

**Brussels, 15 December 2009**

## **Alignment of the Low Voltage Directive 2006/95/EC with the New Legislative Framework (NLF)**

Further to its position paper of 23 February 2009, Orgalime supports the logical alignment of the Low Voltage Directive (LVD) 2006/95/EC with the New Legislative Framework (NLF).

Orgalime welcomes the opportunity to comment on the document presented during the LVD Working Party meeting of 9 March 2009 with regard to the alignment of the LVD with the NLF.

Orgalime agrees with most of the suggestions for changes made in Document "LVD/0903/WP14", as recently improved into Document "LVD adco 09-12 doc 04". However, we are pleased to provide herewith a couple of detailed comments with a view to improve the proposal of alignment of the LVD with the NLF.

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*Orgalime, the European Engineering Industries Association, speaks for 34 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 11.1 million people in the EU and in 2008 accounted for some €1,885 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.*

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Document “LVD adco 09-12 doc 04” of 01-12-2009	ORGALIME comment
<p style="text-align: center;"><b>Chapter II</b></p> <p style="text-align: center;"><b>Conformity of the electrical equipment</b></p> <p>(...)</p> <p>Article 6</p> <p>1. Where harmonised standards as defined in Article 5 have not yet been drawn up and published, the Member States shall take all appropriate measures to ensure that, for the purposes of placing on the market or free movement as referred to in Articles 2 and 3 respectively, their competent administrative authorities shall also regard as complying with the provisions of Article 2 electrical equipment which complies with the safety provisions of the <del>International Commission on the Rules for the Approval of Electrical Equipment (CEE)</del> or of the International Electrotechnical Commission (IEC) in respect of which the publication procedure laid down in paragraphs 2 and 3 has been applied.</p>	<p>In Article 6, paragraph 1, delete the words “<b>of the International Commission on the Rules for the Approval of Electrical Equipment (CEE) or</b>”, as this body does not exist anymore.</p>
<p style="text-align: center;"><b>Article 8a (NLF: R10)</b></p> <p style="text-align: center;"><b>EC declaration of conformity</b></p> <p>(...)</p> <p>2. The EC declaration of conformity shall have the model structure set out in Annex III of 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 <del>electrical equipment</del> products, shall contain the elements specified in the Module A as set out in Annex II of that Decision and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which market the electrical equipment is placed or made available.</p>	<ul style="list-style-type: none"> <li>• In Article 8a (NLF: R10) paragraph 2, replace the words “<b>electrical equipment</b>” by “<b>products</b>”, to quote correctly the title of Decision 768/2008/EC</li> <li>• Orgalime suggests that the elements to be specified in the DoC are either mentioned directly in the article or as an alternative are included in an annex of the LVD.</li> </ul>
<p style="text-align: center;"><b>Article 8C (NLF:R12)</b></p> <p style="text-align: center;"><b>Rules and conditions for affixing the CE marking</b></p> <p>(...)</p> <p><del>3. The CE marking shall be followed by the identification number of the notified body, where that body is involved in the production control phase. The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative.</del></p>	<p>In Article 8C (NLF: R12): Delete paragraph 3, as the involvement of notified bodies is not required in this directive (module A is applicable only), and the specific role that notified bodies have been given under the current LVD is suggested to be abolished.</p>

Document “LVD adco 09-12 doc 04” of 01-12-2009	ORGALIME comment
<p>Article 9 paragraph 8:</p> <p>Manufacturers who consider or have reason to believe that electrical equipment which they have placed on the market is not in conformity with the applicable Community harmonisation legislation <b>provisions of this directive</b> shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it or recall it, if appropriate.</p> <p>See also Article 9B paragraph 7</p>	<p>The applicable community harmonisation legislation in this case is the LVD. The text should be adapted respectively:</p> <p>...not in conformity with "<i>the provisions of this Directive</i>"...</p>
<p style="text-align: center;"><b>Chapter 5</b></p> <p style="text-align: center;"><b>Final provisions</b></p> <p>Article 14</p> <p>Directive <del>73/23/EEC</del>2006/95/EC is hereby repealed without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex V, Part B.</p> <p>References made to the repealed Directive shall be construed as being made to this Directive and should be read in accordance with the correlation table in Annex VI.</p>	<p>(Editorial): in Article 14, first sentence, replace the old reference of the LVD (<del>73/23/EC</del>) by the latest codified version '<b>2006/95/EC</b>'.</p>
<p><b>ANNEX IV</b></p> <p><b>Internal Production Control</b></p> <p><del>1. Internal production control is the procedure whereby the manufacturer or his authorised representative established within the Community, who carries out the obligations laid down in point 2, ensures and declares that the electrical equipment satisfies the requirements of this Directive that apply to it. The manufacturer or his authorised representative established within the Community must affix the CE marking to each product and draw up a written declaration of conformity.</del></p> <p><del>2. The manufacturer must establish the technical documentation described in point 3 and he or his authorised representative established within the Community must keep it on Community territory at the disposal of the relevant national authorities for inspection purposes for a period ending at least 10 years after the last product has been manufactured. Where neither the manufacturer nor his authorised representative is established within the Community, this obligation is the responsibility of the person who places the electrical equipment on the Community market.</del></p>	<p>Orgalime suggests that the text of module A as revised by Decision 768/2008/EC is included as an Annex to the LVD. This would ensure clearer information on the manufacturers' obligations. Besides, given the specificities in the LVD area, we suggest to have specified in the LVD guide, that no additional risk assessment has to be carried out, where harmonised standards fully cover the risk of the product in question.</p>

Document “LVD adco 09-12 doc 04” of 01-12-2009	ORGALIME comment
<p>3. Technical documentation must enable the conformity of the electrical equipment to the requirements of this Directive to be assessed. It must, as far as relevant for such assessment, cover the design, manufacture and operation of the electrical equipment. It must include:</p> <ul style="list-style-type: none"> <li>– a general description of the electrical equipment,</li> <li>– conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,</li> <li>– descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the electrical equipment,</li> <li>– a list of the standards applied in full or in part, and descriptions of the solutions adopted to satisfy the safety aspects of this Directive where standards have not been applied,</li> <li>– results of design calculations made, examinations carried out, etc.,</li> <li>– test reports.</li> </ul> <p>4. The manufacturer or his authorised representative must keep a copy of the declaration of conformity with the technical documentation.</p> <p>5. The manufacturer must take all measures necessary in order that the manufacturing process shall ensure compliance of the manufactured products with the technical documentation referred to in point 2 and with the requirements of this Directive that apply to them.</p>	

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