

THE LITHUANIAN MARITIME SAFETY ADMINISTRATION

To the Ministry of Economy
of the Republic of Lithuania
Gedimino Ave. 38
01004 Vilnius

31 12 2013 No 13(1.32)S-1442
To 12 12 2013 No (12.4-23)-3-7363

ON IMPLEMENTATION OF THE PROVISIONS OF REGULATION (EC) NO 765/2008

In response to your letter No (12.4-23)-3-7363 of 12 December 2013, the Lithuanian Maritime Safety Administration (hereinafter 'the Administration') hereby informs you that the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components has been approved by Order No V-33 of 22 February 2011 of the Director of the Administration and amended by Order No V-282 of 28 October 2013 of the Director of the Administration and the Plan for the Surveillance of Placement on the Market of Recreational Craft and Their Components for 2014–2015 has been approved by the same Order.

ATTACHED:

1. Copy of Order No V-33 of 22 February 2011 of the Director of the Administration 'On Approval of the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components', 3 pages;
2. Copy of Order No V-282 of 28 October 2013 of the Director of the Administration 'On Amendment of Order No V-33 of 22 February 2011 of the Director of the Administration 'On Approval of the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components' and on Approval of the Plan for the Surveillance of Placement on the Market of Recreational Craft and Their Components for 2014–2015', 2 pages.

Acting Director

/signature/

Robertinas Tarasevičius

Domijanas Popovas, (8 37) 425 183, e-mail: domijanas.popovas@msa.lt.

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**DIRECTOR
OF THE LITHUANIAN MARITIME SAFETY ADMINISTRATION**

**ORDER
ON APPROVAL OF THE PROGRAMME FOR THE SURVEILLANCE OF
PLACEMENT ON THE MARKET OF RECREATIONAL CRAFT AND THEIR
COMPONENTS**

22 February 2011, No V-33
Klaipėda

In implementing the provisions of Article 18(5) of Regulation (EC) No 765/2008 of the European Parliament and of the Council, I:

1. Approve the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components (attached);
2. Authorise the Head of the Information Technologies Division to publish the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components on the website of the Lithuanian Maritime Safety Administration;
3. Assign the senior specialist of the Organisation and Document's Management Division, Daiva Gubčenkienė, to bring this order to the attention of the Deputy Director of the Lithuanian Maritime Safety Administration and heads of the divisions;
4. Authorise the Head of the Inland Water Navigation Control Division, Jonas Lukša, to supervise the enforcement of this order.

Director

/signature/

Evaldas Zacharevičius

Prepared by:

Jonas Lukša
09 02 2011

APPROVED
By Order No V-33
of 22 February 2011 of the Director
of the Lithuanian Maritime
Safety Administration

PROGRAMME FOR THE SURVEILLANCE OF PLACEMENT ON THE MARKET OF RECREATIONAL CRAFT AND THEIR COMPONENTS

I. GENERAL

Sector: manufacture and placement on the market of recreational craft and their components

Market surveillance authority: Lithuanian Maritime Safety Administration (hereinafter 'the Administration')

Review of the programme: first review in 2011, and subsequently at least once every two years

Person responsible for the implementation of the programme: Director of the Lithuanian Maritime Safety Administration Evaldas Zacharevičius, e-mail: evaldas.zacharevicius@msa.lt; telephone: +370 46 469 602

Point of contact: Jonas Lukša, e-mail: jonas.luksa@msa.lt, telephone: 370 46 469 627

II. PURPOSE OF THE DEVELOPMENT OF THE PROGRAMME

In the field of surveillance of manufacture and placement on the market of recreational craft and their components, implementation of the provisions of Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products.

The Programme has been developed in accordance with the provisions of Article 18(5) of Regulation (EC) No 765/2008 of the European Parliament and of the Council.

III. LEGISLATION REGULATING THE DEVELOPMENT OF THE PROGRAMME AND RELATED LEGISLATION

Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;

Order No 3-352 of 15 June 2004 of the Minister for Transport and Communications 'On Approval of Technical Regulation on the Design, Construction, Placement on the Market and Release to Service of Recreational Craft' (*Official Gazette*, 2004, No 98-3654);

Directive 94/25/EC of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft, as amended.

IV. AUTHORITY RESPONSIBLE FOR THE IMPLEMENTATION OF THE PROGRAMME

The Administration is designated to conduct surveillance of placement on the market of recreational craft and their components. In conducting market surveillance, the Administration shall monitor compliance by manufacturers, authorised representatives of manufacturers and importers in manufacturing or importing recreational craft and their components with the provisions of the Technical Regulation on the Design, Construction, Placement on the Market and Release to Service of Recreational Craft approved by Order No 3-352 of 15 June 2004 of the Minister for Transport and Communications and other legislation on manufacture and placement on the market of recreational craft and their components.

Within its competence, the Administration shall investigate infringements set out in the aforementioned legal act and shall notify the European Commission and other bodies authorised by Member States of the infringements detected in the course of conducting surveillance of placement on the market of recreational craft and their components.

The Administration shall cooperate with the Customs of the Republic of Lithuania and the State Non-Food Products Inspectorate.

V. MEASURES FOR THE IMPLEMENTATION OF THE PROGRAMME

To ensure the surveillance of placement on the market of recreational craft and their components, the Administration will conduct its activities by implementing the following measures: 1) preventive (pro-active) which are aimed at preventing non-compliant products from entering the market; 2) active controls which are aimed at eliminating defective products already on the market, and 3) response upon receipt of information on a defective product existing on the market.

1. Preventive (pro-active) measures

In cooperation with the Customs of the Republic of Lithuania (where an invitation is issued to perform an evaluation of the product that is in the customs warehouse), the documents and their authenticity are verified before recreational craft and their components are placed on the market. This is to ensure withdrawal from the market, ban or restriction on placing on the market of recreational craft and their components that do not comply with the requirements as set out in the legislation of the Community and the Republic of Lithuania and may pose a threat to the protection of public and consumer interests while accordingly informing the public and notifying the European Commission and other Member States thereof.

2. Active controls

Cooperation with the Customs of the Republic of Lithuania includes identification of importers of recreational craft and their components and preparation of a plan for the inspection of importers. Thus a level playing field will be created for fair competition among business operators and fair trade and honourable behaviour of economic operators towards each other will be ensured.

3. Response (reactive) measures

Complaints about the use of substandard vessels are analysed, information received from other EU Member States concerning identified defective unsafe models of recreational craft or their components is evaluated. This is done to ensure, by taking all necessary interim measures, the withdrawal from the market, ban or restriction on placing on the market and/or release to service of recreational craft or their components which, despite bearing the CE marking and being correctly designed, constructed, installed where appropriate, maintained and used in accordance with their intended purpose, may endanger the safety and health of persons, property or the environment.

The Plan for the Surveillance of Placement on the Market of Recreational Craft and Their Components for 2011 is provided in the Annex.

VI. IMPROVEMENT OF PERFORMANCE

With a view to improving the performance of the Administration, coordination of its activities with the other market surveillance authorities, in particular with the Customs Department and the State Non-Food Products Inspectorate, will be strengthened. More inspections will be carried out jointly with the aforementioned authorities and cooperation will be fostered with the authorities responsible for market surveillance of recreational craft and their components of other EU Member States.

Planning of activities will include a greater emphasis on the improvement of monitoring procedures as well as analysis of potential infringement risks taking into account the risk factors in certain areas of activity following the complaints received from consumers and business operators as well as requests from other control authorities. Cooperation with state and local government authorities and with the public, education of entrepreneurs on violations of consumer rights will place a greater focus on the prevention of violations in the area of manufacture and placement on the market of recreational craft and their components.

**DIRECTOR
OF THE LITHUANIAN MARITIME SAFETY ADMINISTRATION**

ORDER

**ON AMENDMENT OF ORDER NO V-33 OF 22 FEBRUARY 2011 OF THE DIRECTOR
OF THE LITHUANIAN MARITIME SAFETY ADMINISTRATION ‘ON APPROVAL
OF THE PROGRAMME FOR THE SURVEILLANCE OF PLACEMENT ON THE
MARKET OF RECREATIONAL CRAFT AND THEIR COMPONENTS’ AND ON
APPROVAL OF THE PLAN FOR THE SURVEILLANCE OF PLACEMENT ON THE
MARKET OF RECREATIONAL CRAFT AND THEIR COMPONENTS FOR 2014–2015**

28 October 2013, No V-282
Klaipėda

I:

1. Amend the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components (hereinafter ‘the Programme’) approved by Order No V-33 of 22 February 2011 of the Director of the Lithuanian Maritime Safety Administration ‘On Approval of the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components’, so that paragraph 5 of Part I of the Programme reads as follows:
‘Point of contact: Povilas Pauparas, e-mail: povilas.pauparas@msa.lt, telephone: 370 46 469 676’;
2. Approve the Plan for the Surveillance of Placement on the Market of Recreational Craft and Their Components for 2014–2015 (attached);
3. Authorise the Head of the Information Technologies Division to publish the amendments to the Programme for the Surveillance of Placement on the Market of Recreational Craft and Their Components and the Plan for the Surveillance of Placement on the Market of Recreational Craft and Their Components for 2014–2015 on the website of the Lithuanian Maritime Safety Administration;
4. Assign the senior specialist of the Organisation and Document’s Management Division, Daiva Gubčenkienė, to bring this order to the attention of the Deputy Director and heads of the divisions;
5. Authorise the Head of the Recreational Navigation Division to supervise the enforcement of this order.

Director

/signature/

Evaldas Zacharevičius

Prepared by:

Domijanas Popovas
23 10 2013

APPROVED

By Order No V-282 of 28 October 2013 of the Director
of the Lithuanian Maritime Safety Administration

**PLAN FOR THE SURVEILLANCE OF PLACEMENT ON THE MARKET OF RECREATIONAL CRAFT AND THEIR
COMPONENTS FOR 2014–2015**

Member State: Republic of Lithuania

Surveillance authority: Lithuanian Maritime Safety Administration

Planned for the period: 2014–2015

Person responsible for the sector specific programme: Evaldas Zacharevičius

E-mail: evaldas.zacharevicius@msa.lt

Applicable EU legislation (EU legislation)	Sector	Description of the product	Type of control	Reason for / object of control	Control activities	Priority	Starting date (period)	Link or development	Results and future initiatives	Contacts
94/25/EC; 2003/44/EC; 765/2008/EC; (EC) No 1882/2003; (EC) No 1137/2008; Technical Regulation on the Design, Construction, Placement on the Market and Release to Service of Recreational Craft	Waterborne transport	Recreational craft and their components	Reactive: at the customs warehouse	Notification received according to the agreement from the Customs of the Republic of Lithuania, consultations	Desk review, visual inspection, conclusions	Average	1 st quarter of 2014	National initiative	Prevention of substandard products from entering the market	Povilas Pauparas msa@msa.lt telephone: (8 46) 469 676
			Active: in the entire territory of the Republic of Lithuania	Inspection of importers, inspection at the point of sale	Desk review, visual inspection	Average	1 st quarter of 2014	National initiative	Elimination of a defective product from the market	Povilas Pauparas msa@msa.lt telephone: (8 46) 469 676
			Active: in the entire territory of the Republic of Lithuania	Inspection of manufacturers at the point of manufacture	Desk review, visual inspection	Average	1 st quarter of 2014	National initiative	Elimination of a defective product from the market	Povilas Pauparas msa@msa.lt telephone: (8 46) 469 676

			Reactive: analysis of complaints, information received	Inspection of a specific vessel (with respect to which a complaint was received)	Desk review, visual inspection	Average	1 st quarter of 2014	National initiative	Elimination of a defective product from the market	Povilas Pauparas msa@msa.lt telephone: (8 46) 469 676
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