

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 VII

### [<sup>F1</sup>APPROVED BODIES]

#### Article 45

#### Subsidiaries and subcontractors of [<sup>F1</sup>approved] bodies

1 Where [<sup>F2</sup>an approved] body subcontracts specific tasks connected with the third party tasks in the process of assessment and verification of constancy of performance or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 43, and shall inform the [<sup>F3</sup>Secretary of State] accordingly.

2 The [<sup>F4</sup>approved] body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.

3 Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.

4 The [<sup>F5</sup>approved] body shall keep at the disposal of the [<sup>F6</sup>Secretary of State] the relevant documents concerning the assessment of the qualifications of any subcontractor or the subsidiary and the tasks carried out by such parties under Annex V.

#### Textual Amendments

- F1** Word in Art. 45 heading substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 45(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** Words in Art. 45(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 45(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** Words in Art. 45(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 45(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** Word in Art. 45(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 45(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** Word in Art. 45(4) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 45(5)(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)
- F6** Words in Art. 45(4) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 45(5)(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)

**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\(6\)](#)