

## SCHEDULE 1

### Amendments to the 2011 Regulation

## PART 3

### Amendments to Chapter 2

#### **Amendment to the heading of Chapter 2**

5. In the heading of Chapter 2, for “CE” substitute “UK”.

#### **Amendments to Article 4**

6.—(1) Article 4 (declaration of performance) is amended as follows.

(2) In paragraph 1—

- (a) for “harmonised” substitute “designated”;
- (b) for “European” substitute “UK”.

(3) In paragraph 2—

- (a) for “harmonised”, in the first place it occurs, substitute “designated”;
- (b) for “European” substitute “UK”.

(4) In paragraph 3—

- (a) omit “Member States shall presume”;
- (b) after “manufacturer”, in the second place it occurs, insert “shall be presumed”.

#### **Amendments to Article 5**

7.—(1) Article 5 (derogations from drawing up a declaration of performance) is amended as follows.

(2) In the words before point (a)—

- (a) for “Union or national provisions” substitute “any enactment or rule of law in the United Kingdom”;
- (b) for “harmonised” substitute “designated”.

(3) In points (a), (b) and (c), for “national rules”, in each place it occurs, substitute “enactment or rule of law in the United Kingdom”.

#### **Amendments to Article 6**

8.—(1) Article 6 (content of the declaration of performance) is amended as follows.

(2) In paragraph 2(c)—

- (a) for “harmonised” substitute “designated”;
- (b) for “European” substitute “UK”.

(3) In paragraph 3(g)—

- (a) for “European”, in the first place it occurs, substitute “UK”;
- (b) for “European Technical Assessment”, in the second place it occurs, substitute “UK Assessment Document”.

- (4) In paragraph 5, after “Regulation (EC) No 1907/2006” insert “as amended from time to time”.

#### **Amendments to Article 7**

- 9.—(1) Article 7 (supply of the declaration of performance) is amended as follows.
- (2) In paragraph 3—
- (a) for “Commission” substitute “Secretary of State”;
  - (b) for “means of delegated acts” substitute “regulations”;
- (3) In paragraph 4, for the words from “the language” to the end substitute “English”.

#### **Substitution of Article 8**

10. For Article 8 (general principles and use of CE marking), substitute—

*“Article 8*

*Use of UK marking*

1. The UK marking must be affixed to those construction products for which the manufacturer has drawn up a declaration of performance in accordance with Articles 4 and 6.

The UK marking must be affixed only by the manufacturer or the manufacturer’s authorised representative.

2. If a declaration of performance has not been drawn up by the manufacturer in accordance with Articles 4 and 6, the UK marking must not be affixed.

3. By affixing or having affixed the UK marking, manufacturers indicate that they take responsibility for the conformity of the construction product with the declared performance as well as the compliance with all applicable requirements laid down in this Regulation and in other enactments providing for its affixing.

4. The rules for affixing the UK marking provided for in other enactments (including in Article 30 of RAMS) apply without prejudice to this Article.

5. A public authority within the meaning of section 6 of the Human Rights Act 1998<sup>(1)</sup> may not impose rules or conditions impeding the use of a construction product bearing the UK marking, or the CE marking where Article 16A(2)(a) applies, when the declared performances correspond to the requirements for such use in the United Kingdom.”.

#### **Amendments to Article 9**

11. In Article 9 (rules and conditions for the affixing of CE marking)—
- (a) for “CE”, in each place it occurs (including the heading), substitute “UK”;
  - (b) in paragraph 2, for “notified” substitute “approved”.

#### **Omission of Article 10**

12. Omit Article 10 (product contact points for construction).

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(1) 1998 c. 42.