

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}...

^{F1}Article 59B

Other non-compliance in relation to the EU Construction Products Regulation

- 1 Paragraph 2 applies where an economic operator:
 - a relies on provisions in Article 16A, 16B or 16C in order to comply with this Regulation when making a product available on the market; and
 - b after the product is made available on the market:
 - i) the manufacturer is required, or becomes aware that another person is required, under the EU Construction Products Regulation to take corrective measures in relation to products on the market of the EU, or to withdraw or recall products from that market, and, if the United Kingdom had remained a member State, this requirement would have extended to the product in question; or
 - ii) a certificate in relation to the product is suspended or withdrawn, or restricted to the extent that it is no longer valid for that product, under Article 52(4) or (5) of the EU Construction Products Regulation.
- 2 Where this paragraph applies:
 - a the product referred to in paragraph 1(a) is no longer considered to be compliant with this Regulation;
 - b the manufacturer must inform a market surveillance authority and any importer or distributor of the product of the action referred to in paragraph 1(b)(i) or 1(b)(ii) which is required, or has been taken, under the EU Construction Products Regulation;
 - c the manufacturer and any importer or distributor of the product must take any action required under Article 11(7), Article 13(7) or Article 14(4) respectively;
 - d a market surveillance authority may require the manufacturer or any importer or distributor of the product to take corrective measures to bring the product into conformity with this Regulation or to withdraw or recall it from the market.]

Textual Amendments

- F1** Arts. 59A, 59B inserted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 61** (with Sch. 1 para. 70) (as amended by [S.I. 2020/1359](#), reg. 1, Sch. 1 paras. 11, 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\(6\)](#)