
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose [Directive 2013/53/EU](#) of the European Parliament and of the Council of 20th November 2013 on recreational watercraft and personal watercraft (OJ No L 354, 28.12.2013 p.90) (“the Directive”). The Directive repeals and replaces [Directive 1994/25/EC](#) as amended by [Directive 2003/44/EC](#) which was implemented in the United Kingdom by the Recreational Craft Regulations 1996 (S.I. 1996/1353) (as amended by S.I. 1998/116). These Regulations revoke and replace S.I. 1996/1353.

Regulation 3 sets out the application of the Regulations to watercraft and personal watercraft and components subject to the exemptions set out in regulation 4.

Part 2 sets out the obligations of persons placing a watercraft on the market. Regulation 6 provides that any person who places a watercraft on the market or puts it into service must ensure that it complies with the essential requirements set out in Schedule 1 to these Regulations and includes the requirement that a product must not endanger the health and safety of persons, property or the environment.

Regulations 8 to 17 set out the obligations that are specific to manufacturers. Manufacturers must ensure that watercraft have been designed and manufactured to comply with the essential requirements. The Regulations impose obligations on manufactures to carry out conformity assessments; draw up technical documentation, draw up declarations of conformity and affix the CE marking, label the equipment and ensure it is accompanied by instructions and safety information. Manufacturers must also monitor compliance. Regulation 16 places a duty on manufacturers to immediately take corrective action where the manufacturer considers or has reason to believe that a watercraft placed on the market may not conform. The obligations imposed on the manufacturer’s authorised representative are set out in regulation 39.

Regulations 18 to 26 set out the obligations that are specific to importers. These obligations include ensuring that they are not placing on the market watercraft which are not in conformity with the essential requirements, checking that the manufacturer has carried out a relevant conformity assessment procedure and labelled the craft correctly. Regulation 23 requires importers to ensure that storage and transport conditions do not jeopardise conformity with the essential requirements. Regulation 24 places a duty on importers to immediately take corrective action where they consider or have reason to believe that a watercraft placed on the market may not conform.

Regulations 27 to 32 set out the obligations that are specific to distributors. These obligations include ensuring that they are not placing on the market watercraft which are not in conformity with the essential requirements and that storage and transport conditions do not jeopardise conformity with the essential requirements.

Regulations 33 provides that an importer or distributor who places a watercraft on the market under their own trade mark or who modifies a watercraft such that it may affect conformity is to be treated as the manufacturer for the purposes of these Regulations.

Regulation 36 imposes obligations on a private importer where the manufacturer of a watercraft has not complied with the obligations on manufacturer.

Regulations 37 and 38 set out obligations on economic operators and private importers to identify the economic operator who supplied the watercraft.

Regulation 40 prohibits the improper use of the CE mark.

Status: This is the original version (as it was originally made).

Part 3 sets out the product and conformity assessment procedures.

Part 4 sets out provisions concerning notification and monitoring of the bodies which carry out conformity assessment procedures in the UK.

Part 5 sets out provisions for market surveillance and enforcement of these Regulations. Regulation 65 identifies the market surveillance authorities which have an obligation to enforce the Regulations. Regulation 67 and Schedules 13 and 14 provide for the enforcement powers which the enforcing authorities are to have. Regulation 73 provides for the contravention of certain provisions of these Regulations to be an offence. Regulation 74 sets out the penalties that are to apply for offences under these Regulations. Regulation 80 sets out provision for appeals against notices served under these Regulations.

Part 6 deals with the power of a notified body to charge a fee and sets out a review provision, transitional provisions, and revocations.

A transposition note and full impact assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Single Market Product Safety Team, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and are also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.