
STATUTORY INSTRUMENTS

2017 No. 737

The Recreational Craft Regulations 2017

PART 2

PLACING PRODUCTS ON THE MARKET

DISTRIBUTORS

Duty to act with due care

27. When making a product available on the market, a distributor must act with due care to ensure the conformity of that product with Part 2.

Making available on the market

28.—(1) Before making a product available on the market, a distributor must verify that—

- (a) the product—
 - (i) bears the CE marking;
 - (ii) is accompanied by the required documents;
 - (iii) is accompanied by the instructions and safety information in a language that can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market; and
- (b) the manufacturer has complied with the requirements of—
 - (i) regulation 13 (duty of manufacturers to ensure products are labelled); and
 - (ii) regulation 14 (duty to provide information); and
- (c) the importer has complied with the requirements of regulation 21 (duty of importers to ensure products are labelled).

(2) For the purposes of this regulation “required documents” has the same meaning as in regulation 19(2) (requirements that must be satisfied before an importer places a product on the market).

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

29.—(1) Where a distributor considers or has reason to believe that a product is not in conformity with the essential requirements, the distributor must not place the product on the market.

(2) Where a product presents a risk, the distributor must inform the manufacturer or importer, and the market surveillance authority and the competent national authorities of other Member States in which the distributor has made the product available on the market of that risk.

Storage and transport

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

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

31.—(1) A distributor who considers or has reason to believe that a product that the distributor has made available on the market is not in conformity with Part 2 must ensure that corrective measures necessary are taken to—

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

(2) Where the product presents a risk, the distributor must immediately inform the market surveillance authority and the competent national authorities of any other Member State in which the distributor 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; and
- (b) any corrective measures taken.

Provision of information and co-operation

32.—(1) A distributor 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 distributor must, at the request of the enforcing authority, co-operate with the authority on any action taken to eliminate the risks posed by a product that the distributor has made available placed on the market.