

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 I

### GENERAL PROVISIONS

#### *Article 2*

#### **Definitions**

For the purposes of this Regulation the following definitions shall apply:

1. ‘construction product’ means any product or kit which is produced and placed on the market for incorporation in a permanent manner in construction works or parts thereof and the performance of which has an effect on the performance of the construction works with respect to the basic requirements for construction works;
2. ‘kit’ means a construction product placed on the market by a single manufacturer as a set of at least two separate components that need to be put together to be incorporated in the construction works;
3. ‘construction works’ means buildings and civil engineering works;
4. ‘essential characteristics’ means those characteristics of the construction product which relate to the basic requirements for construction works;
5. ‘performance of a construction product’ means the performance related to the relevant essential characteristics, expressed by level or class, or in a description;
6. ‘level’ means the result of the assessment of the performance of a construction product in relation to its essential characteristics, expressed as a numerical value;
7. ‘class’ means a range of levels, delimited by a minimum and a maximum value, of performance of a construction product;
8. ‘threshold level’ means a minimum or maximum performance level of an essential characteristic of a construction product;
9. ‘product-type’ means the set of representative performance levels or classes of a construction product, in relation to its essential characteristics, produced using a given combination of raw materials or other elements in a specific production process;
- 9A. [<sup>F1</sup>‘relevant enactment’ means any retained EU law which is derived from an EU instrument issued before IP completion day harmonising the conditions for the marketing of products in the EU;]
- 9B. [<sup>F1</sup>‘the 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 as it has effect in EU law as amended from time to time;]

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10. ‘harmonised technical specifications’ means [<sup>F2</sup>designated] standards and [<sup>F3</sup>UK] Assessment Documents;
- 10A. [<sup>F4</sup>‘designated standard’ means a standard which is or becomes designated under Article 18B;
- 10B. ‘standardisation mandate’ means a request to prepare a standard for the purposes of this Regulation;
- 10C. ‘recognised standardisation body’ means the British Standards Institution or such other body as the Secretary of State may, in addition, by notice in writing recognise as a standardisation body for the purposes of this Regulation;
- 10D. ‘coexistence period’ means the period during which a manufacturer may choose to use a designated standard to make a declaration of performance for a construction product covered by it;]
11. [<sup>F5</sup>‘harmonised standard’ means a standard adopted by a European standardisation body, on the basis of a request issued by the European Commission;
- 11A. ‘European standardisation body’ means a body listed in Annex 1 to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council as it has effect in EU law as amended from time to time;]
12. <sup>F6</sup> .....
13. <sup>F6</sup> .....
- 13A. [<sup>F7</sup>‘TAB’ has the meaning given to it in Article 29(1) (designation, monitoring and evaluation of TABs);
- 13B. ‘responsible TAB’ means the TAB which receives the request from the manufacturer to issue the UK Technical Assessment;
- 13C. ‘relevant TAB’ means any TAB which is designated by the Secretary of State for the product area in question;
- 13D. ‘UK Assessment Document’ means a document adopted by the responsible TAB for the purpose of issuing UK Technical Assessments;
- 13E. ‘UK Technical Assessment’ means the documented assessment of the performance of a construction product, in relation to its essential characteristics, in accordance with the respective UK Assessment Document;
- 13F. ‘pre-exit European Assessment Document’ means:
- (a) a European Assessment Document for which:
- (i) a reference was published in the Official Journal of the European Union under Article 22 as it had effect immediately before IP completion day; and

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- (ii) the reference was not removed from publication before IP completion day; or
  - (b) guidelines published before 1 July 2013 under Article 11 of 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 which, immediately before IP completion day, could be used for the purposes of issuing European Technical Assessments under this Regulation;]
14. ‘intended use’ means the intended use of the construction product as defined in the applicable harmonised technical specification;
15. ‘Specific Technical Documentation’ means documentation demonstrating that methods within the applicable system for assessment and verification of constancy of performance have been replaced by other methods, provided that the results obtained by those other methods are equivalent to the results obtained by the test methods of the corresponding [<sup>F8</sup>designated] standard;
16. ‘making available on the market’ means any supply of a construction product for distribution or use on the [<sup>F9</sup>market of Great Britain] market in the course of a commercial activity, whether in return for payment or free of charge;
17. ‘placing on the market’ means the first making available of a construction product on the [<sup>F10</sup>market of Great Britain] market;
- 17A. [<sup>F11</sup>‘RAMS’ means Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;
- 17B. ‘UK marking’ means the marking in the form published in accordance with Article 30(1) of RAMS;
- 17C. ‘CE marking’ means the marking presented in Annex 2 to Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 as it has effect in EU law as amended from time to time;
- 17CA. ‘CE marking accompanied by the UK(NI) indication’ means CE marking (as defined above) accompanied by the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.
- 17D. ‘competent authority’ has the meaning prescribed by the Construction Products Regulations 2013;]
18. ‘economic operator’ means the manufacturer, importer, distributor or authorised representative;
19. ‘manufacturer’ means any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under his name or trademark;

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20. ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a construction product available on the market;
21. [<sup>F12</sup>‘importer’ means any natural or legal person who—
- (a) is established within the United Kingdom and places a construction product from a country outside of the United Kingdom on the market; or
  - (b) is established in Northern Ireland and places a construction product on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state.]
22. [<sup>F13</sup>‘authorised representative’ means—
- (a) a person who—
    - (i) immediately before IP completion day was established in the United Kingdom or a member State and has received a written mandate from a manufacturer to perform specified tasks, in accordance with Article 12 as it had effect immediately before IP completion day; and
    - (ii) on or after IP completion day continues to be so established and mandated to act on the manufacturer's behalf in relation to those tasks; or
  - (b) a person who on or after IP completion day is appointed in accordance with Article 12;
- 22A. ‘approved body’ has the meaning given to it in Article 39A (approved bodies);
- 22B. ‘notified body’ means a body—
- (a) which the Secretary of State had before IP completion day notified to the European Commission and the member States, in accordance with Article 39 as it had effect immediately before IP completion day; and
  - (b) in respect of which no objections had been raised, in accordance with Article 48(5) as it had effect immediately before IP completion day;
- 22C. ‘market surveillance authority’ has the meaning prescribed by the Construction Products Regulations 2013;]
23. ‘withdrawal’ means any measure aimed at preventing a construction product in the supply chain from being made available on the market;
24. ‘recall’ means any measure aimed at achieving the return of a construction product that has already been made available to the end-user;
25. ‘accreditation’ has the meaning assigned to it by [<sup>F14</sup>RAMS];
- 25A. [<sup>F15</sup>‘UK national accreditation body’ means the body appointed by the Secretary of State in accordance with Article 4 of RAMS;]
26. ‘factory production control’ means the documented, permanent and internal control of production in a factory, in accordance with the relevant harmonised technical specifications;

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27. ‘micro-enterprise’ means a micro-enterprise as defined in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises<sup>(1)</sup>;
28. ‘life cycle’ means the consecutive and interlinked stages of a construction product’s life, from raw material acquisition or generation from natural resources to final disposal.

### Textual Amendments

- F1** Art. 2(9A)(9B) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(2)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Art. 2(10) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(3)(a)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in Art. 2(10) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(3)(b)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 2(10A)-(10D) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(4)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 2(11)(11A) substituted for Art. 2(11) (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(5)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 2(12)(13) omitted (31.12.2020) by virtue of The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(6)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 2(13A)-(13F) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(7)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Word in Art. 2(15) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(8)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 2(16) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(9)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 5(a), **17**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in Art. 2(17) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(9)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 5(a), **17**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F11** Art. 2(17A)-(17D) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(10)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 5(b), **17**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Art. 2(21) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(11)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 5(c), **17**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Art. 2(22)-(22C) substituted for Art. 2(22) (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(12)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Word in Art. 2(25) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(13)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)

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**F15** Art. 2(25A) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 3(14)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)

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(1) [OJ L 124, 20.5.2003, p. 36.](#)

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