

## SCHEDULE 3

### Construction products enforcement rules – Northern Ireland

## PART 2

### REQUIREMENTS RELATING TO CONSTRUCTION PRODUCTS

#### CHAPTER 3

##### Prohibition notices and notices to warn

##### **Grounds for service of notices**

**16.**—(1) There are grounds for the service of a suspension notice under paragraph 6(1)(b), a prohibition notice under paragraph 11(1)(b) or a notice to warn under paragraph 13(1)(b), as the case may be, where one or more of the following sub-paragraphs applies in relation to the construction products concerned.

(2) This sub-paragraph applies where the service of such a notice is appropriate because there has been a failure to comply in respect of Northern Ireland with any requirement under any of the following provisions of the EU Construction Products Regulation—

- (a) Article 11(2) (duty of manufacturer of construction product to keep technical documentation and declaration of performance for 10 years etc);
- (b) Article 11(8) (duty of manufacturer of construction product to provide information and documentation to demonstrate conformity with declaration of performance etc.);
- (c) Article 12(2) (duty of manufacturer’s authorised representative to keep technical documentation and declaration of performance etc.);
- (d) Article 13(8) (duty of importer of construction product to keep technical documentation and declaration of performance etc.);
- (e) Article 13(9) (duty of importer of construction product to provide information and documentation to demonstrate conformity with declaration of performance etc.);
- (f) Article 14(5) (duty of distributor of construction product to provide information and documentation to demonstrate conformity with declaration of performance etc.); or
- (g) insofar as it imposes duties in relation to Article 11(2) and (8), Article 15 (duties of importer and distributor to comply with Article 11 as if a manufacturer etc.).

(3) This sub-paragraph applies where Article 20 (products presenting a serious risk) of the RAMS Regulation is applicable to the products.

(4) This sub-paragraph applies where Article 29(1) (control of products entering the Community market (national measures): serious risk) of the RAMS Regulation is applicable to the products.

(5) This sub-paragraph applies where the service of such a notice is appropriate in accordance with Article 29(2) (control of products entering the Community market (national measures): product not complying with Community harmonisation legislation) of the RAMS Regulation.

(6) This sub-paragraph applies where the service of such a notice is appropriate in accordance with—

- (a) the second sub-paragraph of Article 56(1) (procedure to deal at national level with construction products presenting a risk) of the EU Construction Products Regulation;
- (b) Article 56(4) or (8) of the EU Construction Products Regulation; or

**Changes to legislation:** There are currently no known outstanding effects for the The Construction Products (Amendment etc.) (EU Exit) Regulations 2020, Paragraph 16. (See end of Document for details)

(c) Article 58(1) (complying construction products which nevertheless present a risk to health and safety) of the EU Construction Products Regulation.

(7) This sub-paragraph applies where the product must be withdrawn from the market in the European Union (including Northern Ireland) as a non-compliant construction product by virtue of Article 57(2) (Union safeguard procedures) of the EU Construction Products Regulation.

(8) This sub-paragraph applies where the service of such a notice is appropriate in accordance with Article 59(2) (formal non-compliance) of the EU Construction Products Regulation, without prejudice to sub-paragraph (2).

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**Commencement Information**

**II** [Sch. 3 para. 16](#) in force at 31.12.2020 immediately before the 2019 Regulations come into force, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Construction Products (Amendment etc.) (EU Exit) Regulations 2020, Paragraph 16.