

SCHEDULE 1

Amendments to the 2011 Regulation

PART 4

Amendments to Chapter 3

Amendments to Article 11

- 13.**—(1) Article 11 (obligations of manufacturers) is amended as follows.
- (2) In paragraph 1, for “CE” substitute “UK”.
 - (3) In paragraph 2, in the second subparagraph—
 - (a) for “Commission” substitute “Secretary of State”;
 - (b) for “means of delegated acts” substitute “regulations”.
 - (4) In paragraph 6, for the words from “a language” to the end substitute “English”.
 - (5) In paragraph 7, for the words from “the competent” to “available” substitute “a competent authority”.
 - (6) In paragraph 8—
 - (a) omit “national”;
 - (b) for the words from “a language” to the end of the sentence substitute “English.”.

Amendments to Article 12

- 14.**—(1) Article 12 (authorised representatives) is amended as follows.
- (2) In paragraph 1, at the end insert “established in the United Kingdom”.
 - (3) In paragraph 2—
 - (a) in point (a), for “national” substitute “market”;
 - (b) in point (b), omit “national”;
 - (c) in point (c), for “the competent national authorities, at their” substitute “a competent authority, at its”.

Amendments to Article 13

- 15.**—(1) Article 13 (obligations of importers) is amended as follows.
- (2) In paragraph 1, omit “Union”.
 - (3) In paragraph 2, for “CE” substitute “UK”.
 - (4) In paragraph 4, for the words from “a language” to the end substitute “English”.
 - (5) In paragraph 7, for the words from “the competent” to “available” substitute “a competent authority”.
 - (6) In paragraph 9—
 - (a) omit “national”;
 - (b) for the words from “a language” to the end of the sentence substitute “English.”.

Amendments to Article 14

- 16.—(1) Article 14 (obligations of distributors) is amended as follows.
- (2) In paragraph 2—
- (a) for “CE” substitute “UK”;
 - (b) for the words from “a language” to the end of the sentence substitute “English.”.
- (3) In paragraph 4, for the words from “the competent” to “available” substitute “a competent authority”.
- (4) In paragraph 5—
- (a) omit “national”;
 - (b) for the words from “a language” to the end of the sentence substitute “English.”.

Insertion of new Articles 16A to 16C

17. After Article 16 (identification of economic operators), insert—

“Article 16A

*Obligations on a manufacturer which are met by complying
with obligations in the EU Construction Products Regulation*

1. Paragraph 2 applies where:
 - (a) a construction product is covered by a standard which:
 - (i) is designated under Article 18B(1)(b); or
 - (ii) becomes a designated standard under Article 18B(2); and
 - (b) before the product is placed on the market, the manufacturer:
 - (i) carries out the assessment and the verification of constancy of performance required by the EU Construction Products Regulation;
 - (ii) complies with Chapter 6 of the EU Construction Products Regulation in relation to the use, if any, of simplified procedures;
 - (iii) draws up a declaration of performance for the product in accordance with Articles 4 and 6 of the EU Construction Products Regulation;
 - (iv) provides the information referred to in Article 6(4) of the EU Construction Products Regulation with the declaration of performance;
 - (v) draws up the technical documentation referred to in Article 11(1) of the EU Construction Products Regulation; and
 - (vi) affixes or has affixed a CE marking in accordance with Articles 8 and 9 of the EU Construction Products Regulation.
2. Where this paragraph applies:
 - (a) the requirements on the manufacturer in the following provisions are to be treated as satisfied:
 - (i) Article 4(1);
 - (ii) Article 6;
 - (iii) Article 8(1);
 - (iv) Article 9;
 - (v) Article 11(1);

- (vi) Article 28(1);
 - (b) Article 8(3) has effect as if there were substituted:
 - “3. By affixing or having affixed the CE 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 allowing for the affixing of the CE marking in satisfaction of a requirement to affix the UK marking.”;
 - (c) the following provisions have effect subject to the modifications in paragraph 3:
 - (i) Article 4(2) and (3);
 - (ii) Article 7;
 - (iii) Article 11(2) to (8);
 - (iv) Article 12;
 - (v) Article 15;
 - (d) Chapter 6 and Article 59 do not apply.
3. The modifications are that:
- (a) any reference to technical documentation is to be read as a reference to the technical documentation referred to in the second subparagraph of Article 11(1) of the EU Construction Products Regulation;
 - (b) any reference to a declaration of performance is to be read as a reference to the declaration of performance drawn up by the manufacturer in accordance with Articles 4 and 6 of the EU Construction Products Regulation;
 - (c) any reference to the UK marking is to be read as a reference to the CE marking.

Article 16B

Obligations on an importer which are met by complying with obligations in the EU Construction Products Regulation

1. Paragraph 2 applies where:
- (a) a construction product is covered by a standard which:
 - (i) is designated under Article 18B(1)(b); or
 - (ii) becomes a designated standard under Article 18B(2); and
 - (b) before placing the product on the market, an importer:
 - (i) finds that the product does not bear the UK marking;
 - (ii) ensures that the manufacturer has:
 - (aa) carried out the assessment and the verification of constancy of performance required by the EU Construction Products Regulation;
 - (bb) drawn up the technical documentation referred to in the second subparagraph of Article 11(1) of the EU Construction Products Regulation;
 - (cc) drawn up the declaration of performance in accordance with Articles 4 and 6 of the EU Construction Products Regulation; and
 - (dd) complied with Article 11(4) and (5) of this Regulation; and

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

- (iii) ensures that the product bears the CE marking and is accompanied by the ‘required documents’ referred to in Article 13(2) of the EU Construction Products Regulation.
2. Where this paragraph applies:
- (a) the requirements on the importer in the first subparagraph of Article 13(2) are to be treated as satisfied;
 - (b) the following provisions of Article 13 have effect subject to the modifications in paragraph 3:
 - (i) the second subparagraph of paragraph 2;
 - (ii) paragraph 5;
 - (iii) paragraphs 7 to 9.
3. The modifications are that:
- (a) any reference to a declaration of performance is to be read as a reference to the declaration of performance drawn up by the manufacturer in accordance with Articles 4 and 6 of the EU Construction Products Regulation;
 - (b) any reference to technical documentation is to be read as a reference to the technical documentation referred to in the second subparagraph of Article 11(1) of the EU Construction Products Regulation.

Article 16C

Obligations on a distributor which are met by complying with obligations in the EU Construction Products Regulation

1. Paragraph 2 applies where:
- (a) a construction product is covered by a standard which:
 - (i) is designated under Article 18B(1)(b); or
 - (ii) becomes a designated standard under Article 18B(2); and
 - (b) before making the product available on the market, a distributor:
 - (i) finds that the product does not bear the UK marking; and
 - (ii) ensures that:
 - (aa) the product bears the CE marking;
 - (bb) the product is accompanied by the ‘documents required’ referred to in Article 14(2) of the EU Construction Products Regulation and by instructions and safety information in English;
 - (cc) the manufacturer has complied with Article 11(4) and (5) of this Regulation; and
 - (dd) the importer has complied with Article 13(3) of this Regulation.
2. Where this paragraph applies:
- (a) the requirements on the distributor in the first subparagraph of Article 14(2) are to be treated as satisfied;
 - (b) Article 14 has effect as if any reference to a declaration of performance were a reference to the declaration of performance drawn up by the manufacturer in accordance with Articles 4 and 6 of the EU Construction Products Regulation.”.