

Marine Notice No. 12 of 2015

Notice to all individuals and companies involved in the manufacture of floating leisure articles and to all users and consumers of floating leisure articles.

Safety Requirements for Floating Leisure Articles

The EU Commission Decision of 21st April 2005 set out the safety requirements to be met by the European standards for floating leisure articles for use on or in the water pursuant to Directive 2001/95/EC (obligation for manufacturers to place only safe products on the market). The EU Commission has drawn up standards for floating leisure articles for use on or in the water (listed in Section D of this Marine Notice) in accordance with Directive 2001/95/EC, in particular Article 4(1)(a).

The floating leisure articles identified exclude those floating articles covered by:

- Directive 2009/48/EC concerning the safety of toys
- Directive 89/686/EEC, as amended, relating to personal protective equipment and
- Directive 94/25/EC, as amended, relating to recreational craft.

Safety Requirements

The floating articles covered by the EU Commission Decision are leisure articles for use on or in the water whose flotation is ensured by buoyancy through inflation or inherent buoyant materials. These articles (which are used on and in the water for leisure activities such as playing in the water, water sports, boating, diving and learning to swim) are not covered by any product-specific EU legislation beyond the most typical and traditional products in the maritime leisure sector. These products aim at increasing pleasure and entertainment but also to increase speed or to enhance action and thrill with new adventurous activities such as “tubing” and “white water rafting”.

Floating articles covered by the EU Commission Decision must be classified by their intended use, means of propulsion and design, in the following classes:

Class	Description	EXCLUSIONS
A	Floating articles intended for static positional use on or in the water. Position of user upon the buoyant structure. Intended for both single and collective use, mainly passive. Normally no mechanical means of propulsion. Devices may be designed in a way which provides floating stability, or may have to be balanced by the user. Examples: Floating islands, rafts, giant rings, paddle wheel seats, paddle cylinder seats, water seesaws.	<ul style="list-style-type: none"> • Articles designed for protective functions, covered by Directive 89/686/EEC • Articles designed or clearly intended for individual use in play by children in shallow water, covered by Directive 2009/48/EC.

Class	Description	EXCLUSIONS
B	<p>Floating articles which are intended for static use. Position of the user is inside a buoyant structure which develops around the user's body (relatively tight fit). Devices may provide a body-holding system or the user may be expected to hold himself by the arms and hands. Body-holding system might be an integrated seat, straps or other means of holding regardless of the body posture (sitting, standing, lying, kneeling, etc.). User's body is more or less immersed. Normally the upper part (chest upwards) is out of the water. Intended for both single and collective use. Normally no mechanical means of propulsion.</p> <p>Examples: Swim seats (intended for children over 3 years of age), rings with interior seat segments, big rafts, boards, giant tubes (not including buoyant aids for swimming instruction covered by EN 13138)).</p>	<ul style="list-style-type: none"> • Articles designed for protective functions, covered by Directive 89/686/EEC • Articles designed or clearly intended for individual use in play by children in shallow water, covered by Directive 2009/48/EC.
C	<p>Floating articles for dynamic use, i.e. application at high speed. Position of user is upon or inside the buoyant structure. There may be a cockpit or seat or other means to give hold to the user. The device is towed behind external means of propulsion. User is required to manage floating stability and safe course behind the towing devices.</p> <p>Examples: Towable tubes, bicycles, seats.</p>	
D	<p>Floating articles for active use i.e. climbing, jumping and any connected activity. No distinct position of user. Intended for both single and collective use. Normally no mechanical means of propulsion.</p> <p>Examples: Water trampolines, inflatable climbing structures on the water, inflatable slides, bouncing platforms.</p>	<ul style="list-style-type: none"> • Articles designed for protective functions, covered by Directive 89/686/EEC • Articles designed or clearly intended for individual use in play by children in shallow water, covered by Directive 2009/48/EC.
E	<p>Inflatable boats with buoyancy less than 1800 N and a hull length of more than 1.2 m and less than 2.5 m, measured according to the appropriate harmonised standards intended for sports and leisure purposes as defined in Directive 94/25/EC. Single and collective use. Position of user inside the buoyant structure (wide cockpit).</p>	

Class	Description	EXCLUSIONS
	Examples: Canoes, kayaks, inflatable boats for rowing or paddling of near oval shape with or without transom.	

A. Risks associated with the floating articles

The main risks associated with these products are drowning and near-drowning accidents. Other risks associated with the specific products which can also cause more or less serious injuries include risks related to the product design, such as drifting away, losing hold, fall from high height, entrapment or entanglement above or below water surface, sudden loss of buoyancy, capsizing, cold shock, as well as the risks inherent to their use, such as collision and impact, and risks linked to winds, currents and tides.

B. General safety requirement for the floating articles

The products must comply with the general safety requirement referred to in Directive 2001/95/EC and be 'safe' within the meaning of Article 2(b) thereof.

C. Specific safety requirements for the floating articles

In application of the general safety requirement referred to in Directive 2001/95/EC, the following must be taken into account, as a minimum:

C.1. Requirements on the product design

Safety by design must be given priority compared to safety through instructions. Materials used and workmanship must correspond to the state of the art, taking into account the expected use of the articles and eventual consequences for the health of the user and the environment.

The following must be considered, as a minimum:

- (a) Floating stability in accordance with the intended and foreseeable use;
- (b) Minimum buoyancy, and in case of inflatable articles, residual buoyancy after failure of one air chamber. Additionally, retention of function where appropriate and in particular where collective use is intended or likely;
- (c) Means of getting hold during use, easy gripping;
- (d) Easy escape in case of capsizing, avoidance of any other forms of entrapment or entanglement regarding parts of the human body;
- (e) Means to facilitate re-embarkation in particular where collective use is intended as well as means of getting hold when in the water in an emergency;
- (f) Presence of a reliable quick release for products moved (towed) at high speed;

C.2. Warnings and information in respect of a cautious use of the floating article product

The presentation and illustration of the product, conspicuous and clear labelling, as well as any warnings and instructions for its use, must be fully coherent and easily and clearly understood by the consumer and must not play down risks to potential users, especially children.

Labelling (including pictograms) related to warnings or appropriate sizing must be visible during use. Pictograms directly related to very serious risks must be accompanied by the corresponding text. Essential information regarding the performance and limitations of the

product must be presented in a way to inform the potential user before buying. Special attention must be given to information related to risks in relation to children. As a minimum, the following must be considered:

- (a) Any requisite limitation on use concerning, for example: number of users, total weight, risks linked to winds, currents and tides, specifications on distance from shore, height, speed, the interaction with other products or objects, where it is reasonably foreseeable that the product will be used with other products or in vicinity to dangerous objects (safety distances); additionally, the foreseeable misuse of the product must also be considered.
- (b) All products must have the warning “ATTENTION: No protection against drowning. Swimmers only!”;
- (c) Recommendation regarding the use of adequate personal protective equipment (PPE) against drowning and for impact resistance, where appropriate;
- (d) Instructions on inflation and pressure conditions, maintenance, repair, storage and disposal taking account of the specific characteristics of these products and of their use, situations of repeated use over long periods and the aging process;
- (e) Products intended for categories of consumers at risk when using the product, in particular children, non-swimmers and in some cases the elderly, must have specific warnings.

D. Standards for floating leisure articles for use on or in the water

EU Legislation on General Product Safety – Floating Leisure Products for Use on and in the Water

2005/323/EC: Commission Decision of 21 April 2005 – Safety requirements to be met by the European standards for floating leisure articles for use on and in the water pursuant to Directive 2001/95/EC of the European Parliament and of the Council. OJ L 104, 23.04.2005, p.39

2014/359/EU: Commission Implementing Decision of 13 June 2014 on the compliance of European standards EN 15649-1:2009+A2:2013 and EN 15649-6:2009+A1:2013 for floating leisure articles for use on and in the water with the general safety requirement of Directive 2001/95/EC of the European Parliament and of the Council and publication of the references of those standards in the Official Journal of the European Union (Text with EEA relevance). OJ L175, 14.6.2014, p. 45–46

Harmonised Standards – Floating Leisure Articles

ESO	Reference and title of the harmonised standard (and reference document)	First publication OJ	Reference of superseded standard
CEN	EN 15649-1:2009+A2:2013 Floating leisure articles for use on and in the water - Part 1:	11/07/2014	EN 15649-1:2009+A1:

Harmonised Standards – Floating Leisure Articles			
ESO	Reference and title of the harmonised standard (and reference document)	First publication OJ	Reference of superseded standard
	Classification, materials, general requirements and test methods		2012 Note 1
CEN	EN 15649-2:2009+A1:2012 Floating leisure articles for use on and in the water - Part 2: Consumer information	04/09/2013	EN 15649-2:2009 Note 1
CEN	EN 15649-2:2009+A2:2013 (new) Floating leisure articles for use on and in the water – Part 2: Consumer information	This is the first publication 16/01/2015	EN 15649-2:2009+A1:2012 Note 1
CEN	EN 15649-3:2009+A1:2012 Floating leisure articles for use on and in the water - Part 3: Additional specific safety requirements and test methods for Class A devices	04/09/2013	EN 15649-3:2009 Note 1
CEN	EN 15649-4:2010+A1:2012 Floating leisure articles for use on and in the water - Part 4: Additional specific safety requirements and test methods for Class B devices	04/09/2013	EN 15649-4:2010 Note 1
CEN	EN 15649-5:2009 Floating leisure articles for use on and in the water - Part 5: Additional specific safety requirements and test methods for Class C devices	04/09/2013	
CEN	EN 15649-6:2009+A1:2013 Floating leisure articles for use on and in the water - Part 6: Additional specific safety requirements and test methods for Class D devices	11/07/2014	EN 15649-6:2009 Note 1
CEN	EN 15649-7:2009 Floating leisure articles for use on and in the water - Part 7: Additional specific safety requirements and test methods for class E devices	04/09/2013	

Note 1: The new (or amended) standard has the same scope as the superseded standard. On the date stated, the superseded standard ceases to give presumption of conformity with the essential or other requirements of the relevant European Union legislation.

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