



1 July 2013

Frequently asked questions: CE marking

Target group: distributors/trade

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. Who is the distributor?

According to the Construction Products Regulation, the distributor is a natural or legal person in the supply chain, who makes a construction product available on the market. However, the distributor is not the manufacturer or the importer. According to the Construction Products Regulation, the importer is a natural or legal person who imports a construction product from outside the European Economic Area. A party importing a construction product into Finland from elsewhere in the European Union is also considered a distributor. For example, an ironmonger selling construction products is a distributor.

3. Which products require 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 has 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 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 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 product standard (hEN) or a 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.

CE marking also 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. CE marking consists of the letters “CE”.

5. 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 product 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.

6. 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.

7. What are the distributor's obligations?

The obligations of the distributor are laid down in Article 14 of the Construction Products Regulation. The distributor also must demonstrate that the construction product with the CE marking that is being sold fulfils the requirements of the Construction Products Regulation. The distributor must also be able to provide the consumer with sufficient information about the construction product and the CE marking.

Distributor's checklist:

- Ensure that the manufacturer has drawn up a Declaration of Performance and affixed the CE marking to the product in an appropriate manner. Do not sell construction products where the CE marking has not been appropriately affixed to them and where the Declaration of Performance has not been drawn up, even though both measures should have been taken for the products in question.
- Ensure that the manufacturer has drawn up a Declaration of Performance, affixed the CE marking to the product and has included installation instructions and safety information, in both Finnish and Swedish, if necessary.
- Ensure that the manufacturer has acquired a certificate of constancy of performance for the product or a certificate of conformity of the factory production control, if the harmonised technical specification requires it.

- Ensure that a type, batch or serial number or other marking that makes identification of the product possible has been affixed to the product.
- Ensure that the contact information of both the manufacturer and any possible importer have been declared in connection with the product.
- Do not sell products that do not correspond to the values in the Declaration of Performance or do not fulfil the requirements of the Construction Products Regulation. Ensure that the product is repaired, or request a new Declaration of Performance from the manufacturer. Notify the manufacturer or importer and the market surveillance authority of the issue. In Finland, the market surveillance authority is the Finnish Safety and Chemicals Agency (Tukes).
- If there are defects in the construction product or the information related to it, demand that the manufacturer corrects them. If necessary, withdraw the product from the market or organise a recall procedure depending on the severity of the defect. Inform the authorities of the Member State in question about the issue. In Finland, the market surveillance authority is the Finnish Safety and Chemicals Agency (Tukes).
- Make sure that the storage or transport conditions do not jeopardise the maintaining of the construction product in a condition that fulfils the requirements of the Declaration of Performance and the Construction Products Regulation.
- Upon request of the authority, deliver all information and documents needed to demonstrate the compliance of the construction product with the requirements, and cooperate with the authority to prevent any possible risks.

8. What if the distributor finds out that a construction product the distributor has placed on the market is not compliant with the requirements of the Construction Products Regulation?

In such cases, the distributor must immediately have the product or the related information corrected, or must withdraw the product from the market, or if necessary, organise a recall procedure for the product depending on the severity of the defect. If the defective product poses a risk, the distributor must notify the authorities of the Member States where the product has been made available. The notification must itemise the defects in the product and the corrective measures taken by the distributor, the manufacturer and the importer. The market surveillance authority must be notified of such construction products. There is a separate notification form available for this purpose on the website of the Finnish Safety and Chemicals Agency (Tukes): www.tukes.fi

9. How do the responsibilities change, if the distributor markets the product under its own name or brand?

The distributor is considered to be the manufacturer, and the manufacturer's obligations are applied to the distributor.

10. What additional obligations does the distributor have, if the other party to the sale is a consumer?

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 consumer.

<http://www.finlex.fi/en/laki/kaannokset/1978/19780038>

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

11. How can fitness for the intended use be shown for construction products without CE marking?

National procedures for product approval are construction product approval procedures used in Finland with products for which 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 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 is obliged to ensure that the construction products used are fit for the intended use. 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 intended use 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 these 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