

LOW VOLTAGE DIRECTIVE 2014/35/EU

GUIDELINES

**Electrical equipment designed for use
within certain voltage limits**

November 2016

INTRODUCTION

1. These **LOW VOLTAGE DIRECTIVE guidelines** are intended to be a manual for all parties¹ directly or indirectly affected by **Directive 2014/35/EU**², commonly referred to as the LVD, applicable from **20 April 2016**, replacing the previous Directive 2006/95/EC³.
2. These guidelines supersede the “guidelines on the application of Directive 2006/95/EC” of August 2007 (last modification January 2012). The LVD guidelines refer only to the application of Directive 2014/35/EU unless otherwise indicated.
3. Readers’ attention is drawn to the fact that these guidelines are intended only to facilitate the application of Directive 2014/35/EU and it is the text of the Directive and the national laws transposing the Directive that are legally binding. However, this document does represent a reference for ensuring consistent and harmonised application of the Directive by all stakeholders.
4. The guidelines are intended not only for the use of Member States’ competent authorities, but also by the main economic operators concerned, such as manufacturers, importers and distributors and their trade associations; bodies in charge of the preparation of standards as well as those involved in the conformity assessment procedures.
5. These guidelines are not exhaustive; they focus on certain issues only, which, in the light of the experience, are of direct and specific interest for the application of the Low Voltage Directive. These guidelines should be used in conjunction with the Directive itself and with the European Commission’s document “The Blue Guide on the implementation of EU product rules”⁴, which further explains concepts such as “placing on the market” and “economic operators”.

¹ By virtue of the Agreement on the European Economic Area (EEA), electrical equipment that complies with the Low Voltage Directive also benefits from free movement in Iceland, Liechtenstein and Norway. The same is true in Switzerland by virtue of the mutual recognition agreement with the EU and in Turkey by virtue of the EU-Turkey Customs Union. So the relevant references of the Low Voltage Directive and its Guide should be read in conjunction with these Agreements.

² Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (recast) (OJEU L 96, 29.3.2014)

³ Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (codified version) (OJEU L 374, 27.12.2006)

⁴ European Commission’s « The 'Blue Guide' on the implementation of EU product rules» is a comprehensive guidance on the implementation of EU product rules, available on: <http://ec.europa.eu/DocsRoom/documents/12661>

6. The structure of the LVD guidelines follows the structure of the LVD 2014/35/EU itself. Comments and explanations are given to each Article and Annex of the Directive. For comprehensive guidance on horizontal terms and principles of EU product rules, the readers should refer to the “The 'Blue Guide' on the implementation of EU product rules”, as advised in these guidelines.
7. These guidelines have been prepared by the competent services of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (GROW) of the European Commission in cooperation with Member States, European standardisation bodies, European industry, European consumer organisations and other relevant sectoral stakeholders.
8. This information is:
 - of a general nature only and is not intended to address the specific circumstances of any particular individual or entity;
 - not necessarily complete, accurate or up-to-date;
 - sometimes refers to external information for which the Commission assumes no responsibility;

THE LOW VOLTAGE DIRECTIVE

Directive 2014/35/EU is a "New Approach" Directive concerning electrical equipment designed for use within certain voltage limits. It became applicable on 20 April 2016, replacing the previous Directive 2006/95/EC which was applicable until 19th April 2016.

The new LVD 2014/35/EU is mainly based on the principle elements of the previous Directive 2006/95/EC i.e. the scope and the safety objectives remain the same. It was revised to align the horizontal provisions of the New Legislative Framework (NLF), configured as the improvement and update of the regulatory method known as the "New Approach to technical harmonisation and standards". The set of legislative acts of the NLF includes the Regulation (EC) No 765/2008⁵ and the Decision No 768/2008/EC⁶. These acts aim to create a more coherent legal framework for the marketing of products in the European Union.

Directive 2014/35/EU is termed as a recast of the Low Voltage Directive since the modifications are presented in the form of a new Directive.

The new content in Directive 2014/35/EU, relating to – among others – definitions and obligations of economic operators, reinforced activities of market surveillance authorities and the creation of a new Committee comes directly from the NLF Decision, as additions and/or terminology adaptation.

Like the previous Directive, the new LVD 2014/35/EU is a "total harmonised safety Directive" in the sense that it covers all safety aspects of electrical equipment, not just the electrical risks. It supersedes any existing national legislation in the field covered.

Wider information on the whole system, including the New Legislative Framework can be found in the latest version of "The 'Blue Guide' on the implementation of EU product rules", available on:
<http://ec.europa.eu/DocsRoom/documents/12661>

All parties concerned should be aware that requirements of other legislations may also apply to electrical equipment falling under the scope of the LVD (e.g. EMC Directive, Restriction of Hazardous Substances (RoHS) Directive etc.) to

⁵ Regulation (EC) No 765/2008 of the European Parliament and of The Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218 of 13.08.2008, pages 30-47)

⁶ Decision No 768/2008/EC of the European Parliament and of The Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L218 of 13.08.2008, pages 82-128.

be placed on the EU market. These guidelines refer to the application of the LVD and clarify the relationship between that Directive and other Directives.

Further information references including guidance, general policy issues related to the management and implementation of the new LVD and market surveillance matters, can be found in Annex X.

Any query can be addressed to the GROW LVD functional mailbox:

GROW-DIR-LV@ec.europa.eu

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**DIRECTIVE 2014/35/EU OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

of 26 February 2014

**on the harmonisation of the laws of the Member States relating to the making available
on the market of electrical equipment designed for use within certain voltage limits**

(recast)

(Text with EEA relevance)

PREAMBLE TO THE LVD – THE CITATIONS

§ 1 The citations

The citations included in the preamble to the Directive 2014/35/EU (the LVD) indicate the legal basis of the Directive, the opinions expressed by the relevant consultative Committee and the procedure according to which the Directive was adopted.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

(1) OJ C 181, 21.6.2012, p. 105.

(2) Position of the European Parliament of 5 February 2014 (not yet published in the Official Journal) and decision of the Council of 20 February 2014.

§ 2 *The legal basis of the Low Voltage Directive*

The legal basis of the LVD is provided by Article 114 of the Treaty on the Functioning of the European Union (TFEU)⁷ (ex-Article 95 of the EC Treaty) that enables the European Union to adopt measures to harmonise the legislation of the Member States in order to ensure the establishment and functioning of the single internal market. Such measures must take as a basis the highest as possible level of protection of the health and safety of people and of the environment.

The LVD thus has a dual objective: to permit the free movement of products with the internal market whilst ensuring a high level of protection of health and safety.

Following the proposal by the European Commission, the LVD was adopted by the European Parliament and the Council of the European Union after consulting the European Economic and Social Committee, according to the ordinary legislative procedure (formerly known as “co-decision”) set out in Article 294 of the TFEU.

The footnotes to the citation give the references and dates of the successive steps of the procedure. The text of the LVD was published on the Official Journal of the European Union (OJEU) L 96, 29.3.2014, p. 357.

PREAMBLE TO THE LVD – THE RECITALS

- (1) A number of amendments are to be made to Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (3). In the interests of clarity, that Directive should be recast.
- (2) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products (4) lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking.
- (3) Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products (5) lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis for revision or recasts of that legislation. Directive 2006/95/EC should therefore be adapted to that Decision.
- (4) This Directive covers electrical equipment designed for use within certain voltage limits which is new to the Union market when it is placed on the market; that is to say it is either new electrical equipment made by a manufacturer established in the

⁷ OJ C 326, 26.10.2012, p. 47.

Union or electrical equipment, whether new or second-hand, imported from a third country.

- (5) This Directive should apply to all forms of supply, including distance selling.
- (6) Economic operators should be responsible for the compliance of electrical equipment with this Directive, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of public interests, such as health and safety of persons, of domestic animals and property, and to guarantee fair competition on the Union market.
- (7) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market electrical equipment which is in conformity with this Directive. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.
- (8) In order to facilitate communication between economic operators, market surveillance authorities and consumers, Member States should encourage economic operators to include a website address in addition to the postal address.
- (9) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment should therefore remain solely the obligation of the manufacturer. There is no conformity assessment procedure in this Directive which requires the intervention of a notified body.
- (10) It is necessary to ensure that electrical equipment from third countries entering the Union market comply with this Directive, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that electrical equipment. Provision should therefore be made for importers to make sure that electrical equipment they place on the market comply with the requirements of this Directive and that they do not place on the market electrical equipment which does not comply with such requirements or present a risk. Provision should also be made for importers to make sure that conformity assessment procedures have been carried out and that marking of electrical equipment and documentation drawn up by manufacturers are available for inspection by the competent national authorities.
- (11) When placing electrical equipment on the market, every importer should indicate on the electrical equipment his name, registered trade name or registered trade mark and the postal address at which he can be contacted. Exceptions should be provided for in cases where the size or nature of the electrical equipment does not allow it. This includes cases where the importer would have to open the packaging to put his name and address on the electrical equipment.
- (12) The distributor makes electrical equipment available on the market after it has been

placed on the market by the manufacturer or the importer and should act with due care to ensure that its handling of electrical equipment does not adversely affect the compliance of the electrical equipment.

- (13) Any economic operator that either places electrical equipment on the market under his own name or trade mark or modifies electrical equipment in such a way that compliance with this Directive may be affected should be considered to be the manufacturer and should assume the obligations of the manufacturer.
- (14) Distributors and importers, being close to the market place, should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the electrical equipment concerned.
- (15) Ensuring traceability of electrical equipment throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities' task of tracing economic operators who made non-compliant electrical equipment available on the market. When keeping the information required under this Directive for the identification of other economic operators, economic operators should not be required to update such information in respect of other economic operators who have either supplied them with electrical equipment or to whom they have supplied electrical equipment.
- (16) This Directive should be limited to the expression of the safety objectives. In order to facilitate conformity assessment with those objectives it is necessary to provide for a presumption of conformity for electrical equipment which is in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European Standardisation (6) for the purpose of expressing detailed technical specifications of those objectives.
- (17) Regulation (EU) No 1025/2012 provides for a procedure for objections to harmonised standards where those standards do not entirely satisfy the safety objectives set out in this Directive.
- (18) The harmonised standards relevant to this Directive should also take into account the United Nations Convention on the Rights of Persons with Disabilities (7).
- (19) The free movement of electrical equipment for which harmonised standards do not exist should be achieved by applying the safety provisions of the international standards laid down by the International Electrotechnical Commission or by applying national standards.
- (20) In order to enable economic operators to demonstrate and the competent authorities to ensure that electrical equipment made available on the market is in conformity with the safety objectives it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC establishes modules for conformity

assessment procedures, which include procedures from the least to the most stringent, in proportion to the level of risk involved and the level of safety required. In order to ensure inter-sectoral coherence and to avoid ad-hoc variants, conformity assessment procedures should be chosen from among those modules.

- (21) Manufacturers should draw up an EU declaration of conformity to provide information required under this Directive on the conformity of electrical equipment with this Directive and of other relevant Union harmonisation legislation.
- (22) To ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union acts should be available in a single EU declaration of conformity. In order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.
- (23) The CE marking, indicating the conformity of electrical equipment, is the visible consequence of a whole process comprising conformity assessment in a broad sense. General principles governing the CE marking are set out in Regulation (EC) No 765/2008. Rules governing the affixing of the CE marking should be laid down in this Directive.
- (24) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to electrical equipment. This Directive should not prevent Member States from choosing the competent authorities to carry out those tasks.
- (25) Member States should take all appropriate measures to ensure that electrical equipment may be placed on the market only if, when properly stored and used for its intended purpose, or under conditions of use which can be reasonably foreseen, it does not endanger the health and safety of persons. Electrical equipment should be considered as non-compliant with the safety objectives laid down in this Directive only under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour.
- (26) Directive 2006/95/EC already provides for a safeguard procedure which applies only in the event of disagreement between Member States over measures taken by a Member State. In order to increase transparency and to reduce processing time, it is necessary to improve the existing safeguard procedure, with a view to making it more efficient and drawing on the expertise available in Member States.
- (27) The existing system should be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to electrical equipment presenting a risk to the health or safety of persons or domestic animals, or to property. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such electrical equipment.

- (28) Where the Member States and the Commission agree as to the justification of a measure taken by a Member State, no further involvement of the Commission should be required, except where non-compliance can be attributed to shortcomings of a harmonised standard.
- (29) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (8).
- (30) The examination procedure should be used for the adoption of implementing acts with respect to compliant electrical equipment which presents a risk to the health or safety of persons or to other aspects of public interest protection.
- (31) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to compliant electrical equipment which presents a risk to the health or safety of persons, or to domestic animals or to property, imperative grounds of urgency so require.
- (32) In line with established practice, the committee set up by this Directive can play a useful role in examining matters concerning the application of this Directive raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.
- (33) When matters relating to this Directive, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, the European Parliament should in line with existing practice receive full information and documentation and, where appropriate, an invitation to attend such meetings.
- (34) The Commission should, by means of implementing acts and, given their special nature, acting without the application of Regulation (EU) No 182/2011, determine whether measures taken by Member States in respect of non-compliant electrical equipment are justified or not.
- (35) Member States should lay down rules on penalties applicable to infringements of provisions of national law adopted pursuant to this Directive and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.
- (36) It is necessary to provide for reasonable transitional arrangements that allow the making available on the market, without the need to comply with further product requirements, of electrical equipment which has already been placed on the market in accordance with Directive 2006/95/EC before the date of application of national

measures transposing this Directive. Distributors should therefore be able to supply electrical equipment that has been placed on the market, namely stock that is already in the distribution chain, before the date of application of national measures transposing this Directive.

- (37) Since the objective of this Directive, namely to ensure that electrical equipment on the market fulfils the safety objectives providing for a high level of protection of health and safety of persons, and of domestic animals and property, while guaranteeing the functioning of the internal market cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (38) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.
- (39) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and the dates of application of the Directives set out in Annex V,

HAVE ADOPTED THIS DIRECTIVE:

§ 3 The recitals

The recitals introduce the main provisions of the Directive and present the reasons for their adoption. Some of the recitals explain the changes that have been made in the new LVD 2014/35/EU compared with the previous LVD 2006/95/EC (in particular, the alignment to the provisions of Decision No 768/2008/EC of the New Legislative Framework).

The recitals do not have legal force as such and do not usually figure in the national legislation transposing and implementing the Directive. It should be stressed that only the main provisions (i.e. Articles) of the Low Voltage Directive 2014/35/EU and the texts implementing these provisions into national law are legally binding. However, the recitals help to understand the Directive, in particular, by clarifying the meaning of certain provisions. When interpreting the text of the Directive, the Courts may take the recitals into consideration in order to ascertain the intention of the legislators.

For the above reasons, the recitals are referenced and, where appropriate, explained under the relevant Article which they refer to.

THE ARTICLES OF THE LVD

CHAPTER 1 GENERAL PROVISIONS

§ 4 General provisions

This chapter introduces the general provisions of the Low Voltage Directive 2014/35/EU and includes Articles on scope, definitions, conditions of placing electrical equipment on the Union market and its free movement.

Article 1 Subject matter and scope

§ 5 Scope and objectives

The scope and the objectives of the LVD remain unchanged from the previous Directive 2006/95/EC to the new Directive 2014/35/EU, to ensure free movement for the electrical equipment to which it applies in the Union territory. Therefore, the LVD provides for harmonised requirements and procedures to establish compliance for products placed on the Union market for the first time, that is either an electrical equipment manufactured in the Union or electrical equipment, whether new or second-hand, imported from a third country.

The Low Voltage Directive is a "total" harmonisation Directive in the sense that it supersedes existing national legislation in the field covered: electrical equipment may only be put on the market if it is in conformity with the requirements of the Directive and, on the other hand, Member States may not impede free circulation or the marketing of conforming equipment regarding the LVD scope (see also footnote 1).

The Low Voltage Directive carries specific obligations for the person (natural or legal) who makes the electrical equipment available on the market, be it the manufacturer, the importer or the distributor.

The Directive is applicable to all forms of supplying products intended to be made available on the Union market, regardless of the selling technique. So, it includes

also distance selling and selling through electronic means (internet, e-commerce etc.). See Chapter 2.1 "product coverage" of the "The 'Blue Guide' on the implementation of EU product rules" for further guidance.

This Directive shall apply to electrical equipment designed for use with a voltage rating of between 50 and 1 000 V for alternating current and between 75 and 1 500 V for direct current, other than the equipment and phenomena listed in Annex II.

§ 6 Which products are covered?

The Directive applies to all electrical equipment⁸ designed for use with a voltage rating of between 50 and 1000 V for alternating current and between 75 and 1500 V for direct current. Voltage ratings refer to the voltage of the electrical input or output, not to voltages that may appear inside the equipment.

Following discussions with Member States, the term "designed for use with a voltage rating" shall be understood as equipment having either a rated input voltage or a rated output voltage (or both) inside this voltage range. Internally there may be higher voltages.

For products with multiple voltage ratings, input or output, the products are considered within the scope of this Directive as soon as the highest of the ratings falls within the given voltage rating. Accordingly, electrical equipment exceeding 1000 V AC or 1500 V DC falls outside the scope of the Directive, as such equipment is not designed for use within the voltage ratings set by Article 1 of the Directive.

Battery operated equipment outside the voltage rating is obviously outside the scope of the LVD. Nevertheless, any accompanying battery-charger as well as equipment with integrated power supply unit within the voltage ranges of the Directive are in the scope of the LVD. This applies also, in the case of battery operated equipment with supply voltage rating below 50 V AC and 75 V DC, for their accompanying power supply unit (e.g. notebooks).

⁸ The term "electrical equipment" is not defined in the Directive. Therefore it is to be interpreted according to the internationally recognised meaning of this term. The definition of electric equipment in the "International Electrotechnical vocabulary of IEC (International Electrotechnical Commission) is: "item used for such purposes as generation, conversion, transmission, distribution or utilisation of electrical energy, such as machines, transformers, switchgear and controlgear, measuring instruments, protective devices, wiring material, current-using equipment."

However, electrical equipment listed in Annex II of the LVD 2014/35/EU is excluded from the scope of the LVD. Further information is available in Annex II, §56 and §57.

Broadly, the Directive covers consumer and capital goods designed to operate within those voltage limits, including in particular electrical appliances⁹, lighting equipment including ballasts, switch gear and control gear, electric motors and alternators, electrical wiring, appliance couplers and cord sets, electrical installation equipment¹⁰, cable management systems etc.

A list of examples, inside and outside the scope of LVD, approved by LVD ADCO and LVD WP, is attached in Annex VII.

§7 Are components included in the scope?

In general, the scope of the Directive includes both electrical equipment intended for incorporation into other equipment and equipment intended to be used directly without being incorporated.

However, some types of electrical devices, designed and manufactured for being used as basic components to be incorporated into other electrical equipment, are such that their safety to a very large extent depends on how they are integrated into the final product and the overall characteristics of the final product. These basic components include electronic and certain other components¹¹.

Taking into account the objectives of the Low Voltage Directive, such basic components, the safety of which can only, to a very large extent, be assessed taking into account how they are incorporated and for which a risk assessment cannot be undertaken, then they are not covered as such by the Directive. In particular, they must not be CE marked unless covered by other Union legislation that requires CE marking.

⁹ The LVD Working Party has given the opinion that hand-held and transportable electrically driven tools such as power tool and lawnmowers are not covered by the LVD but by the Machinery Directive. See also § 69 of this guide.

¹⁰ Insulating tapes, for which safety depends critically not only on their intrinsic characteristics but also on how they are used under very variable conditions, are not considered electrical equipment and are not covered by the Directive. A European standard, EN 60454, exists for such tapes, which is not published under the Low Voltage Directive.

¹¹ This includes, for example, active components such as integrated circuits, transistors, diodes, rectifiers, triacs, GTO's, IGBT's, opto-semi-conductors; passive components such as capacitors, inductance, resistors, filters; electromechanical components such as connectors, devices for mechanical protection which are part of equipment, relays with terminals for printed circuit boards, micro switches.

However, other electrical components that are intended to be incorporated into other equipment and for which a risk assessment can be undertaken¹², such as transformers and electrical motors, are covered as such by the Directive and must be CE marked.

Moreover, the scope of the exclusion of basic components must not be misunderstood and extended to items like lamps, starters, fuses, switches for household use, elements of electrical installations, etc., which, even if they are often used in conjunction with other electrical equipment and have to be properly installed in order to deliver their useful function, are themselves to be considered electrical equipment in the sense of the Directive.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (1) ‘making available on the market’ means any supply of electrical equipment for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (2) ‘placing on the market’ means the first making available of electrical equipment on the Union market;
- (3) ‘manufacturer’ means any natural or legal person who manufactures electrical equipment or has electrical equipment designed or manufactured, and markets that equipment under his name or trade mark;
- (4) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;
- (5) ‘importer’ means any natural or legal person established within the Union who places electrical equipment from a third country on the Union market;
- (6) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes electrical equipment available on the market;
- (7) ‘economic operators’ means the manufacturer, the authorised representative, the

¹² A further assessment of the safety aspects related to the way in which such components are incorporated is in general also necessary.

importer and the distributor;

- (8) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by an electrical equipment;
- (9) ‘harmonised standard’ means harmonised standard as defined in point (c) of point 1 of Article 2 of Regulation (EU) No 1025/2012;
- (10) ‘conformity assessment’ means the process demonstrating whether the safety objectives referred to in Article 3 and set out in Annex I relating to electrical equipment have been fulfilled;
- (11) ‘recall’ means any measure aimed at achieving the return of electrical equipment that has already been made available to the end-user;
- (12) ‘withdrawal’ means any measure aimed at preventing electrical equipment in the supply chain from being made available on the market;
- (13) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products;
- (14) ‘CE marking’ means a marking by which the manufacturer indicates that the electrical equipment is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing.

§ 8 Definitions

The Directive defines terms in Article 2. These definitions are those provided in Decision 768/2008/EC within the New Legislative Framework context.

“The ‘Blue Guide’ on the implementation of EU product rules” provides detailed guidance on what these terms mean with regards to Union harmonised legislation. Please refer to the respective chapters of the “The ‘Blue Guide’ on the implementation of EU product rules” for further guidance.

The following definitions of the terms in Article 2 are explained in chapter 2 of “The ‘Blue Guide’ on the implementation of EU product rules”:

- Making available (on the market)
- Placing on the market

“Making available” is the overall concept. A product is made available when supplied for distribution, consumption or use on the Union market in the course of a

commercial activity, whether in return for payment or free of charge. Such supply includes any offer for distribution, consumption or use which could result in actual supply. “Placed on the market” is a specific case of making available, namely it is the first time that the product is introduced on the Union market. Union harmonisation legislation applies first when the product is placed on the Union market and to any subsequent operation which constitutes making available until it reaches the end-user.

The following definitions are explained in greater detail in chapter 3 of “The ‘Blue Guide’ on the implementation of EU product rules”.

- “Manufacturer”
- “Authorised representative”
- “Importer”
- “Distributor”

Both, the importer and the distributor, being close to the market place, have a key role to play in context of market surveillance. See § 21 and § 22 under Articles 8 and 9.

- “Conformity assessment” is explained in chapter 5 “conformity assessment” of “The ‘Blue Guide’ on the implementation of EU product rules”.
- “Recalls” are explained in chapter 7 “market surveillance” of “The ‘Blue Guide’ on the implementation of EU product rules”.
- “Withdrawal” is explained in chapter 7 of “The ‘Blue Guide’ on the implementation of EU product rules”.
- “Harmonised standard” – the definition is explained in chapter 4 “product requirements” in “The ‘Blue Guide’ on the implementation of EU product rules”. In the LVD context, see also § 28 § 29 § 30 under articles 12, 13 and 14 which sets down principles of hierarchy of standards – harmonised, international and national standards.
- “CE marking” is explained in chapter 4 of “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 3

Making available on the market and safety objectives

Electrical equipment may be made available on the Union market only if, having been constructed in accordance with good engineering practice in safety matters in force in the Union, it does not endanger the health and safety of persons and domestic animals, or property, when properly installed and maintained and used in applications for which it was made.

The principal elements of the safety objectives are listed in Annex I.

§ 9 What are the mandatory safety requirements to place the electrical equipment on the Union market?

Article 3 lays down following conditions of making available the electrical equipment on the Union market:

- Constructed in accordance with principles, generally accepted within the Union, as constituting good engineering practice in relation to safety matters. This means that the electrical equipment must be designed and manufactured according to the state of the art.
- Designed and constructed to conform with the principal elements of the safety objectives which are shown at Annex I to the Directive. These are the mandatory safety provisions, which electrical equipment must comply with in order to be allowed onto the Union market and benefit from freedom of movement in the Union (Articles 3 and 4). Consequently, any national standards or national specifications related to the safety of electrical equipment do not have a mandatory status and may not be a condition for its placing on the Union market. The non-mandatory nature of specifications in national rules is confirmed by the rulings of the Court of Justice of the European Union.
- Electrical equipment must not pose a danger to health and safety of persons, domestic animals or damage to property when properly installed, maintained and used as intended by the manufacturer.

Annex I of the LVD 2014/35/EU lays down safety objectives which represent the essential requirements which electrical equipment must meet.

Article 4

Free movement

The Member States shall not impede, for the aspects covered by this Directive, the making available on the market of electrical equipment which complies with this Directive.

§ 10 Free movement

The objective of eliminating trade barriers among the EU Member States and of strengthening the free movement of products is stated in this free movement clause, which guarantees the free movement of products complying with the legislation. Therefore, Member States cannot impede the making available on the market of a product which complies with all the provisions of the Directive.

Free Movement of products is explained in Chapter 8 "Free movement of products within the EU" of "The 'Blue Guide' on the implementation of EU product rules".

Article 5

Supply of electricity

In relation to electrical equipment, the Member States shall ensure that stricter safety requirements than the safety objectives referred to in Article 3 and set out in Annex I are not imposed by electricity supply bodies for connection to the grid, or for the supply of electricity to users of electrical equipment.

§ 11 Supply of electricity

This provision aims to avoid trade barriers based on stricter safety requirements, related to the electrical equipment, than those required in the Directive.

CHAPTER 2

OBLIGATIONS OF ECONOMIC OPERATORS

§ 12 Obligations of Economic Operators

Chapter 2 of the Low Voltage Directive 2014/35/EU deals with the identification and obligations of manufacturers, authorised representatives, importers and distributors, collectively defined as "economic operators".

Within the New Legislative Framework, the responsibilities and obligations for the economic operators are defined more in detail: all of them have to play key roles in the supply chain, in particular in terms of compliance of products, appropriate measures, communication and co-operation. It should be noted that users (consumers, workers, etc.) are not considered as "economic operators" with respect to the Directive.

See also chapter 3 “The actors in the product supply chain and their obligations” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Distributors and importers, being closer to the market place, should be also involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the electrical equipment concerned, directly or through the manufacturer, as defined in Articles 8 and 9. See § 19 and § 20 in this respect.

Article 6

Obligations of manufacturers

1. When placing their electrical equipment on the market, manufacturers shall ensure that it has been designed and manufactured in accordance with the safety objectives referred to in Article 3 and set out in Annex I.
2. Manufacturers shall draw up the technical documentation referred to in Annex III and carry out the conformity assessment procedure referred to in Annex III or have it carried out.

Where compliance of electrical equipment with the safety objectives referred to in Article 3 and set out in Annex I has been demonstrated by the conformity assessment procedure referred to in the first subparagraph, manufacturers shall draw up an EU declaration of conformity and affix the CE marking.

3. Manufacturers shall keep the technical documentation referred to in Annex III and the EU declaration of conformity for 10 years after the electrical equipment has been placed on the market.
4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with this Directive. Changes in product design or characteristics and changes in the harmonised standards referred to in Article 12, the international or national standards referred to in Articles 13 and 14, or in other technical specifications by reference to which conformity of electrical equipment is declared shall be adequately taken into account.

When deemed appropriate with regard to the risks presented by electrical equipment, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of electrical equipment made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming electrical equipment and electrical equipment recalls, and shall keep distributors informed of any such monitoring.

5. Manufacturers shall ensure that electrical equipment which they have placed on the market bears a type, batch or serial number or other element allowing its identification, or, where the size or nature of the electrical equipment does not allow it, that the

required information is provided on its packaging or in a document accompanying the electrical equipment.

6. Manufacturers shall indicate on the electrical equipment their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the electrical equipment. The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.
7. Manufacturers shall ensure that the electrical equipment is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible.
8. Manufacturers who consider or have reason to believe that electrical equipment which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that electrical equipment into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the electrical equipment presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the electrical equipment available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
9. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the electrical equipment with this Directive, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by electrical equipment which they have placed on the market.

§ 13 Obligations of manufacturers

Article 6 sets out responsibility of a manufacturer with respect to compliance of the electrical equipment with the safety objectives of Annex I of the LVD 2014/35/EU, required documentation, conformity assessment process etc.

The Directive does not require the manufacturer to be established in the European Union. Thus, when placing a product on the Union market, the responsibilities of a manufacturer are the same whether he is established outside the EU or in a Member State.

Please see chapter 3.1 "manufacturer" of the "The 'Blue Guide' on the implementation of EU product rules" which explains in detail the role and responsibilities of the manufacturer.

§ 14 Identification of the equipment

Article 6.5 requires the manufacturer to ensure that electrical equipment bears a type, batch or serial number for identification purposes. The important point is that the numbering must allow making a clear link to the relevant documentation that demonstrates the conformity of the specific type of product, in particular the declaration of conformity.

A barcode can also be used if this is considered by a manufacturer as an appropriate way of enabling the manufacturer to identify and trace its products. Depending on the product, it is up to the manufacturer to determine whether the bar code or other identifier should allow the identification of each individual single products or just the relevant batch or type. But manufacturers should be aware that when public authorities recall products and if it is not possible to distinguish between type, batch or serial number or other element allowing identification of the product, all products of the type might be required to be removed from the market.

The Directive allows placing the information on the packaging or in a document accompanying the electrical equipment if the size or nature of the electrical equipment does not allow it. Of course if the information is not visible at first sight, it must be easily and safely accessible.

See also section 4.2.2.3 "identification element" of "The 'Blue Guide' on the implementation of EU product rules" for detailed guidance.

§ 15 The requirement to indicate name and address for manufacturers

Article 6.6 requires that the manufacturer must indicate his name, registered tradename or registered trademark and a single contact postal address on the product or, when not possible because of the size or physical characteristics of the product, on its packaging and/or on the accompanying documentation. This would be justified where affixing it to the product was not possible under reasonable technical or economic conditions excluding however esthetical reasons. It is up to the manufacturer to make this assessment.

The contact details must be in a language easily understood by end-users and market surveillance authorities. The address or the country does not necessarily have to be translated into the language of the Member State where the product is made available on the market but the characters of the language used must allow identifying the origin and the name of the company. This is not possible with certain alphabets. If the information is put inside the product, it must be easily accessible by

the Market Surveillance Authorities without damaging the product or the need for disassembling it with specific tools.

Further guidance is available in chapter 3.1. "Manufacturer" and chapter 4.2.2.1 relating to the requirement to indicate name and address of the manufacturer of "The 'Blue Guide' on the implementation of EU product rules".

The requirement to provide this information is related to the economic operator that places the product on the market i.e. the manufacturer and the importer. See also importer's obligations in § 21. For electrical equipment not placed on the Union market but incorporated into or attached to other equipment (e.g. cables incorporated into a television), only the latter (i.e. only the television) needs this information marked on it. The Directive does not require contact details of the distributor to be placed on or with the product unless the product is placed on the market under his name or trademark or he modifies electrical equipment already placed on the market in such a way that compliance with the Directive may be affected; this is because in this case, the distributor becomes the manufacturer for the purposes of the Directive.

If both, the manufacturer and the importing branch belong to the same group or company and if the company based in the EU takes the manufacturer's responsibility, the details of the branch based in the EU is sufficient to comply with the requirements.

§16 Instructions and safety information requirements

Article 6.7 requires the manufacturer to provide instructions and safety information with the product, whether the product is intended for consumers or other end-users. The Low Voltage Directive does not make a distinction about who the user of the product is.

Both, the instructions and safety information accompanying the electrical equipment can be included in a single document.

The national law in Member States shall indicate the languages required. Manufacturers should implement the legal requirements of the Member States regarding languages.

See also "The 'Blue Guide' on the implementation of EU product rules" - chapter 3.1. "Manufacturer" and in particular footnote 99.

§17 Products sold in bulk

See “The ‘Blue Guide’ on the implementation of EU product rules” - chapter 3.1. “Manufacturer” and in particular footnote 96.

§ 18 Electrical equipment presenting a risk

Article 6.8 requires that a manufacturer, if there is a reason to believe that electrical equipment presents a risk, to immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. It is the manufacturer’s responsibility to determine, based on his risk assessment, whether the risk is unacceptable. With regards to what is an acceptable level of risk for a product, this is determined by the compliance with the safety objectives. The safety objectives of the new LVD have not changed from the previous LVD 2006/95/EC and therefore the previous thresholds for assessing the acceptability of risks would continue to apply in the new LVD.

§ 19 Language requirements

The Directive requires that the manufacturer (and others in the supply chain) present documents in the language easily understood by market surveillance authorities of the Member State concerned. “The ‘Blue Guide’ on the implementation of EU product rules” in its chapter 3.1 provides guidance on this topic.

Article 7

Authorised representatives

1. A manufacturer may, by a written mandate, appoint an authorised representative.

The obligations laid down in Article 6(1) and the obligation to draw up technical documentation referred to in Article 6(2) shall not form part of the authorised representative’s mandate.

2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:
 - (a) keep the EU declaration of conformity and the technical documentation at the disposal of national market surveillance authorities for 10 years after the electrical equipment has been placed on the market;

- (b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of electrical equipment;
- (c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by electrical equipment covered by the authorised representative's mandate.

§ 20 Authorised representatives

Article 7 of the LVD 2014/35/EU, as well as the specific provisions in Annex III (paragraph 5), set out the obligations incumbent on the authorised representative established within the EU. These obligations are related to the CE marking, the EU declaration of conformity, the arrangements for holding this EU declaration of conformity, and technical documentation, at the disposal of the competent authorities for a period of ten years after the last product has been manufactured and the cooperation with the competent national authorities, at their request, on any action taken to eliminate the risks posed by products covered by their mandate.

The appointment of an authorised representative is at the choice of the manufacturer and he is not obliged to do so.

See also chapter 3.2. "Authorised representative" in "The 'Blue Guide' on the implementation of EU product rules".

Article 8

Obligation of importers

1. Importers shall place only compliant electrical equipment on the market.
2. Before placing electrical equipment on the market importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the electrical equipment bears the CE marking and is accompanied by the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6).

Where an importer considers or has reason to believe that electrical equipment is not in conformity with the safety objectives referred to in Article 3 and set out in Annex I, he shall not place the electrical equipment on the market until it has been brought into

conformity. Furthermore, where the electrical equipment presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

3. Importers shall indicate on the electrical equipment their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the electrical equipment. The contact details shall be in a language easily understood by end-users and market surveillance authorities.
4. Importers shall ensure that the electrical equipment is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.
5. Importers shall ensure that, while electrical equipment is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety objectives referred to in Article 3 and set out in Annex I.
6. When deemed appropriate with regard to the risks presented by electrical equipment, importers shall, to protect the health and safety of consumers, carry out sample testing of electrical equipment made available on the market, investigate and, if necessary, keep a register of complaints, of non-conforming electrical equipment and electrical equipment recalls, and shall keep distributors informed of any such monitoring.
7. Importers who consider or have reason to believe that electrical equipment which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that electrical equipment into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the electrical equipment presents a risk, importers shall immediately inform the competent national authorities of the Member States in which they made the electrical equipment available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
8. Importers shall, for 10 years after the electrical equipment has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.
9. Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of electrical equipment in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by electrical equipment which they have placed on the market.

§ 21 Obligations of importers

Recital 10 introduces already the obligations of the importers to ensure that electrical equipment from third countries entering the Union market complies with this Directive, in particular, that appropriate conformity assessment procedures have been carried out by manufacturers with regard to that electrical equipment.

One of the requirements in Article 8(8) is that importer must keep a copy of the declaration of conformity for ten years after a product has been placed on the market. Furthermore, the importer has to ensure that the technical documentation can be made available to the competent national authority upon request. Even if there is no explicit obligation, the importer is advised to get formal assurance from the manufacturer that the documents will be made available when requested by the market surveillance authority. The technical documentation can be given directly by the manufacturer to the market surveillance authorities. What is important is that the authorities receive the documentation and that at importer's request, the manufacturer provides the information to Member States.

It must be noted that under the LVD 2014/35/EU, the “required” documents in Article 8(2), with respect to obligations of an importer, are only the instructions and safety information.

Article 8(3) requires importers to comply with traceability provisions when placing electrical equipment on the market. The importer’s contact details must be indicated on the electrical equipment. Where the size or nature of the electrical equipment does not allow it or because the packaging would need to be opened to place his details, this information can be placed on packaging or accompanying documentation. Recital 11 clarifies this requirement.

See also chapter 3.3 "importers" in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 9

Obligation of distributors

1. When making electrical equipment available on the market distributors shall act with due care in relation to the requirements of this Directive.
2. Before making electrical equipment available on the market distributors shall verify that the electrical equipment bears the CE marking, that it is accompanied by the required documents and by instructions and safety information in a language which can be easily understood by consumers and other end-users in the Member State in which the electrical equipment is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 6(5) and (6) and Article 8(3) respectively.

Where a distributor considers or has reason to believe that electrical equipment is not in conformity with the safety objectives referred to in Article 3 and set out in Annex I, he shall not make the electrical equipment available on the market until it has been brought into conformity. Furthermore, where the electrical equipment presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.

3. Distributors shall ensure that, while electrical equipment is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety objectives referred to in Article 3 and set out in Annex I.
4. Distributors who consider or have reason to believe that electrical equipment which they have made available on the market is not in conformity with this Directive shall make sure that the corrective measures necessary to bring that equipment into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the electrical equipment presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the electrical equipment available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.
5. Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of electrical equipment. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by electrical equipment which they have made available on the market.

§ 22 Obligations of distributors

The distributor makes electrical equipment available on the market after it has been placed on the market by the manufacturer or the importer and should act with due care to ensure that its handling of electrical equipment does not adversely affect the compliance of the electrical equipment.

See chapter 3.4 "distributor" of "The 'Blue Guide' on the implementation of EU product rules" which explains in detail the role and responsibility of a distributor.

It must be noted that under the LVD 2014/35/EU, the "required" documents in Article 9(2), with respect to obligations of a distributor, are only the instructions and safety information.

The distributor does not have to keep a copy of the declaration of conformity or the technical documentation. However he must be able to identify the manufacturer, his authorised representative, the importer or the person who has provided him with the product in order to assist the market surveillance authority in its efforts to obtain the EU declaration of conformity and the necessary parts of the technical documentation.

§ 23 What is the “reasonable period” by which the economic operators are required to present the documents requested by market surveillance authorities (as indicated in Articles 6(9), 8(9) and Article 9(5))?

There is not specific time limit in the Directive for a "reasonable period". This period has to be assessed by the authorities on a case-by-case basis, taking into account the level of urgency/seriousness of risk and the efforts for the economic operator to follow-up the request. A default period could be e.g. 10 working days, but giving the possibility to shorten it or extend depending of the case. Member States are free to fix a default period in their national laws, but there should always be a possibility to shorten or prolong that period.

§ 24 Who is responsible for the translation of instructions in the language required in the Member State concerned where the electrical equipment is made available?

The Directive does not specify which economic operator is responsible for translating the instructions and safety information. The manufacturer, importer and distributor have the obligation to ensure that the product is accompanied by instructions in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

It is for each economic operator which makes available the product in a Member State, to ensure that instructions are available in all the languages required in that Member State. Nothing prevents economic operators from reaching contractual agreements on the manner in which they are translated.

A manufacturer provides the instructions in a certain set of languages where he intends to ship the product but if his product ends up in an unintended market, the importer and the distributor must ensure that instructions are translated in the required language. It depends on how economic operators are organised by contractual arrangements.

The Directive requires that instructions and safety information, as well as any labelling, shall be clear, understandable and intelligible and therefore translations

not meeting these criteria will be considered as non-compliant and will not be acceptable.

Article 10

Cases in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Directive and he shall be subject to the obligations of the manufacturer under Article 6, where he places electrical equipment on the market under his name or trade mark or modifies electrical equipment already placed on the market in such a way that compliance with this Directive may be affected.

§ 25 Obligations of manufacturers for importers and distributors

An economic operator other than the manufacturer, i.e. an importer or the distributor that either places electrical equipment on the market under his own name or trade mark or modifies electrical equipment in such a way (thus creating a new product) that compliance with the LVD may be affected, he is considered to be the manufacturer and should assume the obligations of the manufacturer, including the responsibility for the conformity of the product and the affixing of the CE marking.

See “The 'Blue Guide' on the implementation of EU product rules” – chapters 3.1 on “manufacturer” and 2.1 on “product coverage” which provides guidance on modification of a product and also on product sold under a trade or a brand name which is different from a manufacturer

Article 11

Identification of economic operators

Economic operators shall, on request, identify the following to the market surveillance authorities:

- (a) any economic operator who has supplied them with electrical equipment;
- (b) any economic operator to whom they have supplied electrical equipment.

Economic operators shall be able to present the information referred to in the first paragraph for 10 years after they have been supplied with the electrical equipment and for 10 years after they have supplied the electrical equipment.

§ 26 Identification of economic operators

Article 11 sets out the obligations of economic operators with regards to traceability of electrical equipment and keeping the information of suppliers they have been involved with.

However, as the recital 15 states, the economic operators should not be required to update information related to economic operators for example that moved or were taken over by another business.

Please see section 4.2.2.4 "identification of economic operators" of The 'Blue Guide' on the implementation of EU product rules" for further guidance.

CHAPTER 3

CONFORMITY OF THE ELECTRICAL EQUIPMENT

§ 27 Conformity of the product

Chapter 3 of the LVD 2014/35/EU deals with presumption of conformity of products, the EU declaration of conformity and CE marking principles, rules and conditions.

Products are presumed to conform to the safety objectives of the Low Voltage Directive where the equipment has been manufactured in accordance with technical standards in the order laid down under Article 12, 13 and 14.

Alternatively, the manufacturer may construct the product in conformity with the essential requirements (safety objectives) of the Directive, without applying harmonised, international or national standards. In such a case the product will not benefit from presumption of conformity conferred by the use of such standards and the manufacturer must include in the technical documentation (see Annex III) a description of the solutions adopted to satisfy the safety objectives of the Directive.

Article 12

Presumption of conformity on the basis of harmonised standards

Electrical equipment which is in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the safety objectives referred to in Article 3 and set out in Annex I covered by those standards or parts thereof.

§ 28 Presumption of conformity on the basis of harmonised standards

The presumption of conformity of products is conferred by the use of European harmonised standards adopted in accordance with Regulation (EU) No 1025/2012¹³ if their reference is published in the Official Journal of the European Union (OJEU).

In this regard, the Commission issued a general Mandate¹⁴ to CEN, CENELEC and ETSI to take account of the revised LVD 2014/35/EU. In particular, to adopt and provide voluntary harmonised standards for electrical equipment designed for use within certain voltage limits in support of safety objectives given in the Annex I of the new Directive. This Mandate covers also revision, amendment, repeal or replace of any existing harmonised standards already adopted under the old LVD.

Unlike the old LVD, under the LVD 2014/35/EU, the presumption of conformity is only conferred when the reference of the harmonised standard is published in the OJEU and it is restricted to the harmonised standard itself. Guidance documents on harmonised standards (e. g. OSM decisions) do not confer the presumption of conformity.

As indicated in Recital 16 of the LVD 2014/35/EU, the Directive sets out the mandatory safety objectives that electrical equipment placed on the Union market must fulfil. European harmonised standards provide detailed technical solutions for complying with these safety objectives. Manufacturers applying harmonised standards can benefit from presumption of conformity with the safety objectives they cover, however the use of harmonised standards remains voluntary.

The Official Journal also contains the date of cessation of presumption of conformity of the superseded standard, which is considered to be the date beyond which a harmonised standard is no longer considered to be up to date in the light of technological progress and the developments in good engineering practice in safety matters (Article 3).

Recital 17 explains that Standardisation Regulation (EU) No 1025/2012 provides for a "formal objection" procedure for disputing a harmonised standard that is

¹³ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council Text with EEA relevance OJ L 316, 14.11.2012, p. 12–33

¹⁴ Mandate M/511 on 8 November 2012

considered by a Member State or by the European Parliament that it does not entirely satisfy the safety objectives which it aims to cover.

See Chapter 4 "product requirements" of "The 'Blue Guide' on the implementation of EU product rules" which explains the role of and process to harmonised standards and their adoption process under the Standardisation Regulation 1025/2012.

Article 13

Presumption of conformity on the basis of international standards

1. Where harmonised standards referred to in Article 12 have not been drawn up and published, the Member States shall take all appropriate measures to ensure that, for the purposes of making available on the market or free movement as referred to in Articles 3 and 4 respectively, their competent authorities shall also regard as complying with the safety objectives referred to in Article 3 and set out in Annex I electrical equipment which complies with the safety provisions of the international standards set out by the International Electrotechnical Commission (IEC) in respect of which the publication procedure laid down in paragraphs 2 and 3 of this Article has been applied.
2. The safety provisions referred to in paragraph 1 shall be notified to the Member States by the Commission. The Commission, after consulting the Member States, shall state the safety provisions and in particular the variants thereof which it recommends to be published.
3. The Member States shall inform the Commission within a period of three months of any objections they may have to the safety provisions notified in accordance with paragraph 2, stating the safety grounds on account of which the provisions should not be recognised.

For purposes of information the references of the safety provisions against which no objection has been raised shall be published in the Official Journal of the European Union.

§ 29 Presumption of conformity on the basis of international standards

Article 13 provides for the use of international standards to provide presumption of conformity of electrical equipment with the safety objectives of the LVD where no relevant harmonised standard exists.

Electrical equipment which complies with the specification of a standard published by the International Electrotechnical Commission (IEC) and the details of which have been notified to Member States and listed by the European Commission in the Official Journal, will be presumed to comply with the safety objectives of the LVD. Such standards will only be listed if the Commission is satisfied that they adequately

reflect all relevant safety objectives. IEC standards whose reference is published in the Official Journal (OJ), after due consultative process set out in Article 13, provide presumption of conformity.

It must be noted that provision of IEC Standards as providing presumption of conformity in Article 13 must not be confused with those IEC Standards that are adopted by CENELEC and listed as Harmonised Standards in the OJ according to Article 12.

Where CENELEC adopts IEC standards, these have the status as European harmonised standards (EN) provided for in Article 12 and their reference is published in the OJ as harmonised standards providing presumption of conformity with the Directive. This process is done through the Dresden Agreement¹⁵ which allows cooperation between IEC and CENELEC in standardisation work. Under the Dresden Agreement, the two organisations, CENELEC and IEC, have agreed to concentrate as far as possible electrotechnical standardisation work at IEC level. IEC draft standards are generally launched for comments and voting in parallel at IEC and CENELEC level resulting in a large amount of the CENELEC standards are identical with IEC standards. Therefore, up to now it has not been necessary to make use of Article 13.

Article 14

Presumption of conformity on the basis of national standards

Where harmonised standards referred to in Article 12 have not been drawn up and published and international standards referred to in Article 13 have not been published, the Member States shall take all appropriate measures to ensure that, for the purpose of making available on the market or free movement as referred to in Articles 3 and 4 respectively, their competent authorities shall also regard as complying with the safety objectives referred to in Article 3 and set out in Annex I electrical equipment manufactured in accordance with the safety provisions of the standards in force in the Member State of manufacture, if it ensures a safety level equivalent to that required in their own territory.

§ 30 Presumption of conformity on the basis of national standards

Where no relevant harmonised standard or international standard exists, electrical equipment will be presumed to comply with the safety provisions of the LVD, if it is constructed to conform with the safety provisions of a national standard in force in

¹⁵ See CENELEC website for details on Dresden Agreement - <http://www.cenelec.eu/aboutcenelec/whoweare/globalpartners/iec.html>

the Member State of the manufacturer provided that the national standard satisfies the safety requirements of the Directive.

This Article is specific for the LVD and “The 'Blue Guide' on the implementation of EU product rules” does not provide guidance on this. The Blue Guide, in section 4.1.3 "conformity with the essential requirements: other possibilities" contains information on use of national standards to provide a presumption of conformity as a transitional measure – insofar as there is no harmonised standard covering the same area and the conditions of conferring presumption of conformity; however, Article 14 of the LVD goes further.

Article 14 of the LVD provides for mutual recognition of national standards, not published in the OJEU, in case of absence of standards within the meaning of Articles 12 and 13. However, such national standards might, in certain cases, not cover all the safety objectives of the Directive. Therefore, manufacturers using those standards should carefully check compliance with all the safety requirements of the Directive.

The phrase at the end of Article 14 ("if it ensures a safety level equivalent to that required in their own territory") does not, per se, authorise Member States to require compliance with safety levels other than those resulting from the safety objectives.

Nevertheless, compliance with the safety objectives of the Directive - which are henceforth identical for the whole Union - may imply, in some exceptional cases, compliance with different technical specifications from one Member State to another to take account of different objective situations, e.g. requirements resulting from supply systems which vary from one region of the Union to another.

In the light of the above, particular national technical specifications (where they exist) shall only give presumption of conformity, when appropriate.

It follows that manufacturers cannot be obliged to comply with national specifications in the case of equipment otherwise satisfying the safety objectives of the Directive. Where the standards referred to in Articles 12 or 13 do not yet exist, manufacturers are, of course, entitled to comply with any appropriate specifications in order to facilitate demonstrating conformity with the safety objectives.

The non-mandatory nature of specifications in national rules is from the point of view of EU law confirmed by the rulings of the Court of Justice, according to which national authorities and courts must not apply national provisions which conflict with Union provisions.¹⁶

¹⁶ Judgements in Case 106/77 Simmenthal (ECR 1978, p. 645) and in Case 148/78 Ratti (ECR 1979, p. 1646).

Article 15

EU declaration of conformity

1. The EU declaration of conformity shall state that the fulfilment of the safety objectives referred to in Article 3 and set out in Annex I has been demonstrated.
2. The EU declaration of conformity shall have the model structure set out in Annex IV, shall contain the elements specified in Module A as set out in Annex III and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the electrical equipment is placed or made available on the market.
3. Where electrical equipment is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the Union acts concerned including their publication references.
4. Drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the electrical equipment with the requirements laid down in this Directive.

§ 31 EU declaration of conformity

Recitals 21 and 22 introduce the provisions related to the EU declaration of conformity.

The EU declaration of conformity is a legal statement by the manufacturer or his authorised representative established in the EU attesting that the concerned electrical equipment complies with the safety objectives of the LVD 2014/35/EU.

The EU declaration of conformity must be signed by the manufacturer (by an individual working for the manufacturer) or his authorised representative, and the employee's function shall also be indicated.

Annex IV sets out the model structure of the EU declaration of conformity that must be followed. This model specifies the mandatory minimum content of the declaration of conformity. Therefore, if a manufacturer produces a declaration of conformity that contains mandatory information as set out in Annex IV, he will be considered as fulfilling the requirements of the declaration of conformity. A manufacturer can include any additional information for traceability purposes (see § 64 under Annex IV of this Guidance).

It should be noted that the reference in Article 15.2 to elements in Annex III does not place any additional requirement but serves to reiterate a manufacturer's obligation under Article 6.3.

Before 20 April 2016 all the EC declarations of conformity for LVD products placed on the EU market had to be in line with Directive 2006/95/EC.

According to Article 25, products that were already in the distribution chain before 20 April 2016 (including stockpiles: see Recital 36) could continue to be made available on the Union market with this EC declaration of conformity referring to Directive 2006/95/EC as they had already been lawfully placed on the market. Declarations of conformity (EC or EU) remain valid according to the legislation in force when the product is placed on the market (= made available on the Union market for the first time). There is no need to change legislative references in documents accompanying the product.

For LVD products placed on the Union market as of 20 April 2016 the EU declaration of conformity must be in accordance to the new LVD 2014/35/EU by that date.

Although in the LVD case, the DoC does not have to accompany the product, electrical equipment must comply with other EU legislation that requires the DoC to accompany the product.

In order to facilitate the transition to the new Directive 2014/35/EU, the EU declaration of conformity can indicate the following: “The object of the declaration described above is in conformity with the relevant Union harmonisation legislation: Directive 2006/95/EC (until April 19th, 2016) and Directive 2014/35/EU (from April 20th, 2016).”

See chapter 4.4 “EU declaration of conformity” of “The ‘Blue Guide’ on the implementation of EU product rules” for further guidance.

§ 32 Translation of the declaration of conformity

Article 15.2 requires the declaration of conformity to be translated. When a market surveillance authority requests a copy, it should be made available in the language required by the Member State on whose territory the electrical equipment is placed or made available. The Union harmonisation legislation does not specify which economic operator is required to fulfil this obligation.

The LVD requires the manufacturer, importer and, where mandated, the authorised representative to keep a copy of the declaration of conformity. It may be worth, for practical reasons, in case of imported electrical equipment, for the manufacturer and the importer to consider and have contractual arrangements in place as to who provides the translation required in the Member State concerned. It is recommended that any translation should be of sufficient quality to be acceptable to a Member State authority. However, if the time is of essence, the officially translated template in Annex IV in all EU languages, as part of the whole Directive translated text in the OJEU, can provide the necessary basis for the mandatory information to be supplied to the Member State concerned.

If a translation of the EU declaration of conformity is not signed by the manufacturer, a copy of the original EU declaration of conformity signed by the manufacturer must be provided together with the translated version.

See also chapter 4.4 "EU Declaration of conformity" in "The 'Blue Guide' on the implementation of EU product rules".

§ 33 Declaration of conformity covering other applicable Union harmonisation legislation to electrical equipment

Most electrical equipment in the scope of the LVD is covered by other Union legislation too. To ensure effective access to information for market surveillance purposes, the information required to identify all Union acts applicable to the electrical equipment concerned, should be available in a single EU declaration of conformity. As stated in Recital 22, in order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.

Article 16

General principles of the CE marking

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

§ 34 General principles of the CE marking

The CE marking declares conformity of the electrical equipment with the essential requirements and conformity assessment procedures set out under the LVD and all the other directives applicable to it.

Recital 23 introduces the provisions related to the CE marking, making reference to the general principles set out in Article 30 of the "New Legislative Framework" Regulation 765/2008. The Directive 2014/35/EU includes the reference to those provisions as well as the rules and conditions for affixing the CE marking, and other markings, in Articles 16 and 17.

See also chapter 4.5.1 "CE marking" in "The 'Blue Guide' on the implementation of EU product rules".

Article 17

Rules and conditions for affixing the CE marking

1. The CE marking shall be affixed visibly, legibly and indelibly to the electrical equipment or to its data plate. Where that is not possible or not warranted on account of the nature of the electrical equipment, it shall be affixed to the packaging and to the accompanying documents.
2. The CE marking shall be affixed before the electrical equipment is placed on the market.
3. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

§ 35 Rules and conditions for affixing the CE marking

Article 17 lays down the rules and conditions for affixing the CE marking. See §13 for information on responsibility of the relevant economic operator with regards to affixing of CE marking on the electrical equipment.

It must be noted that principles, conditions and rules for affixing of CE marking are laid down in Regulation (EC) No 765/2008 and the Decision 768/2008/EC. The format and specification as laid down in the Regulation 765/2008 must be followed when affixing the CE marking on electrical equipment (See §32 under Article 16).

See also chapter 4.5 on marking requirements in “The 'Blue Guide' on the implementation of EU product rules” which provides detailed guidance on CE marking requirements.

§ 36 The CE marking of electrical products intended to be incorporated or attached to another electrical equipment

Where LVD equipment not placed on the EU market is incorporated into or attached to other LVD equipment (e.g. cables incorporated into a household appliance), only the latter needs CE marking and contact details under LVD and any other Union legislation applicable to the main article (i.e. only the household appliance). However, if the LVD product has been placed on the EU market, it has to carry the CE marking even if the intention is to be integrated into another LVD product.

Similarly, when a power cord set has not been placed on the market and is sold together with another item that is also covered by the LVD, there is no need to affix the CE marking on the cord set, if this is provided for use only with the main article and the CE marking must be affixed on the main article only. However, if the cord

sets are placed on the market, for example as a spare part or as a common item that can be used with more than one electrical equipment, then these are required to carry the CE marking.

In any case, the manufacturer/authorised representative of the main article shall be responsible to demonstrate that both items comply with the LVD.

Where two or more products covered each of them by the LVD are supplied together in a package or in a combination the CE marking requirement has to be applied in each product.

CHAPTER 4

UNION MARKET SURVEILLANCE, CONTROL OF ELECTRICAL EQUIPMENT ENTERING THE UNION MARKET AND UNION SAFEGUARD PROCEDURE

§ 37 Union market surveillance, control of electrical equipment entering the Union market and Union safeguard procedure

Chapter 4 of the LVD 2014/354/EU deals with Union market surveillance, control of products entering the Union market and the Union safeguard procedure.

See also chapter 7 on market surveillance in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 18

Union market surveillance and control of electrical equipment entering the Union market

Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to electrical equipment.

§ 38 Union market surveillance and control of electrical equipment entering the Union market

The Articles of the Regulation no (EC) No 765/2008, referred to in Article 18 of the LVD 2014/35/EU, set out requirements for market surveillance framework and

controls of products entering the Union market. Regarding the LVD 2014/35/EU, these Articles apply to the electrical equipment falling into the scope of the LVD.

See also chapter 7.3 "control of products from third countries by customs" of "The 'Blue Guide' on the implementation of EU product rules" which provides further guidance on control of products from third countries by customs. Customs carry out directly those controls or support market surveillance authorities in their tasks, depending on the Member State's organisation.

Article 19

Procedure for dealing with electrical equipment presenting a risk at national level

1. Where the market surveillance authorities of one Member State have sufficient reason to believe that electrical equipment covered by this Directive presents a risk to the health or safety of persons or domestic animals, or to property, they shall carry out an evaluation in relation to the electrical equipment concerned covering all relevant requirements laid down in this Directive. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.

Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that the electrical equipment does not comply with the requirements laid down in this Directive, they shall without delay require the relevant economic operator to take all appropriate corrective actions to bring the electrical equipment into compliance with those requirements, to withdraw the electrical equipment from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as they may prescribe.

Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph of this paragraph.

2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.
3. The economic operator shall ensure that all appropriate corrective action is taken in respect of electrical equipment concerned that it has made available on the market throughout the Union.
4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the electrical equipment's being made available on their national market, to

withdraw the electrical equipment from that market or to recall it.

The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

5. The information referred to in the second subparagraph of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant electrical equipment, the origin of the electrical equipment, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:
 - (a) failure of the electrical equipment to meet the safety objectives referred to in Article 3 and set out in Annex I relating to the health or safety of persons or domestic animals, or to property; or
 - (b) shortcomings in the harmonised standards referred to in Article 12 or in the international or national standards referred to in Articles 13 and 14 conferring a presumption of conformity.
6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the electrical equipment concerned, and, in the event of disagreement with the adopted national measure, of their objections.
7. Where, within three months of receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.
8. Member States shall ensure that appropriate restrictive measures are taken in respect of the electrical equipment concerned such as withdrawal of the electrical equipment from the market, without delay.

§ 39 Procedure for dealing with electrical equipment presenting a risk at national level

When electrical equipment presents a risk at national level, a detailed procedure is set up for the relevant Member State authorities in charge of market surveillance on their territory, with specific obligations for the concerned economic operators.

The procedure sets out the steps to be followed by market surveillance authorities to deal with electrical equipment covered by this Directive presenting an unacceptable risk and a set of corrective measures to be taken by the economic operator concerned.

Recital 25 sets the background for market surveillance authorities to check the conformity of a product in accordance with its intended purpose (as defined by the manufacturer) and under the conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. This means that the manufacturers not only have to consider the conditions of use of the electrical equipment, but envisage beyond in what way an average user may reasonably consider to use the equipment. Please see Chapter 2.7 of “The ‘Blue Guide’ on the implementation of EU product rules” for further guidance on intended use and misuse.

If upon request of the market surveillance authority (MSA), the economic operator agrees to take the necessary corrective action (voluntary measures by the operator), the procedure ends here. But if the MSA consider that the risk goes beyond the national territory, they must inform the Commission and other Member States (MS) of the results of the evaluation and the actions that the economic operator is required to take.

However, if the economic operator does not take corrective actions as requested by the MSA, the MSA shall take appropriate measures against the product (compulsory measures). In this case, the national authorities must notify the measure to the Commission and other MS, who have the possibility to object to it during a 3-month period. If no objection is raised, the measure is deemed to be justified and all Member States are required to take appropriate restrictive measures against the product on their territories.

The 3-month period to raise objections by a Member State or the Commission against a measure taken by a Member State is computed as calendar months and the day of notification does not count. For example, if a notification comes on 15 September 2015, the three months would hence end on 16 December, 24.00h.

Article 19 must be read in conjunction with Regulation 765/2008, Article 20 of which allows withdrawing a product from the market in case of urgency, for products presenting a serious risk.

See also chapter 7 on market surveillance procedures (including safeguard mechanisms) and on corrective measures – bans, withdrawals, recalls and sanctions in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 20

Union safeguard procedure

1. Where, on completion of the procedure set out in Article 19(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not.

The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant electrical equipment is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.
3. Where the national measure is considered justified and the non-compliance of the electrical equipment is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 19(5) of this Directive, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

§ 40 Union safeguard procedure

Article 20 sets out the safeguard procedure where an objection is raised against the measure taken by a Member State. Recitals 26, 27 and 28 clarify the purpose and principles of the safeguard procedure.

If objections are raised against a national measure, as provided for in Article 19 (6), the Commission consults all Member States and the relevant economic operators. After thoroughly evaluating the national measure, the Commission issues a decision determining whether the measure is justified or not and any further action, depending on the decision, that Member States and the economic operators concerned are required to take.

The purpose of this procedure is to ensure that restrictive measures against the product are not an unjustified restriction of the free movement of goods. Additionally, the safeguard procedure provides a mechanism for market surveillance

authorities to share information with other market surveillance authorities on any restrictive measure taken.

Article 21

Compliant electrical equipment which presents a risk

1. Where, having carried out an evaluation under Article 19(1), a Member State finds that although electrical equipment is in compliance with this Directive, it presents a risk to the health or safety of persons, or to domestic animals or to property it shall require the relevant economic operator to take all appropriate measures to ensure that the electrical equipment concerned, when placed on the market, no longer presents that risk, to withdraw the electrical equipment from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.
2. The economic operator shall ensure that corrective action is taken in respect of all electrical equipment concerned that he has made available on the market throughout the Union.
3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the electrical equipment concerned, the origin and the supply chain of the electrical equipment, the nature of the risk involved and the nature and duration of the national measures taken.
4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide by means of implementing acts whether the national measure is justified or not, and where necessary, propose appropriate measures.

The implementing acts referred to in the first subparagraph of this paragraph shall be adopted in accordance with the examination procedure referred to in Article 23(2).

On duly justified imperative grounds of urgency relating to the protection of health and safety of persons, or of domestic animals or of property, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 23(3).

5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

§ 41 Compliant electrical equipment which presents a risk

The procedure of Article 21 has to be seen as an exceptional case.

In this case, a product may formally comply with safety objectives but presents a risk. Authorities must have the possibility to take restrictive measures against the product and this procedure allows them to do so. The difference to the "normal" safeguard clause procedure is that Article 21 deals with "compliant products", while Article 19 deals with products presenting a risk for not complying with the applicable safety objectives.

The relevant national authority has to take appropriate action, involving the concerned economic operators, and must inform the Commission and the other Member States. The Commission has to duly analyse the case and issue an implementing decision on whether the national measure adopted is justified or not. Recital 34 provides the background to the use of an 'implementing act' by the Commission as indicated in Article 15(4).

It is possible that with the evolution of time, new technologies and the state of the art, the safety objectives do not cover all risks, in particular with respect to new products presenting risks that were not foreseen by the Directive. Article 21 envisages this specific situation and sets procedures to deal with it.

However, for the LVD this option will probably never be used due to the broad nature of the safety objectives.

See also chapter 7 on safeguard mechanisms for Member States in "The 'Blue Guide' on the implementation of EU product rules".

Article 22

Formal non-compliance

1. Without prejudice to Article 19, where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:
 - (a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 17 of this Directive;
 - (b) the CE marking has not been affixed;
 - (c) the EU declaration of conformity has not been drawn up;
 - (d) the EU declaration of conformity has not been drawn up correctly;
 - (e) technical documentation is either not available or not complete;
 - (f) the information referred to in Article 6(6) or Article 8(3) is absent, false or incomplete;
 - (g) any other administrative requirement provided for in Article 6 or Article 8 is not

fulfilled.

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the electrical equipment being made available on the market or ensure that it is recalled or withdrawn from the market.

§ 42 Formal non-compliance

Non-compliance of a product is considered as formal when it is not directly related to a health and safety risk. However, the presence of a formal non-compliance does not exclude that the electrical equipment presents a risk to the health or safety of persons or domestic animals or to property; rather, it is a strong indication that further investigation on the product regarding its compliance with the safety objectives of the Directive is necessary.

The cases listed in Article 22(1) include defects in markings, documents and other information to be provided with the product.

The lack of the CE marking mentioned in Article 22 (1) (b) is a formal non-compliance but, in practice, it is rarely just a formal non-compliance. In any case, Article 22 does not affect procedures to be followed under Article 19 (product presenting a risk).

The CE marking, EU declaration of conformity and technical documentation are the cornerstone to place electrical equipment on the Union market and deviation from these are formal non-compliances.

The Directive is silent concerning the time limit within which the economic operator is required to address any formal non-compliance, as listed in Article 22(1), found with his equipment or how long the market surveillance should allow such non-compliances to continue before formal measures are taken. Market surveillance authorities need to assess each case on its merit and consider action, which must be proportionate to the non-compliance, taking into consideration other relevant factors e.g. the economic operator concerned in the supply chain and the steps that he is taking to address the issues. What is essential is the good cooperation of economic operators with the market surveillance authorities.

CHAPTER 5 COMMITTEE, TRANSITIONAL AND FINAL PROVISIONS
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§ 43 Committee, transitional and final provisions

Chapter 5 of the LVD 2014/35/EU includes the provisions on the Electrical Equipment Committee, the enforcement measures by Member States (penalties) and the transitional and final provisions.

Article 23
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Committee procedure

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|---|
| <ol style="list-style-type: none">1. The Commission shall be assisted by the Committee on Electrical Equipment. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.4. The committee shall be consulted by the Commission on any matter for which consultation of sectorial experts is required by Regulation (EU) No 1025/2012 or by any other Union legislation. |
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The committee may furthermore examine any other matter concerning the application of this Directive raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.

§ 44 Committee on Electrical Equipment

As indicated in Recitals 29, 30, 31, 32 and 34, the Committee on Electrical Equipment has a specific role in examining different questions related to the implementation, application and management of the Directive.

Regulation (EU) No 182/2011 (the "Comitology Regulation") establishes the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. In its Article 3 "Common provisions", it defines the role and composition of committees and Article 5 deals with the "Examination procedure", also in conjunction with Article 8 on "Immediately applicable implementing acts".

Reference to Regulation (EU) No 1025/2012 on European standardisation recalls consultation of sectorial experts on matters regarding requests for European standards or objections to harmonised standards.

The Committee on Electrical Equipment sets up its own rules of procedure and it is chaired by the Commission and integrated by the representatives of EU Member States. The LVD Working Group is enlarged to other EU-wide interested parties, such as standards makers, industry, consumers, laboratories, etc.

Article 24

Penalties

Member States shall lay down rules on penalties, applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and shall take all measures necessary to ensure that they are enforced. Such rules may include criminal penalties for serious infringements.

The penalties provided for shall be effective, proportionate and dissuasive.

§ 45 Enforcement: penalties

As indicated in Recital 35, national authorities of EU Member States in charge of enforcement of the provisions of the LVD 2014/35/EU (the market surveillance authorities) must be able to impose appropriate penalties to economic operators if those provisions are not correctly applied. Such penalties must be foreseen by the national legislative acts transposing the provisions of the Directive into national law.

Article 25

Transitional provisions

Member States shall not impede the making available on the market of electrical equipment covered by Directive 2006/95/EC which is in conformity with that Directive and which was placed on the market before 20 April 2016.

§ 46 Transitional provisions

Products placed on the market before the date of applicability of Directive 2014/35/EU i.e. 20 April 2016, and in conformity with the applicable Directive 2006/95/EC, can continue circulating on the EU market.

The most important date is 20 April 2016 from which the Member States have to apply the provisions of the new Directive, having national laws transposing it. Until that date, the old Directive is applicable.

The adoption date is when the text was adopted by the Council of the EU but has no implications. The date of publication indicates the period in which the Directive must be transposed by Member States, i.e. by 19 April 2016.

Article 26

Transposition

1. Member States shall adopt and publish, by 19 April 2016, the laws, regulations and administrative provisions necessary to comply with Article 2, the first paragraph of Article 3, Article 4, Articles 6 to 12, Article 13(1), Articles 14 to 25 and Annexes II, III and IV. They shall forthwith communicate the text of those measures to the Commission.

They shall apply those measures from 20 April 2016.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

§ 47 Transposition

The national legal acts to be adopted and published by 19 April 2016 (the day before the applicability of the LVD 2014/35/EU) transposing the Directive into the national legislation of each EU Member State must comply with the following provisions:

- “definitions” (Article 2),
- “making available on the market” (Article 3(1)),
- “free movement” (Article 4),

- “obligations of economic operators”, “presumption of conformity on the basis of harmonised standards” (Articles 6 to 12),
- “presumption of conformity on the basis of international standards” (Article 13(1)),
- “presumption of conformity on the basis of national standards”, “EU declaration of conformity”, “general principles of the CE marking”, “rules and conditions for affixing the CE marking”, “union market surveillance and control of electrical equipment entering the Union market”, “procedure for dealing with electrical equipment presenting a risk at national level”, “union safeguard procedure”, “compliant electrical equipment which presents a risk”, “formal non-compliance”, “committee procedure”, “penalties”, “transitional provisions” (Article 14-25),
- “equipment and phenomena outside the scope of this Directive”, “internal production control”, “EU declaration of conformity” (Annexes II, III and IV)

The texts of those legal measures (as laws, regulations, administrative provisions etc.) must be communicated to the Commission.

Article 27

Repeal

Directive 2006/95/EC is repealed with effect from 20 April 2016, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and the dates of application of the Directives set out in Annex V.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VI.

§ 48 Repeal

The new LVD 2014/35/EU repeals the previous Directive 2006/95/EC on 20 April 2016. Taking into consideration that the new act is the result of the alignment and recast of the previous one, references to Directive 2006/95/EC remaining after the repeal date have to be considered as references to the new Directive 2014/35/EU, according to the correlation table in Annex VI.

Article 28

Entry into force

This Directive shall enter into force on the twentieth day following that of its

publication in the Official Journal of the European Union.

Article 1, the second paragraph of Article 3, Article 5, Article 13(2) and (3) and Annexes I, V and VI shall apply from 20 April 2016.

§ 49 Entry into force

The LVD 2014/35/EU was published in the Official Journal of the European Union (OJEU) on 29 March 2014, it entered into force on 18 April 2014. This concerns in particular the provisions indicated in Article 26(1) as the object of transposition of the Directive by the EU Member States to their national legislation (see § 47).

However, the provisions, as indicated in second paragraph of Article 28 relating to:

- “subject matter and scope” (Article 1),
- “safety objectives” (Article 3(2)),
- “supply of electricity” (Article 5),
- “presumption of conformity on the basis of international standards” (Article 13 (2) and (3)),
- “principal elements of the safety objectives for electrical equipment designed for use within certain voltage limits”, “time-limits for transposition into national law and dates of application of the Directives set out in Part B of annex V to Directive 2006/95/EC” and “correlation table” (Annexes I, V and VI),

remain the same as Directive 2006/95/EC and continue to be applicable from 20 April 2016 when Directive 2006/95/EC is repealed.

This means that the LVD 2014/35/EU can be used to place products on the EU market only from 20 April 2016. Before that date, the previous Directive 2006/95/EC still applied.

Article 29

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 26 February 2014.

For the European Parliament

For the Council

The President

M. SCHULZ

The President

D. KOURKOULAS

§ 50 Addresses and signatories of the Directive

The Directive is addressed to the Member States, since the transposition of the provisions of the Directive into national law is necessary in order to create binding legal obligations for the economic operators.

The Directive is signed by the Presidents of the European Parliament and of the Council at the date, since it was adopted by these EU Institutions according to the ordinary legislative procedure (formerly known as “co-decision”) set out in Article 294 of the TFEU.

THE ANNEXES TO THE LVD

ANNEX I

PRINCIPAL ELEMENTS OF THE SAFETY OBJECTIVES FOR ELECTRICAL EQUIPMENT DESIGNED FOR USE WITHIN CERTAIN VOLTAGE LIMITS

§ 51 Safety Objectives

Article 3 requires that the electrical equipment must meet the safety objectives as listed in Annex I to the Low Voltage Directive 2014/35/EU. These objectives represent the essential requirements of this Directive.

1. General conditions

- (a) the essential characteristics, the recognition and observance of which will ensure that electrical equipment will be used safely and in applications for which it was made, shall be marked on the electrical equipment, or, if this is not possible, on an accompanying document;
- (b) the electrical equipment, together with its component parts, shall be made in such a way as to ensure that it can be safely and properly assembled and connected;
- (c) the electrical equipment shall be so designed and manufactured as to ensure that protection against the hazards set out in points 2 and 3 is assured, providing that the equipment is used in applications for which it was made and is adequately maintained.

2. Protection against hazards arising from the electrical equipment

Measures of a technical nature shall be laid down in accordance with point 1, in order to ensure that:

- (a) persons and domestic animals are adequately protected against the danger of physical injury or other harm which might be caused by direct or indirect contact;
- (b) temperatures, arcs or radiation which would cause a danger, are not produced;
- (c) persons, domestic animals and property are adequately protected against non-electrical dangers caused by the electrical equipment which are revealed by experience;
- (d) the insulation is suitable for foreseeable conditions.

3. Protection against hazards which may be caused by external influences on the electrical equipment

Technical measures shall be laid down in accordance with point 1, in order to ensure that the electrical equipment:

- (a) meets the expected mechanical requirements in such a way that persons, domestic animals and property are not endangered;
- (b) is resistant to non-mechanical influences in expected environmental conditions, in such a way that persons, domestic animals and property are not endangered;
- (c) does not endanger persons, domestic animals and property in foreseeable conditions of overload.

§ 52 Which safety aspects are covered by the Directive?

Like its predecessor the new LVD 2014/35/EU is a “total” harmonised safety Directive in the sense that it covers all safety aspects of electrical equipment, not just the electrical risks. It covers all risks arising from the use of electrical equipment, not just electrical ones, but also mechanical, chemical (such as, in particular, emission of aggressive substances) and all other risks. The Directive also covers health aspects of noise and vibrations, and ergonomic aspects as far as ergonomic requirements are necessary to protect against hazards in the sense of the Directive.

§ 53 General conditions

The LVD requires that the necessary information is marked on (or in certain cases is made available with) the electrical equipment so that the user is able to assemble, install and maintain electrical equipment safely as intended by the manufacturer and used safely in application for which it is made.

§ 54 Protection against hazards arising from the electrical equipment

Section 2 of Annex I requires technical measures to reduce risks originating from electricity (via direct or indirect contact) or from non-electrical hazards.

- subparagraph (a) refers to the risk e.g. electric shock, which results from direct contact, i.e. contact with parts of an electrical equipment (e.g. wires) which are live due to their function or in-direct contact i.e. contact to parts of an electrical equipment (e.g. housing) which are live only in a faulty situation.

One of the means to reduce this risk and provide a level of protection is insulation (of live parts of an electrical equipment) which according to subparagraph (d) has to be “suitable for foreseeable conditions”.

- subparagraph (b) refers to non-electrical hazards such as temperatures, arcs or radiation. Radiation aspects are limited to those directly relevant for health and safety of persons, property and domestic animals and do not cover electromagnetic disturbances in the sense of the EMC Directive (2014/30/EU), except in so far as they deal with safety. All electromagnetic aspects relating to safety including functional safety are covered by the LVD. This covers also the effect of electromagnetic fields, emitted by electrical apparatus.

For products emitting ionising radiation, EURATOM Directives¹⁷ should also be considered.

- subparagraph (c) deals with all hazards other than electrical, arising from the use of electrical equipment which are revealed by experience e.g. mechanical risks originating from moving parts, sharp edges, etc.
- subparagraph (d) refers to insulation of an electrical equipment as referred to in (a) above.

§ 55 Protection against hazards which may be caused by external influences on the electrical equipment

Section 3 of Annex I requires technical measures to reduce risks originating from external influences on the electrical equipment.

- subparagraph (a) refers to mechanical influences which could pose danger. For example, this could mean that electrical equipment needs an adequate housing to withstand these mechanical influences.
- subparagraph (b) refers to non-mechanical influences in expected environmental conditions. This means, for example that, if an electrical equipment is expected to be used outdoors, the impact of rain has to be taken in consideration.

¹⁷ 2013/59/EURATOM Council Directive of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom. (OJ L-13 of 17/01/2014 page 1)

- subparagraph (c) addresses foreseeable conditions of overload. For example, cables normally have a limited maximum current. Exceeding this limitation can lead to dangerous situations. A circuit-breaker for overcurrent protection as a technical measure can avoid such a dangerous situation.

ANNEX II

EQUIPMENT AND PHENOMENA OUTSIDE THE SCOPE OF THIS DIRECTIVE

§ 56 Equipment and phenomena outside the scope of this Directive

Annex II lists electrical equipment and phenomena not covered by the Directive.

Electrical equipment for radiology and medical purposes

Electrical parts for goods and passenger lifts

Electricity meters

Plugs and socket outlets for domestic use

Electric fence controllers

Radio-electrical interference

Specialised electrical equipment, for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which the Member States participate.

Custom built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes.

§ 57 Which electrical equipment are excluded from the Directive?

The list in Annex II is intended to be exhaustive concerning electrical equipment explicitly excluded from the scope of Directive 2014/35/EU. The reasons for the exemptions for some electrical equipment are that they are covered by other more specific Union Directives. These are:

- *Electrical equipment for use in an explosive atmosphere*
It is covered by the ATEX-Directive 2014/34/EU
- *Electrical equipment for radiology and medical purposes*
It is covered by Directive 93/42/EEC on Medical Devices
- *Electrical parts for goods and passenger lifts*
It is covered by the Lifts Directive 2014/33/EU. See also §73.
- *Electricity meters*
Some of them are covered by Directive 2014/32/EU on Measuring Instruments

Other electrical equipment is excluded, because of different reasons:

- *Plugs and socket outlets for domestic use*¹⁸
There is no harmonised household plug system throughout Europe and therefore these products have no relevance for the internal market.

However: special plugs and socket outlets e.g. for appliance couplers or industrial purposes are not excluded.

- *Electric fence controllers*
Very specialised electrical equipment with a limited number of items, which have no relevance for the internal market. They are subject to type certification in some Member States required by their national law.
- *Specialised electrical equipment, for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which the Member States participate.*
This electrical equipment is excluded from Directive 2014/35/EU as far as it is covered by regulations of international institutions e.g. UNECE, IMO.
- *Custom built evaluation kits destined for professionals to be used solely at research and development facilities for such purposes.*
This exemption can only be applied in extremely limited/narrow circumstances.

There is one special case within the list of exemptions which is not about electrical equipment as such but about phenomena connected with electrical equipment:

¹⁸ “Domestic” plugs and sockets may also be used in commercial or industrial premises for uses, which do not require specialised industrial features.

- *Radio-electrical interference*

This phenomenon is covered by Directive 2014/30/EU on electromagnetic compatibility. Concerning this phenomenon electrical equipment has to comply with Directive 2014/30/EU, concerning safety aspects this electrical equipment has to comply with Directive 2014/35/EU.

ANNEX III

MODULE A

Internal production control

§ 58 What conformity assessment procedure must be applied?

Annex III to the LVD includes module A “Internal production control”. In this conformity assessment procedure, the product and quality system assessment procedure is carried out by the manufacturer.

1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on his sole responsibility that the electrical equipment concerned satisfy the requirements of this Directive that apply to it.

§ 59 Internal production control

Article 6 and Annex III of the Directive describe the procedure by which the manufacturer ensures and declares conformity of the electrical equipment with the provisions of the Directive. This includes three main elements: technical documentation, declaration of conformity and CE marking.

2. Technical documentation

The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the electrical equipment's conformity to the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the electrical equipment. The technical documentation shall, where applicable, contain at least the following elements:

- (a) a general description of the electrical equipment;
- (b) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.;
- (c) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the electrical equipment;
- (d) a list of the harmonised standards applied in full or in part the references of which have been published in the Official Journal of the European Union or international or national standards referred to in Articles 13 and 14 and, where those harmonised standards or international or national standards have not been applied, descriptions of the solutions adopted to meet the safety objectives of this Directive, including a list of other relevant technical specifications applied. In the event of partly applied harmonised standards or international or national standards referred to in Articles 13 and 14, the technical documentation shall specify the parts which have been applied;
- (e) results of design calculations made, examinations carried out, etc.; and
- (f) test reports.

§ 60 Technical documentation

The technical documentation shall include an adequate analysis and assessment of the risk(s). In this respect, the Blue Guide presupposes a good evaluation of the risks of the product and a match between the risks analyses and risks covered by the standards. But, the fact that harmonised standards are chosen to address the product risks, does not mean that a previous risk assessment of the product is not necessary.

On the contrary, an analysis of the risks presented by a product by the manufacturer is indispensable. Any conformity assessment procedure requires the manufacturer to start a risk analysis of the specific risks of the product to address them in order to comply with the essential health and safety requirements because

not all products present the same risks. For example, products may include new techniques that did not exist when a harmonised standard was drafted and such products may thus be associated with risks that are not addressed in the standard.

Once these risks are identified, the manufacturer is determining the measures to address those risks in order to comply with the safety objectives. For this purpose, he can choose to apply the harmonised standards or apply any other technical solution.

See chapter 4.3 of “The ‘Blue Guide’ on the implementation of EU product rules” on Technical Documentation. Also the diagram in chapter 4.1.2.2 explains clearly the principle and the role of harmonised standards when addressing the risks covered by the essential requirements and how manufacturers can make use of them.

3. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured electrical equipment with the technical documentation referred to in point 2 and with the requirements of this Directive that apply to it.

§ 61 Manufacturing

The manufacturer has to ensure, that the manufacturing process permanently leads to compliant electrical equipment. One means to achieve this could be a supervised QM-System.

4. CE marking and EU declaration of conformity

4.1. The manufacturer shall affix the CE marking to each individual electrical equipment that satisfies the applicable requirements of this Directive.

4.2. The manufacturer shall draw up a written EU declaration of conformity for a product model and keep it together with the technical documentation at the disposal of the national market surveillance authorities for 10 years after the electrical equipment has been placed on the market. The EU declaration of conformity shall identify the electrical equipment for which it has been drawn up.

A copy of the EU declaration of conformity shall be made available to the relevant market surveillance authorities upon request.

§ 62 CE marking and EU declaration of conformity

This paragraph sets out requirements of the CE marking and the EU declaration of conformity. As the Directive 2014/35/EU provides for the conformity assessment procedure of module A, which does not require involvement of a notified body in the production phase, the CE marking must not be followed by any notified body's identification number.

A written declaration of conformity should be issued by the manufacturer (or his authorised representative)

5. Authorised representative

The manufacturer's obligations set out in point 4 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

§ 63 Authorised representative

According to the mandate contractually agreed with the manufacturer, the authorised representative may fulfil the manufacturer's obligations related to the CE marking and the EU declaration of conformity.

ANNEX IV

EU DECLARATION OF CONFORMITY (No XXXX) (1)

1. Product model/product (product, type, batch or serial number):
2. Name and address of the manufacturer or his authorised representative:
3. This declaration of conformity is issued under the sole responsibility of the manufacturer.
4. Object of the declaration (identification of electrical equipment allowing traceability; it may include a colour image of sufficient clarity where necessary for the identification of the electrical equipment):
5. The object of the declaration described above is in conformity with the relevant Union harmonisation legislation:
6. References to the relevant harmonised standards used or references to the other technical specifications in relation to which conformity is declared:
7. Additional information:

Signed for and on behalf of:

(place and date of issue):

(name, function) (signature):

(1) It is optional for the manufacturer to assign a number to the declaration of conformity.

§ 64 The structure of the EU declaration of conformity

The EU declaration of conformity is required by Article 6.2 of the Low Voltage Directive 2014/35/EU, which sets out an obligation on the manufacturer (or his authorised representative, if mandated by the manufacturer) to draw up and sign this declaration. Article 15 of this Directive sets out the principles and requirements of the EU declaration of conformity (see also section § 31 § 32 § 33 under Article 15 for further relevant information).

Annex IV includes a model structure for the EU declaration of conformity to be used by the manufacturer or his authorised representative, based on Annex III to the Decision No 768/2008/EC. It should contain sufficient information to enable all

products covered by it to be traced back to it including the traceability of a manufacturer or his authorised representative.

The model structure is designed to contain information as a minimum which must be included in the declaration of conformity, therefore if the template in Annex IV is followed, the declaration of conformity will be considered as fulfilling the requirements with respect to the information required in it. However a manufacturer or his authorised representative is able to include other relevant information of the product covered by it as he thinks appropriate for traceability purposes. It must be noted that reference in Article 15 (2) to elements in Annex III to be included in the declaration of conformity does not place any additional requirement.

As indicated in recital 22 and Article 15, in order to ensure effective access to information for market surveillance purposes, where electrical equipment is subject to more than one Union act requiring an EU declaration of conformity, the information required to identify all applicable Union acts should be available in a single EU declaration of conformity. But in order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.

“The ‘Blue Guide’ on the implementation of EU product rules” in its chapter 4.4 "EU declaration of conformity" covers guidance on the information that is expected to be included under each section of this model structure.

ANNEX V

Time-limits for transposition into national law and dates of application of the Directives set out in Part B of Annex V to Directive 2006/95/EC

(referred to in Article 27)

Directive	Time-limit for transposition	Date of application
73/23/EEC	21 August 1974 (1)	—
93/68/EEC	1 July 1994	1 January 1995 (2)

(1) In the case of Denmark the time-limit was extended to five years, i.e. 21 February 1978. See Article 13(1) of Directive 73/23/EEC.

(2) Until 1 January 1997 Member States had to allow the placing on the market and the bringing into service of products which complied with the marking arrangements in force before 1 January 1995. See Article 14(2) of Directive 93/68/EEC.

§ 65 References of the repealed Directives

These references come from the previous Low Voltage Directives 73/23/EEC and 93/68/EEC.

ANNEX VI CORRELATION TABLE

Directive 2006/95/EC	This Directive
Article 1	Second paragraph of Article 1
Article 2	Article 3
Article 3	Article 4
Article 4	Article 5
Article 5	Article 12
Article 6	Article 13
Article 7	Article 14
Article 8(1)	Articles 16 and 17
Article 8(2)	—
Article 8(3)	—
Article 9	Articles 18 to 20
Article 10	Articles 16 and 17
Article 11	—
Article 12	—
Article 13	Article 26(2)
Article 14	Article 27
Article 15	Article 28
Annex I	Annex I
Annex II	Annex II

Annex III	Articles 15 and 16 and Annex IV
Annex IV	Annex III
Annex V	Annex V

§ 66 Correlation table

As recast legislation, the LVD 2014/35/EU includes a correlation table linking the new Articles and annexes to those of the previous Directive 2006/95/EC. Only sections with a direct correlation are indicated; in other cases, there is the sign “-”, when a specific Article has been rewritten, withdrawn or new Articles have been added. For example, chapter 2 (Articles 6 to 11) of Directive 2014/35/EU are new contents not present in Directive 2006/95/EC.

STATEMENT OF THE EUROPEAN PARLIAMENT

The European Parliament considers that only when and in so far as implementing acts in the sense of Regulation (EU) No 182/2011 are discussed in meetings of committees, can the latter be considered as ‘comitology committees’ within the meaning of Annex I to the Framework Agreement on the relations between the European Parliament and the European Commission. Meetings of committees thus fall within the scope of point 15 of the Framework Agreement when and insofar as other issues are discussed.

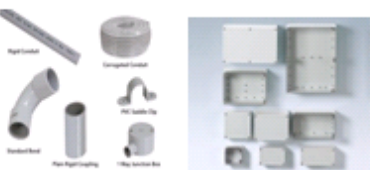
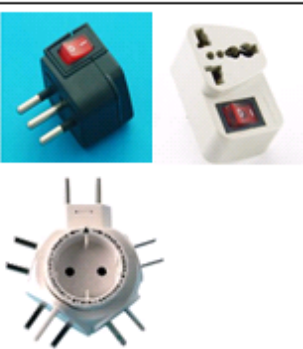
§ 67 Statement of the European Parliament

The final statement was added by the European Parliament when finally approving the text of the new LVD 2014/35/EU. It deals with Comitology, it is to say, the status of the Committee on Electrical Equipment and its powers with regards to the relationship between the EU co-legislators (European Parliament and Council) and the European Commission.

ANNEX VII

EXAMPLES OF PRODUCTS WITHIN OR OUTSIDE THE SCOPE OF LVD

Products	Scope of LVD	Examples of products	Comments
Plugs 230 V for domestic use	No		1
Socket outlets 230 V for domestic use	No		1, 2
Luminaire plugs and socket outlets For domestic use	No		3
Appliance couplers –plugs, outlets	Yes		
Appliance couplers for industrial purposes	Yes		
Appliance couplers e.g. vehicle heater i.e. manufacturer fabricated standard	Yes		4 It shall not be interconnectable with other plugs or socket outlets.
Cables	Yes		Marked with HAR to increase the traceability.
Components	-		For more information read §7 in LVD guidelines.

Cord extension sets (plug + cable + socket outlet) with or without passive components (e.g. varistors)	Yes		4
Cord sets and interconnection cord sets (plug + cable + cord set)	Yes		4
Installations enclosures and conduits	Yes		
Insulating tape	No		
Plug with multiple way socket outlets	No		1
Multiple travel adaptors	Yes		It may contain a switch or sliding contacts (as in the sample down left, which rotates), etc. 5
Multiple travel adaptors with supply (e.g. charger for mobile phones or music player)	Yes		It may contain switch, charger with USB port, overvoltage and overload protection, LED signaling, etc. 5

Simple travel adaptors	No		6
Plug with one or more socket outlets with incorporated electronic dimmer or twilight dimmer	Yes		4
Product with integrated plug and/or outlets. 230V for domestic use (e.g. charger for mobile phones, night lights)	Yes		4
Switches for households and similar fixed electrical installations	Yes		2
Tools for working with live parts	No		
Single and two - pole voltage detectors	Yes		
Cable management systems	Yes		

Decorative cable covers	No		7
Caravan trailers and camping wagons	No		
Car engine heaters	Yes		Only, if the external voltage supply is higher than 50 V AC or 75 V DC.
Easy chairs with build-in motors	No		
Beds with build-in motors	No		
Plastic grommet (bushing)	No		

1. The safety of these products, with or without fuse, is governed by the General Product Safety Directive (GPSD)
2. See also: socket outlet with Switch.
3. If they fall within the scope of EN 61995, the LVD is applicable. If they do not fall within the scope of EN 61995, the GPSD is applicable.
4. The safety of domestic plugs attached to the electrical equipment (ex to the cord extension) is governed by the GPSD. Thus Member States may apply their national safety regulations or standards on plugs.
5. Multiple travel adaptors have one or more socket outlets that via an electro-mechanical switch can be paired with different plugs. The "switch" is a LVD product, and therefore the whole product is deemed to fall under the LVD (same rationale is used for cord extension leads, where

there is a national plug in one end and a portable national socket outlet in the other – the two connected by a cable, which is covered by the LVD).

More intelligent travel adapters, that i.e. contains electronic components such as an overvoltage protector, thermal device, LED-lamp or similar will also fall under the LVD, since the extra element between the plug and the socket outlet is covered by the LVD.

6. A simple travel adapter is per definition an adapter that only consists of a plug from one national system (that is not in the scope of the LVD) to a socket outlet of another national system (that is not in the scope of the LVD) and nothing else. In this case this simple adapter contains only elements that are not covered by the LVD, and as a consequence the simple travel adapter is not covered by the LVD. But since it is a consumer product, a simple travel adaptor falls under the GPSD scope. There is also an international safety standard IEC 60884-2-5.

There are also simple adapters that on the socket part and/or the plug part have a combination for several plug / socket systems but operate without sliding contacts or switches.

7. The GSPD is applicable unless fitted to a product which falls itself within the scope of the LVD e.g. electric conductors and/or cables because in this case the LVD is applicable.

Socket outlet with Switch

In countries with the system, Type E and Type F socket outlet are generally supplied without a switch, those with switches generally being a socket outlet assembly and a switch assembly supplied as a common assembly, these should be CE-marked. In countries with Type K, the socket outlet is delivered both as an integrated unit build together with a switch and as a single modular socket outlet without a switch. In countries with the system Type G system generally use a switched socket outlet. In Type G and Type K systems, switched socket outlets being a complete assembly, i.e. a single product, only used as a part of the National plug and socket outlet system and therefore being excluded from the LVD and as a consequence of this should **not** be CE-marked.

Type E	Type F "Schuko"
Belgium, Czech Republic, Denmark, France, Poland, Slovakia. 	Austria, Bulgaria, Estonia, Finland, Germany, Greece, Hungary, Island, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Romania, Slovenia, Spain, Sweden. 
Type G	Type K
Cyprus, Ireland, United Kingdom. 	Denmark 

ANNEX VIII

RELATIONSHIPS BETWEEN THE LOW VOLTAGE DRECTIVE AND CERTAIN OTHER UNION DIRECTIVES

§ 68 The relationship with certain other EU New Approach Directives

Reader's attention is drawn to the fact that certain products subject to the Low Voltage Directive are also subject to other EU legislation. In order to be allowed on the EU market these products must comply also with the provisions of this legislation. These guidelines refer to the application of the Low Voltage Directive and clarify the relationship between that Directive and certain other pieces of legislation as described in the following.

Additional documents which relate to the application of other EU legislation or of the Low Voltage Directive are available on the Commission website (see Annex X on "Additional Information").

§ 69 Machinery Directive¹⁹

What are the requirements applicable to electrical equipment that is also a "machine" (within the meaning of the Machinery Directive)?

The "Machinery" Directive 2006/42/EC clarifies the borderline between the scope of the Machinery Directive and the Low Voltage Directive in order to provide greater legal certainty for manufacturers.

Certain categories of electrical and electronic machinery products are excluded from the scope of the Machinery Directive as set out in its Article 1(2) (k):

"(k) electrical and electronic products falling within the following areas, insofar as they are covered by Council Directive 73/23/EEC of 19 February 1973²⁰ on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits:

¹⁹ Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast), OJ L 157, 9.6.2006, p. 24–86

²⁰ Directive 73/23/EEC (OJ L 77, 26.3.73, p. 29-33) as amended by Directive 93/68/EC (OJ No L 220, 30.3.1993, p. 1) and Corrigendum to Article 13(4) of Directive 93/68/EEC in order to align the wording of Article 10(1) of Directive 73/23/EEC (as amended by Article 13(4) of Directive 93/68/EEC) in DA, DE, IT, HU, NL, SK and SL to the EN/FR original versions (OJEU L 299, 28.10.2006, p. 32)- codified as Directive 2006/95/EC.

- *household appliances intended for domestic use;*
- *audio and video equipment;*
- *information technology equipment;*
- *ordinary office machinery;*
- *low-voltage switchgear and control gear;*
- *electric motors²¹.*”

All electrical and electronic products that does not fall into one of the above categories but meet the definitions of article 2 of the Machinery Directive is thus in the scope of the Machinery Directive.

Concerning the category mentioned in the first indent of Article 1(2) (k), “household appliances intended for domestic use”, several clarifications are necessary:

Firstly, the expression “household appliances” designates equipment intended for typical housekeeping functions such as washing, cleaning, heating, cooling, cooking, etc. Examples of household appliances include washing machines, dishwashers, vacuum cleaners and machinery for food preparation and cooking. On the other hand, electrical gardening machinery or power tools intended for the construction and repair work in the home are not covered by this exclusion.

Secondly, the exclusion concerns appliances “intended for domestic use”, in other words, appliances intended for use by private persons (consumers) in the home environment.

The statement from the manufacturer in the product information concerning the specific product is the criterion that has to be considered to determine the intended use of the appliance in this case and which Directive applies. Evidently this must accurately reflect the reasonably foreseeable use of the product.

Therefore, those household appliances intended specifically for commercial or industrial use are excluded from the scope of the Low Voltage Directive and included in the scope of the Machinery Directive.

Whilst it is possible for a consumer to acquire an appliance intended for commercial use or for a commerce to use an appliance intended for consumers, the criterion to be taken into account for determining the intended use is the use intended and stated by the manufacturer of the appliance concerned in the Declaration of

²¹ As a point of clarification, electrical motors with incorporated gear boxes, generators and alternators (as opposed to generating sets) are not machines.

Conformity and in the product information/instructions/advertising concerning the product.

The Commission issued a mandate²² to CEN and CENELEC to take account of the revised “Machinery” Directive 2006/42/EC. In particular, the mandate requested the European Standardisation Organisations to make the necessary adjustments to standardisation to take account of the redefined borderline between the Machinery Directive and the Low Voltage Directive and the fact that certain types of machinery, currently subject to the Low Voltage Directive, may become subject to the Machinery Directive (see also Annex IX).

Electrical and electronic products that is not in any of the categories listed in Article 1(2) (k) of Machinery Directive 2006/42/EC and in the related clarifications above, but meet the definitions of article 2 of the Machinery Directive, must fulfil the safety objectives of the Low Voltage Directive. It should be noted that section 1.5.1 of Annex I to Machinery Directive 2006/42/EC requires the electrical machinery to meet the safety objectives of the LVD.

"1.5.1. Electricity supply

Where machinery has an electricity supply, it must be designed, constructed and equipped in such a way that all hazards of an electrical nature are or can be prevented. The safety objectives set out in Directive 73/23/EEC²³ shall apply to machinery. However, the obligations concerning conformity assessment and the placing on the market and/or putting into service of machinery with regard to electrical hazards are governed solely by this Directive."

Thus, whilst machinery with an electrical supply must fulfil the safety objectives of the Low Voltage Directive, the manufacturer's EC Declaration of conformity should not refer to the LVD but to the Machinery Directive.

§ 70 What are the requirements applicable to electrical equipment that is intended for being permanently incorporated in construction works?

Some types of electrical equipment covered by the Low Voltage Directive are manufactured with a view to being permanently incorporated in construction works. Consequently, such equipment must also conform to the obligations imposed by the Construction Products Regulation (EU) No 305/2011²⁴. Most importantly, products

²² Mandate M/396 on 19 December 2006

²³ This is the old reference of the LVD, before its codification.

²⁴ 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 (OJ L 88, 04.04.2011).

covered by harmonised standards under Regulation (EU) No 305/2011²⁵ have to be assessed in conformity with the applicable standards and be accompanied by a declaration of performance and the CE mark.

As a result, application to such electrical equipment of the provisions of the "Construction Products" Regulation presupposes the existence of both harmonised standards (or alternatively, applicable European Assessment Documents) within the meaning of the "Construction Products" Regulation and decisions concerning the conformity assessment procedures, again within the meaning of that Regulation. Should these essential conditions not be met, the provisions of Regulation (EU) No 305/2011 cannot in practice be applied to the relevant electrical equipment.

However, the Low Voltage Directive sets a wide range of safety objectives, overlapping with essential requirements in Annex I to Regulation (EU) No 305/2011. In order to best ensure the objectives of both pieces of EU legislation, existing harmonised standards (as published under the Low Voltage Directive) are being examined in order to ensure that they are also consistent with the relevant essential requirements of the "Construction Products" Regulation.

§ 71 Radio equipment Directive²⁶

The new Radio Equipment Directive (RED) replaces Directive 1999/5/EC – the 'R&TTE Directive' from 13 June 2016.

The RED scope is limited, subject to a number of exceptions²⁷, to radio equipment²⁸. As a consequence wired telecom terminal equipment²⁹ within the LVD voltage range limits will fall within the LVD scope.

²⁵ See CPR frequently asked questions n° 10 and 16 at http://ec.europa.eu/growth/sectors/construction/product-regulation/faq/index_en.htm

²⁶ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014)

²⁷ See Article 1 (3) and Annex I of the RED.

²⁸ Defined in Article 2 of the RED.

²⁹ Telecommunications terminal equipment is defined in Article 2 of the R&TTED as a product enabling communication or a relevant component thereof which is intended to be connected directly or indirectly by any means whatsoever to interfaces of public telecommunications networks (that is to say, telecommunications networks used wholly or partly for the provision of publicly available telecommunications service).

Some examples of terminal equipment are normal analogue telephones, ISDN terminals, cable and PC modems without Wi-Fi, fax machines without Wi-Fi.

On the contrary, sound and TV receive-only equipment as well as radio equipment operating on frequencies below 9 kHz equipment will be excluded from the LVD, since now will fall within the scope of the RED.

Further guidance on the scope, the date of applicability and the transitional period including the relationship with the LVD and Electromagnetic Compatibility Directive 2014/30/EU is given in Annex X.

The RED makes, in Article 3(1), reference to the essential requirements of the EMC Directive as well as the health and safety aspects identical to those of the LVD.

Radio equipment falling within the scope of Directive 2014/53/EU shall not be subject to the LVD.

§ 72 Gas Appliances Directive (GAD)³⁰

Appliances covered by the “Gas Appliances” Directive often include electrical components that fall also under the Low Voltage Directive. In particular, Article 1 of the Gas Appliances Directive specifies that the Directive **applies to gas appliances and to fittings. Gas appliances are appliances burning gaseous fuels used for the lists of applications specified in the Directive, namely for cooking, heating, hot water production, refrigeration, lighting or washing. "Fittings" in the meaning of GAD are safety devices, controlling devices or regulating devices and subassemblies designed to be incorporated into an appliance or assembled to constitute such an appliance).** Gas appliances may contain also other components than fittings. Some of these **fittings and other** components are or include electrical equipment (**electrical components**) in the meaning of LVD. The Gas Appliance Directive and the Low Voltage Directive apply in a complementary way to **such** electrical components (designed to be used in the voltage ranges **of the LVD**). In particular, the LVD covers the risks of those fittings or components as specified in its safety objectives. The GAD covers the gas related risks due to the hazards of electrical origin of the appliances or of the fittings (other components than the fittings are not separately assessed under the GAD but are assessed as part of the finished appliance).

Conformity assessment within the framework of the “Gas Appliance” Directive shall be conducted in accordance with the **conformity assessment** procedures laid down in that Directive, in order to verify amongst others compliance **with the requirement according to which appliances and fittings shall be so designed**

³⁰ Directive 2009/142/EC of the European Parliament and of the Council of 30 November 2009 relating to appliances burning gaseous fuels, codified version (OJ L 330, 16.12.2009). This Directive has replaced Council Directive of 29 June 1990 concerning gas appliances.

so as to obviate any gas related risks due to hazards of electrical origin. As far as relevant, the results of the conformity assessment in relation to the safety objectives of the Low Voltage Directive—shall be taken into account. The safety aspects of the way in which the electrical components in the meaning of LVD are incorporated into the gas appliances (as fittings or other components) so as to ensure compliance with the requirement to obviate the gas related risks due to hazards of electrical origin and their proper functioning will be subject to direct examination by notified bodies under the GAD.

Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels will replace Directive 2009/142/EC on Gas appliances from 21 April 2018.

§ 73 Lifts Directive³¹

The electrical parts of lifts are not in the scope of the LVD as such, since they are excluded from the scope of the LVD (Annex II).

The Lifts Directive, in Point 1.1 of Annex I, refers to the health and safety requirements of the Machinery Directive (which, for electrical hazards, refers to the safety objectives of the LVD).

According to § 11 of the Lifts Directive Guide, electrical parts for goods and passenger lifts, which fall within the scope of the Lifts Directive, must comply with the safety objectives of the Low Voltage Directive but not with the LVD as such.

§ 74 ATEX Directive³²

Products for use in potentially explosive atmospheres are explicitly excluded from the scope of the Low Voltage Directive 2014/35/EU (LVD). Therefore "Low Voltage essential objectives" have to be covered by the Directive 2014/34/EU (see Annex II 1.2.7). The standards published in the Official Journal of the European Union with reference to Directive 2006/95/EC may be listed in the EU declaration of conformity to fulfil the requirements 1.2.7 of Annex II to Directive 2014/34/EU.

³¹ Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components ; OJ L 96, 29.3.2014, pages 251–308.

³² Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 96, 29.3.2014)

However, not excluded from the scope of the LVD are the safety, controlling and regulating devices mentioned in Article 1(1) (b) of Directive 2014/34/EU which are intended for use outside potentially explosive atmospheres but required for or contributing to the safe functioning of equipment and protective systems. In such cases both Directives shall be applied.

Note: These requirements are reproduced in the European harmonised standards for electrical equipment intended for use in potentially explosive atmospheres. To align with the respective conformity assessment regimes of ATEX and LVD, the harmonised standards do not require that a notified body issuing an EU-type examination certificate for ATEX should verify that these requirements have been met but that the manufacturer shall declare that they have been met. This is reflected in the contents of the declaration of conformity mentioned above.

§ 75 General Product Safety Directive³³

The GPSD establishes a general obligation to place only safe consumer products on the market as well as a procedure for the adoption of standards covering risks and categories of risks. However, the general safety obligation in that Directive does not apply to products falling under the LVD as the latter covers all risks.

The GPSD only applies where it contains different or more specific provisions compared to the LVD (which incorporates the provisions of Decision 768/2008/EC) and to Regulation 765/2008/EC (which applies at the same time with, and as a complement to the LVD)

Following a detailed comparison of the provisions of the GPSD with the LVD as well as to the Regulation, the following have been identified as “more specific” and apply also to harmonised consumer products:

- the measures provided for in Article 8(1)(b) of the GPSD;
- the measures provided for in Article 8(1)(c) of the GPSD;
- the measures provided for in Article 8(1)(d) of the GPSD;
- any accompanying measures adopted to ensure that a marketing ban is complied with, as provided for in Article 8(1)(e) of the GPSD;
- recalls and destruction of products, as provided for in Article 8(l)(f)(ii) of the GPSD, in relation to products that are dangerous without presenting a serious risk;
- encouragement and promotion of voluntary action by producers and distributors, including where applicable by the development of codes of good practice, as provided for in Article 8(2), second subparagraph, of the GPSD;
- active information of consumers and other interested parties on complaint procedures, as provided for in Article 9(2) of the GPSD;

³³ Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002)

- giving the public access to information on product identification, the nature of the risk and the measures taken, as provided for in Article 16(1), first subparagraph, second sentence, of the GPSD.
- RAPEX notification of measures restricting or imposing specific conditions on the possible marketing or use of products by reason of serious risk (not amounting to a recall, withdrawal or prohibition of being made available on the market), as provided for in Article 12(1), first subparagraph, of the GPSD.

For more details on Regulation 765/2008/EC and Decision 768/2008/EC (New Legislative Framework), see Chapter 1.2 of “The ‘Blue Guide’ on the implementation of EU product rules”.

ANNEX IX

CRITERIA APPLIED FOR THE ALLOCATION OF PRODUCTS COVERED BY STANDARDS IN THE EN 60335 SERIES UNDER LVD OR MACHINERY DIRECTIVE 2006/42/EC

§ 76 Criteria applied for the allocation of products covered by standards in the EN 60335 series under LVD or Machinery Directive (MD)

The criteria have been prepared by CLC/TC 61 based on the discussions with the group of experts set up by the EU Commission to manage the application of the Machinery Directive 2006/42/EC.

The following assumptions have been agreed:

- Both MD and LVD are primarily product related and not risk related; even the annexes 1 of both directives detail all risks related to the products covered by each directives;
- both LVD and MD are total safety directives covering all types of risks; as a consequence CENELEC standards deal with total safety of electrotechnical products (and not with “electrotechnical safety” of products only);
- household appliances intended for domestic use, in the sense of first dashed item in Art 1 k) of 2006/42/EC are:
 - appliances to be used in the home environment and appliances intended to be used by laymen in similar applications, such as: shops, offices and other working environments; in farm houses and by clients in hotels,

motels and other residential type environment, in bed and breakfast type environments;

- appliances without moving parts are NOT considered as machines (according to first dashed item of Article 2 (a) of 2006/42/EC);

NOTE Moving parts are those powered by a drive system using one or more sources of energy such as thermal, electric, pneumatic, hydraulic or mechanical energy, independently of the size of the drive system or of the moving part or on the protection to the accessibility to the moving part. Moving parts are also those for which manual effort is not applied directly but stored, for example, in springs or in hydraulic or pneumatic accumulators.

- it was acknowledged that it is possible to publish a given standard under both directives (LVD and MD) provided that the standard clearly states in its body, a reference to the Directives that were considered in its drafting and there is a clear indication of the applicable Directive through what is stated in Annex ZZ and in a specific Annex ZE with specific requirements applicable to a given Directive;
- while there is absolutely no reason for safety issues, in conclusion and far from simplification, a wrong interpretation of the borderline would trigger a lot of confusion in the relationship between legislation and standards and also in their application;
- there is a need to ensure consistent and coordinated answers to the needs of Standards users and to have clear and coordinated positions at Commission and Market Surveillance Authorities level;
- efforts have to be made to be as much as possible in line with the work already done at international level within IEC, in order to avoid contradiction and undue deviations from world-wide recognized safety standards and worldwide recognition of certificates issued under the IECEE CB Scheme (the so called “one stop shopping”);
- Low Voltage Directive 2014/35/EU - guidelines and the guide to application of Directive 2006/42/EC on machinery have been considered when drafting this list.

The following table shows the list of standards under CLC/TC 61 with the consequent allocation of standards under LVD or MD. Some standards support both LVD and MD because they cover a range of products of which some come under the LVD and others under the MD.

Note: The development of new CENELEC standards can mean that the list attached may become outdated. The latest status of a standard whether it is under LVD or MD is provided in Annex ZF of the latest edition of EN 60335-1.

Standard reference	To be listed under LVD (2014/35/EU)	To be listed under MD (2006/42/EC)
EN 50410, Decorative robots	☐	☒
EN 50416, Commercial electric conveyor dishwashing machines	☐	☒
EN 50569, Commercial spin extractors	☐	☒
EN 50570, Commercial tumble dryers	☐	☒
EN 50571, Commercial washing machines	☐	☒
prEN 50xxx, Commercial ironers	☐	☒
EN 60335-1, General requirements	☒	☒
EN 60335-2-2, Vacuum cleaners and water-suction cleaning appliances	☒	☐
EN 60335-2-3, Electric irons	☒	☐
EN 60335-2-4, Spin extractors	☒	☐
EN 60335-2-5, Dishwashers	☒	☐
EN 60335-2-6, Stationary cooking ranges, hobs, ovens and similar appliances	☒	☐
EN 60335-2-7, Washing machines	☒	☐
EN 60335-2-8, Shavers, hair clippers and similar appliances	☒	☒ For commercial use
EN 60335-2-9, Grills, toasters and similar portable cooking appliance	☒	☐
EN 60335-2-10, Floor treatment machines and wet scrubbing machines	☒	☐
EN 60335-2-11, Tumble dryers	☒	☐
EN 60335-2-12, Warming plates and similar appliances	☒	☐
EN 60335-2-13, Deep fat fryers, fryers, frying pans and similar appliances	☒	☐
EN 60335-2-14, Kitchen machines	☒	☐
EN 60335-2-15, Appliances for heating liquids	☒	☐
EN 60335-2-16, Food waste disposers	☒	☐
EN 60335-2-17, Blankets, pads, clothing and similar flexible heating appliances	☒	☐
EN 60335-2-21, Storage water heaters	☒	☐
EN 60335-2-23, Appliances for skin or hair care	☒	☒ For commercial use
EN 60335-2-24, Refrigerating appliances, ice-cream appliances and ice-makers	☒	☐
EN 60335-2-25, Microwave ovens, including combination microwave ovens	☒	☐
EN 60335-2-26, Clocks	☒	☐

Standard reference	To be listed under LVD (2014/35/EU)	To be listed under MD (2006/42/EC)
EN 60335-2-27, Appliances for skin exposure to ultraviolet and infrared radiation	☒	☒ With moving parts
EN 60335-2-28, Sewing machines	☒	☐
EN 60335-2-29, Battery chargers	☒	☐
EN 60335-2-30, Room heaters	☒	☐
EN 60335-2-31, Range hoods and other cooking fume extractors	☒	☐
EN 60335-2-32, Massage appliance	☒	☐
EN 60335-2-34, Motor-compressors	☒ LVD equipment for incorporation in machinery	☐
EN 60335-2-35, Instantaneous water heaters	☒	☐
EN 60335-2-36, Commercial electric cooking ranges, ovens, hobs and hob elements	☒	☒ With moving parts
EN 60335-2-37, Commercial electric deep fat fryers	☒	☒ With moving parts
EN 60335-2-38, Commercial electric griddles and griddle grills	☒	☐
EN 60335-2-39, Commercial electric multi-purpose cooking pans	☒	☒ With moving parts
EN 60335-2-40, Electrical heat pumps, air-conditioners and dehumidifiers	☒	☒ For commercial use
EN 60335-2-41, Pumps	☒	☒ For commercial use
EN 60335-2-42, Commercial electric forced convection ovens, steam cookers and steam convection ovens	☒	☒ With moving parts
EN 60335-2-43, Clothes dryers and towel rails	☒	☐
EN 60335-2-44, Ironers	☒	☐
EN 60335-2-45, Portable heating tools and similar appliances	☒	☒ For commercial use
EN 60335-2-47, Commercial electric boiling pans	☒	☒ With moving parts
EN 60335-2-48, Commercial electric grillers and toasters	☒	☒ With moving parts

Standard reference	To be listed under LVD (2014/35/EU)	To be listed under MD (2006/42/EC)
EN 60335-2-49, Commercial electric appliances for keeping food and crockery warm	☒	☒ With moving parts
EN 60335-2-50, Commercial electric bains-marie	☒	☐
EN 60335-2-51, Stationary circulation pumps for heating and service water installations	☒ LVD equipment for incorporation in machinery	☐
EN 60335-2-52, Oral hygiene appliances	☒	☐
EN 60335-2-53, Sauna heating appliances	☒	☐
EN 60335-2-54, Surface-cleaning appliances for household use employing liquids or steam	☒	☐
EN 60335-2-55, Electrical appliances for use with aquariums and garden ponds	☒	☐
EN 60335-2-56, Projectors and similar appliances	☒	☐
EN 60335-2-58, Commercial electric dishwashing machines	☐	☒
EN 60335-2-59, Insect killers	☒	☐
EN 60335-2-60, Whirlpool baths and whirlpool spas	☒	☒ For commercial use
EN 60335-2-61, Thermal-storage room heaters	☒	☐
EN 60335-2-62, Commercial electric rinsing sinks	☒	☒ With moving parts
EN 60335-2-64, Commercial electric kitchen machines	☐	☒
EN 60335-2-65, Air-cleaning appliances	☒	☒ For commercial use
EN 60335-2-66, Water-bed heaters	☒	☐
EN 60335-2-67, Floor treatment and floor cleaning machines for commercial use	☐	☒
EN 60335-2-68, Spray extraction appliances, for commercial use	☐	☒
EN 60335-2-69, Wet and dry vacuum cleaners, including power brush, for commercial use	☐	☒ to include centralised vacuum cleaners installed in commercial environment
EN 60335-2-70, Milking machines	☐	☒
EN 60335-2-71, Electrical heating appliances for breeding and rearing animals	☒	☒ With moving parts

Standard reference	To be listed under LVD (2014/35/EU)	To be listed under MD (2006/42/EC)
EN 60335-2-72, Automatic machines for floor treatment for commercial use	☐	☒
EN 60335-2-73, Fixed immersion heaters	☒	☐
EN 60335-2-74, Portable immersion heaters	☒	☐
EN 60335-2-75, Commercial dispensing appliances and vending machines	☒ For appliances with only heating parts	☒ With moving parts
EN 60335-2-76, Electric fence energizers	☐ excluded from LVD	☐
EN 60335-2-78, Outdoor barbecue	☒	☐
EN 60335-2-79, High pressure cleaners and steam cleaners	☐	☒
EN 60335-2-80, Fans	☒	☒ For commercial use
EN 60335-2-81, Foot warmers and heating mats	☒	☐
EN 60335-2-82, Amusement machines and personal service machines	☒	☒ For some appliances with moving parts (e.g. kiddie rides and shoes shining appl.)
EN 60335-2-83, Heated gullies for roof drainage	☒	☐
EN 60335-2-84, Toilets	☒	☐
EN 60335-2-85, Fabric steamers	☒	☐
EN 60335-2-86, Electric fishing machines	☒	☒ With combustion motor generators
EN 60335-2-87, Electrical animal-stunning equipment	☒	☐
EN 60335-2-88, Humidifiers intended for use with heating, ventilation, or air-conditioning systems	☒	☒ For commercial use
EN 60335-2-89, Commercial refrigerating appliances with an incorporated or remote refrigerant condensing unit or compressor	☐	☒
EN 60335-2-90, Commercial microwave ovens	☒	☒ With moving parts
EN 60335-2-95, Drives for vertically moving garage doors for residential use	☐	☒
EN 60335-2-96, Flexible sheet heating elements for room heating	☒	☐

Standard reference	To be listed under LVD (2014/35/EU)	To be listed under MD (2006/42/EC)
EN 60335-2-97, Drives for rolling shutters, awnings, blinds and similar equipment	☐	☒
EN 60335-2-98, Humidifiers	☒	☐
EN 60335-2-99, Commercial electric hoods	☐	☒
EN 60335-2-101, Vaporizers	☒	☐
EN 60335-2-102, Gas, oil and solid-fuel burning appliances having electrical connections	☒	☒ For commercial use
EN 60335-2-103, Drives for gates, doors and windows	☐	☒
EN 60335-2-105, Multifunctional shower cabinets	☒	☐
EN 60335-2-106, Heated carpets and heating units for room heating installed under removable floor coverings	☒	☐
EN 60335-2-108, Particular requirements for electrolyzers	☒ LVD equipment for incorporation in machinery	☐
EN 60335-2-109, Particular requirements for UV radiation water treatment appliances	☒	☐
prEN 60335-2-110, Particular requirements for commercial microwave appliances with insertion or contacting applicators	☐	☒
NOTE 1 This table covers CENELEC standards intended for household and commercial appliances. Where it was mentioned that the standard covered also industrial appliances (e.g. EN 60335-2-69:2003) the reference to (light) industrial appliances has been removed from the title and the text of the relevant standard (e.g. EN 60335-2-69:2009). NOTE 2 When nothing is mentioned in the title of the standard the appliance is considered to be for household use in the home environment.		

ANNEX X

ADDITIONAL INFORMATION

ADDITIONAL EUROPEAN UNION LEGISLATION AFFECTING ELECTRICAL PRODUCTS

http://ec.europa.eu/growth/sectors/electrical-engineering/ec-support/index_en.htm

INDUSTRY SECTORS

http://ec.europa.eu/growth/sectors/index_en.htm

ELECTRICAL ENGINEERING

(Legislation, Guidance, References of National Transposition Measures, Standardisation, Contact Points, Notified Bodies etc)

http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive/index_en.htm

http://ec.europa.eu/growth/sectors/electrical-engineering/emc-directive/index_en.htm

APPLICATION OF DIRECTIVES RED 2014/53/EU, LVD 2014/35/EU AND EMCD 2014/30/EU

http://ec.europa.eu/growth/sectors/electrical-engineering/ec-support/index_en.htm

GUIDE TO THE IMPLEMENTATION OF DIRECTIVES BASED ON NEW APPROACH AND GLOBAL APPROACH

http://ec.europa.eu/growth/single-market/goods/index_en.htm