



**Hobie Kayak Europe**

attn: Mr. R. Barth  
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Volendam, 19 June 2008

Subject: **Legal opinion RCD application**

To whom it may concern:

ECB (notified body no. 0614) legal department has assessed the Hobie Kayak according to the legal requirements in the RCD legislation, RL 94/25/EG. In the Directive the following crafts are **excluded** from the RCD: "*canoes, and kayaks, gondolas and pedalos*".

The "recreational craft directive and comments to the directive combined" which works as an official guide to the application of the RCD, states that "*if canoes are so designed that they can be fitted with an engine or with sails **and placed on the market and put into service as such, they are covered by the directive***".

The basic Hobie Kayak remains an excluded kayak. No engine or sail is foreseen on selling this kayak. Therefore correct application of the law forbids CE certification for this product. The basic Hobie Kayak can be fitted with an extra, which must be bought separately. This extra is a small rod fitted with a small sail. This extra does not convert the kayak into a sailing kayak; it only allows to drift with the wind in one direction. The fitted extra to the kayak does not provide steering by rudder or such.

The basic kayak with the extra (small rod and small sail) is within the exclusion description ".....by nature incompatible with some of the essential requirements but whose inclusion in the scope of the Directive with regard to design and construction requirements might be debatable.....". in the cc Guide document page 13 (version februari 20).

The basic Hobie Kayak is not marketed as a sailing kayak, and is not put into service as such by the manufacturer.

Therefore it is legally not allowed to CE mark the basic Hobie Kayak.

Made up according to best legal knowledge and interpretation of the legal text;

Yours sincerely,

  
B.P. Marijnen LEM (lawyer)  
ECB Legal & Compliance affairs  
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**EUROPEAN CERTIFICATION BUREAU NEDERLAND B.V.**

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