodies but the requirements placed on notified bodies are largely unchanged in the revised directive. Because the Directive is being revised, Notified Bodies will need to have their notification renewed. There may be some cost to notified bodies in renewing their accreditation and suitability for notification with the United Kingdom Accreditation Service.

## **9) Direct benefits to business**

There could be marginal benefits to organisations wishing to become Notified Bodies from a clearer indication of the notification process. Additionally some benefits are expected from clarifications and harmonisation of definitions across Member States, though it is not possible to quantify these.

## **10) Background to Impact Assessment**

This Impact Assessment has been drawn up with help from the main trade association for recreational craft the British Marine Federation (BMF). Defra has also been involved in analysis of the environmental impact. However, the IA relies heavily on the assumptions made in the EU IA, which was written sometime before the publication of the draft proposal in 2011. We have not been able to obtain clearer details on the impact on manufacturers in the UK due to the large number of independent micro enterprises. It might have been possible to carry out some form of survey of the recreational craft industry to gain more information on the possible impact of the new Directive. However, it is likely that any survey would have taken around six months before any results could be obtained and there would have been some form of external expertise required to assist with this. It is considered that the cost of this would be disproportionate to the problem under consideration.

In the planned consultation on the implementation of the Directive, it is hoped that more information will be drawn from stakeholders to improve the analysis where possible. This includes asking stakeholders for their comments on the impact of the New Legislative Framework, for areas where we do not have any detailed analysis. We will also draw on the planned consultation on the NLF alignment package.

## **11) Summary and preferred option and description of implementation plan**

The preferred option is Option 4 as set out above. This will align the Directive to the NLF; achieve the objectives of the Directive at the least cost to business; and provide the greatest sensitivity to the impact on micro business. The monetary cost to UK business in order to comply with the requirements is estimated to be £1.48 million each year.

### *Implementation plan*

- A formal consultation will take place in December 2016 and BIS will ask stakeholders for their views on whether the UK Impact Assessment is an adequate estimation of the costs and benefits of implementing the Directive into UK law.
- This IA will be revised if required in response to that consultation with aim of obtaining final clearance from the Reducing Regulation Committee in January 2017.
- Guidance on the Regulations is expected to be published in February 2016.
- The European Commission will be notified of the implementation in February 2017.
- UK Regulations to implement the Directive should be laid in February 2017 and should enter into force in February 2017.
- The UK must report to the European Commission on the operation of the Directive by January 2021.
- The proposed date for the Ministerial review will be April 2021.

BEIS/16/8