



1 July 2013

Frequently asked questions: CE marking

Target group: parties engaging in a construction project and designers

1. What is CE marking?

With CE marking, the manufacturer demonstrates that the characteristics of the construction product have been declared in accordance with a European harmonised product standard or with a European Technical Assessment (ETA).

The goal of CE marking is to improve the movement of construction products and the competition between manufacturers in the EU economic area, so that the product characteristics declared by the manufacturer can be compared to the requirements set for the characteristics of the product at the construction project in a uniform way to determine whether the product is fit for purpose. The requirements set for the product are based on the design solutions for the construction project, which must fulfil the national regulations on construction. In Finland, the mandatory CE marking system has the effect of making the declaration of product characteristics more uniform than before, which also supports the improvement of 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 are the obligations of a party engaging in a construction project?

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 declared characteristics of products with the CE marking. The essential technical requirements set for construction are provided in sections 117 a–117 g of the Land Use and Building Act.

Land Use and Building Act: <http://www.finlex.fi/en/laki/kaannokset/1999/19990132>

The National Building Code of Finland contains regulations and guidelines which are issued by decree and which specify the essential technical requirements issued in the Land Use and Building Act. In the future, other regulations, administrative regulations and administrative instructions will also be included in the National Building Code: www.ym.fi > Land use and building > Legislation and instructions > The National

3. Which products should have CE marking?

CE marking is required for a construction product when it is within the scope of a harmonised product standard (hEN) whose transition period has ended, or if the manufacturer has applied for and been granted 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 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.

If so desired, for example, in order to declare the characteristics of a product for export or the domestic market, it is possible to acquire the CE marking via an ETA procedure. More information about the ETA procedure is available from the website of the Ministry of the Environment: (http://www.ym.fi/en-US/Land_use_and_building/Steering_of_construction/Construction_product_approval/CE_marking)

If the manufacturer has been issued an ETA for the product, the CE marking is mandatory.

An “exemption” from the obligation to use CE marking may be granted in certain cases in accordance with Article 5 of the Construction Products Regulation. Naturally, this does not mean an exemption from the requirement to show that the construction product is fit for purpose, if this is required.

4. What does CE marking and Declaration of Performance (DoP) mean for a construction product?

The CE marking and Declaration of Performance refer to the required characteristics for a construction product; these must be verified and declared in a uniform way throughout Europe. The CE marking facilitates comparison of the properties of construction products.

The Declaration of Performance usually has at least the following information:

- Unique identification code of the product type
- Name and address of the manufacturer
- Reference to a harmonised product standard or ETA
- Intended use or uses of the construction product
- Declared performance of characteristics by intended use
- The system used for Assessment and Verification of Constancy of Performance (AVCP)
- Names of any possible notified bodies used
- Date and signature of the manufacturer

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

The party engaging in a construction project has the final responsibility for selecting the construction products. The party may make an agreement to transfer the responsibility to other parties who are part of the project, such as the designer.

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.

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

National regulations by authorities still define the design of buildings, the use of construction products, and the construction projects. The CE marking only applies to the characteristics of a product — the usability of a product in the intended construction project must always be assessed separately based on the intended use, local conditions and building regulations.

The CE marking on a 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 party engaging in a construction project, or by agreement the designer, is responsible for selecting the construction product. The users of construction products must always check if the values and classes of characteristics declared for the product in the CE marking also meet the national requirement levels.

In the plans, the designer notes the basic requirements set for the product and their requirement levels based on the harmonised product standard. Some of these may come directly from the national requirements. In Finland, the official building regulations can be found in the National Building Code of Finland, which is undergoing a renewal. The standards-writing bodies have begun to create national application standards, which are published in the SFS 7000 series. The national application standards are recommendations, but they are very useful for designers, among others. They usually record the performances required for characteristics by intended use. The official regulations and national application standards often determine the minimum performance requirements.

7. How does the Construction Products Regulation affect building plans?

The designer notes the requirements set for the characteristics of the product on the plans. Some of these minimum levels for project-specific design solutions come directly from the national requirements, and for some, the determination can be made, for example, based on the national application standards (NAS) (the SFS 7000 series).

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

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

9. Where can I find more information about the national requirements of different 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 a contact information list on the product contact points for construction in all Member States. Their contact information can be found at the following address: http://ec.europa.eu/enterprise/sectors/construction/files/cpr-nat-contact-points_en.pdf

10. What if I find a construction product with a defective CE marking?

You should first contact the manufacturer of the product and ask that the defect be corrected.

If the manufacturer fails to correct the defect or if the defect is severe, you should contact the market surveillance authority; in Finland, it is the Finnish Safety and Chemicals Agency (Tukes).

If the product is already at the construction site and you still want to use it, you should discuss the actions that need to be taken together with the local building control.

The Consumer Protection Act (*Kuluttajansuojalaki* 38/1978) applies to the offering, selling and other marketing of consumer goods and services by businesses to consumers. The Consumer Protection Act protects the consumer if the item is defective or it is falsely advertised, for example. The interpretation of the Consumer Protection Act is in favour of the customer.

The Consumer Protection Act: <http://www.finlex.fi/en/laki/kaannokset/1978/19780038>

For more information, contact the Finnish Competition and Consumer Authority: www.kkv.fi

11. Are there other approval procedures for construction products in addition to the CE marking?

Yes. The 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

Kirsi Martinkauppi, Senior Adviser for Legislative Affairs, Ministry of the Environment, tel. +358 (0)50 582 2464, firstname.lastname@ymparisto.fi

Matti J. Virtanen, Senior Construction Adviser, Ministry of the Environment, tel. +358 (0)40 541 1650, firstname.lastname@ymparisto.fi

Teppo Lehtinen, Senior Construction Adviser, Ministry of the Environment, tel. +358 (0)50 517 9202, firstname.lastname@ymparisto.fi

Heikki Viitala, Chief Engineer, Tukes, tel. +358 (0)29 5052 591, firstname.lastname@tukes.fi