

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

#### <sup>F1</sup>Article 17

#### Harmonised standards

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##### Textual Amendments

- F1** Art. 17 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. 18** (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)

#### <sup>F2</sup>Article 18

#### Formal objection against harmonised standards

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##### Textual Amendments

- F2** Art. 18 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. 18** (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)

#### <sup>F3</sup>Article 18A

#### Standardisation mandate

- 1 A recognised standardisation body may submit a proposal to develop a standard for the purposes of this Regulation to the Secretary of State.
- 2 The Secretary of State may issue a standardisation mandate to a recognised standardisation body which is, or is not, based on a proposal submitted under paragraph 1.
- 3 Where the standardisation mandate is based on a proposal submitted under paragraph 1, the mandate must be issued to the body who submitted the proposal.
- 4 When developing a standard in response to a standardisation mandate, a recognised standardisation body must consult with such persons as it considers appropriate on the content of the standard.

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**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 IV. (See end of Document for details)

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- 5 A standard must:
- a provide the methods and the criteria for assessing the performance of the construction products in relation to their essential characteristics;
  - b when provided for in the relevant standardisation mandate, refer to an intended use of products to be covered by it;
  - c where appropriate and without endangering the accuracy, reliability or stability of the results, provide methods less onerous than testing for assessing the performance of the construction products in relation to their essential characteristics;
  - d determine the applicable factory production control, which must take into account the specific conditions of the manufacturing process of the construction product concerned;
  - e include technical details necessary for the implementation of the system of assessment and verification of constancy of performance.]

#### Textual Amendments

**F3** Arts. 18A-18C inserted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 19** (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)

### *<sup>F3</sup>Article 18B*

#### Designated standards

- 1 The Secretary of State may designate as a designated standard:
- a a standard which is prepared by a recognised standardisation body [<sup>F4</sup>or adopted by an international standardising body] and satisfies the requirements of Article 18A(5);
  - b a harmonised standard which is adopted by a European standardisation body before, or on or after IP completion day, which does not become designated under paragraph 2.

- 2 Where, immediately before IP completion day—
- a a reference to a harmonised standard has been published in the Official Journal of the European Union under this Regulation; and
  - b a British standard transposing the harmonised standard has been adopted,
- the British standard becomes a designated standard on IP completion day; and the Secretary of State must, as soon as reasonably practicable after IP completion day, publish a reference to that standard.

The coexistence period for the standard is the period established by the European Commission under Article 17(5) as it had effect immediately before IP completion day.

- 3 Before designating a standard under paragraph 1, the Secretary of State must have regard to whether the standard is consistent with any [<sup>F5</sup>, or any other, standards adopted by international standardising bodies] which the Secretary of State considers to be relevant.

- 4 The Secretary of State is to designate a standard under paragraph 1 by publishing the reference to the standard and maintaining that publication in such manner as the Secretary of State considers appropriate.

Where the standard is a harmonised standard, the published reference may be the reference to a British standard transposing the harmonised standard.

5 Alongside a reference to a standard designated under paragraph 1, the Secretary of State must publish:

- a the references of any superseded harmonised technical specifications;
- b the date of the beginning of the coexistence period;
- c the date of the end of the coexistence period.

6 The Secretary of State may change the date of the beginning or end of the coexistence period for a designated standard to a later date by publishing the revised date in such manner as the Secretary of State considers appropriate.

7 When considering whether the manner of publication of a reference or a revised date is appropriate, the Secretary of State must have regard to whether the publication will draw the standard or the revised date to the attention of any persons who may have an interest in it.

8 Without prejudice to Articles 36 to 38, from the date of the end of the coexistence period, the designated standard is to be the only means used for drawing up a declaration of performance for a construction product covered by it.

At the end of the coexistence period, any other national standards are to be treated as invalid to the extent that they are inconsistent with the designated standard.

9 Where a designated standard is a harmonised standard:

- a the provisions of the harmonised standard which address the EU Construction Products Regulation are to be treated as the provisions of the designated standard which address this Regulation;
- b any reference in the harmonised standard to a system of assessment and verification of constancy of performance under the EU Construction Products Regulation is to be treated as a reference to the equivalent system under this Regulation.

[ In this Article “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time). ]

#### Textual Amendments

- F3** Arts. 18A-18C inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 19** (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** Words in Art. 18B(1)(a) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 4 para. 20(a)**; S.I. 2020/1662, reg. 2(ee)
- F5** Words in Art. 18B(3) substituted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 4 para. 20(b)**; S.I. 2020/1662, reg. 2(ee)
- F6** Art. 18B(10) inserted (31.12.2020) by European Union (Future Relationship) Act 2020 (c. 29), s. 40(7), **Sch. 4 para. 20(c)**; S.I. 2020/1662, reg. 2(ee)

### *F<sup>3</sup>* Article 18C

#### **Objection to a designated standard**

1 Where the Secretary of State considers that a designated standard is no longer appropriate, the Secretary of State may, after consulting with such persons as the Secretary

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*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 IV. (See end of Document for details)

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of State considers appropriate, decide to maintain, maintain with restriction or withdraw the reference to the designated standard.

2 Where the standard was prepared by a recognised standardisation body in response to a standardisation mandate, the Secretary of State must inform the recognised standardisation body of the decision under paragraph 1 and may request the revision of the standard.]

#### Textual Amendments

- F3** Arts. 18A-18C inserted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 19** (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 19

#### [<sup>F7</sup>UK] Assessment Document

1 Following a request for a [<sup>F8</sup>UK] Technical Assessment by a manufacturer, a [<sup>F8</sup>UK] Assessment Document shall be drawn up and adopted by the [<sup>F9</sup>responsible TAB] for any construction product not covered or not fully covered by a [<sup>F10</sup>designated] standard, for which the performance in relation to its essential characteristics cannot be entirely assessed according to an existing [<sup>F10</sup>designated] standard, because, inter alia:

- a the product does not fall within the scope of any existing [<sup>F10</sup>designated] standard;
- b for at least one essential characteristic of that product, the assessment method provided for in the [<sup>F10</sup>designated] standard is not appropriate; or
- c the [<sup>F10</sup>designated] standard does not provide for any assessment method in relation to at least one essential characteristic of that product.

2 The procedure for adopting the [<sup>F11</sup>UK] Assessment Document shall respect the principles set out in Article 20 and shall comply with Article 21 and Annex II.

3 The [<sup>F12</sup>Secretary of State] may [<sup>F13</sup>make regulations] in accordance with Article 60 to amend Annex II and establish supplementary procedural rules for the development and adoption of a [<sup>F14</sup>UK] Assessment Document.

[<sup>F15</sup>4 The Secretary of State may use a UK Assessment Document as a basis for a standardisation mandate with a view to developing a standard for a product referred to in paragraph 1 of this Article.]

#### Textual Amendments

- F7** Word in [Art. 19](#) heading substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 20(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)
- F8** Word in [Art. 19\(1\)](#) substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 20(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)
- F9** Words in [Art. 19\(1\)](#) substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 20(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)

**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 IV. (See end of Document for details)

- F10** Word in Art. 19(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 20(3)(c)** (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)
- F11** Word in Art. 19(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 20(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)
- F12** Words in Art. 19(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 20(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)
- F13** Words in Art. 19(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 20(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)
- F14** Word in Art. 19(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 20(5)(c)** (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** Art. 19(4) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 20(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)

## Article 20

### Principles for the development and adoption of [F16UK] Assessment Documents

- 1 The procedure for developing and adopting [F17UK] Assessment Documents shall:
- be transparent to the manufacturer concerned;
  - define appropriate mandatory time limits in order to avoid unjustified delay;
  - take appropriately into account the protection of commercial secrecy and confidentiality;
  - allow for adequate participation by the [F18Secretary of State];
  - be cost-effective for the manufacturer; and
  - ensure sufficient collegiality and coordination amongst TABs designated for the product in question.
- 2 The TABs shall <sup>F19</sup>... bear the full costs of the development and adoption of [F20UK] Assessment Documents.

#### Textual Amendments

- F16** Word in Art. 20 heading substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 21(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)
- F17** Word in Art. 20(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 21(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)
- F18** Words in Art. 20(1)(d) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 21(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)
- F19** Words in Art. 20(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. 21(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)

*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 IV. (See end of Document for details)*

**F20** Word in Art. 20(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 21(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)

## Article 21

### Obligations of the TAB receiving a request for a <sup>F21</sup>UK Technical Assessment

1 The <sup>F22</sup>responsible TAB shall inform the manufacturer if the construction product is covered, fully or partially, by a harmonised technical specification as follows:

- a where the product is fully covered by a <sup>F23</sup>designated standard, the TAB shall inform the manufacturer that, in accordance with Article 19(1), a <sup>F24</sup>UK Technical Assessment cannot be issued;
- b where the product is fully covered by a <sup>F25</sup>UK Assessment Document, the TAB shall inform the manufacturer that such a document will be used as the basis for the <sup>F25</sup>UK Technical Assessment to be issued;
- c where the product is not covered, or not fully covered, by any harmonised technical specification, the TAB shall apply the procedures set out in Annex II or those established in accordance with Article 19(3).

<sup>F26</sup>1A A TAB may use a pre-exit European Assessment Document as a UK Assessment Document provided it has obtained any necessary consent to do so from the organisation of TABs established under the EU Construction Products Regulation.]

2 In the cases referred to in points (b) and (c) of paragraph 1, the <sup>F27</sup>responsible TAB shall inform <sup>F28</sup>... the <sup>F29</sup>Secretary of State of the content of the request and of the reference to a relevant <sup>F29</sup>Secretary of State decision for assessment and verification of constancy of performance, which the TAB intends to apply for that product, or of the lack of such a <sup>F29</sup>Secretary of State decision.

3 If the <sup>F30</sup>Secretary of State considers that an appropriate decision for assessment and verification of constancy of performance does not exist for the construction product, Article 28 shall apply.

#### Textual Amendments

- F21** Word in Art. 21 heading substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 22(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)
- F22** Words in Art. 21(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 22(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)
- F23** Word in Art. 21(1)(a) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 22(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)
- F24** Word in Art. 21(1)(a) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 22(3)(c) (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)
- F25** Word in Art. 21(1)(b) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, Sch. 1 para. 22(3)(c) (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 IV. (See end of Document for details)

- F26** Art. 21(1A) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 22(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)
- F27** Word in Art. 21(2) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 22(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)
- F28** Words in Art. 21(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. 22(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)
- F29** Words in Art. 21(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 22(5)(c)** (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)
- F30** Words in Art. 21(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 22(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)

## <sup>F31</sup>Article 22

### Publication

1 When a responsible TAB adopts a UK Assessment Document, it must send a copy of the document to the Secretary of State.

2 Subject to Article 25(1), the Secretary of State must publish a list of references of the final UK Assessment Documents in such manner as the Secretary of State considers appropriate to bring the documents to the attention of persons who may have interest in them.

The Secretary of State must publish any changes to the list.]

#### Textual Amendments

- F31** Art. 22 substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 23** (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 23

### Dispute resolution in cases of disagreement between TABs

If the TABs do not agree upon the [<sup>F32</sup>UK] Assessment Document within the time limits provided for, the [<sup>F33</sup>responsible TAB] shall submit this matter to the [<sup>F34</sup>Secretary of State] for appropriate resolution.

#### Textual Amendments

- F32** Word in Art. 23 substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 24(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)
- F33** Words in Art. 23 substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 24(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 IV. (See end of Document for details)

**F34** Words in Art. 23 substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 24(c)** (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 24

### Content of the [F35UK] Assessment Document

1 A [F36UK] Assessment Document shall contain, at least, a general description of the construction product, the list of essential characteristics, relevant for the intended use of the product as foreseen by the manufacturer and agreed between the manufacturer and the [F37responsible TAB], as well as the methods and criteria for assessing the performance of the product in relation to those essential characteristics.

2 Principles for the applicable factory production control to be applied shall be set out in the [F38UK] Assessment Document, taking into account the conditions of the manufacturing process of the construction product concerned.

3 Where the performance of some of the essential characteristics of the product can appropriately be assessed with methods and criteria already established in other harmonised technical specifications <sup>F39</sup>..., those existing methods and criteria shall be incorporated as parts of the [F40UK] Assessment Document.

[F414 Where the performance of some of the essential characteristics of the product can appropriately be assessed with methods and criteria already established in pre-exit European Assessment Documents, or used in accordance with Article 9 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 before 1 July 2013 in the context of issuing European technical approvals, those existing methods and criteria may, subject to any necessary consent from the organisation of TABs established under the EU Construction Products Regulation, be incorporated as parts of the UK Assessment Document.]

#### Textual Amendments

- F35** Word in Art. 24 heading substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 25(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)
- F36** Word in Art. 24(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 25(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)
- F37** Words in Art. 24(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 25(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)
- F38** Word in Art. 24(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 25(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)
- F39** Words in Art. 24(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. 25(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)
- F40** Word in Art. 24(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 25(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)



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**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 IV. (See end of Document for details)

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**F41** Art. 24(4) inserted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 25(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)

## *[<sup>F42</sup> Article 25*

### **Formal objections against UK Assessment Documents**

1 Where the Secretary of State considers that a UK Assessment Document does not satisfy the demands to be met in relation to the basic requirements for construction works set out in Annex 1, the Secretary of State must decide, after consulting the responsible TAB, any other relevant TABs, and such other persons as the Secretary of State considers appropriate, to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the reference to the UK Assessment Document.

2 The Secretary of State must inform the responsible TAB and any other relevant TABs of the decision under paragraph 1 and may request the revision of the UK Assessment Document concerned.]

#### **Textual Amendments**

**F42** Art. 25 substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 26** (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 26*

### **[<sup>F43</sup>UK] Technical Assessment**

1 The [<sup>F44</sup>UK] Technical Assessment shall be issued by a TAB, at the request of a manufacturer on the basis of a [<sup>F44</sup>UK] Assessment Document established in accordance with the procedures set out in Article 21 and Annex II.

Provided that there is a [<sup>F44</sup>UK] Assessment Document, a [<sup>F44</sup>UK] Technical Assessment may be issued even in the case where a [<sup>F45</sup>standardisation] mandate for a [<sup>F46</sup>designated] standard has been issued. Such issuing shall be possible until the beginning of the coexistence period as determined <sup>F47</sup>... in accordance with [<sup>F48</sup>Article 18B].

2 The [<sup>F49</sup>UK] Technical Assessment shall include the performance to be declared, by levels or classes, or in a description, of those essential characteristics agreed by the manufacturer and the [<sup>F50</sup>responsible TAB] for the declared intended use, and technical details necessary for the implementation of the system of assessment and verification of constancy of performance.

[<sup>F51</sup>3 The Secretary of State must make regulations to establish the format of the UK Technical Assessment.]

#### **Textual Amendments**

**F43** Word in Art. 26 heading substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 27(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)

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**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 IV. (See end of Document for details)

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- F44** Word in Art. 26(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 27(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)
- F45** Word in Art. 26(1) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 27(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)
- F46** Word in Art. 26(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 27(2)(c)** (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)
- F47** Words in Art. 26(1) 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. 27(2)(d)** (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)
- F48** Words in Art. 26(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 27(2)(e)** (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)
- F49** Word in Art. 26(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 27(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)
- F50** Words in Art. 26(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 27(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)
- F51** Art. 26(3) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 27(4)** (with Sch. 1 paras. 70, 76) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)

## *<sup>F52</sup>Article 27*

### **Levels or classes of performance**

1 The Secretary of State may make regulations, in accordance with Article 60, to establish classes of performance in relation to the essential characteristics of construction products.

2 Where the Secretary of State has established classes of performance in relation to the essential characteristics of construction products, a recognised standardisation body must use those classes in a standard prepared under Article 18A. A responsible TAB must where relevant use those classes in UK Assessment Documents.

Where classes of performance in relation to the essential characteristics of construction products are not established by the Secretary of State, they may be established by a recognised standardisation body in a standard prepared under Article 18A, on the basis of a revised standardisation mandate.

3 When provided for in the relevant standardisation mandate, a recognised standardisation body must establish in a standard prepared under Article 18A threshold levels in relation to essential characteristics and, when appropriate, for intended uses, to be fulfilled by construction products in Great Britain.

4 Where a recognised standardisation body has established classes of performance in a designated standard or a European standardisation body has established such classes in a harmonised standard which is a designated standard, a responsible TAB must use those classes in the UK Assessment Documents where they are relevant for the construction product.

When deemed appropriate, a responsible TAB may, with the agreement of the Secretary of State and after consulting such persons as it considers appropriate, establish in the UK Assessment Document classes of performance and threshold levels in relation to the essential characteristics of a construction product within its intended use as foreseen by the manufacturer.

5 The Secretary of State may make regulations, in accordance with Article 60, to establish conditions under which a construction product is to be deemed to satisfy a certain level or class of performance without testing or without further testing.

Where such conditions are not established by the Secretary of State, they may be established by a recognised standardisation body in a standard prepared under Article 18A, on the basis of a revised standardisation mandate.

6 When the Secretary of State has established classification systems in accordance with paragraph 1, any person may determine the levels or classes of performance to be respected by construction products in relation to their essential characteristics only in accordance with those classification systems.

7 A recognised standardisation body and a responsible TAB must respect the regulatory needs of Great Britain when determining threshold levels or classes of performance.]

#### Textual Amendments

**F52** Art. 27 substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 28** (with Sch. 1 para. 70) (as amended by [S.I. 2020/1359](#), reg. 1, Sch. 1 paras. 10, 17); 2020 c. 1, **Sch. 5 para. 1(1)**

### 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>F53</sup>regulations] in accordance with Article 60, the [<sup>F54</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>F55</sup>...

The [<sup>F56</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>F57</sup>standardisation mandates, standards prepared under Article 18A, and UK Assessment Documents.]

#### Textual Amendments

**F53** 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)**

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**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 IV. (See end of Document for details)

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- F54** 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)**
- F55** 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)**
- F56** 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)**
- F57** 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 currently no known outstanding effects for the Regulation (EU) No 305/2011 of the European Parliament and of the Council, CHAPTER IV.