

SCHEDULE 9

Regulation 10(a)

(ANNEX VI to the Directive)

Internal control of production with assessment of technical documentation and periodical checking

1. This [^{F1}Schedule] describes the procedure whereby the manufacturer, or his authorised representative ^{F2}... who carries out the obligations laid down in points 2, 5 and 6 ensures and declares that the equipment concerned satisfies the requirements of [^{F3}these Regulations]. The manufacturer, or his authorised representative ^{F2}..., must affix the [^{F4}UK] marking of conformity and the indication of the guaranteed sound power level as required in [^{F5}regulation 7(2)(c), regulation 11 and Schedule 7] to each piece of equipment and draw up a written EC declaration of conformity as required in [^{F6}regulation 7(2)(d) and Schedule 5].

2. The manufacturer, or his authorised representative [^{F7}established in the [^{F8}European Union]], must draw up the technical documentation described in point 3 and he must keep it for a period ending at least 10 years after the last product has been manufactured at the disposal of the relevant national authorities for inspection purposes. The manufacturer, or his authorised representative [^{F7}established in the [^{F8}European Union]], may entrust another person to keep the technical documentation. In this case he has to include the name and address of this person in the [^{F9}EC] declaration of conformity.

Textual Amendments

- F7** Words in [Sch. 9 para. 2](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 8 para. 22\(b\)\(i\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2019/1246](#), [regs. 1\(3\)](#), [10\(c\)\(iii\)](#) and [S.I. 2020/676](#), [regs. 1\(1\)](#), [2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F8** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), [arts. 2-6](#)
- F9** Word in [Sch. 9 para. 2](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 8 para. 22\(b\)\(ii\)](#) (with [Sch. 8 para. 14](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\)](#), [2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

3. The technical documentation must enable the conformity of the equipment with the requirements of [^{F10}these Regulations] to be assessed. It must contain at least the following information:

- name and address of the manufacturer or his authorised representative ^{F11}...
- a description of the equipment
- make
- trade name
- type, series and numbers
- the technical data relevant for the identification of the equipment and the assessment of its noise emission, including, if appropriate, schematic drawings and any description and explanation necessary for their understanding
- the reference to [^{F10}these Regulations]
- the technical report of noise measurements carried out in accordance with the provisions of [^{F10}these Regulations]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001, SCHEDULE 9. (See end of Document for details)

— the technical instruments applied and the results of the evaluation of the uncertainties due to production variation and their relation to the guaranteed sound power level.

4. The manufacturer must take all measures necessary in order that the manufacturing process ensures compliance of the manufactured equipment with the technical documentation referred to in points 2 and 3 and with the requirements of [F12]these Regulations].

5. *Evaluation by [F13]the approved] body prior to placing on the market*

The manufacturer, or his authorised representative F14 ..., shall present a copy of his technical documentation to [F15]an approved] body of his choice before the first item of equipment is placed on the market or put into service.

If there are doubts about the plausibility of the technical documentation, [F13]the approved] body shall inform accordingly the manufacturer or his authorised representative F14 ..., and, if need be, carry out, or have carried out modifications to the technical documentation, or possibly, tests deemed necessary.

After [F13]the approved] body has issued a report confirming that the technical documentation satisfies the provisions of this Directive, the manufacturer or his authorised representative F16 ... may affix the [F17]UK] marking to the equipment and issue [F18]a] declaration of conformity in accordance with [F19]regulation 7(2)(c) and (d), regulation 11 and Schedules 5 and 7], for which he will bear complete responsibility.

6. *Evaluation by the [F20]approved] body during production*

The manufacturer, or his authorised representative F21 ..., shall further involve the [F20]approved] body in the production phase according to one of the following procedures to be chosen by the manufacturer or his authorised representative F22 ...:

— the [F20]approved] body shall carry out periodical checks in order to verify continuing compliance of the manufactured equipment with the technical documentation and with the requirements of [F23]these Regulations]; in particular the [F20]approved] body shall concentrate on:

— the correct and complete marking of the equipment according to [F24]regulation 7(2) (c), regulation 11 and Schedule 7],

— issuing of the EC declaration of conformity according to [F25]regulation 7(2)(d) and Schedule 5],

— the technical instruments applied and the results of the evaluation of the uncertainties due to production variation and their relation to the guaranteed sound power level.

The manufacturer, or his authorised representative F21 ..., shall give the [F20]approved] body free access to all the internal documentation supporting these procedures, the actual results of the internal audits and the corrective actions which have been taken, if any.

Only if the above checks give unsatisfactory results shall the [F20]approved] body carry out noise tests, which, on its own judgement and experience, may be simplified or completely carried out according to the provisions laid down in [F26]Schedule 6] for the relevant type of equipment,

— the [F20]approved] body shall carry out or have carried out product checks at random intervals. An adequate sample of the final equipment, chosen by the [F20]approved] body, must be examined and appropriate noise tests as set out in [F26]Schedule 6], or equivalent tests, must be carried out to check the conformity of the product with the relevant requirements of the Directive. The product checking must include the following aspects:

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- the correct and complete marking of the equipment according to [^{F24}regulation 7(2)(c), regulation 11 and Schedule 7],
- issuing of the EC declaration of conformity according to [^{F25}regulation 7(2)(d) and Schedule 5].

In both procedures, the frequency of the checks shall be defined by the [^{F20}approved] body according to the results of previous evaluations, the need to monitor corrective actions and further guidance for the frequency of the checks that may be given by the yearly production and the general reliability of the manufacturer to maintain the guaranteed values; however a check shall be carried out at least once every three years.

If there are doubts about the plausibility of the technical documentation or the adherence during production, the [^{F20}approved] body shall inform accordingly the manufacturer, or his authorised representative ^{F21}....

In those cases where equipment checked does not conform to the provisions of [^{F23}these Regulations], the [^{F20}approved] body must inform the [^{F27}Secretary of State].

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