

## SCHEDULE 28

### Amendment of the Recreational Craft Regulations 2017 and related amendment

## PART 2

### Amendment to Commission Implementing Regulation (EU) 2017/1

#### Introduction

**55.** Commission Implementing Regulation (EU) 2017/1 on procedures for watercraft identification under [Directive 2013/53/EU](#) of the European Parliament and of the Council on recreational and personal watercraft is amended in accordance with paragraphs 56 to 66.

#### Amendment to Article 2

**56.** In Article 2 (definitions)—

(a) for point (a) substitute—

“(a) ‘UK national body’ means a body appointed by the Secretary of State for assigning the unique code of the manufacturer;”;

(b) for point (c) substitute—

“(c) ‘UK national register’ means the register held by or on behalf of the Secretary of State, where the unique code of manufacturer for manufacturers established in the United Kingdom is recorded;”;

(c) for point (d) substitute—

“(d) ‘UK third country register’ means the register held by or on behalf of the Secretary of State, where the unique code of manufacturer for manufacturers established outside of the United Kingdom is recorded;”;

(d) omit point (e);

(e) for point (f) substitute—

“(f) ‘approved bodies’ register’ means the register held by or on behalf of the Secretary of State where the post-construction assessment identification code is recorded.”.

#### Amendment to Article 3

**57.** In Article 3 (watercraft identification number)—

(a) in paragraph 1(b)—

(i) for “the national authority of a Member State” substitute “or on behalf of the Secretary of State”;

(ii) omit the words from “however” to the end;

(b) in paragraph 1(e) after “on the” insert “United Kingdom”;

(c) in paragraph 2 for “Point 2.1 of Annex I to [Directive 2013/53/EU](#)” substitute “paragraph 2.1 of Schedule 1 to the Recreational Craft Regulations 2017<sup>(1)</sup>”.

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(1) [S.I. 2017/737](#), amended by [S.I. 2017/1206](#) and [S.I. 2018/389](#).

#### **Amendment to Article 4**

**58.** In Article 4 (assignment of the unique code of the manufacturer)—

- (a) in paragraph 1 for “national authority or national body of the Member State” substitute “UK national body or, if none is designated, the Secretary of State”;
- (b) in paragraph 2—
  - (i) for “national authority or national body of a Member State” substitute “UK national body or the Secretary of State”;
  - (ii) for “Union” substitute “United Kingdom”.

#### **Amendment to Article 5**

**59.** In Article 5 (national authority for assigning the unique code of the manufacturer)—

- (a) in the heading for “National authority” substitute “UK national body”;
- (b) in paragraph 1 for “Each Member State shall designate the national authority or the” substitute “The Secretary of State may designate the UK”;
- (c) omit paragraph 2;
- (d) after paragraph 2 insert—

“3. In the absence of a designation under paragraph 1, the Secretary of State is responsible for assigning the unique code of the manufacturer.”.

#### **Amendment to Article 6**

**60.** In Article 6 (procedure for assignment of the unique code of the manufacturer to a manufacturer established in a Union Member State)—

- (a) in the heading for “manufacturer established in a Union Member State” substitute “manufacturer established in the United Kingdom”;
- (b) for paragraph 1 substitute—

“1. A manufacturer established in the United Kingdom must, before placing a watercraft on the United Kingdom market, submit an application in English for the assignment of the unique code of the manufacturer, to the UK national body or, if none is designated, the Secretary of State.”;
- (c) in paragraph 2—
  - (i) for “its Member State” substitute “the United Kingdom”;
  - (ii) for “a language” to the end, substitute “English”;
- (d) in paragraph 3 for “national authority or national body” substitute “UK national body or, if none is designated, the Secretary of State”;
- (e) in paragraph 4—
  - (i) for “Each Member State” substitute “The Secretary of State”;
  - (ii) for “their national register” substitute “the UK national register”;
  - (iii) omit the second sentence.

#### **Amendment to Article 7**

**61.** In Article 7 (procedure for assignment of the unique code of the manufacturer to a manufacturer established in a third country)—

- (a) in the heading and in paragraph 1, for “in a third country” substitute “outside of the United Kingdom”;
- (b) in paragraph 1—
  - (i) for “Union” substitute “United Kingdom”;
  - (ii) for “a language which can be easily understood by the authority where the application is introduced as determined by the authority” substitute “English”;
  - (iii) for “national authority” to the end substitute “UK national body or, if none is designated, the Secretary of State”;
- (c) in paragraph 2—
  - (i) after “a document” insert “in English”;
  - (ii) for “that the manufacturer is established” to the end substitute “in which country the manufacturer is established”;
- (d) in paragraph 3—
  - (i) for “national authority or the national body of the Member State” substitute “UK national body or, if none is designated, the Secretary of State”;
  - (ii) for “third country register” substitute “UK third country register”;
  - (iii) omit “to any Member State”;
- (e) omit paragraph 4;
- (f) in paragraph 5—
  - (i) for “national authority or national body” substitute “UK national body or, if none is designated, the Secretary of State”;
  - (ii) omit the second sentence;
- (g) for paragraph 6 substitute—

“6. When assigning the unique code of the manufacturer to a manufacturer established outside of the United Kingdom, the UK national body or, if none is designated, the Secretary of State shall register that code and the name and address of the manufacturer in the UK third country register.”.

#### **Amendment to Article 8**

- 62.** In Article 8 (procedure in case of post-construction assessment)—
  - (a) in paragraph 1—
    - (i) for “Articles 19 and 23 of [Directive 2013/53/EU](#)” substitute “regulations 42, 43 and 48 of the Recreational Craft Regulations 2017”;
    - (ii) for “notified” in the first place in which it occurs, substitute “approved”;
    - (iii) for “his” substitute “its”;
    - (iv) for “national authority of the Member State where the notified body is established” substitute “Secretary of State”;
  - (b) in paragraph 2 for “notified” substitute “approved” in both places in which it occurs.

#### **Omission of Article 9**

- 63.** Omit Article 9 (fees).

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* ISBN 978-0-11-118040-2

## **Insertion of Article 9A**

**64.** After Article 9 (fees) insert—

### *“Article 9A*

#### *Transitional provision in relation to EU exit*

**1.** In this Article, “pre-exit period” means the period beginning with 24 January 2017 and ending immediately before exit day.

**2.** Where during the pre-exit period—

(a) a manufacturer has submitted an application to the national body of the United Kingdom for the assignment of the unique code of the manufacturer, in accordance with Article 6 as it had effect immediately before exit day; but

(b) the unique code of the manufacturer has not been assigned,

that application is to be treated as having been submitted under Article 6 as it has effect on and after exit day.”.

## **Omission of Chapter 4**

**65.** Omit Chapter 4 (final provisions).

**66.** Omit—

(a) the words “This Regulation shall be binding” to the end;

(b) “Done at Brussels, 3 January 2017”;

(c) the signatory text.