

Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (Text with EEA relevance)

CHAPTER VIII

MARKET SURVEILLANCE ^{F1}...

Article 59

Formal non-compliance

1 Without prejudice to Article 56, where a [^{F1}market surveillance authority] makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

- a the [^{F2}UK] marking has been affixed in breach of Article 8 or 9;
- b the [^{F3}UK] marking has not been affixed, when required, in accordance with Article 8(2);
- c without prejudice to Article 5, the declaration of performance has not been drawn up, when required, in accordance with Article 4;
- d the declaration of performance has not been drawn up in accordance with Articles 4, 6 and 7;
- e the technical documentation is either not available or not complete.

2 Where the non-compliance referred to in paragraph 1 continues, the [^{F4}market surveillance authority] shall take all appropriate measures to restrict or prohibit the making available on the market of the construction product or ensure that it is recalled or withdrawn from the market.

Textual Amendments

- F1** Words in Art. 59(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 60(2)(a)** (with Sch. 1 paras. 70, 71) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 15, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Word in Art. 59(1)(a) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 60(2)(b)** (with Sch. 1 paras. 70, 71) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 15, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Word in Art. 59(1)(b) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 60(2)(b)** (with Sch. 1 paras. 70, 71) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 15, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in Art. 59(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 60(3)** (with Sch. 1 paras. 70, 71) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 15, 17); 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) No 305/2011 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(21) word omitted by [S.I. 2019/465 Sch. 1 para. 3\(11\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 3(11) substituted immediately before it comes into force by S.I. 2020/1359, reg. 1, Sch. 1 para. 5(c))
- Art. 2(21) words inserted by [S.I. 2019/465 Sch. 1 para. 3\(11\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 3(11) substituted immediately before it comes into force by S.I. 2020/1359, reg. 1, Sch. 1 para. 5(c))
- Art. 2(21) words substituted by [S.I. 2019/465 Sch. 1 para. 3\(11\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 3(11) substituted immediately before it comes into force by S.I. 2020/1359, reg. 1, Sch. 1 para. 5(c))
- Art. 2(29) inserted by [S.I. 2024/504 reg. 16\(2\)](#)
- Art. 19(1A) inserted by [S.I. 2024/504 reg. 16\(3\)](#)
- Art. 21(1B) inserted by [S.I. 2024/504 reg. 16\(4\)](#)
- Art. 30(2A) inserted by [S.I. 2024/504 reg. 16\(6\)](#)