

SCHEDULE 1

Regulations 7(1)(b), 11(1)(b) and 12(1)(b)

Grounds for service of notices in relation to the 2008 Regulation and the 2011 Regulation

1. There are grounds for the service of a suspension notice under regulation 7(1)(b), a prohibition notice under regulation 11(1)(b) or a notice to warn under regulation 12(1)(b), as the case may be, where one or more of the following paragraphs of this Schedule applies in relation to the construction products concerned.

2. This paragraph applies where the service of such a notice is appropriate because there has been a failure to comply with any requirement under any of the following provisions of the 2011 Regulation—

- (a) Article 11(2) (duty of manufacturer of construction product to keep technical documentation and declaration of performance for 10 years, or such period as amended, after the product is placed on the market);
- (b) Article 11(8) (duty of manufacturer of construction product to provide information and documentation to demonstrate conformity with declaration of performance and compliance with other applicable requirements of the 2011 Regulation of the product to the competent national authority, and to cooperate with that authority on action to eliminate risks posed by the product);
- (c) Article 12(2) (duty of manufacturer's authorised representative to keep technical documentation and declaration of performance available for the period referred to in Article 11(2), to provide information and documentation to demonstrate conformity with declaration of performance and compliance with other applicable requirements of the 2011 Regulation of the product to the competent national authority, and to cooperate with that authority on action to eliminate risks posed by the product);
- (d) Article 13(8) (duty of importer of construction product to keep technical documentation and declaration of performance available for the period referred to in Article 11(2));
- (e) Article 13(9) (duty of importer of construction product to provide information and documentation to demonstrate conformity with declaration of performance and compliance with other applicable requirements of the 2011 Regulation of the product to the competent national authority, and to cooperate with that authority on action to eliminate risks posed by the product);
- (f) Article 14(5) (duty of distributor who of construction product to provide information and documentation to demonstrate conformity with declaration of performance and compliance with other applicable requirements of the 2011 Regulation of the product to the competent national authority, and to cooperate with that authority on action to eliminate risks posed by the product); or
- (g) insofar as it imposes duties in relation to Article 11(2) and (8), Article 15 (duties of importer and distributor to comply with Article 11 as if a manufacturer where the importer or distributor places a construction product on the market under its own name or trademark, or modifies a product already on the market in such a way that conformity with the declaration of performance may be affected).

3. This paragraph applies where Article 20 (products presenting a serious risk) of the 2008 Regulation is applicable to the products.

4. This paragraph applies where Article 29(1) (control of products entering the Community market (national measures): serious risk) of the 2008 Regulation is applicable to the products.

5. This paragraph applies where the service of such a notice is appropriate in accordance with Article 29(2) (control of products entering the Community market (national measures): product not complying with Community harmonisation legislation) of the 2008 Regulation.

Status: This is the original version (as it was originally made).

6. This paragraph applies where the service of such a notice is appropriate in accordance with—
 - (a) the second sub-paragraph of Article 56(1) (procedure to deal at national level with construction products presenting a risk) of the 2011 Regulation;
 - (b) Article 56(4) or (8) of the 2011 Regulation; or
 - (c) Article 58(1) (complying construction products which nevertheless present a risk to health and safety) of the 2011 Regulation.
7. This paragraph applies where the product must be withdrawn from the market as a non-compliant construction product by virtue of Article 57(2) (Union safeguard procedures) of the 2011 Regulation.
8. This paragraph applies where the service of such a notice is appropriate in accordance with Article 59(2) (formal non-compliance) of the 2011 Regulation, without prejudice to paragraph 2.