

Order on the marketing, sale and market monitoring of construction products¹

Pursuant to Section 30(2), Section 30C, Section 31(1), Section 31A(1), Section 31B(5), Section 31C(1) and Section 31D(1) and (2) of the Building Act, cf. Consolidation Act No. 1178 of 23 September 2016, as last amended by Act No. 412 of 23 April 2024, the following is laid down:

Chapter 1

Scope and Definitions

Section 1. The order encompasses the making available of construction products in the market, with the exception of construction products covered by the order on the marketing and market monitoring of construction products in accordance with the revised Construction Products Regulation.

Section 2 The following definitions apply for the purposes of this order:

- 1) Construction product: As defined in Article 2(1) of Regulation 305/2011.
- 2) Regulation 305/2011: 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.
- 3) Harmonised standard: As defined in Article 2(11) of Regulation 305/2011.
- 4) Economic operator: As defined in Article 3 (13) of the Market Monitoring Regulation.
- 5) Make available in the market: As defined in Article 2(16) of Regulation 305/2011, with the adjustments resulting from Article 6 of the Market Monitoring Regulation.
- 6) Market Monitoring Regulation: Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market monitoring and conformity of products and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011, with subsequent amendments.
- 7) Distribution service provider: As defined in Article 3(11) of the Market Monitoring Regulation.
- 8) Online interface: As defined in Article 3(15) of the Market Monitoring Regulation.
- 9) Construction product presenting a serious risk: As defined in Article 3(20) of the Market Monitoring Regulation.
- 10) Place in the market: The first making available in a market.

Chapter 2

Marketing

Section 3. The performance declaration for the construction product must be available in Danish or English.

(2) Instructions for use and safety information must be in Danish.

(3) Several languages may be combined.

(4) If a construction product is not covered by rules on performance declaration and CE marking, but rules have been laid down for the construction product pursuant to the Building Act with an impact on its use in construction, economic operators may only make the construction product available in the market if the construction product is accompanied by documentation of the product's characteristics in accordance with the provisions. Construction products legally marketed in another member state following prior authorisation, pursuant to the regulation on the mutual recognition of goods lawfully marketed in another member state, are exempted from this.

Chapter 3

Market monitoring

Section 4. The Danish Safety Technology Authority enforces compliance with the rules laid down in Regulation 305/2011, Sections 3-4 of this order and Sections 3-4 of Order No. 1007 of 29 June 2016 on the marketing and sale of

¹ This order implements parts of Regulation No. 305/2011/EU 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, OJ L 2011, 88, p. 5, and Regulation 1020/2019/EU of the European Parliament and of the Council of 20 June 2019 on market monitoring and conformity of products and amending Directive 2004/42/EC and Regulations 765/2008/EC and No. 305/2011/EU, OJ L 2019, 169, p. 1.

construction products that come into contact with drinking water. Enforcement may take place by means of random sampling inspections.

(2) If, as part of construction product monitoring, the Danish Safety Technology Authority acquires samples of products, this may be done, inter alia, using a hidden identity. In order to check samples, the Danish Safety Technology Authority may carry out reverse engineering to identify non-conformity.

Section 5. The Danish Safety Technology Authority may order the economic operator that has placed the construction product in the Danish market to bear the costs for testing, expert assistance or declarations, cf. Section 31B(1) of the Building Act, and to reimburse the costs of construction products purchased at the retail level as part of market monitoring if testing shows that the construction product does not comply with the rules of the Building Act, rules laid down pursuant to the Building Act or European Union regulations. The Danish Enterprise and Construction Authority may require any part of the retail chain to assist in the shipment of samples and to bear any costs for such shipment.

Section 6. If no other effective means are available to eliminate a serious risk, the Danish Safety Technology Authority may order the removal of content referring to the related construction products from an online interface or order that a warning to end users be expressly displayed when they access an online interface.

Section 7. An online interface may be blocked if an order under Section 7 has not been complied with and if the online interface refers to a construction product posing a serious risk.

(2) The decision to block an online interface is made by order of the court at the request of the supervisory authority.

(3) Distribution service providers are required to assist the supervisory authority in implementing orders pursuant to paragraph 2.

Chapter 4

Administrative provisions

Section 8 While the Minister of Social Affairs and Housing is granted administrative powers under sections 31 A and 31 B of the Building Act, the Danish Safety Technology Authority exercises these powers.

(2) Decisions made by the Danish Safety Technology Authority pursuant to Section 31A of the Building Act or pursuant to this order may not be brought before the Minister for Social Affairs and Housing.

Section 9. Violations of Regulation 305/2011 or Section 3 of this legislative decree are punishable by a fine.

Chapter 5

Entry into force and transitional provisions

Section 10. The order enters into force on 8 January 2026.

(2) Order No. 1465 of 28 June 2021 on the marketing, sale and market control of construction products is hereby repealed.