

## **Order on the marketing and market monitoring of construction products under the revised Construction Products Regulation <sup>1</sup>**

Pursuant to Section 30(2), Section 30 C, Section 31(1), Section 31 A(1), Section 31 B(5) and Section 31 C(1) and Section 31 D(1) and (2) of the National 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 established:

### *Chapter 1*

#### *Scope and Definitions*

**Section 1.** The order encompasses the making available of construction products in the market, which are either:

- 1) covered by a harmonised performance standard issued pursuant to Article 5 of Regulation 2024/3110;
- 2) covered by other harmonised technical specifications setting out essential characteristics issued pursuant to Article 6 of Regulation 2024/3110; or
- 3) covered by and CE marked with reference to a European Technical Assessment issued for construction products pursuant to a European Technical Assessment, as referred to in Article 13(1) of Regulation (EU) No. 2024/3110.

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

- 1) Construction product: As defined in Article 3(1) of Regulation 2024/3110 .
- 2) Regulation 2024/3110: Regulation (EU) No. 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No. 305/2011.
- 3) Harmonised performance standard: A standard made mandatory by an implementation act as referred to in Article 5(8) of Regulation 2024/3110.
- 4) Economic operator: As defined in Article 3(9) of Regulation 2024/3110.
- 5) To make available in the market: As defined in Article 3(4) of Regulation 2024/3110, with the adjustments resulting from Article 29 of Regulation 2024/3110.
- 6) Market monitoring regulation: Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market monitoring and product conformity and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011, with later 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 that presents a serious risk: As defined in Article 3(60) of Regulation 2024/3110 and Article 3(20) of the Market Monitoring Regulation.
- 10) European technical assessment: As defined in Article 3(19) of Regulation 2024/3110 .
- 11) Harmonised technical specification: As defined in Article 3(42) of Regulation 2024/3110 .

### *Chapter 2*

#### *Marketing*

**Section 3.** The declaration of performance and declaration of conformity of the construction product must be available in Danish or English.

- (2) General product information, instructions for use and safety information must be available in Danish.
- (3) Several languages may be combined.

### *Chapter 3*

#### *Market monitoring*

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<sup>1</sup> This order implements parts of European Parliament and Council Regulation (EU) 2024/3110 of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No. 305/2011 and Regulation 1020/2019/EU of the European Parliament and of the Council of 20 June 2019 on market monitoring and conformity provision and amending Directive 2004/42/EC and Regulations No. 765/2008/EC and No. 305/2011/EU (OJ L 2019, 169, p. 1).

**Section 4.** The Danish Safety Technology Authority enforces compliance with the rules in Regulation 2024/3110 and Sections 3-4 of this order. Compliance enforcement may take place through random sample inspections.

(2) If, as part of the monitoring of construction products, 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 require any part of the retail chain to assist in the shipment of samples and to bear any costs for such shipments.

**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 6 has not been complied with or 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) It is incumbent on distribution service providers to assist the supervisory authority in implementing orders pursuant to paragraph 2.

#### *Chapter 4*

##### *Administrative provisions*

**Section 8** Whereas the Minister of Social Affairs and Housing is granted administrative powers under sections 31 A and 31 B of the National 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 National Building Act or pursuant to this order may not be brought before the Minister for Social Affairs and Housing.

**Section 9.** Anyone who violates the 2024/3110 Construction Products Order or Sections 3-4 of this order will be punished by a fine.

#### *Chapter 5*

##### *Entry into force and transitional provisions*

**Section 10.** The order enters into force on 8 January 2026, without prejudice to paragraph 2.

(2) Section 10 enters into force on 8 January 2027.