

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 4

Declaration of performance

1 When a construction product is covered by a [F2designated] standard or conforms to a [F3UK] Technical Assessment which has been issued for it, the manufacturer shall draw up a declaration of performance when such a product is placed on the market.

2 When a construction product is covered by a [F4designated] standard or conforms to a [F5UK] Technical Assessment which has been issued for it, information in any form about its performance in relation to the essential characteristics, as defined in the applicable harmonised technical specification, may be provided only if included and specified in the declaration of performance except where, in accordance with Article 5, no declaration of performance has been drawn up.

3 By drawing up the declaration of performance, the manufacturer shall assume responsibility for the conformity of the construction product with such declared performance. In the absence of objective indications to the contrary, F6... the declaration of performance drawn up by the manufacturer [F7shall be presumed] to be accurate and reliable.

Textual Amendments

- F2** Word in Art. 4(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 6(2)(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. 4(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 6(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)
- F4** Word in Art. 4(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 6(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)
- F5** Word in Art. 4(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 6(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)
- F6** Words in Art. 4(3) 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. 6(4)(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)
- F7** Words in Art. 4(3) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 6(4)(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 currently no known outstanding effects for the Regulation (EU) No 305/2011 of the European Parliament and of the Council, CHAPTER II. (See end of Document for details)

Article 5

Derogations from drawing up a declaration of performance

By way of derogation from Article 4(1) and in the absence of [^{F8}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 [^{F9}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 [^{F10}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 [^{F10}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 [^{F11}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 [^{F11}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 [^{F12}enactment or rule of law in the United Kingdom in respect of Great Britain].

Textual Amendments

- F8** 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)**
- F9** 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)
- F10** 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)**
- F11** 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)**
- F12** 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)**

Article 6

Content of the declaration of performance

- 1 The declaration of performance shall express the performance of construction products in relation to the essential characteristics of those products in accordance with the relevant harmonised technical specifications.
- 2 The declaration of performance shall contain, in particular, the following information:
 - a the reference of the product-type for which the declaration of performance has been drawn up;
 - b the system or systems of assessment and verification of constancy of performance of the construction product, as set out in Annex V;
 - c the reference number and date of issue of the [F13designated] standard or the [F14UK] Technical Assessment which has been used for the assessment of each essential characteristic;
 - d where applicable, the reference number of the Specific Technical Documentation used and the requirements with which the manufacturer claims the product complies.
- 3 The declaration of performance shall in addition contain:
 - a the intended use or uses for the construction product, in accordance with the applicable harmonised technical specification;
 - b the list of essential characteristics, as determined in the harmonised technical specification for the declared intended use or uses;
 - c the performance of at least one of the essential characteristics of the construction product, relevant for the declared intended use or uses;
 - d where applicable, the performance of the construction product, by levels or classes, or in a description, if necessary based on a calculation in relation to its essential characteristics determined in accordance with Article 3(3);
 - e the performance of those essential characteristics of the construction product which are related to the intended use or uses, taking into consideration the provisions in relation to the intended use or uses where the manufacturer intends the product to be made available on the market;
 - f for the listed essential characteristics for which no performance is declared, the letters 'NPD' (No Performance Determined);
 - g when a [F15UK] Technical Assessment has been issued for that product, the performance, by levels or classes, or in a description, of the construction product in relation to all essential characteristics contained in the corresponding [F16UK Assessment Document].
- 4 The declaration of performance shall be drawn up using the model set out in Annex III.
- 5 The information referred to in Article 31 or, as the case may be, in Article 33 of Regulation (EC) No 1907/2006 [F17as amended from time to time], shall be provided together with the declaration of performance.

Textual Amendments

- F13** Word in Art. 6(2)(c) substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 8(2)(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)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 305/2011 of the European Parliament and of the Council, CHAPTER II. (See end of Document for details)

- F14** Word in Art. 6(2)(c) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 8(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)
- F15** Word in Art. 6(3)(g) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 8(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)
- F16** Words in Art. 6(3)(g) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 8(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)
- F17** Words in Art. 6(5) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 8(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)

Article 7

Supply of the declaration of performance

1 A copy of the declaration of performance of each product which is made available on the market shall be supplied either in paper form or by electronic means.

However, where a batch of the same product is supplied to a single user, it may be accompanied by a single copy of the declaration of performance either in paper form or by electronic means.

2 A paper copy of the declaration of performance shall be supplied if the recipient requests it.

3 By way of derogation from paragraphs 1 and 2, the copy of the declaration of performance may be made available on a web site in accordance with conditions to be established by the [F18Secretary of State] by [F19regulations] in accordance with Article 60. Such conditions shall, inter alia, guarantee that the declaration of performance remains available at least for the period referred to in Article 11(2).

4 The declaration of performance shall be supplied in [F20English].

Textual Amendments

- F18** Words in Art. 7(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 9(2)(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)
- F19** Word in Art. 7(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 9(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)
- F20** Word in Art. 7(4) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 9(3)** (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)

^{F21}Article 8

Use of UK marking

1 The UK marking must be affixed to those construction products for which the manufacturer has drawn up a declaration of performance in accordance with Articles 4 and 6. The UK marking must be affixed only by the manufacturer or the manufacturer's authorised representative.

2 If a declaration of performance has not been drawn up by the manufacturer in accordance with Articles 4 and 6, the UK marking must not be affixed.

3 By affixing or having affixed the UK marking, manufacturers indicate that they take responsibility for the conformity of the construction product with the declared performance as well as the compliance with all applicable requirements laid down in this Regulation and in other enactments providing for its affixing.

4 The rules for affixing the UK marking provided for in other enactments (including in Article 30 of RAMS) apply without prejudice to this Article.

5 A public authority within the meaning of section 6 of the Human Rights Act 1998 may not impose rules or conditions impeding the use of a construction product bearing the UK marking, or the CE marking (or CE marking accompanied by the UK(NI) indication) where Article 16A(2)(a) applies, when the declared performances correspond to the requirements for such use in Great Britain.]

Textual Amendments

F21 Art. 8 substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, [Sch. 1 para. 10](#) (with [Sch. 1 para. 70](#)) (as amended by [S.I. 2020/1359](#), reg. 1, [Sch. 1 paras. 7, 17](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Article 9

Rules and conditions for the affixing of [^{F22}UK] marking

1 The [^{F22}UK] marking shall be affixed visibly, legibly and indelibly to the construction product or to a label attached to it. Where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents.

2 The [^{F22}UK] marking shall be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity, the unique identification code of the product-type, the reference number of the declaration of performance, the level or class of the performance declared, the reference to the harmonised technical specification applied, the identification number of the [^{F23}approved] body, if applicable, and the intended use as laid down in the harmonised technical specification applied.

3 The [^{F22}UK] marking shall be affixed before the construction product is placed on the market. It may be followed by a pictogram or any other mark notably indicating a special risk or use.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 305/2011 of the European Parliament and of the Council, CHAPTER II. (See end of Document for details)

Textual Amendments

- F22** Word in Art. 9 substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 11(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)
- F23** Word in Art. 9(2) substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 11(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)

^{F24}Article 10

Product Contact Points for Construction

Textual Amendments

- F24** Art. 10 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. 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)

Textual Amendments

- F1** Word in Ch. 2 heading substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 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)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) No 305/2011 of the European Parliament and of the Council, CHAPTER II.