

TECHNICAL GUIDANCE

DECLARATIONS OF PERFORMANCE AND CONFORMITY ASSESSMENT MARKING

BACKGROUND

Regulation (EU) N° 305/2011 of the European Parliament and of the Council replaced Council Directive 89/106/EC, which aimed to remove technical barriers to trade in the field of construction products in order to enhance their free movement in the internal market.

This could only be achieved by the establishment of harmonised technical specifications⁽¹⁾ for the purposes of assessing the performance of construction products in relation to their essential characteristics. Those harmonised technical specifications include testing, calculation and other means, defined within harmonised standards and European Assessment Documents.

The *European Committee for Standardisation* (CEN) and the *European Committee for Electrotechnical Standardisation* (CENELEC) are recognised as the competent organisations for the adoption of harmonised standards. Manufacturers use those harmonised standards when the references to them have been published in the *Official Journal of the European Union*. For a construction product that is not covered or not fully covered by a harmonised standard, manufacturers can request European Technical Assessments to be issued on the basis of European Assessment Documents.

Regulation (EU) N° 305/2011 lays down conditions for making construction products available on the market by establishing harmonised rules on how to express their performance in relation to their essential characteristics and on the use of Conformité Européenne (CE) marking. A construction product that is covered by a harmonised standard or for which a European Technical Assessment has been issued is placed on the market accompanied by a Declaration of Performance in relation to its essential characteristics and affixed with the CE marking. If a Declaration of Performance has not been drawn up, the CE marking should not be affixed.

In order to ensure that the Declaration of Performance is accurate and reliable, the performance of the construction product is assessed and the production in the factory is controlled in accordance with one or more appropriate systems of Assessment and Verification of Constancy of Performance (AVCP). The system(s) of AVCP are chosen to take into account a construction product's essential characteristics in relation to the basic requirements for construction works.⁽²⁾

BREXIT

Following the UK's withdrawal from the EU, Regulation (EU) N° 305/2011 was assimilated into UK law via UK Statutory Instruments N° 465 and N° 1359, *The Construction Products (Amendment etc.) (EU Exit) Regulations 2019* and *The Construction Products (Amendment etc.) (EU Exit) Regulations 2020*, respectively.

All existing European harmonised standards became UK designated standards. Products not covered or not fully covered by a designated standard may be covered by a UK Technical Assessment Document. Notified Bodies based in the UK operating under Regulation (EU) N° 305/2011 were granted new UK Approved Body status.

Currently there is no mutual recognition of UK Approved Bodies by the EU, nor of EU Notified Bodies by the UK for the purpose of conformity assessment marking.

CONFORMITY ASSESSMENT MARKING

Post-Brexit, the UK government introduced two new conformity assessment markings for construction products supplied to Great Britain and Northern Ireland — UKCA and UK(NI), respectively — where testing and certification completed in accordance with a UK designated standard or UK Technical Assessment is completed by a UK Approved Body.

The CE mark will continue to be available when placing construction products on the market across the UK. Any subsequent changes to the recognition of CE marking will be subject to a minimum two-year transitional period.

In Northern Ireland only, if conformity assessment is completed by a UK Approved Body, both the CE and UK(NI) marking should be affixed.

NEW EU CONSTRUCTION PRODUCTS REGULATION

In December 2024, a new EU Construction Products Regulation – Regulation (EU) N° 2024/3110 of the European Parliament and of the Council – was published in the *Official Journal of the European Union*. Nonetheless, many of the articles within Regulation (EU) N° 305/2011 will not be repealed until 2040.

The technical guidance hereinafter is written on the basis that the articles of Regulation (EU) N° 305/2011 as assimilated into UK law via UK Statutory Instruments N° 465 and N° 1359, respectively, continue to apply.

OBLIGATIONS OF MANUFACTURERS

Article 11 of Regulation (EU) N° 305/2011 lists the obligations of manufacturers.

Manufacturer means any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under his name or trademark.

1. Manufacturers shall draw up a Declaration of Performance... and affix the relevant conformity assessment marking.

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.
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 designated/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,

⁽¹⁾ Harmonised technical specifications for typical components of a single ply roofing system are listed under *Designated/Harmonised Standards* and *UK/European Assessment Documents* on page 3.

⁽²⁾ System(s) of AVCP for typical components of a single ply roofing system are listed under *Designated/Harmonised Standards* on page 3.

- 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 a language which can be easily understood by users.
 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... shall immediately 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 the competent national authorities... in which they made the construction product available 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 national 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 a language which can be easily understood by that authority. 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.

IMPORTERS AND DISTRIBUTORS

Article 15 of Regulation (EU) N° 305/2011 outlines cases in which obligations of manufacturers apply to importers and distributors.

- **Distributor** means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a construction product available on the market;
- **Importer** means any natural or legal person established within the UK or European Union, who places a construction product from a third country on the market.

An **importer** or **distributor** shall be considered a manufacturer and shall be subject to the obligations of a manufacturer where they place a product on the market under their name or trademark or modify a construction product already placed on the market in such a way that conformity with the Declaration of Performance may be affected.

DECLARATION OF PERFORMANCE

When a construction product is covered by a designated/harmonised standard or conforms to a UK/European Technical Assessment which has been issued for it, the manufacturer – including an importer or distributor subject to the obligations of a manufacturer (see above) – shall draw up a Declaration of Performance when such a product is placed on the market.

Information in any form about a construction product's performance in relation to the essential characteristics, as defined in the applicable designated/harmonised technical specification, may be provided only if included and specified in the Declaration of Performance.

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, the reader shall presume the Declaration of Performance drawn up by the manufacturer to be accurate and reliable.

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 designated/harmonised technical specifications. It 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;
- c) the reference number and date of issue of the designated/harmonised standard or the UK/European Technical Assessment which has been used for the assessment of each essential characteristic;
- d) the reference number of the Specific Technical Documentation used and the requirements with which the manufacturer claims the product complies;

- e) the intended use or uses for the construction product, in accordance with the applicable designated/harmonised technical specification;
- f) the list of essential characteristics, as determined in the designated/harmonised technical specification for the declared intended use or uses.

DEROGATIONS FROM DRAWING UP A DoP

A manufacturer – including an importer or distributor subject to the obligations of a manufacturer (see above) – may refrain from drawing up a Declaration of Performance when placing a construction product covered by a designated/harmonised 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 national rules and under the responsibility of those responsible for the safe execution of the construction works designated under the applicable national rules;

- **Individually manufactured** means that, due to the specifications of the client, there is a need for readjustment of the production process for manufacture when compared with all other products produced for other clients by the economic operator in question;
- **Custom-made** means that, due to the specifications of the client, there is a variation in terms of size or material when compared with all other products produced for other clients by the economic operator in question;
- **Non-series process** means a process that is neither predominantly automated or predominantly carried out using assembly-line techniques, nor repeated very often in relation to the volume of production by the economic operator concerned or the economic operators belonging to the same group of companies, determined by a common controlling natural or legal person, or the same organisational structure.

- b) the construction product is manufactured on the construction site for its incorporation in the respective construction works in compliance with the applicable national rules and under the responsibility of those responsible for the safe execution of the construction works designated under the applicable national rules; 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 national rules.

USE OF CONFORMITY ASSESSMENT MARKING

The conformity assessment marking shall be affixed to those construction products for which the manufacturer has drawn up a Declaration of Performance. If a Declaration of Performance has not been drawn up by the manufacturer, the conformity assessment marking shall not be affixed.

By affixing or having affixed a conformity assessment 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.

The conformity assessment 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. The conformity assessment 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 designated/harmonised technical specification applied;
- the identification number of the approved/notified body, if applicable;

- and the intended use as laid down in the designated/harmonised technical specification applied.

The conformity assessment 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.

DISCLAIMER

This technical guidance is a summary of specific articles of the Construction Products Regulations related to Declarations of Performance and conformity assessment marking that apply to a manufacturer – including an importer or distributor subject to the obligations of a manufacturer (see above) – but it is not comprehensive. The reader should refer to the relevant legislation to satisfy themselves of their full obligations as applicable.

LEGISLATION AND REGULATION

- [Regulation \(EU\) N° 2024/3110 of the European Parliament and of the Council](#) Official Journal of the European Union L Series, 18.12.2024, p. 1
- [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) UK Statutory Instruments 2020 N° 1359
- [The Construction Products \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) UK Statutory Instruments 2019 N° 465
- [Regulation \(EU\) N° 305/2011 of the European Parliament and of the Council](#) Official Journal of the European Union L 88, 4.4.2011, p. 5
- [Building Safety Statement made on Monday 02 September 2024](#) Ministry of Housing, Communities and Local Government

DESIGNATED/HARMONISED STANDARDS

- **BS EN 13162** Thermal insulation products for buildings. Factory made mineral wool (MW) products. Specification (AVCP Systems 1, 3 and 4)
- **BS EN 13163** Thermal insulation products for buildings. Factory made expanded polystyrene (EPS) products. Specification (AVCP Systems 1, 3 and 4)
- **BS EN 13164** Thermal insulation products for buildings. Factory made extruded polystyrene foam (XPS) products. Specification (AVCP Systems 1, 3 and 4)

- **BS EN 13165** Thermal insulation products for buildings. Factory made rigid polyurethane foam (PU) products. Specification (AVCP Systems 1, 3 and 4)
- **BS EN 13167** Thermal insulation products for buildings. Factory made cellular glass (CG) products. Specification (AVCP Systems 1, 3 and 4)
- **BS EN 13956** Flexible sheets for waterproofing. Plastic and rubber sheets for roof waterproofing. Definitions and characteristics (AVCP Systems 1, 2+, 3 and 4)
- **BS EN 13970** Flexible sheets for waterproofing. Bitumen water vapour control layers. Definitions and characteristics (AVCP Systems 1, 3 and 4)
- **BS EN 13984** Flexible sheets for waterproofing. Plastic and rubber vapour control layers. Definitions and characteristics (AVCP Systems 1, 3 and 4)
- **BS EN 13986** Wood-based panels for use in construction. Characteristics, evaluation of conformity and marking (AVCP Systems 1 and 2+)
- **BS EN 15283-1** Gypsum boards with fibrous reinforcement. Definitions, requirements and test methods. Gypsum boards with mat reinforcement (AVCP Systems 3 and 4)

UK/EUROPEAN ASSESSMENT DOCUMENTS

- [EAD 030351-00-0402 Systems of Mechanically Fastened Flexible Roof Waterproofing Sheets](#) European Organisation for Technical Assessment, February 2019

FURTHER READING

- **Guide: To Help You Understand UK Declarations of Performance** Construction Products Association; Office for Product Safety and Standards (OPSS)
- [New EU-Construction Products Regulation Obligations of Manufacturers Article 22](#) Construction Products Association
- [Areas of Differences between the EU-CPR 2011 and the New Revised EU-CPR](#) Construction Products Association
- [Guidance Note on the Construction Products Regulation, Version 3 – October 2014](#) Construction Products Association

Refer to the latest versions of all documents unless otherwise stated.

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