

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 IV

### HARMONISED TECHNICAL SPECIFICATIONS

#### *Article 28*

#### **Assessment and verification of constancy of performance**

1 Assessment and verification of constancy of performance of construction products in relation to their essential characteristics shall be carried out in accordance with one of the systems set out in Annex V.

2 By means of [<sup>F1</sup>regulations] in accordance with Article 60, the [<sup>F2</sup>Secretary of State may] establish and may revise, taking into account in particular the effect on the health and safety of people, and on the environment, which system or systems are applicable to a given construction product or family of construction products or a given essential characteristic. <sup>F3</sup>...

The [<sup>F4</sup>Secretary of State] shall choose the least onerous system or systems consistent with the fulfilment of all basic requirements for construction works.

3 The system or systems thus determined shall be indicated in the [<sup>F5</sup>standardisation mandates, standards prepared under Article 18A, and UK Assessment Documents.]

#### **Textual Amendments**

- F1** Word in Art. 28(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 29(2)(a)(i)** (with Sch. 1 paras. 70, 75) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 16, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in Art. 28(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 29(2)(a)(ii)** (with Sch. 1 paras. 70, 75) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 16, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in Art. 28(2) 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. 29(2)(a)(iii)** (with Sch. 1 paras. 70, 75) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 16, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in Art. 28(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 29(2)(b)** (with Sch. 1 paras. 70, 75) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 16, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in Art. 28(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 29(3)** (with Sch. 1 paras. 70, 75) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 16, 17); 2020 c. 1, **Sch. 5 para. 1(1)**

**Changes to legislation:**

There are outstanding changes not yet made to Regulation (EU) No 305/2011 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 2(21) word omitted by [S.I. 2019/465 Sch. 1 para. 3\(11\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 3(11) substituted immediately before it comes into force by S.I. 2020/1359, reg. 1, Sch. 1 para. 5(c))
- Art. 2(21) words inserted by [S.I. 2019/465 Sch. 1 para. 3\(11\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 3(11) substituted immediately before it comes into force by S.I. 2020/1359, reg. 1, Sch. 1 para. 5(c))
- Art. 2(21) words substituted by [S.I. 2019/465 Sch. 1 para. 3\(11\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 3(11) substituted immediately before it comes into force by S.I. 2020/1359, reg. 1, Sch. 1 para. 5(c))
- Art. 2(29) inserted by [S.I. 2024/504 reg. 16\(2\)](#)
- Art. 19(1A) inserted by [S.I. 2024/504 reg. 16\(3\)](#)
- Art. 21(1B) inserted by [S.I. 2024/504 reg. 16\(4\)](#)
- Art. 30(2A) inserted by [S.I. 2024/504 reg. 16\(6\)](#)