

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 IX

FINAL PROVISIONS

[^{F1}Article 60

Regulations

1 For the purposes of achieving the objectives of this Regulation, in particular removing and avoiding restrictions on making construction products available on the market, the Secretary of State may by regulations:

- a determine the essential characteristics or threshold levels within specific families of construction products, in relation to which, in accordance with Articles 3 to 6, the manufacturer must declare, in relation to their intended use, by levels or classes, or in a description, the performance of the manufacturer's product when it is placed on the market;
- b determine the conditions on which a declaration of performance may be electronically processed, in order to make it available on a web site in accordance with Article 7;
- c amend the period for which the manufacturer must keep the technical documentation and the declaration of performance after the construction product has been placed on the market, in accordance with Article 11, based on the expected life or the part played by the construction product in the construction works;
- d amend Annex 2 and adopt supplementary procedural rules in accordance with Article 19(3) in order to ensure compliance with the principles in Article 20, or the application in practice of the procedures set out in Article 21;
- e amend Annex 3, table 1 of Annex 4, and Annex 5 in response to technical progress;
- f establish and adapt classes of performance in response to technical progress in accordance with Article 27(1);
- g determine the conditions on which a construction product is to be deemed to satisfy a certain level or class of performance without testing or without further testing in accordance with Article 27(5), provided that the fulfilment of the basic requirements for construction works is not thereby jeopardised;
- h adapt, establish and revise the system or systems of assessment and verification of constancy of performance, in accordance with Article 28, relating to a given construction product, a given product family or a given essential characteristic, and in accordance with:
 - i) the importance of the part played by the product or those essential characteristics with respect to the basic requirements for construction works;
 - ii) the nature of the product;
 - iii) the effect of the variability of the essential characteristics of the construction product during the expected life of the product; and
 - iv) the susceptibility to defects in the product's manufacture.

2 Regulations under this Article or Article 26(3) are to be made by statutory instrument.

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 IX. (See end of Document for details)

- 3 Such regulations may:
- a contain incidental, supplemental, consequential and transitional provision and savings;
 - b make different provision for different purposes.
- 4 A statutory instrument containing regulations made under this Article or Article 26(3) is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** Art. 60 substituted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 62** (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)

F2 Article 61

Exercise of the delegation

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Textual Amendments

- F2** Arts. 61-64 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. 63** (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 Article 62

Revocation of the delegation

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Textual Amendments

- F2** Arts. 61-64 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. 63** (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 Article 63

Objections to delegated acts

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Textual Amendments

- F2** Arts. 61-64 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. 63** (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 IX. (See end of Document for details)

F2 Article 64

Committee

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Textual Amendments

F2 Arts. 61-64 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. 63** (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 65

Repeal

- 1 Directive 89/106/EEC is repealed.
- 2 References to the repealed Directive shall be construed as references to this Regulation.

Article 66

Transitional provisions

- 1 Construction products which have been placed on the market in accordance with Directive 89/106/EEC before 1 July 2013 shall be deemed to comply with this Regulation.

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Textual Amendments

F3 Art. 66(2)-(4) 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. 64** (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 Article 67

Reporting by the Commission

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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 IX. (See end of Document for details)

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Textual Amendments

- F4** Art. 67 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. 65** (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}Article 68

Entry into force

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Textual Amendments

- F5** Art. 68 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. 65** (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 IX.