
STATUTORY INSTRUMENTS

2017 No. 737

The Recreational Craft Regulations 2017

PART 2

PLACING PRODUCTS ON THE MARKET

AUTHORISED REPRESENTATIVES

Authorised representatives

39.—(1) A manufacturer may by written mandate, appoint a person established in the EU as their authorised representative to perform specified tasks on their behalf.

(2) A manufacturer who has appointed an authorised representative to perform, on the manufacturer's behalf, a task under these Regulations remains responsible for the proper performance of the task.

(3) The mandate must allow the authorised representative to do at least the following in relation to a product covered by the mandate—

(a) keep a copy of—

(i) the EU declaration of conformity; and

(ii) the technical documentation referred to in regulation 9 (technical documentation and conformity assessment)

at the disposal of the enforcing authority and competent national authorities, for a period of 10 years beginning on the day on which the product is placed on the market;

(b) provide, following a reasoned request from an enforcing authority, all of the information and documentation necessary to demonstrate the conformity of a the product with the essential requirements; and

(c) co-operate with the competent national authorities, upon their request, on any action to eliminate the risks posed by a product covered by their mandate.

(4) The obligations in regulation 8 (duty to ensure watercraft comply with essential requirements) and regulation 9 (technical documentation and conformity assessment) must not form part of an authorised representative's mandate.

(5) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under these Regulations that the representative is appointed by the mandate to perform and accordingly—

(a) as far as those duties are concerned, as well as the penalties for failure to comply with those duties, a reference in these Regulations to the manufacturer (except in this regulation) is to be taken as including a reference to the authorised representative; and

(b) if the authorised representative contravenes or fails to comply with any of those duties, the authorised representative may be proceeded against as though the authorised representative were the manufacturer.