

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 <sup>F1</sup>...

#### *<sup>F1</sup>Article 59A*

#### **Formal non-compliance in relation to the EU Construction Products Regulation**

1 Without prejudice to Article 56, where a market surveillance authority considers an economic operator is seeking to rely on provisions in Article 16A, 16B or 16C in order to comply with the requirements of this Regulation and makes one of the following findings, it must require the relevant economic operator to put an end to the non-compliance concerned:

- a the CE marking, or in the case of a product to which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, the CE marking accompanied by the UK(NI) indication, has not been affixed in accordance with Article 8(2) of the EU Construction Products Regulation;
- b the CE marking, or in the case of a product to which that regulation 4(2)(b) applies, the CE marking accompanied by the UK(NI) indication, has been affixed in breach of Article 8 or 9 of the EU Construction Products Regulation;
- c the declaration of performance has not been drawn up in accordance with Articles 4 and 6 of the EU Construction Products Regulation and Article 7 of this Regulation (as modified by Article 16A);
- d the technical documentation referred to in the second subparagraph of Article 11(1) of the EU Construction Products Regulation is either not available or not complete.

2 Where the non-compliance referred to in paragraph 1 continues, the market surveillance authority must 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to restrict or prohibit the making available on the market of the construction product or ensure that it is recalled or withdrawn from the market.]

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#### **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 currently no known outstanding effects for the Regulation (EU) No 305/2011 of the European Parliament and of the Council, Article 59A.