



Brussels, 5 April 2019

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF RECREATIONAL CRAFT AND PERSONAL WATERCRAFT

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. On 22 March 2019, the European Council (Article 50) decided, in agreement with the United Kingdom, and in the event that the Withdrawal Agreement is approved by the House of Commons by 29 March, to extend the 2-years period provided for in Article 50(3) of the Treaty on European Union until 22 May 2019.

In the event that the Withdrawal Agreement is not approved by the House of Commons by 29 March 2019, the European Council decided to extend the period provided for in Article 50(3) of the Treaty on European Union until 12 April 2019. This means that as from 13 April 2019, 00:00h (CET) ('the withdrawal date') the United Kingdom may be a 'third country'.¹

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement, all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the Withdrawal Agreement,² as of the withdrawal date the EU rules on recreational craft and personal watercraft, and in particular Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft³ will no longer apply to the United Kingdom. This has in particular the consequences set out below for recreational craft and personal watercraft placed on the Union (EU-27) market as of the withdrawal date.

¹ A third country is a country not member of the EU.

² Cf. Part four of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ, C 66 I, 19.2.2019, p. 1).

³ OJ L 354, 28.12.2013, p. 90.

This notice should be read in conjunction with the “*Notice to stakeholders – withdrawal of the United Kingdom and EU rules in the field of industrial products*” of 22 January 2018⁴ and the related “*Questions and Answers*” document of 1 February 2019.⁵

1. ASSIGNMENT OF THE UNIQUE CODE OF THE MANUFACTURER – GENERAL REQUIREMENTS

Annex I.A.2.1 of Directive 2013/53/EU requires each watercraft to be marked with an identification number including, inter alia, a “*unique code of the manufacturer assigned by the national authority of the Member State.*”

Commission Implementing Regulation (EU) 2017/1 of 3 January 2017 on procedures for watercraft identification⁶ provides that the unique code of the manufacturer is assigned by Member State authorities or authorised national bodies.⁷

Manufacturers established in a Member State shall apply for the assignment of the unique code to the national authority or national body in the Member State in which they are established.⁸

Manufacturers established in a third country shall apply to the national authority or national body in the Member State in which they intend to place the watercraft on the market. The application shall be made only in one Member State.⁹

Watercraft placed on the Union (EU-27) market before the withdrawal date with a UK-granted unique code of the manufacturer can continue to be made available in the EU-27 market or remain in use after the withdrawal date.

However, it will no longer be possible to place on the market watercraft bearing a UK-granted unique code of the manufacturer as of the withdrawal date. The manufacturers concerned should therefore obtain a new unique code from an EU-27 Member State.

1.1. Consequences for manufacturers established in the UK with the unique code of the manufacturer assigned by the UK authorities

Manufacturers established in the UK who currently have the unique code of the manufacturer assigned by the UK authorities and who intend to place their products on the EU-27 market as of the withdrawal date will be considered as manufacturers established in a third country. They will therefore have to apply for the assignment of a new unique code of the manufacturer to the

⁴ https://ec.europa.eu/info/sites/info/files/file_import/industrial_products_en_1.pdf.

⁵ https://ec.europa.eu/info/sites/info/files/qa_brexit_industrial_products_en.pdf.

⁶ OJ L 1, 4.1.2017, p. 1.

⁷ Articles 4 and 5 of Commission Implementing Regulation (EU) 2017/1.

⁸ Article 6 of Commission Implementing Regulation (EU) 2017/1.

⁹ Article 7 of Commission Implementing Regulation (EU) 2017/1.

national authorities of the EU-27 Member State in which the manufacturer intends to place the watercraft on the market.

1.2. Consequences for manufacturers established in a third country with the unique code of the manufacturer assigned by the UK authorities

Manufacturers established in a third country who currently have the unique code of the manufacturer assigned by the UK authorities and intend to place their products on the EU-27 market as of the withdrawal date will have to apply for the assignment of a new unique code of the manufacturer to the national authorities of the EU-27 Member State in which they intend to place the watercraft on the market.

1.3. Consequences for manufacturers established in the EU-27 with the unique code of the manufacturer assigned by an EU-27 Member State

No consequences.

2. ASSIGNMENT OF THE UNIQUE CODE OF THE MANUFACTURER – PROCEDURE IN CASE OF POST-CONSTRUCTION CONFORMITY ASSESSMENT

When the post-construction conformity assessment procedure referred to in Articles 19 and 23 of Directive 2013/53/EU is applied, the unique code of the manufacturer is replaced by the post-construction assessment identification code assigned to the notified body by the national authority of the Member State where the notified body is established.¹⁰

For products placed on the Union market as of the withdrawal date that have been assessed according to the post-construction assessment procedure, the post-construction assessment identification code will therefore be issued by the national authority of the Member State where the EU-27 notified body is established.

Please refer to the abovementioned Notice to stakeholders in the field of industrial products and its related Questions and Answers document for further information about the consequences of the United Kingdom's withdrawal for conformity assessment procedures requiring the intervention of a notified body.

The website of the Commission on the recreational craft sector (https://ec.europa.eu/growth/sectors/maritime/recreational-crafts_en) provides general information concerning Union harmonisation legislation applicable to recreational craft and personal watercraft. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Internal Market, Industry, Entrepreneurship and SMEs

¹⁰ Annex V.3, 4th indent of the Directive 2013/53/EU and Article 8 of Commission Implementing Regulation (EU) 2017/1.