

## SCHEDULE 1

### Amendments to the 2011 Regulation

## PART 12

### Transitional and saving provisions in relation to EU Exit

#### Interpretation of Part 12

77. In this Part—

“construction product” and “economic operator” have the same meaning as in the 2011 Regulation as it had effect immediately before exit day;

“the Construction Products Directive” means Council [Directive 89/106/EEC](#) of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products<sup>(1)</sup>;

“EU Construction Products Regulation” means [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](#)<sup>(2)</sup> as it has effect in EU law as amended from time to time;

“make available on the market” means the supply of a construction product for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge (and related expressions must be construed accordingly);

“manufacturer” has the same meaning as in the 2011 Regulation as it had effect immediately before exit day;

“market surveillance authority” means the Secretary of State or an enforcement authority as defined in the 2013 Regulations;

“notified body” has the same meaning as in the 2011 Regulation as it had effect immediately before exit day;

“placing on the market” means the first making available of a construction product on the market (and related expressions must be construed accordingly);

“pre-exit period” means the period beginning with 1 July 2013 and ending immediately before exit day;

“relevant certificate” means a certificate of constancy of performance of the construction product or a certificate of conformity of the factory production control;

“UK notified body” means a body which the Secretary of State had before exit day notified to the European Commission and the member States, in accordance with Article 39 of the 2011 Regulation as it had effect immediately before exit day.

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(1) OJ L 40, 11.2.1989, p. 12–26. [Directive 89/106/EEC](#) was repealed by Article 65 of [Regulation \(EU\) No 305/2011](#) of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the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.

(2) OJ L 88, 4.4.2011, p. 5–43.