

TRANSPOSITION NOTE

Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC.

1. This Transposition Note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how the 2013 Directive is implemented in the UK.
2. This instrument is being made in order to implement the provisions of the revised EU Directive on recreational craft and personal watercraft (2013/53/EU), which entered into force on 18 January 2016.
3. This instrument will replace and repeal the current Regulations (the Recreational Craft Regulations 2004, S.I. 2004/3201).
4. The Regulations do not go beyond what is necessary to implement the 2013 Directive.

TRANSPOSITION OF DIRECTIVE 2013/53/EU

Article	Objective of the Article	Implementation
1	Explains what the Directive does	Regulation 3
2	To clarify which craft are in scope of the Directive and which are considered outside of the scope of the Directive	Regulation 3 (scope) Regulation 4 (exclusions)
3	Definitions set out in the Directive	Regulation 2 (interpretation)
4	To prohibit any person from placing a watercraft onto the market or putting it into service unless, that watercraft complies with the essential requirements set out in Annex 1 of the Directive	Regulation 6 (essential requirements) Schedule 1 (Annex 1 of the Directive: Essential Requirements)
5	To explain that the Directive shall not prevent Member States from adopting national provisions concerning navigation, so long as this does not require modification of watercraft conforming to this Directive.	Implementation not necessary.
6	To ensure that the UK does not impede the making available on the market of: (a) watercraft complying with the Directive and (b) partly-completed craft or The making available on the market or putting into service of components that comply with the Directive and, which are intended for incorporation into a watercraft	Regulation 4 (exclusions) Regulation 5 (exhibition at trade fairs) Regulation 7 (making available or putting into service)

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7	<p>To ensure that manufacturers comply with various obligations before making a watercraft available on the market. Manufacturers are required to make sure, before placing the watercraft on the market that:</p> <p><u>Obligation 1</u> (7.2): the watercraft has been designed and constructed in accordance with the essential requirements</p> <p><u>Obligation 2</u> - technical documentation is drawn up and conformity assessment procedures carried out and a declaration of conformity is completed</p> <p><u>Obligation 3</u> (7.3) -technical documentation is kept for 10 years</p> <p><u>Obligation 4</u> (7.4) - they have their own internal procedures in place to ensure that watercraft produced by series production remain in conformity with the essential requirements</p> <p>- procedures are in place to test the safety of watercraft and, that such testing is carried out</p> <p><u>Obligation 5</u> (7.5 & 6) - watercraft are marked with information so that they can be traced back to the manufacturer</p> <p><u>Obligation 6</u> (7.7) - watercraft are accompanied by appropriate safety instructions</p> <p><u>Obligation 7</u> (7.8) – duty to take corrective measures where manufacturers consider that product is not in conformity</p> <p><u>Obligation 8</u> (7.9) – provision of information to and co-operation with competent national authority</p>	<p>Every regulation under the subheading “Manufacturers”</p> <p><u>Obligation 1</u> Regulation 8 (duty to ensure products comply with the essential requirements)</p> <p><u>Obligation 2</u> - Regulation 9 (technical documentation and conformity assessment)</p> <p>Regulation 10 (EU declaration of conformity and CE marking)</p> <p><u>Obligation 3</u> Regulation 11 (Manufacturers’ duty to retain technical documentation and EU declaration of conformity)</p> <p><u>Obligation 4</u> Regulation 12 (Compliance procedures for series production)</p> <p><u>Obligation 5</u> Regulation 13 (Manufacturers’ duty to ensure that products are labelled) and Regulation 14 (Duty to provide information)</p> <p><u>Obligation 6</u> Regulation 15 (Instructions and Safety Information)</p> <p><u>Obligation 7</u> Regulation 16 (Duty to take action in respect of watercraft placed on the market)</p>

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		<p>which are considered not to be in conformity)</p> <p><u>Obligation 8</u> Regulation 17 (Provision of information and co-operation)</p> <p>Regulation 34 (Monitoring)</p>
8	To allow a manufacturer to appoint an authorised representative, by way of written mandate, to carry out certain of the manufacturers' obligations set out in Article 7	Regulation 39 (Authorised Representatives)
9	<p>To ensure that importers comply with various obligations before making a watercraft available on the market. Importers are required to make sure, before placing the watercraft on the market that:</p> <p><u>Obligation 1</u> (9.1): importers should place only compliant products on the market</p> <p><u>Obligation 2</u> (9.2) - an appropriate conformity assessment procedure has been carried out in relation to the product</p> <ul style="list-style-type: none"> - technical documentation is drawn up - that the watercraft bears the required markings and is accompanied by the required documents (including an EU declaration of conformity) <p><u>Obligation 3</u> - where the importer believes a product is not in conformity with essential requirements, that product is not put onto the market until it has been brought into conformity with the Regulations</p> <ul style="list-style-type: none"> -where the product presents a risk, they inform the manufacturer and the market surveillance authorities <p><u>Obligation 4</u> (9.3) - they provide their contact details with any products in scope of the Regulations that they place on the market</p>	<p><u>Obligation 1</u> Regulation 18 (Prohibition on placing non-compliant products on the market)</p> <p><u>Obligation 2</u> Regulation 19 (Requirements that must be satisfied before an importer places a watercraft on the market)</p> <p><u>Obligation 3</u> Regulation 20 (Duty not to place a watercraft on the market where an importer suspects that it is not in conformity)</p> <p><u>Obligation 4</u> Regulation 21 (Importers duty to ensure that products are labelled with contact details)</p>

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	<p><u>Obligation 5</u> (9.4)- that any product that they place on the market is accompanied by instructions and safety information</p> <p><u>Obligation 6</u> (9.5) – products are stored and transported in a way that will affect the compliance of the product with the essential requirements</p> <p><u>Obligation 7</u> (9.6) - procedures are in place to provide for the sample testing of any products that they import and, that such testing is carried out</p> <p><u>Obligation 8</u> (9.7) - they take any necessary corrective measures if they believe that a product already on the market is not in conformity with the regulations and inform other MS of any measures taken</p> <p><u>Obligation 9</u> (9.8) – they keep a copy of the declaration of conformity for 10 years</p> <p><u>Obligation 10</u> (9.9) – they must also co-operate with Market Surveillance Authorities upon receipt of a reasoned request.</p>	<p><u>Obligation 5</u> Regulation 22 (Instructions and Safety information)</p> <p><u>Obligation 6</u> Regulation 23 (Storage and Transport: Importers)</p> <p><u>Obligation 7</u> Regulation 34 (Monitoring – carrying out sample testing of a product)</p> <p><u>Obligation 8</u> Regulation 24 (Duty to take action in respect of watercraft placed on the market which are considered not to be in conformity)</p> <p><u>Obligation 9</u> Regulation 25 (Importers duty to retain technical documentation and EU declaration of conformity)</p> <p><u>Obligation 10</u> Regulation 26 (Provision of information and co-operation: Importers)</p> <p>Regulation 34 (Monitoring)</p>
10	<p>To ensure that distributors comply with various obligations before making a watercraft available on the market. Distributors are required to make sure, before placing the watercraft on the market that:</p> <p><u>Obligation 1</u> (10.1) - they have acted with due care to ensure that the requirements of the Directive have been satisfied in relation to a product</p>	<p><u>Obligation 1</u> Regulation 27 (Duty to act with due care when making available a product to ensure it is in</p>

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	<p><u>Obligation 2</u> (10.2) - that the watercraft bears the required markings and is accompanied by the required documents (including an EU declaration of conformity)</p> <p>- the product is accompanied by instructions and safety information</p> <p>- where the distributor believes a product is not in conformity with essential requirements, that product is not put made available on the market until it has been brought into conformity</p> <p>-where the product presents a risk, they will inform the manufacturer, importer and the market surveillance authorities</p> <p><u>Obligation 3</u> (10.3) - products under their responsibility are stored and transported in a way that will affect the compliance of the product with the essential requirements.</p> <p><u>Obligation 4</u> (10.4) – they take any necessary corrective measures if they believe that a product already on the market in not in conformity with the regulations and inform other MS of any measures taken</p> <p><u>Obligation 5</u> (10.5) that they must also co-operate with Market Surveillance authorities upon receipt of a reasoned request.</p>	<p>conformity)</p> <p><u>Obligation 2</u> Regulation 28 (when making available a product on the market a distributor must verify that it has CE marking; is accompanied by instructions and safety information; is labelled; and must ensure the manufacture has complied with the requirements of Regulations 13 & 14)</p> <p><u>Obligation 3</u> Regulation 30 (storage and transport requirements)</p> <p><u>Obligation 4</u> Regulation 31 (Duty to take action in respect of watercraft placed on the market which is considered not to be in conformity)</p> <p><u>Obligation 5</u> Regulation 32 (provision of information and co-operation following a reasoned request from an enforcing authority)</p>
11	To ensure that where a distributor or an importer places a product on the market under his own name or trademark, or otherwise modifies the product, that distributor or importer will also need to comply with the manufacturers obligations	Regulation 33 (Cases in which the obligations of manufacturers apply to importers and distributions)
12	To place obligations on a private importer to ensure that before they put any product into service, the product has been manufactured in accordance with the essential requirements and, to fulfil some of the manufacturer’s obligations set out in Article 7.	<u>All obligations</u> Regulation 36 (Private Importers to ensure a product meets the requirements of the

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		Regulations; provide information; draw up technical documentation and mark the product with notified body contact details)
13	<p>To impose an obligations on economic operators and private importers to:</p> <p><u>Obligation 1</u> - provide information to the market surveillance authorities (MSAs)</p> <p><u>Obligation 2</u> - identify to the MSA any other economic operator who has supplied them with a product or to whom they have supplied a product (in the case of economic operators only)</p> <p><u>Obligation 3</u> - retain this information and be able to present it to the MSA for a period of 10 years.</p>	<p><u>Obligation 1</u> Regulation 37 (Identification of economic operators)</p> <p><u>Obligations 2 & 3</u> Regulation 38 (Obligations on private importers to identify economic operators)</p>
14	Explains that products in conformity with the relevant harmonised standards shall be presumed to comply with the essential requirements	Regulation 41 (Presumption of conformity)
15	<p>Sets out the information to be provided in the EU Declaration of Conformity (DoC)</p> <p><u>Obligation 1</u> (15.1) -The EU DoC will state that the product (watercraft or component) complies with the essential requirements and in particular, whether it has been type approved under either directive 97/68/EC or regulation 595/2009 (emission limits for certain types of engine – adapted engines) (See regulation 7 and Schedule 4)</p> <p><u>Obligation 2</u> (15.2) -The EU DoC will follow the model structure set out in Annex IV of the Directive (regulation 53)</p> <p>- contain the elements set out in the relevant conformity assessment modules in Annex 2 of Decision 768/2008 and Annex 5 of the Directive (equivalent conformity based on PCA) which must be continuously updated (regulations 44-48, as set</p>	<p><u>Obligation 1</u> Regulation 10 (Duty of manufacturer to draw up EU declaration of conformity and affix CE marking to the product)</p> <p><u>Obligation 2</u> Regulation 53 (EU Declaration of conformity (DoC)) Schedule 4 (requirements for the DoC) and Regulation 35 (Translation of EU Declaration of Conformity)</p>

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	<p>out in regulation 10)</p> <p>- The EU DoC must be translated into the language(s) required by the MS in whose territory the product will be made available or put into service (regulation 35)</p> <p><u>Obligation 3</u> (15.3) - The economic operator who completes the DoC assumes the responsibility for compliance of the manufacturer</p> <p><u>Obligation 4</u> (15.4) - The EU DoC must accompany: watercraft components (when placed on the market separately) propulsion engines</p> <p><u>Obligation 5</u> (15.5) - The EU DoC completed in respect of partly completed craft must contain the elements specified in Annex 3 (partly completed craft) of the Directive and must be translated into a language(s) required by the Member State where the product is made available or put into service</p>	<p><u>Obligation 3</u> Regulations 10 and 54 and Schedule 4</p> <p><u>Obligation 4</u> Regulation 10 and 54 and Schedule 4</p> <p><u>Obligation 5</u> Regulation 10 (Duty of manufacturer to draw up EU declaration of conformity and affix CE marking to the product) and Schedule 3 (Declaration by the manufacturer or the importer of the Partly Completed Watercraft)</p>
16	To ensure that CE marking is subject to regulation 765/2008/EC (RAMS)	Regulation 40 (Prohibition on improper use of CE marking)
17	<p>To ensure that the products specified in this Article are subject to CE marking requirements when put into service or made available on the market:</p> <p>watercraft components propulsion engines [17.1]</p> <p>- MS will ensure that products in scope of Article 17.1 that bear the CE mark are presumed to be in conformity. [17.2]</p>	<p>Regulation 10 (EU declaration of conformity and CE marking)</p> <p>Regulation 54 (CE marking)</p>
18	<p>To set out the requirements for products in Article 17.1 in relation to CE Marking:</p> <p><u>Obligation 1</u> (18.1) - products in scope of article 17.1</p>	<p><u>Obligation 1</u> Regulation 10 (CE Marking)</p> <p><u>Obligation 3</u> Schedule 5 (Requirements for Post</p>

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	<p>will have the CE mark clearly and indelibly affixed</p> <ul style="list-style-type: none"> - Where it is impossible due to the size or nature of the component to affix the CE mark to a component the CE mark will be on the packaging and accompanying documents - On a watercraft, the CE marking will be affixed to the builders plate mounted separately to the craft identification number - in the case of a propulsion engine the CE marking must be affixed to the engine - The CE marking must be affixed before the product is placed on the market or put into service <p><u>Obligation 2</u> (18.2) - The CE marking may be accompanied by a pictogram or other risk information</p> <p><u>Obligation 3</u> (18.3) - The CE marking must be accompanied by the identification number of the notified body where that NB is involved in the production control phase or PCA.</p> <ul style="list-style-type: none"> - The ID of the NB will be affixed by the NB itself or under its instructions by the manufacturer or their Authorised Rep or, by the person placing the craft on the market 	<p>Construction Assessment (PCA))</p>
19	<p>Sets out the applicable conformity assessment procedures used in the Directive (basic modules are found in Decision 768/2008/EC):</p> <p><u>Obligation 1</u> - the manufacturer will apply the conformity assessment procedures set out in Articles 20-22 (design requirements, noise and exhaust emissions requirements) before placing a product on the market which is within scope of the Directive [19.1]</p> <p><u>Obligation 2</u> - A private importer must apply Post Construction Assessment (PCA) for a product in scope of the directive if the conformity assessment has not been carried out by the manufacturer [19.2]</p>	<p>See Part 3, generally;</p> <p><u>Obligation 1</u> Regulation 42 (applicable conformity assessment procedures)</p> <p><u>Obligation 1</u> Regulation 36 (Private Importers)</p> <p><u>Obligations 2, 3 and 4</u> Regulation 43 (duty to carry out the post construction assessment (PCA))</p>

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	<p><u>Obligation 3</u> - Any person who makes available or places on the market a craft which has either undergone a major conversion or a craft which has been altered in such a way that brings it within scope of the Directive will ensure that the PCA is completed before the product is made available or put into service [19.3]</p> <p><u>Obligation 4</u> - Any person placing a watercraft build for their own use onto the market within the period of 5 years from the date on which the craft was put into service, will ensure the PCA is carried out before the craft is placed on the market. [19.4]</p>	
20	To ensure that, for the purposes of design and construction, the listed conformity assessment procedures in the modules set out in Annex 2 of Decision 768/2008/EC apply to products in scope of the Directive.	Regulation 44 (design and construction)
21	To ensure that, for the purposes of making sure that exhaust emission requirements set out in the directive are complied with, the listed conformity assessment procedure in the modules set out in Annex 2 of Decision 768/2008/EC apply to products in scope of the Directive.	Regulation 45 (exhaust emissions)
22	To ensure that, for the purposes of making sure that noise emission requirements set out in the directive are, the listed conformity assessment procedure in the modules set out in Annex 2 of Decision 768/2008 apply to products in scope of the Directive.	<p>Regulation 46 (noise emissions: recreational craft)</p> <p>Regulation 47 (noise emissions: personal watercraft)</p>
23	To ensure that the PCA is carried out in accordance with the procedure set out in Annex 5.	<p>Regulation 48 (Requirement to carry out PCA)</p> <p>Schedule 5 (Procedure to be followed when carrying out PCA)</p>
24	<p>To ensure that</p> <p><u>Obligation 1</u> - When module B (EC-type examination, Annex 2, Decision 768/2008/EC) is used the examination must</p>	<p>Part 3 generally</p> <p><u>Obligations 1 and 2</u> Regulation 49 (conformity assessments)</p>

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	<p>be carried out in one of the ways listed in point 2 (type exam, design type, combination of both).</p> <p><u>Obligation 2</u> - The EC type examination may cover several versions of a product, provided that the differences between the products to not affect the safety or performance and, all versions of the product are listed in the corresponding EU-type examination certificate. [24.1]</p> <p><u>Obligation 3</u> -When module A1 (internal production control plus supervised product testing) is used, the conformity assessment must be carried out on one or several products representing the whole production of these products by the manufacturer. The supplementary requirements in Annex 6 of the Directive (supplementary requirements for module A1) [24.2] - It will not be possible to use an accredited in-house body [24.3]</p> <p><u>Obligation 4</u> - When module F (conformity to type based on product verification) is used Annex 7 of the Directive will apply with respect to noise and exhaust emissions. [24.4]</p> <p><u>Obligation 5</u> - when module C is used (conformity to type based on internal production control) with regard to emissions requirements and, if the manufacturer is not working under module H (conformity based on full quality assurance) an NB must carry out the product checks required by the module or have them carried out at random intervals to ensure the quality of the product.</p> <p><u>Obligation 6</u> - where the quality appears unsatisfactory or when it seems necessary to verify the validity of the data presented by the manufacturer, the procedure set out in Annex VIII (supplementary procedure to module C) will apply. [24.5]</p>	<p>carried out under Module B (EU-type examination)</p> <p><u>Obligation 3</u> Regulation 50 (conformity assessments carried out under Module A1 (internal production control plus supervised product testing))</p> <p><u>Obligation 4</u> Regulation 51 (conformity assessments carried out under Module F (conformity to type based on product verification))</p> <p><u>Obligation 5</u> Regulation 52 (conformity assessments carried out under Module C - conformity to type based on internal production control)</p> <p><u>Obligation 6</u> Regulation 52 (conformity assessments carried out under Module C - conformity to type based on internal</p>

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		production control) Schedule 8 (supplementary procedure to be applied under conformity to type based on internal production control - Module C)
25	To ensure that the manufacturer provides the technical documentation listed in Annex 9 of the directive and shall provide details of the means used by the manufacturer to ensure compliance.	Regulation 9 (technical documentation and conformity assessment) Schedule 9 (contents of technical documentation)
26	Obligation on Member States (MS) to notify the European Commission and other MS of bodies authorised to carry out conformity assessment procedures (Notified Bodies).	Implemented generally by Part 4; Regulation 55 (notified bodies) Regulation 56 (right to perform the activities of a notified body) Schedule 11 (requirements of notified bodies)
27	To ensure that: <u>Obligation 1</u> - the MS has designated an authority to notify the Commission of a body or bodies that will carry out conformity assessments, to monitor those bodies, including compliance with Article 32 (subsidiaries of and subcontracting by a notified body) [27.1] <u>Obligation 2</u> - MS may decide that assessment and monitoring shall be carried out by a national accreditation body [27.2] <u>Obligation 3</u> - An authority designated by the MS can only delegate tasks or responsibilities to a body that	<u>Obligation 1</u> Regulation 57 (designation of notified bodies) Regulation 58 (application for designation as a notified body) <u>Obligation 2</u> - Regulation 60 (Authorisation of the United Kingdom Accreditation Service) <u>Obligation 3</u> - Schedule 11 (requirements of notified

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	<p>is a legal entity [27.3]</p> <p><u>Obligation 4</u> - the designated authority will remain responsible for the performance of delegated tasks [27.4]</p>	<p>bodies)</p> <p><u>Obligation 4</u> - Regulation 63 (subsidiaries and subcontractors)</p>
28	To ensure that an authority designated to act as a notifying authority under Article 27 complies with the necessary requirements set out in the Directive.	Implemented administratively by BEIS
29	Obligation on MS to inform the Commission of their procedures relating to the assessment of suitability of and the appointment and assessment of bodies appointed by the notifying authority under Article 27. [No transposition required]	Implemented administratively by BEIS
30	To ensure that a body designated by a notifying authority to carry out conformity assessment procedures complies with the necessary requirements set out in the Directive.	Schedule 11 (requirements of notified bodies) Schedule 12 (operational requirements of notified bodies)
31	To ensure that where a body appointed under Article 26 by a notifying authority it can demonstrate that it satisfies the relevant harmonised standards (or the relevant parts of that standard) it will be presumed to satisfy the requirements of Article 30.	Regulation 58 (presumption of conformity of notified bodies)
32	<p>To ensure that:</p> <p><u>Obligation 1</u></p> <p>- where a notified body subcontracts specific tasks associated with the conformity assessment to a subcontractor or subsidiary, that body:</p> <p>(a) is responsible for ensuring that the subcontractor or subsidiary to whom they have delegated the task complies with the requirements of Article 30 [32.1] and shall inform the notifying authority accordingly</p> <p>(b) must take full responsibility for the tasks performed by subcontractors and subsidiaries [32.2]</p> <p>- tasks may only be delegated and carried out by a subcontractor or subsidiary with the agreement of a</p>	<u>Obligation 1 and 2</u> Regulation 63 (subsidiaries and contractors)

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	<p>client [32.3]</p> <p><u>Obligation 2</u> - A notified body must keep, at the disposal of the notifying authority (designated under Article 27) relevant documents concerning: (a) the qualifications of a subsidiary or subcontractor (b) any work carried out by them under articles 19-24 (i.e. tasks in relation to conformity assessments) [32.4]</p>	
33	<p>Requirements on bodies regarding the use of subsidiaries and sub-contractors:</p> <p><u>Obligation 1</u> - A body that carries out conformity assessments (usually a body appointed under Article 26 but may also refer to a subcontractor or subsidiary) will submit an application for notification to the authority appointed under Article 27 in the MS in which it is established. [33.1]</p> <p><u>Obligation 2</u> - An application for notification must be accompanied by:</p> <p>(a) a description of the conformity assessment modules and products for which the body claims to be competent</p> <p>(b) an accreditation certificate, where one exists, issued by a national accreditation body confirming that the applicant meets the requirements set out in Article 30. [33.2]</p> <p><u>Obligation 3</u> - Where an accreditation certificate is not provided, the applicant will provide the authority appointed under Article 27 with all documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements set out Article 30. [33.3]</p>	<p><u>Obligation 1</u> - Regulation 56 (notification)</p> <p><u>Obligations 2 and 3</u> Regulation 57 (contents of notification)</p>
34	<p>Requirements on notifying authorities</p> <p>- An authority designated under Article 27 may only notify a body who applies for notification under</p>	<p>Regulation 56 (Notification)</p>

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	<p>Article 33 to the Commission if, the applicant satisfies the requirements set out in Article 30. [34.1]</p> <p>- Notifying authorities will use the electronic notification system to inform the Commission [34.2 – no transposition]</p> <p>- The notification submitted pursuant to Article 33 (via the electronic system under 34.2) must include:</p> <p>(a) details of the conformity assessment activities undertaken by the body being notified</p> <p>(b) details of the modules and products in relation to which they are competent</p> <p>(c) evidence of competence (accreditation certificate or sufficient information to allow competence to be assessed and establish that the body satisfies the requirements set out in Article 30 [34.3 and 34.4]</p> <p>- Where an accreditation certificate is available: the body being notified can perform the activities of an NB only if no objections are raised by the Commission or MS within 2 weeks of notification</p> <p>- Where an accreditation certificate is not available, Commission and MS have 2 months to object to the notification. [34.5]</p> <p>- Only if no objections are raised will a body be classified as a notified body under the directive. [no transposition]</p> <p>- The Commission and MS will be notified of any ‘subsequent relevant’ changes to the notification [34.6]</p>	
35	<p>Requirements on the European Commission and Member States in relation to Notified Bodies:</p> <p>- The Commission will assign an id no. to a body that carries out conformity assessment activities (Article 26) has applied for notification (Article 33) and been notified to the Commission by the notifying authority</p>	<p>Implemented administratively -these are requirements on the Commission and on MS. BEIS as the notifying authority will carry out the duties as part of the notification process</p>

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	<p>(Article 34) (i.e. a notified body)</p> <ul style="list-style-type: none"> - where a body is a notified body for the purposes of several different directives, that body will have one single id number [no transposition] [35.1] - MS will assign an id code to a body that has been notified as competent to carry out a PCA [35.2] - The Commission will make a list of notified bodies publically and available and will make sure that this list is kept up to date [no transposition] 	
36	<p>Obligations on notifying authorities:</p> <p>If a notifying authority designated under article 27 is informed that a notified body no longer meets the requirements set out in Article 30 or that it is failing to fulfil its obligations, the notifying authority will restrict, suspend or withdraw the notification as appropriate.</p> <ul style="list-style-type: none"> - The notifying authority will immediately inform the Commission of the action taken. [36.1] - If a notification is restricted, suspended or withdrawn or the notified body to which the notification concerned relates has ceased to operate, the notifying MS will take the appropriate steps to ensure that the conformity assessment files kept by that notified body are transferred to another notified body or otherwise kept available for the benefit of the Market Surveillance Authority, upon the request of that authority [36.2] 	<p><u>Obligations covered by :</u></p> <p>Regulation 59 (monitoring of notified bodies) and Regulation 61 (changes to notifications)</p>
37	<p>Where the Commission investigates the competence of a notified body, the notifying Member State must provide the Commission upon request, with all of the information held by them which formed the basis of the notification submitted under Article 34, in relation to a notification [37.2]</p>	<p>Implemented administratively -</p> <p>As this is a requirement of the Directive on MS authorities, BEIS will respond to the Commission as we have responsibility</p>
38	<p>To ensure that notified bodies comply with the following operational obligations imposed by this Article:</p> <p><u>Obligation 1</u> (a) carry out conformity assessment</p>	<p><u>All obligations-</u></p> <p>Regulation 62 (operational requirements of notified bodies)</p> <p>Schedule 12 (operational</p>

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	<p>procedures set out in Articles 19-24 [38.1] <u>Obligation 2</u> - (b) carry out assessments in a proportionate manner without imposing unnecessary burdens on economic operators [38.2] <u>Obligation 3</u> - (c) carry out assessments with rigour, ensuring the appropriate level of protection [38.2] <u>Obligation 4</u> - (d) require a manufacturer or private importer to take appropriate corrective action where the essential requirements are not complied with and will not issue a conformity certificate [38.3] <u>Obligation 5</u> - (e) where a notified body becomes aware, through the monitoring of the continuing conformity of a product that already has a conformity certificate that the product is no longer compliant it will require the manufacturer to take appropriate corrective action [38.4] <u>Obligation 6</u> - (f) where corrective measures are ineffective or are not taken, the notified body will restrict, suspend or withdraw the conformity certificate as appropriate. [38.4 and 5]</p>	<p>requirements of notified bodies)</p>
39	<p>To ensure that decisions made by notified bodies appointed under Article 26 can be appealed.</p>	<p>Regulation 62 (operational requirements of notified bodies) Schedule 12 (operational requirements of notified bodies) (see paragraph 8)</p>
40	<p>To ensure that notified bodies appointed under Article 26 will inform the authority designated under Article 27 of: <u>Obligation 1</u> - (a) the refusal, restriction, suspension or withdrawal of a certificate of conformity <u>Obligation 2</u> - (b) any circumstances affecting the scope and conditions for notification (i.e. changes in the modules or products for which they claim to be competent) <u>Obligation 3</u> - (c) any request for information that they have received from an MSA regarding ‘conformity assessment activities [39.1[a-c]</p> <p>And, on request, will inform the authority notified under Article 27 of: <u>Obligation 4</u> - (a) conformity assessment activities</p>	<p><u>All Obligations:</u> Regulation 62 (operational requirements of notified bodies) Schedule 12 (operational requirements of notified bodies) (see paragraph 7)</p>

Article	Objective of the Article	Implementation
	<p>performed that are within the scope of their notification and</p> <p><u>Obligation 5</u> - (b) any other activity performed including cross border activities and subcontracting [39.1[d]]</p> <p><u>Obligation 6</u> - Notified Bodies will provide other notified bodies, assessing the same types of product with information about negative conformity assessment results. On request, these bodies will also provide information about positive conformity assessment results [39.2]</p>	
41	<p>Obligation on the Commission to provide for the organisation of exchange of experience between MS authorities responsible for notification policy.</p>	<p>To be implemented administratively – no transposition needed.</p>
42	<p>Obligation on the Commission to ensure appropriate co-ordination between bodies notified under the Directive and form a sectorial advisory group (SAG)</p> <p>Obligation on MS to ensure that bodies notified under the Directive participate in the SAG as appropriate</p>	<p>To be implemented administratively – no transposition needed.</p>
43	<p>To ensure that Articles 15(3) and 16 to 29 of RAMS (Regulation 765/2008/EC and Decision 768/2008/EC) on regulation and market surveillance apply to products in scope of the Directive</p>	<p>Generally by part 5;</p> <p>Regulation 65 and 66 (designation of market surveillance and enforcement authorities)</p> <p>Regulation 67 (enforcement powers)</p>
44	<p>Obligations on Market Surveillance Authorities (MSA) and economic operators to ensure that</p> <p><u>Obligation 1</u> -Where an MSA has reason to believe that a product presents a risk; it will assess the product against the requirements in the Directive.</p> <p><u>Obligation 2</u> - The relevant economic operator must co-operate with the MSA as necessary</p> <p><u>Obligation 3</u> -To ensure that where the MSA finds that a product does not comply with the requirements of the Directive it can compel the economic operator</p>	<p><u>Obligations 1, 8 and 9</u>-</p> <p>Regulation 67 (enforcement powers)</p> <p>Regulation 68 (evaluation of watercraft presenting a risk)</p> <p><u>Obligations 2, 3, 6, 7,8, 9, 10, 11,12, 13, and 14</u>-</p> <p>Regulation 69 (enforcement action in respect of products that</p>

Article	Objective of the Article	Implementation
	<p>to take the appropriate corrective action.</p> <p><u>Obligation 4</u>- To ensure that where a product is the responsibility of a private importer, that importer must be required of the appropriate corrective action that they need to take</p> <p><u>Obligation 5</u> - To apply Article 21 of RAMS apply to the requirements imposed upon an economic operator or private importer to take corrective action [44.1]</p> <p><u>Obligation 6</u> -where the MSA considers non-compliance goes beyond the UK, it will inform the commission of the outcome of its assessment and the corrective measures that it has required the economic operator or private importer to take [44.2]</p> <p><u>Obligation 7</u>- An economic operator must ensure the corrective action required is taken in respect of all products that it has placed on the market or made available within the EU. A private importer must take corrective action in respect of products for their own use. [44.3]</p> <p><u>Obligation 8</u> - To ensure that where an economic operator does not take the corrective action within a reasonable time, the MSA will take measures to remove the product from the market</p> <p><u>Obligation 9</u> -To ensure that where a private importer does not take the corrective action, the MSA can prevent the product from being put into service</p> <p><u>Obligation 10</u> - To inform the Commission and other MS straight away of the action taken [44.4]</p> <p><u>Obligation 11</u> - to ensure that the information given to the Commission and MS is sufficient to allow for the identification of:</p> <ul style="list-style-type: none"> the product the origin of the product the nature of the non-compliance the nature of the risk involved the nature of duration of the national measures taken by the MSA the arguments put forward by the economic operator and the information must state whether the non-compliance is due to failure to meet the: 	<p>are not in conformity and which present a risk)</p> <p><u>Obligation 5</u> - Regulation 72 (restrictive measures) Schedule 13 (enforcement and investigatory powers)</p> <p>Schedule 14 (compliance notices, withdrawal notices, recall notices)</p>

Article	Objective of the Article	Implementation
	<p>(a) health and safety; protection of property, or protection of the environment requirements; or</p> <p>(b) a failure in the harmonised standard [44.5]</p> <p><u>Obligation 12</u> - MS other than that in which the non-compliance takes place shall inform the commission and other MS of any information at its disposal in relation to the product [44.6]</p> <p><u>Obligation 13</u> - to ensure that where there is no objection to the measures adopted by the MS and which have been notified to the Commission, that measure will be deemed to be justified [44.7]</p> <p><u>Obligation 14</u> - MS will ensure that the appropriate restrictive measures are taken without delay [44.8]</p>	
45	<p>Requirements to ensure that:</p> <p><u>Obligation 1</u>-Where objections are raised to the measures adopted by a MSA or, the Commission considers that the measures adopted by the MS are contrary to union legislation, the commission will evaluate the measures. The Commission will inform the MS of the outcome of their evaluation and of any measures that they adopt. [45.1]</p> <p><u>Obligation 2</u> - If the national measure is justified, all MS will remove the product from the market. If the measure is found not to be justified, the MSA will withdraw the measure [45.2]</p> <p><u>Obligation 3</u> - where the measure is justified and the non-compliance is attributed to a failing in the relevant harmonised standard, the MS will apply Article 11 of regulation 2012/1052(on harmonised standards). [45.3]</p>	<p><u>Obligations 1, 2 and 3</u>- Regulation 70 (EU safeguard procedure)</p> <p>Regulation 72 (restrictive measures)</p> <p>Schedule 13 (enforcement and investigatory powers)</p> <p>Schedule 14 (compliance notices, withdrawal notices, recall notices)</p>
46	<p><u>Obligation 1</u>- To ensure that UK authorities can take measures to compel and economic operator who has failed to comply with certain requirements to put an end to the non-compliance concerned [46.1]</p> <p><u>Obligation 2</u> - To ensure that the authorities can take appropriate action against the any economic operator who places products within scope of the Directive on the market in the UK and, who has persistently failed to comply with the compliance measures implemented under paragraph 1 [46.2]</p>	<p><u>Obligations 1 and 2</u> - Regulation 71 (enforcement action in respect of formal non-compliance)</p>

Article	Objective of the Article	Implementation
47	Sets out the Commission's power to adopt delegated acts under Article 48	No transposition necessary
48	Conditions on the exercise of the delegation	No transposition necessary
49	Procedures for the Commission to consider under which an implementing act could be adopted	No transposition necessary
50	Sets out the procedure by which the Commission will be assisted by committee within the meaning of Regulation (EU) No.182/2011	No transposition necessary
51	Requirement on MS, every five years, to complete a questionnaire issued by the Commission on the application of the Directive.	No transposition necessary
52	Obligation on the Commission to report by January 2022 to the European Parliament and the Council on whether further legislative changes are required in relation to recreational craft and personal watercraft.	No transposition necessary
53	Requirement on MS to implement proportionate and dissuasive penalties in relation to any breach of these regulations by an economic operator or their authorised representative, where applicable.	Generally by Part 5 of these Regulations and specifically by: Regulation 73 (offences) Regulation 74 (criminal penalties)
54	To ensure that all of the requirements of the Directive are properly transposed into United Kingdom law by 18 th January 2016.	Regulation 1 (citation, commencement and extent)
55	To provide that directive 2004/108/EC (and the corresponding UK implementing legislation) will continue to apply to watercraft made available on the market or put into service prior to 18 th January 2017. To provide that directive 2004/108/EC will continue to apply to spark ignition engines that were manufactured by an SME until 18 th January 2020.	Regulation 89 (transitional provisions)
56	To ensure that the UK legislation which implemented directive 2004/108/EC is repealed.	Regulation 90 (revocation and savings)
57	Entry into force	