

SCHEDULE 1

Amendments to the 2011 Regulation

PART 11

Amendments to the Annexes

Substitution of Annex 2

66. For Annex 2 (procedure for adopting a European Assessment Document), substitute—

“ANNEX 2

PROCEDURE FOR ADOPTING A UK ASSESSMENT DOCUMENT

Request for a UK Technical Assessment

1. When a manufacturer makes a request for a UK Technical Assessment to any TAB for a construction product, and after the manufacturer and the responsible TAB have signed an agreement of commercial secrecy and confidentiality, unless the manufacturer decides otherwise, the manufacturer must submit to the responsible TAB a technical file describing the product, its use as foreseen by the manufacturer and details of the factory production control the manufacturer intends to apply.

Requirements in relation to relevant TABs

2. For construction products referred to in Article 21(1)(c) for which there are other relevant TABs, the responsible TAB must within three weeks of the receipt of the technical file:

- (a) agree a work programme for the development of the UK Assessment Document with the relevant TABs;
- (b) establish a working group of the relevant TABs to develop the UK Assessment Document.

A representative from each relevant TAB must participate in the working group established by the responsible TAB.

Contract

3. For construction products referred to in Article 21(1)(c), within 1 month from the receipt of the technical file, a contract must be concluded between the manufacturer and the responsible TAB for the production of the UK Technical Assessment, defining the work programme for drawing up the UK Assessment Document, including:

- the organisation of work between any relevant TABs,
- if applicable, the composition of the working group referred to in section 2.

Work programme

4. After the conclusion of the contract with the manufacturer, the responsible TAB must inform the Secretary of State of the work programme for drawing up the UK Assessment Document and the schedule for its execution and indicate the assessment programme. This communication must take place within 3 months of receipt of the request for a UK Technical Assessment.

The draft UK Assessment Document

5. The responsible TAB must finalise a draft UK Assessment Document with the working group referred to in section 2 and must share this draft with the parties concerned within 6 months of the date the Secretary of State was informed of the work programme.

Secretary of State participation

6. The Secretary of State may participate, as an observer, in all the parts of the execution of the work programme.

Extension and delay

7. Any delay in relation to the time limits set in sections 1 to 5 in this Annex must be reported by the responsible TAB to the Secretary of State.

If an extension of the time limits for developing the UK Assessment Document can be justified, notably by the absence of a Secretary of State decision on the applicable system of assessment and verification of constancy of performance for the construction product or by the need to develop a new test method, the Secretary of State is to set an extended time limit.

Amendments and adoption of a UK Assessment Document

8. The responsible TAB must communicate the draft UK Assessment Document to the manufacturer. The manufacturer has 15 working days to provide representations to the responsible TAB. Thereafter, the responsible TAB must:

- (a) consider any representations from the manufacturer with the working group referred to in section 2 and agree any changes to the draft UK Assessment Document with that group;
- (b) if applicable, inform the manufacturer as to how the manufacturer's reactions have been taken into account;
- (c) adopt the draft UK Assessment Document; and
- (d) send a copy to the Secretary of State.

If, within 15 working days of receipt, the Secretary of State provides observations to the responsible TAB on the draft UK Assessment Document, the responsible TAB, after it and any relevant TABs have been given the opportunity to comment, must amend the draft accordingly and must send a copy of the adopted UK Assessment Document to the manufacturer and to the Secretary of State.

In this section, "working day" means any day other than:

- (a) Saturday or Sunday;
- (b) Christmas Day or Good Friday; or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁾ in any part of the United Kingdom.

Final UK Assessment Document to be published

9. As soon as the first UK Technical Assessment is issued by the responsible TAB on the basis of the adopted UK Assessment Document, the responsible TAB must adjust the UK Assessment

(1) 1971 c. 80.

Document, if appropriate, based on experiences gained and with the agreement of any relevant TABs.

The responsible TAB must adopt the final UK Assessment Document and must send a copy of it to the Secretary of State for publication of its reference.

As soon as the UK mark is affixed to the product, the responsible TAB must inform any relevant TABs and all the relevant TABs (including the responsible TAB) must keep the UK Assessment Document publicly available by electronic means.

Use of final UK Assessment Document

10. Once the reference to the final UK Assessment Document is published by the Secretary of State under Article 22, it may be used by any relevant TAB for the purpose of issuing UK Technical Assessments.”.

Amendments to Annex 3

67.—(1) Annex 3 (declaration of performance) is amended as follows.

(2) In point 6a—

- (a) for “Harmonised” substitute “Designated”;
- (b) for “Notified” substitute “Approved”.

(3) In point 6b—

- (a) for “European”, in both places, substitute “UK”;
- (b) for “Notified” substitute “Approved”.

(4) In point 8, after “Regulation (EU) No 305/2011” insert “as it has effect in the United Kingdom”.

(5) In the instructions for drawing up the declaration of performance—

- (a) in paragraph 1, after “Regulation (EU) 305/2011”, in the first place it occurs, insert “as it has effect in the United Kingdom”.
- (b) in paragraph 2, in point 4—
 - (i) for “harmonised” substitute “designated”;
 - (ii) for “European” substitute “UK”.
- (c) in paragraph 3, in the table—
 - (i) in the instruction for point 1, for “CE” substitute “UK”;
 - (ii) in the instruction for points 6a and 6b—
 - (aa) for “harmonised”, in each place it occurs, substitute “designated”;
 - (bb) for “European”, in each place it occurs, substitute “UK”;
 - (cc) for “notified”, in each place it occurs, substitute “approved”.

Amendments to Annex 4

68. In Annex 4 (product areas and requirements for TABs), in table 2, in the requirement set out in the third column in relation to the first three competences—

- (a) in point b, for “Member States where it is designated” substitute “United Kingdom”;
- (b) in point e, for “harmonised” substitute “designated”.

Amendments to Annex 5

69.—(1) Annex 5 (assessment and verification of constancy of performance) is amended as follows.

- (2) In points 1.1 to 1.5, for “notified”, in each place it occurs, substitute “approved”.
- (3) In point 1.6—
 - (a) for “European”, in both places (including the heading) substitute “UK”;
 - (b) for “Notified”, in both places, substitute “Approved”.
- (4) In point 2, for “notified”, in each place it occurs, substitute “approved”.
- (5) In point 3, in the heading, for “notifications” substitute “approvals”.