

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 II

DECLARATION OF PERFORMANCE AND [F1UK] MARKING

Article 5

Derogations from drawing up a declaration of performance

By way of derogation from Article 4(1) and in the absence of [F1 any enactment or rule of law in the United Kingdom in respect of Great Britain] requiring the declaration of essential characteristics where the construction products are intended to be used, a manufacturer may refrain from drawing up a declaration of performance when placing a construction product covered by a [F2 designated] standard on the market where:

- (a) the construction product is individually manufactured or custom-made in a non-series process in response to a specific order, and installed in a single identified construction work, by a manufacturer who is responsible for the safe incorporation of the product into the construction works, in compliance with the applicable [F3 enactment or rule of law in the United Kingdom in respect of Great Britain] and under the responsibility of those responsible for the safe execution of the construction works designated under the applicable [F3 enactment or rule of law in the United Kingdom in respect of Great Britain];
- (b) the construction product is manufactured on the construction site for its incorporation in the respective construction works in compliance with the applicable [F4 enactment or rule of law in the United Kingdom in respect of Great Britain] and under the responsibility of those responsible for the safe execution of the construction works designated under the applicable [F4 enactment or rule of law in the United Kingdom in respect of Great Britain]; or
- (c) the construction product is manufactured in a traditional manner or in a manner appropriate to heritage conservation and in a non-industrial process for adequately renovating construction works officially protected as part of a designated environment or because of their special architectural or historic merit, in compliance with the applicable [F5 enactment or rule of law in the United Kingdom in respect of Great Britain].

Textual Amendments

- F1** Words in Art. 5 substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 7(2)(a)** (with Sch. 1 para. 70) (as amended by [S.I. 2020/1359](#), reg. 1, Sch. 1 paras. 6, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Word in Art. 5 substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 7(2)(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. (See end of Document for details) View outstanding changes

- F3** Words in Art. 5(a) substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 7(3)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 6, **17**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in Art. 5(b) substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 7(3)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 6, **17**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in Art. 5(c) substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 7(3)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 6, **17**); 2020 c. 1, **Sch. 5 para. 1(1)**

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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\(6\)](#)