

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 III

OBLIGATIONS OF ECONOMIC OPERATORS

Article 11

Obligations of manufacturers

1 Manufacturers shall draw up a declaration of performance in accordance with Articles 4 and 6, and affix the [F¹UK] marking in accordance with Articles 8 and 9.

Manufacturers shall, as the basis for the declaration of performance, draw up technical documentation describing all the relevant elements related to the required system of assessment and verification of constancy of performance.

2 Manufacturers shall keep the technical documentation and the declaration of performance for a period of 10 years after the construction product has been placed on the market.

Where appropriate, the [F²Secretary of State] may, by [F³regulations] in accordance with Article 60, amend that period for families of construction products on the basis of the expected life or part played by the construction product in the construction works.

3 Manufacturers shall ensure that procedures are in place to ensure that series production maintains the declared performance. Changes in the product-type and in the applicable harmonised technical specifications shall be adequately taken into account.

Manufacturers shall, where deemed appropriate with regard to ensuring the accuracy, reliability and stability of the declared performance of a construction product, carry out sample testing of construction products placed or made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and of product recalls, and keep distributors informed of any such monitoring.

4 Manufacturers shall ensure that their construction products bear a type, batch or serial number or any other element allowing their identification, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the construction product.

5 Manufacturers shall indicate on the construction product or, where that is not possible, on its packaging or in a document accompanying it, their name, registered trade name or registered trade mark and their contact address. The address shall indicate a single point at which the manufacturer can be contacted.

6 When making a construction product available on the market, manufacturers shall ensure that the product is accompanied by instructions and safety information in [F⁴English].

7 Manufacturers who consider or have reason to believe that a construction product which they have placed on the market is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, shall immediately

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take the necessary corrective measures to bring that construction product into conformity, or, if appropriate, to withdraw or recall it. Furthermore, where the product presents a risk, manufacturers shall immediately inform [^{F5}a competent authority] to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

8 Manufacturers shall, further to a reasoned request from a competent ^{F6}... authority, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Regulation, in [^{F7}English]. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by construction products which they have placed on the market.

Textual Amendments

- F1** Word in Art. 11(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 13(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. 11(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 13(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** Word in Art. 11(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 13(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. 11(6) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 13(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** Words in Art. 11(7) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 13(5)** (with Sch. 1 paras. 70, 72) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in Art. 11(8) 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. 13(6)(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** Word in Art. 11(8) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 13(6)(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 12

Authorised representatives

1 A manufacturer may appoint, by written mandate, an authorised representative.

The drawing up of technical documentation shall not form part of the authorised representative's mandate [^{F8}established in the United Kingdom].

2 An authorised representative shall perform the tasks specified in the mandate. The mandate shall allow the authorised representative to carry out at least the following tasks:

- a keep the declaration of performance and the technical documentation at the disposal of [^{F9}market] surveillance authorities for the period referred to in Article 11(2);
- b further to a reasoned request from a competent ^{F10}... authority, provide that authority with all the information and documentation necessary to demonstrate the conformity

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- of the construction product with the declaration of performance and compliance with other applicable requirements in this Regulation;
- c cooperate with ^{F11}a competent authority, at its] request, on any action taken to eliminate the risks posed by construction products covered by the mandate of the authorised representative.

Textual Amendments

- F8** Words in Art. 12(1) inserted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 14(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)
- F9** Word in Art. 12(2)(a) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 14(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)
- F10** Word in Art. 12(2)(b) 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. 14(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)
- F11** Words in Art. 12(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. 14(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)

Article 13

Obligations of importers

1 Importers shall place on the ^{F12}market of Great Britain] only construction products which are compliant with the applicable requirements of this Regulation.

2 Before placing a construction product on the market, importers shall ensure that the assessment and the verification of constancy of performance has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation referred to in the second subparagraph of Article 11(1) and the declaration of performance in accordance with Articles 4 and 6. They shall also ensure that the product, where required, bears the ^{F13}UK] marking, that the product is accompanied by the required documents and that the manufacturer has complied with the requirements set out in Article 11(4) and (5).

Where an importer considers or has reason to believe that the construction product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the importer shall not place the construction product on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. Furthermore, where the construction product presents a risk, the importer shall inform the manufacturer and the market surveillance authorities thereof.

3 Importers shall indicate on the construction product or, where that is not possible, on its packaging or in a document accompanying the product their name, registered trade name or registered trade mark and their contact address.

4 Importers shall ensure that, when making a construction product available on the market, the product is accompanied by instructions and safety information in ^{F14}English].

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5 Importers shall ensure that, while a construction product is under their responsibility, storage or transport conditions do not jeopardise its conformity with the declaration of performance and compliance with other applicable requirements in this Regulation.

6 Importers shall, when deemed appropriate with regard to ensuring the accuracy, reliability and stability of the declared performance of a construction product, carry out sample testing of construction products placed or made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and of product recalls, and shall keep distributors informed of any such monitoring.

7 Importers who consider or have reason to believe that a construction product which they have placed on the market is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, shall immediately take the necessary corrective measures to bring that construction product into conformity, or, where appropriate, to withdraw or recall it. Furthermore, where the product presents a risk, importers shall immediately inform [^{F15}a competent authority] thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.

8 Importers shall, for the period referred to in Article 11(2), keep a copy of the declaration of performance at the disposal of the market surveillance authorities and ensure that the technical documentation is made available to those authorities, upon request.

9 Importers shall, further to a reasoned request from a competent ^{F16}... authority, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Regulation, in [^{F17}English]. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by construction products which they have placed on the market.

Textual Amendments

- F12** Words in Art. 13(1) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 15(2)** (with Sch. 1 para. 70) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 paras. 8, 17); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Word in Art. 13(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 15(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)
- F14** Word in Art. 13(4) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 15(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)
- F15** Words in Art. 13(7) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 15(5)** (with Sch. 1 paras. 70, 72) (as amended by S.I. 2020/1359, reg. 1, Sch. 1 para. 17); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in Art. 13(9) 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. 15(6)(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)
- F17** Word in Art. 13(9) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 15(6)(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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Article 14

Obligations of distributors

1 When making a construction product available on the market, distributors shall act with due care in relation to the requirements of this Regulation.

2 Before making a construction product available on the market distributors shall ensure that the product, where required, bears the [F18UK] marking and is accompanied by the documents required under this Regulation and by instructions and safety information in [F19English.] Distributors shall also ensure that the manufacturer and the importer have complied with the requirements set out in Article 11(4) and (5) and Article 13(3) respectively.

Where a distributor considers or has reason to believe that a construction product is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, the distributor shall not make the product available on the market until it conforms to the accompanying declaration of performance and it complies with the other applicable requirements in this Regulation or until the declaration of performance is corrected. Furthermore, where the product presents a risk, the distributor shall inform the manufacturer or the importer thereof, and the market surveillance authorities.

3 A distributor shall ensure that, while a construction product is under his responsibility, storage or transport conditions do not jeopardise its conformity with the declaration of performance and compliance with other applicable requirements in this Regulation.

4 Distributors who consider or have reason to believe that a construction product which they have made available on the market is not in conformity with the declaration of performance or not in compliance with other applicable requirements in this Regulation, shall make sure that the corrective measures necessary to bring that product in conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, where the product presents a risk, distributors shall immediately inform [F20a competent authority] thereof, giving details, in particular, of the non-compliance and of any corrective measures taken.

5 Distributors shall, further to a reasoned request from a competent F21... authority, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of performance and compliance with other applicable requirements in this Regulation in [F22English.] They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by construction products which they have made available on the market.

Textual Amendments

F18 Word in Art. 14(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 16(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. 14(2) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 16(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 Words in Art. 14(4) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 16(3)** (with Sch. 1 paras. 70, 72) (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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- F21** Word in Art. 14(5) 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. 16(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)
- F22** Word in Art. 14(5) substituted (31.12.2020) by The Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465), reg. 1, **Sch. 1 para. 16(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 15

Cases in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer pursuant to Article 11, where he places a product on the market under his name or trademark or modifies a construction product already placed on the market in such a way that conformity with the declaration of performance may be affected.

Article 16

Identification of economic operators

For the period referred to in Article 11(2), economic operators shall, on request, identify the following to market surveillance authorities:

- (a) any economic operator who has supplied them with a product;
- (b) any economic operator to whom they have supplied a product.

^{F23} Article 16A

Obligations on a manufacturer which are met by complying with obligations in the EU Construction Products Regulation

- 1 Paragraph 2 applies where:
 - a a construction product is covered by a standard which:
 - i) is designated under Article 18B(1)(b); or
 - ii) becomes a designated standard under Article 18B(2); and
 - b before the product is placed on the market, the manufacturer:
 - i) carries out the assessment and the verification of constancy of performance required by the EU Construction Products Regulation;
 - ii) complies with Chapter 6 of the EU Construction Products Regulation in relation to the use, if any, of simplified procedures;
 - iii) draws up a declaration of performance for the product in accordance with Articles 4 and 6 of the EU Construction Products Regulation;
 - iv) provides the information referred to in Article 6(4) of the EU Construction Products Regulation with the declaration of performance;
 - v) draws up the technical documentation referred to in Article 11(1) of the EU Construction Products Regulation; and
 - vi) affixes or has affixed a CE marking in accordance with Articles 8 and 9 of the EU Construction Products Regulation or, in the case of a product to

which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, a CE marking accompanied by the UK(NI) indication in accordance with Articles 8 and 9 of the EU Construction Products Regulation.

- 2 Where this paragraph applies:
 - a the requirements on the manufacturer in the following provisions are to be treated as satisfied:
 - i) Article 4(1);
 - ii) Article 6;
 - iii) Article 8(1);
 - iv) Article 9;
 - v) Article 11(1);
 - vi) Article 28(1);
 - b Article 8(3) has effect as if there were substituted:
- 3 By affixing or having affixed the CE marking or CE marking accompanied by the UK(NI) indication, 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 allowing for the affixing of the CE marking or CE marking accompanied by the UK(NI) indication in satisfaction of a requirement to affix the UK marking.;
- c the following provisions have effect subject to the modifications in paragraph 3:
 - i) Article 4(2) and (3);
 - ii) Article 7;
 - iii) Article 11(2) to (8);
 - iv) Article 12;
 - v) Article 15;
- d Chapter 6 and Article 59 do not apply.
- 3 The modifications are that:
 - a any reference to technical documentation is to be read as a reference to the technical documentation referred to in the second subparagraph of Article 11(1) of the EU Construction Products Regulation;
 - b any reference to a declaration of performance is to be read as a reference to the declaration of performance drawn up by the manufacturer in accordance with Articles 4 and 6 of the EU Construction Products Regulation;
 - c any reference to the UK marking is to be read as a reference to the CE marking or, as the case may be, CE marking accompanied by the UK(NI) indication.]

Textual Amendments

F23 Arts. 16A-16C inserted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 17** (with Sch. 1 para. 70) (as amended by [S.I. 2020/1359](#), reg. 1, Sch. 1 paras. 9, 17); 2020 c. 1, **Sch. 5 para. 1(1)**

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[^{F23}Article 16B

**Obligations on an importer which are met by complying
with obligations in the EU Construction Products Regulation**

- 1 Paragraph 2 applies where:
 - a a construction product is covered by a standard which:
 - i) is designated under Article 18B(1)(b); or
 - ii) becomes a designated standard under Article 18B(2); and
 - b before placing the product on the market, an importer:
 - i) finds that the product does not bear the UK marking;
 - ii) ensures that the manufacturer has:
 - aa) carried out the assessment and the verification of constancy of performance required by the EU Construction Products Regulation;
 - bb) drawn up the technical documentation referred to in the second subparagraph of Article 11(1) of the EU Construction Products Regulation;
 - cc) drawn up the declaration of performance in accordance with Articles 4 and 6 of the EU Construction Products Regulation; and
 - dd) complied with Article 11(4) and (5) of this Regulation; and
 - iii) ensures that the product bears the CE marking, or in the case of a product to which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, the CE marking accompanied by the UK(NI) indication;
 - iv) ensures that the product is accompanied by the ‘required documents’ referred to in Article 13(2) of the EU Construction Products Regulation.
- 2 Where this paragraph applies:
 - a the requirements on the importer in the first subparagraph of Article 13(2) are to be treated as satisfied;
 - b the following provisions of Article 13 have effect subject to the modifications in paragraph 3:
 - i) the second subparagraph of paragraph 2;
 - ii) paragraph 5;
 - iii) paragraphs 7 to 9.
- 3 The modifications are that:
 - a any reference to a declaration of performance is to be read as a reference to the declaration of performance drawn up by the manufacturer in accordance with Articles 4 and 6 of the EU Construction Products Regulation;
 - b any reference to technical documentation is to be read as a reference to the technical documentation referred to in the second subparagraph of Article 11(1) of the EU Construction Products Regulation.]

Textual Amendments

F23 Arts. 16A-16C inserted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 17** (with Sch. 1 para. 70) (as amended by [S.I. 2020/1359](#), reg. 1, Sch. 1 paras. 9, **17**); 2020 c. 1, **Sch. 5 para. 1(1)**

f^{F23} Article 16C**Obligations on a distributor which are met by complying with obligations in the EU Construction Products Regulation**

- 1 Paragraph 2 applies where:
 - a a construction product is covered by a standard which:
 - i) is designated under Article 18B(1)(b); or
 - ii) becomes a designated standard under Article 18B(2); and
 - b before making the product available on the market, a distributor:
 - i) finds that the product does not bear the UK marking; and
 - ii) ensures that:
 - aa) the product bears the CE marking, or in the case of a product to which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, the CE marking accompanied by the UK(NI) indication;
 - bb) the product is accompanied by the ‘documents required’ referred to in Article 14(2) of the EU Construction Products Regulation and by instructions and safety information in English;
 - cc) the manufacturer has complied with Article 11(4) and (5) of this Regulation; and
 - dd) the importer has complied with Article 13(3) of this Regulation.
- 2 Where this paragraph applies:
 - a the requirements on the distributor in the first subparagraph of Article 14(2) are to be treated as satisfied;
 - b Article 14 has effect as if any reference to a declaration of performance were a reference to the declaration of performance drawn up by the manufacturer in accordance with Articles 4 and 6 of the EU Construction Products Regulation.]

Textual Amendments

F23 Arts. 16A-16C inserted (31.12.2020) by [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/465\)](#), reg. 1, **Sch. 1 para. 17** (with Sch. 1 para. 70) (as amended by [S.I. 2020/1359](#), reg. 1, Sch. 1 paras. 9, **17**); 2020 c. 1, **Sch. 5 para. 1(1)**

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