



1 July 2013

Frequently asked questions: CE marking

Target group: the municipal building control authority

1. What is CE marking?

By affixing the CE marking to a construction product, the manufacturer is declaring that the characteristics of the construction product comply with a European harmonised product standard or a European Technical Assessment (ETA).

The goal is to improve the comparability of construction products by providing accurate and reliable information on the performance levels and characteristics of construction products. This promotes the free movement of goods within the EU area. Designers and consumers can easily compare the declarations of performance of construction products with each other, when the characteristics of products are always declared in the same way. This also makes it easier to sell Finnish products elsewhere in Europe.

Instead of the manufacturer having to acquire separate national approvals in each Member State, the manufacturer can affix the CE mark to the construction product. It will also be easier to import products into Finland, and this will give developers more purchasing opportunities. In Finland, the mandatory CE marking system has the effect of making the declaration of product characteristics more uniform than before, which also supports improvements in construction quality. CE marking became mandatory for most construction products when the EU Construction Products Regulation entered into force in its entirety on 1 July 2013.

2. What does CE marking on a construction product mean?

CE marking shows that the manufacturer has tested or calculated the characteristics of its construction product in a way required by a harmonised European standard (hEN) or European Technical Assessment (ETA). CE marking makes it easier to compare the characteristics of construction products, construction and design, because the characteristics of products must be verified and declared in a uniform way.

Additionally, CE marking makes it easier to sell Finnish products elsewhere in Europe, because it is possible to place a construction product with the CE marking on the market in all countries within the European Economic Area without separate reviews carried out in each country. The CE mark consists of the letters "CE".

3. Which products require CE marking?

CE marking is required for a construction product when it is within the scope of a harmonised European standard (hEN) whose transition period has ended, or if the manufacturer has applied for and been issued a European Technical Assessment (ETA) for the construction product. Starting from 1 July 2013, these construction products cannot be placed on the market in Finland or in any other European Union or European Free Trade Association (EFTA) country without the CE marking. Mandatory CE marking is required under the EU Construction Products Regulation. The CE marking can already be used for a construction product during the transition period.

The CE mark cannot be affixed to other construction products in accordance with the Construction Products Regulation.

4. What is a Declaration of Performance (DoP)?

The Declaration of Performance is a requirement for obtaining CE marking for a product. The Declaration of Performance is a declaration in a specified form, drawn up by the manufacturer based on a harmonised European standard (hEN) or a European Technical Assessment (ETA) in accordance with the template in Annex III of the Construction Products Regulation.

The Declaration of Performance is drawn up for those essential characteristics of a product that the harmonised product standard defines as characteristics to be declared for the product. Usually the approval of an external party, that is, a notified body, is needed to declare the characteristics in accordance with the harmonised product standard. The Declaration of Performance is the only way to report the values and categories of the characteristics of a construction product.

5. What is a European Technical Assessment (ETA)?

A European Technical Assessment (ETA) can be issued for construction products not covered by a harmonised product standard. The ETA is a voluntary technical assessment leading to CE marking, and it is intended for new products in particular.

In Finland, VTT Expert Services Oy has been appointed as a Technical Assessment Body (TAB) for issuing European technical assessments. The manufacturer can use a competent body (TAB) from any EU country.

6. Who is responsible for affixing the CE marking?

The manufacturer of the construction product is responsible for affixing the CE marking.

7. Starting from 1 July 2013, is it necessary, for example, to mark products already on the construction site with the CE marking?

If the construction product has been placed on the market before 1 July 2013, it does not need to be CE marked after 1 July 2013. This means that a construction product delivered to the construction site before 1 July 2013 does not require the CE marking.

However, such a product may be CE marked, and, in any case, it must fulfil the national requirements set by the authorities.

The product is placed on the Community market when it is made available for the first time. In practice, the moment the product exits the factory gate has often been considered as the threshold. In addition, the concept of placing a product on the market refers to single products and not the product type, regardless of whether the product was manufactured as a single item or in a series production. When a product is placed on the market after 1 July 2013, it must comply with the Construction Products Regulation. The products within the scope of CE marking that exit the factory gates starting from 1 July 2013 must have the CE marking.

8. What happens if the CE marking of the product has been done wrongly or without going through the appropriate procedure?

If a product is on the market and its CE marking is defective, or if the marking is used on the product even though it does not meet the requirements for its use, the market surveillance authority will determine the measures for removing the defect. In the worst case scenario, the sale of the product or its use in construction may be prohibited, and the manufacturer may be obliged to withdraw the product from the market at its own cost.

The Act on the Infringement of CE Marking (*Laki CE-merkintärikkomuksesta* 187/2010) includes penalties for situations where an infringement of the CE marking system set out in the NLF Regulation¹ has occurred.

9. Who is responsible for ensuring that the construction product used at the construction site has the CE marking and is fit for purpose for Finnish conditions?

The Land Use and Building Act (*Maankäyttö- ja rakennuslaki* 132/1999) lays down provisions on the obligations of a party engaging in a construction project. According to Section 119 of the Land Use and Building Act, a party engaging in a construction project must ensure that the building is designed and constructed in accordance with building provisions and regulations and the permit granted. One of the obligations of a party engaging in a construction project is to ensure that the construction products are fit for purpose, meaning that the party must ensure that the construction product selected can be used at the construction project in question.

The party must have the necessary competence to implement the project, as required by its difficulty, and must have access to qualified personnel. The party engaging in a construction project is also obliged to ensure that the construction products used in the construction work fulfil the requirements set for them. The duty of the designers is to define in the plans what kind of characteristics a construction product is required to have and their requirement levels, taking into account the intended purpose of the product and the performance of the declared characteristics of products with the CE marking. The essential technical requirements set for construction are provided in sections 117a–117g of the Land Use and Building Act.

According to Section 152 of the Land Use and Building Act, construction products intended for use as permanent elements in a building must be safe and healthy, and their characteristics must be such that the building, when properly designed and constructed, meets the essential requirements set in the Land Use and Building Act for construction during its economic service life if maintained normally.

The Declaration of Performance is compared to the national requirements to determine whether the characteristics of the construction product make it suitable for use in the construction project.

10. Who is responsible for supervising the use of construction products in Finland?

The municipal building control authority supervises the use of construction products as before. In accordance with Section 181 of the Land Use and Building Act, the municipal building control authority must monitor the use of construction products, and if necessary, notify the Finnish Safety and Chemicals Agency (Tukes) of any defects found in the use of construction products or infringement of the CE marking. Tukes acts as the market surveillance authority in accordance with the Construction Products Regulation.

11. How does building control operate, if, for example, on 1 December 2013, it is discovered at the construction site that a product does not have the mandatory CE marking?

The building control authority notifies the Finnish Safety and Chemicals Agency (Tukes) of the infringement because, in accordance with the Construction Products Regulation, Tukes acts as the market surveillance authority. In addition, the building control authority may demand that the party engaging in the construction project investigates the characteristics of the construction product, if it has reason to suspect that the construction product does not fulfil the essential technical requirements set for it.

12. Does the timing when the building permit was granted affect the need for the CE marking, if the building permit has been granted and/or the construction has started before 1 July 2013?

The granting of a building permit does not affect the mandatory status of CE marking. The determining factor for the mandatory status of CE marking is the time when the construction product was placed on the market.

¹ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93

If the construction product was placed on the market on 1 July 2013 or later, it must comply with the Construction Products Regulation.

13. What is a harmonised European standard, and how can I find out if a product already has an existing harmonised standard?

A harmonised European standard or hEN is a product standard leading to CE marking that is usually drawn up by CEN, the European Committee for Standardization, and that has been published in the Official Journal of the European Union (OJ). A harmonised standard is product specific and it gives the essential characteristics to be tested in the product, the production quality control requirements, and the information to be declared in the CE marking.

The standards-writing bodies have established a help desk for harmonised product standards to assist the different parties. Its e-mail address can be found at www.henhelpdesk.fi. The help desk has lists of the harmonised standards, their transition periods, and other useful information (in Finnish only). You can also send questions there.

You can ask for more information about the harmonised standards and the products or product groups within their scope from your own industrial association or from the Finnish Standards Association SFS. A list of the harmonised product standards can be found here:

<http://ec.europa.eu/enterprise/newapproach/nando/index.cfm?fuseaction=cpd.hs>

14. What does the transition period for a harmonised standard mean?

The Commission publishes a list of the harmonised product standards in the Official Journal of the European Union (OJ). It also shows the transition periods for each standard. Usually the transition period is one year, but there are some exceptions. A product can be marked with the CE marking as early as at the start of the transition period, but the marking is mandatory after the transition period ends.

The standards are renewed from time to time. A new transition period is determined for the renewed standards. Even though the transition period for the latest version of the harmonised product standard is still ongoing, the transition period for the previous version may already have ended. In that case, the CE marking is still mandatory.

15. For which product groups is the CE marking mandatory starting from 1 July 2013? How can I follow the product groups and their future progress? (Where can I find an actual list of the products?)

CE marking is mandatory from 1 July 2013 for those product groups where the transition period for the relevant harmonised product standard has ended. The lists of the harmonised product standards, their transition periods and other useful information can be found from the help desk for harmonised product standards — www.henhelpdesk.fi. You can also send questions there.

By participating in the national support groups for the CEN technical committees, managed by the Finnish standards-writing bodies, it is possible to follow the progress of European standards writing. The report *“Rakennusalan standardisointiselvitys 2011”* (*“Report on the standards in construction 2011”*, in Finnish with an English summary) provides a good overview of the European standards in construction and information about the status of the support groups. It can be downloaded free of charge from the website of the Finnish Standards Association SFS — www.sfs.fi).

16. How do I find out which requirements apply to a certain construction product?

the design of buildings, the use of construction products, and construction projects are found in national regulations. The CE marking only applies to the characteristics of a product — the usability of a product at the intended construction project must always be assessed separately based on the intended use, local conditions and building regulations. The CE marking on the product does not automatically guarantee, for

example, that the frost resistance of the product fulfils the requirements set by Finnish authorities, or even that the frost resistance of the product has been tested at all.

The designer must be aware of the characteristics of the construction products to select those that fit the project. The users of construction products must always check if the values and classes of the characteristics declared for the product in the CE marking meet the national requirement levels. In the future, the official requirements should directly or indirectly express the levels of compliance that are required for a product characteristic, such as frost resistance.

17. How does the CE marking affect the fitness for purpose of use of a construction product in Finland? What other requirements are there for construction products and their use in our country?

The CE marking means that the construction product complies with a harmonised European standard (hEN) or a European Technical Assessment (ETA). The manufacturer is responsible for the validity of the information that has been declared.

No other methods of proof of performance or tests can be required for the product. Sections 117a to 117g of the Land Use and Building Act lay down the essential technical requirements that are specified further in the regulations issued under the National Building Code of Finland.

The performance or classes declared in the Declaration of Performance of the construction product are compared to the Finnish national requirements.

A construction product is fit for use in construction, if its performance meets the Finnish national requirements and it is suitable for use, taking the design solutions of the construction project into account.

18. Which parties engaged in construction need harmonised product standards and why? Where can I find the standards in Finnish?

The manufacturers of construction products need harmonised product standards so that the construction product can be CE marked. The designers must be aware of the characteristics of construction products, so that they can select the product that suits the construction project from among the products on the market. Harmonised product standards can be obtained from the Finnish Standards Association SFS, which is also responsible for the translation of the harmonised product standards.

19. Where can I find more information about the national requirements and requirement levels of different EU countries?

There are product contact points for construction in all Member States, where you can ask about the national requirements and requirement levels of the Member State in question. The Finnish product contact point for construction is the Ministry of Employment and the Economy: tel. +358 (0)29 506 0000 (exchange), sisamarkkinat@tem.fi.

The European Commission maintains and updates a contact information list on the product contact points for construction in all Member States. Their contact information can be found here:

http://ec.europa.eu/enterprise/sectors/construction/files/cpr-nat-contact-points_en.pdf.

20. Are there any ways other than the CE marking to demonstrate the characteristics of the construction product?

National procedures for product approval are construction product approval procedures used in Finland with products for which the CE marking cannot be used, because the product does not have a harmonised product standard, and the manufacturer has not applied for or been issued a European Technical Assessment (ETA) for its product.

The new national procedures for product approval are based on the Act on the Type Approval of Certain Construction Products (*Laki eräiden rakennustuotteiden tuotehyväksynnästä* 954/2012), which entered into force on 1 July 2013. This Act repeals the Act on the Approval of Construction Products (*Laki rakennustuotteiden hyväksynnästä* 230/2003).

National procedures for product approval can be used in the case of certain essential construction products to demonstrate that a construction product outside the scope of application of CE marking meets the requirements of the Land Use and Building Act or regulations based on it.

There are three voluntary national procedures for the approval of construction products:

- 1) **type approval**,
- 2) **verification certificate**, and
- 3) **certification of production quality control**.

A party engaging in a construction project must ensure that the construction products used are fit for purpose. The party must demonstrate that the construction product selected can be used in the construction project in question, even though the product does not have the CE marking. If the party engaging in the project has not taken care of the issue, the building control authority can require that **the performance of the construction product is verified on the construction site**, if the fitness of the construction product for its purpose has not been demonstrated in any other way and there is reason to suspect that the product does not fulfil the essential technical requirements set for it. The party engaging in the construction project is responsible for the resulting costs. The market surveillance activities of the Finnish Safety and Chemicals Agency (Tukes) do not apply to the construction products with national approval.

Only one of the above-mentioned three procedures can be used for each product group.

Additional information:

www.ym.fi > Land use and building > Steering of construction > Construction product approval

www.ym.fi > Land use and building > Legislation and instructions > Legislation on building products

www.tukes.fi > Branches > Construction products

www.kkv.fi

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