
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.

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

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.

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.

Duty of importer to ensure products are labelled

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.

Instructions and safety information

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 Member 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 the United Kingdom, the language which can be easily understood by consumers and other end-users is English.

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.

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

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 Member 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.

Duty of importers to retain technical documentation and 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 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.

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.