
STATUTORY INSTRUMENTS

2017 No. 737

The Recreational Craft Regulations 2017

PART 2

PLACING PRODUCTS ON THE MARKET

IMPORTERS

Prohibition on placing products on the market

18. An importer must not place a product on the market unless it complies with the essential requirements.

Commencement Information

II Reg. 18 in force at 3.8.2017, see [reg. 1](#)

Requirements that must be satisfied before an importer places a product on the market **E**

+W+S

- 19.**—(1) Before placing a product on the market an importer must ensure that—
- (a) a relevant conformity assessment [^{F1}procedure] has been carried out by the manufacturer;
 - (b) the manufacturer has drawn up the technical documentation;
 - (c) the product—
 - (i) bears the [^{F2}UK] marking; and
 - (ii) is accompanied by the required documents; and;
 - (d) the manufacturer has complied with the requirements of regulations 13 (duty of manufacturers to ensure products are labelled) and 14 (duty to provide information).
- (2) In paragraph (1)(c)(ii) “required documents” means—
- (a) the ^{F3}... declaration of conformity; and
 - (b) the owner’s manual referred to in Schedule 1.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Word in reg. 19(1)(a) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 28 para. 11(a)(i)** (with Sch. 28 para. 41) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in reg. 19(1)(c)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 28 para. 11(a)(ii)** (with Sch. 28 para. 41) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in reg. 19(2)(a) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 28 para. 11(b)** (with Sch. 28 para. 41) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** Reg. 19 in force at 3.8.2017, see **reg. 1**

Requirements that must be satisfied before an importer places a product on the market **N.I.**

- 19.**—(1) Before placing a product on the market an importer must ensure that—
- (a) a relevant conformity assessment has been carried out by the manufacturer;
 - (b) the manufacturer has drawn up the technical documentation;
 - (c) the product—
 - (i) bears the CE marking; and
 - (ii) is accompanied by the required documents; and
 - (d) the manufacturer has complied with the requirements of regulations 13 (duty of manufacturers to ensure products are labelled) and 14 (duty to provide information).
- (2) In paragraph (1)(c)(ii) “required documents” means—
- (a) the EU declaration of conformity; and
 - (b) the owner’s manual referred to in Schedule 1.

Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Commencement Information

- I10** Reg. 19 in force at 3.8.2017, see **reg. 1**

Duty not to place a product on the market where an importer suspects that it is not in conformity

- 20.**—(1) Where an importer believes or has reason to believe that a product is not in conformity with the essential requirements, the importer must not place the product on the market.
- (2) Where a product presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

Commencement Information

I3 Reg. 20 in force at 3.8.2017, see [reg. 1](#)

Duty of importer to ensure products are labelled **E+W+S**

21.—(1) Before placing a product on the market, an importer must indicate on the product—

- (a) the importer's name, registered trade name or registered trade mark; and
- (b) the address at which they can be contacted.

[^{F4}(2) Paragraph (1) does not apply where—

- (a) either—
 - (i) in the case of a component, it is not possible to indicate the information specified in paragraph (1) on the component, or
 - (ii) the importer has imported the product from an EEA state and places it on the market within the period of [^{F5}seven years] beginning with IP completion day, and
- (b) before placing the product on the market, the importer indicates the information specified in paragraph (1)—
 - (i) in the case of component, in a document accompanying the product or on the packaging; or
 - (ii) in all other cases, in a document accompanying the product.]

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F4 Reg. 21(2) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 28 para. 12** (with Sch. 28 para. 41) (as amended by S.I. 2020/676, regs. 1(1), 2; S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(q)(iii)**; S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 2(1)(l)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F5 Words in reg. 21(2)(a)(ii) substituted (E.W.S.) (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 4, **Sch. 3**

Commencement Information

I4 Reg. 21 in force at 3.8.2017, see [reg. 1](#)

Duty of importer to ensure products are labelled **N.I.**

21.—(1) Before placing a product on the market, an importer must indicate on the product—

- (a) the importer's name, registered trade name or registered trade mark; and
- (b) the address at which they can be contacted.

(2) Where, in the case of components, it is not possible to indicate the information on the component, the importer must indicate the information specified in paragraph (1)—

- (a) on the packaging; or
- (b) in a document accompanying the component.

Extent Information

E6 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Commencement Information

I11 Reg. 21 in force at 3.8.2017, see [reg. 1](#)

Instructions and safety information **E+W+S**

22.—(1) When placing a product on the market, an importer must ensure that it is accompanied by instructions and safety information in [^{F6}English].

^{F7}(2)

Extent Information

E3 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F6 Word in [reg. 22\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 28 para. 13\(a\)](#) (with [Sch. 28 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F7 [Reg. 22\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 28 para. 13\(b\)](#) (with [Sch. 28 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I5 Reg. 22 in force at 3.8.2017, see [reg. 1](#)

Instructions and safety information **N.I.**

22.—(1) When placing a product on the market, an importer must ensure that it is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the [^{F11}relevant state] in which the product is to be made available.

(2) When the product is being made available to consumers and other end-users in [^{F12}Northern Ireland], the language which can be easily understood by consumers and other end-users is English.

Extent Information

E7 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F11 Words in [reg. 22](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 15 para. 3\(5\)\(a\)](#)

F12 Words in [reg. 22](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 15 para. 3\(5\)\(b\)](#)

Commencement Information

I12 [Reg. 22](#) in force at 3.8.2017, see [reg. 1](#)

Storage and transport

23. An importer must ensure that, while a product is the importer's responsibility, its storage or transport conditions do not jeopardise its conformity with the essential requirements.

Commencement Information

I6 [Reg. 23](#) in force at 3.8.2017, see [reg. 1](#)

Duty to take action in respect of product placed on the market which is considered not to be in conformity **E+W+S**

24.—(1) An importer who considers or has reason to believe that a product which the importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the product into conformity;
- (b) to withdraw the product from the market; or
- (c) recall it, if appropriate.

(2) Where the product presents a risk, the importer must immediately inform the market surveillance authority^{F8}... of the risk, giving details of—

- (a) the reason or reasons why the product is not considered to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E4 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F8 Words in [reg. 24\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 28 para. 14](#) (with [Sch. 28 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Commencement Information

I7 [Reg. 24](#) in force at 3.8.2017, see [reg. 1](#)

Duty to take action in respect of product placed on the market which is considered not to be in conformity **N.I.**

24.—(1) An importer who considers or has reason to believe that a product which the importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the product into conformity;
- (b) to withdraw the product from the market; or
- (c) recall it, if appropriate.

(2) Where the product presents a risk, the importer must immediately inform the market surveillance authority and the competent national authorities of any other [F13 relevant state] in which the importer has made the product available on the market of the risk, giving details of—

- (a) the reason or reasons why the product is not considered to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E8 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F13 Words in [reg. 24](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 15 para. 3\(6\)](#)

Commencement Information

I13 [Reg. 24](#) in force at 3.8.2017, see [reg. 1](#)

Duty of importers to retain technical documentation and [F9 EU] declaration of conformity

25. An importer must, for the period of 10 years beginning on the day on which the product is placed on the market—

- (a) keep a copy of the [F10 EU] declaration of conformity at the disposal of the market surveillance authorities; and
- (b) ensure that the technical documentation relating to that product can be made available to the market surveillance authorities upon request.

Textual Amendments

F9 Word in [reg. 25](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 28 para. 15](#) (with [Sch. 28 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F10 Word in [reg. 25](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 28 para. 15](#) (with [Sch. 28 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I8 [Reg. 25](#) in force at 3.8.2017, see [reg. 1](#)

Provision of information and co-operation

26.—(1) An importer must, following a reasoned request from an enforcing authority, provide it with all of the information and documentation necessary to demonstrate the conformity of the product with the requirements of this Part.

(2) The information and documentation referred to in paragraph (1) must be in a language that can be easily understood by the enforcing authority.

(3) The importer must, at the request of the enforcing authority, co-operate with that authority on any action taken to eliminate the risks posed by a product that the importer has placed on the market.

Commencement Information

19 Reg. 26 in force at 3.8.2017, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Recreational Craft Regulations 2017, IMPORTERS.