

### III. CHAPTER

#### **Construction product not subject to CE marking requirements.**

##### Article 9

###### *Scope.*

The provisions of the chapter apply to construction products that are not subject to CE marking requirements.

However, the provisions of this chapter do not apply to the following:

1. An individually specially manufactured construction product or custom-made to meet specific needs in response to a specific order on the basis of design documents that have been approved by the issuer of a building permit pursuant to the provisions of the Act on Constructions and the product is installed in a single identified construction work by a master tradesman who is responsible for that work pursuant to the provisions of the said Act. If the work in question is subject to supervision and stage evaluations by the issuer of the building permit the issuer shall be informed about work on the unit or the structural component in question before it begins and he shall be convened for stage evaluations pursuant to more detailed provisions of the Construction Regulation on stage evaluations.

2. A construction product that is manufactured on the construction site for its incorporation in the respective construction works pursuant to the provisions of the Act on Structures and under the responsibility of those responsible for the safe execution of the construction pursuant to the provisions of the said Act.

3. A construction product that is manufactured in a traditional manner or in a manner appropriate to heritage conservation and in a non-industrial process for adequately renovating construction works officially protected as part of a designated environment or because of their special architectural or historic merit.

##### Article 10

###### *Marketing and the performance of a construction product.*

A producer or its authorised representative, importer, or distributor shall ensure that a sufficient account is given of the performance of a construction product pursuant to the provisions of this chapter by issuing a declaration of performance, before the product is placed on the market or used in construction works.

The declaration of performance shall describe those of the following characteristics or aspects that relate to the intended use of the construction product in construction works and shall always declare at least one characteristic or aspect:

1. Reaction to fire.
2. Resistance to fire.
3. The load-bearing capacity and the strength of the matter.
4. Insulation value.
5. Sound insulation and other aspects relating to sound.
6. Airtightness.

7. Tightness against heavy rain.
8. Heat-resistance.
9. Frost resistance.
10. Chemical resistance.
11. Steam tightness.
12. That the product does not spoil the quality of water intended for human consumption (e.g. deposition of heavy metals) .
13. Evaporation/emission of pollutant chemicals.
14. The content of chemicals falling under Article 57 of the Regulation of the European Parliament and the Council (EC) No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), cf. Regulation No. 750/2008 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

A declaration of performance that contains the characteristics or aspects laid down in paragraph 2 shall be made available on paper when the construction product is delivered or be accessible at the web page of the producer, importer, and/or distributor. The declaration shall be in Icelandic. The Minister may, however, by means of a regulation, decide that a declaration of performance for certain products or individual categories of products can be in English or in a Nordic language other than Finnish having regard to the applicability of the product and its importance with regard to essential requirements, cf. point 3 if Article 4. The declaration may not contain information that is incorrect or may be misinterpreted regarding the characteristics or the performance of a product.

The Icelandic Construction Authority may require documents regarding other characteristics or aspects than those specified in paragraph 2 when necessary to ensure safe usage of the product in construction works.

The identification, confirmation and declaration of characteristics and aspects of a construction product pursuant to this Article shall be based on recognised design and testing standards, as well as on other recognised standards intended for such identification and registration.

The Minister may, in regulations, stipulate that a declaration of performance should describe more characteristics and aspects of a construction product than laid down in paragraph 2.

## Article 11

### *Factory production control and type-testing.*

A construction product covered by this chapter shall be type-tested according to the declaration of performance, cf. Article 10, and shall be manufactured under a documented and constant inner factory production control that ensures the constancy of the production so that it has specified characteristics and fulfils a required performance.

An independent body, pursuant to Article 12, may require further type-testing of a construction product, and, where applicable, have the test conducted by an independent, recognised testing body in accordance with the nature of the product having regard to the applicability and its importance with regard to essential requirements.

## Article 12

### *The requirement of obtaining a confirmation from an independent body.*

The producer or its authorised representative shall obtain a confirmation, from the Icelandic Construction Authority or from another body recognised by the Minister, of the performance of a construction product with regard to resistance to fire and burning behaviour of the construction product cf. points 1 and 2 of paragraph 2 of Article 10.

The producer or its authorised representative shall obtain a confirmation, from the Icelandic Innovation Centre or from another body recognised by the Minister, of the performance of a construction product with regard to the characteristics and aspects subject to paragraph 2 of Article 10, excluding points 1 and 2, and paragraph 4 of Article 10.

The person asking for confirmation according to this Article shall pay the cost thereof. The fee for the confirmation shall be specified in the tariff of the body in question. The amount of the fee shall take into account the cost of the services and implementation of particular tasks and shall be based on an operating plan where the points determining the fee are justified. The fee may not exceed the cost.

Upon confirmation, including a decision of further type-testing pursuant to paragraph 2 of Article 11, reference shall be had to the requirements laid down in the decisions of the Commission of the European Union on the role of a producer and notified body when confirming compliance with requirements, but if no resolutions from the European Commission exist on individual categories of products reference shall be had to decisions regarding substitutable products.

## Article 13

### *Declaration of performance etc.*

Construction products covered by this chapter shall be accompanied with a document containing the following information:

1. Name and address of the producer and the party responsible if it is not the producer.
2. Description and identification of the product, such as type, number, applicability, and so forth.
3. Declared characteristics and aspects of the product, cf. Article 10, with reference to the standards, tests, and other things relied on to examine the characteristics of the product.
4. Reference to the quality system of the producer.
5. Terms regarding the use of the product.
6. Name and address of the body that confirms the performance of the product, cf. Article 12.
7. Name and position of the signer of the declaration on behalf of the party responsible.

When a construction product is placed on the market, producers, importers, and distributors shall ensure that the product is accompanied with guidelines for usage and

information about safety in Icelandic. The Minister may, however, by means of a regulation, decide that guidelines for usage or information about safety of a product for certain products or individual categories of products can be in English or in a Nordic language other than Finnish, having regard to the applicability of the product and its importance with regard to essential requirements, cf. paragraph 3 of Article 4.

#### Article 14

##### *Mutual recognition.*

Documents from authorised parties in the European Economic Area for testing construction products and surveillance shall be deemed equally valid in Iceland as documents from the Icelandic Construction Authority, Innovation Centre Iceland, or other bodies that the Minister recognises pursuant to Article 12, given that they would contain a confirmation that the product is suitable for the intended usage. The product shall always be accompanied with documents and confirmations that correlate to those specified in this chapter.