

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/117

of 1 February 2021

amending Implementing Decision (EU) 2019/919 as regards harmonised standards for small craft, regarding ventilation of petrol engine and/or petrol tank compartments and electric fans

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 14 of Directive 2013/53/EU of the European Parliament and of the Council ⁽²⁾, products which are in conformity with harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union*, are presumed to be in conformity with the requirements covered by those standards or parts thereof set out in Article 4(1) of Directive 2013/53/EU and Annex I to that Directive.
- (2) By Commission Implementing Decision C(2015) 8736 ⁽³⁾, the Commission made a request to the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) for the drafting and revision of harmonised standards in support of Directive 2013/53/EU addressing stricter essential requirements set out in Article 4(1) of Directive 2013/53/EU and Annex I to that Directive, in comparison with the repealed Directive 94/25/EC of the European Parliament and of the Council ⁽⁴⁾.
- (3) By Implementing Decision C(2015) 8736 CEN and Cenelec were also requested to revise standards the references of which were published by Commission Communication 2015/C 087/01 ⁽⁵⁾.
- (4) On the basis of the request set out in Implementing Decision C(2015) 8736, CEN revised harmonised standard EN ISO 11105:2017, the reference of which is published by Commission Communication 2018/C 209/05 ⁽⁶⁾. This resulted in the adoption of harmonised standard EN ISO 11105:2020 Small craft – Ventilation of petrol engine and/or petrol tank compartments.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2013, p. 90).

⁽³⁾ Commission Implementing Decision C(2015) 8736 of 15 December 2015 on a standardisation request to the European Committee for Standardisation and the European Committee for Electro-technical Standardisation as regards recreational craft and personal watercraft in support of Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC.

⁽⁴⁾ Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (OJ L 164, 30.6.1994, p. 15).

⁽⁵⁾ Commission communication in the framework of the implementation of Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 87, 13.3.2015, p. 1).

⁽⁶⁾ Commission communication in the framework of the implementation of Directive 2013/53/EU of the European Parliament and of the Council on recreational craft and personal watercraft and repealing Directive 94/25/EC (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 209, 15.6.2018, p. 137).

- (5) The Commission, together with CEN, has assessed whether harmonised standard EN ISO 11105:2020 drafted by CEN complies with the request set out in Implementing Decision C(2015) 8736.
- (6) The standard EN ISO 11105:2020 sets out the installation requirements for the ventilation of petrol engine and petrol tank compartments in recreational craft having petrol engines for propulsion, electrical generation or mechanical power, to prevent accumulation of explosive gases in these compartments.
- (7) The standard EN ISO 11105:2020 satisfies the essential requirements which it aims to cover and which are set out in Article 4(1) of Directive 2013/53/EU, as well as in points 5.1.2 and 5.2.2 of Part A of Annex I to that Directive. It is therefore appropriate to publish the reference of that standard in the *Official Journal of the European Union*.
- (8) Standard EN ISO 11105:2020 is to replace standard EN ISO 11105:2017. It is therefore necessary to withdraw the reference of harmonised standard EN ISO 11105:2017 from the C series of the *Official Journal of the European Union*.
- (9) In order to give manufacturers sufficient time to prepare for the application of standard EN ISO 11105:2020, it is necessary to defer the withdrawal of the reference of the standard EN ISO 11105:2017.
- (10) Standard EN ISO 11105:2020 is also to replace standard EN ISO 9097:2017 Small craft – Electric fans, the reference of which is published by Communication 2018/C 209/05. The standard EN ISO 9097:2017 refers to general requirements on electric fans when installed on recreational craft. It is therefore necessary to withdraw the reference of harmonised standard EN ISO 9097:2017 from the C series of the *Official Journal of the European Union*.
- (11) Annex I to Commission Implementing Decision (EU) 2019/919 ⁽⁷⁾ lists the references of harmonised standards conferring a presumption of conformity with Directive 2013/53/EU. The reference of harmonised standard EN ISO 11105:2020 should be included in Annex I to that Implementing Decision.
- (12) Annex II to Implementing Decision (EU) 2019/919 lists the references of harmonised standards drafted in support of Directive 2013/53/EU that are withdrawn from the *Official Journal of the European Union*. The reference of harmonised standards EN ISO 11105:2017 and EN ISO 9097:2017 should be included in Annex II to that Implementing Decision.
- (13) Implementing Decision (EU) 2019/919 should therefore be amended accordingly.
- (14) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2019/919 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Decision;
- (2) Annex II is amended in accordance with Annex II to this Decision.

⁽⁷⁾ Commission Implementing Decision (EU) 2019/919 of 4 June 2019 on the harmonised standards for recreational craft and personal watercraft drafted in support of Directive 2013/53/EU of the European Parliament and of the Council (OJ L 146, 5.6.2019, p. 106).

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Point (2) of Annex II shall apply from 1 August 2022.

Done at Brussels, 1 February 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In Annex I to Implementing Decision (EU) 2019/919 the following entry 34 is added:

No	Reference of the standard
'34.	EN ISO 11105:2020
	Small craft – Ventilation of petrol engine and/or petrol tank compartments'

ANNEX II

Annex II to Implementing Decision (EU) 2019/919 is amended as follows:

(1) the following entry 31 is added:

No	Reference of the standard
'31.	EN ISO 9097:2017 Small craft – Electric fans'

(2) the following entry 32 is added:

No	Reference of the standard
'32.	EN ISO 11105:2017 Small craft – Ventilation of petrol engine and/or petrol tank compartments'