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STATUTORY INSTRUMENTS

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**2017 No. 737**

**The Recreational Craft Regulations 2017**

**PART 2**

**PLACING PRODUCTS ON THE MARKET**

**PRIVATE IMPORTERS AND ECONOMIC OPERATORS**

**Private importers**

**36.**—(1) If a manufacturer has not complied with the manufacturer’s obligations under this Part, a private importer must ensure, before putting a product into service, that—

- (a) the product has been designed and manufactured in accordance with the essential requirements; and
- (b) the obligations of the manufacturer under the following regulations have been met or carried out in relation to the product—
  - (i) regulation 9 (technical documentation and conformity assessment);
  - (ii) regulation 10 (EU declaration of conformity and CE marking);
  - (iii) regulation 11 (duty of manufacturers to retain technical documentation and EU declaration of conformity); and
  - (iv) regulation 22 (instructions and safety information).

(2) A private importer must also carry out or have carried out any obligation to provide information and co-operation imposed on a manufacturer pursuant to regulation 17 (provision of information and co-operation).

(3) Where the technical documentation is not available from the manufacturer, a private importer must have this documentation drawn up using appropriate expertise.

(4) The private importer must ensure that the name and postal address of the notified body that carried out the relevant conformity assessment procedure in relation to the product under regulation 9(1)(a) is marked on the product.

**Identification of economic operators**

**37.**—(1) An economic operator (“E”) who receives a request from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the authority—

- (a) any economic operator who has supplied E with a product; and
  - (b) any economic operator to whom E has supplied a product.
- (2) The relevant period is—
- (a) for information under paragraph (1)(a), a period of 10 years beginning on the day on which E was supplied with the product;

- (b) for information under paragraph (1)(b) a period of 10 years beginning on the day on which E supplied the product.

**Obligations on private importers to identify economic operators**

**38.**—(1) A private importer who receives a request from the market surveillance authority before the end of the relevant period, must, within such period as the market surveillance authority may specify, identify to the market surveillance authority any economic operator which has supplied the private importer with a product.

(2) The relevant period is a period of 10 years beginning on the day on which the private importer was supplied with a product.