ORGALIME

Position Paper

Brussels, 27 November 2017

Orgalime answer to the European Commission's evaluation roadmap of the Low Voltage Directive 2014/35/EU [1]

Orgalime, the European Engineering Industries Association, welcomes the possibility to comment on the European Commission's evaluation roadmap of the Low Voltage Directive (2014/35/EU).

Even though it preceded it, the Low Voltage Directive (LVD) is the first legislation which followed the pattern of the New Approach as described in Council Resolution of 07/05/1985 for the harmonisation of the placing of electrical products on the EU Single Market. Our industry values very much that since 1973 the core elements of LVD have remained unchanged, despite the many technological changes in the electric and electronic sector. Therefore, we are confident that this new evaluation exercise will provide further evidence that the LVD remains one of the most reliable pieces of Internal Market legislation.

We hereby address some points raised in the roadmap, specifically:

1 – The LVD is ready for the challenges that may arise from the digitalisation of electrical devices and household appliances and their coexistence with the Internet of Things.

The essential health and safety requirements listed in the Annex I of the LVD are technology neutral and general enough to encompass any new product covered by its scope, regardless of whether the operation of the product is triggered manually or remotely, on specific request or automatically. Digital communications have been used for decades in industrial products; the signal voltages are at a very low level, typically around 5Vdc which does not itself create a hazard. Where the product safety issues could be altered by third parties after the placing of the product on the market due to after-sales, repair, renting to consumers, etc… these issues are not intrinsically linked with the Directive itself and are/can be addressed elsewhere, such as in horizontal application guides (Blue Guide).

2 – The LVD scope is fit for placing safe electric products on the market, incl. below 50 V.

Any change in the scope to include products with a voltage lower than 50V would not provide further safety and protection of consumers. The products in the so-called "Extra-Low Voltage" (ELV) range are considered harmless to touch (no electrical shock) and other residual risks could be easily mitigated by the user. Where needed, these risks are successfully covered by other EU directives such as Directive 2009/48/EC on "Toy Safety", Annex II, Section IV Electrical Properties and harmonised standards. Besides, such a scope extension to ELV products would require a major review of the harmonised standards and conformity assessment procedures that would impact a whole industry, especially SMEs.

[1] http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5291384_en

www.orgalime.org

ORGALIME aisbl | BluePoint Brussels | Boulevard A Reyers 80 | B1030 | Brussels | Belgium
Tel: +32 2 206 68 83 | e-mail: secretariat@orgalime.org
Ass. Intern. A.R. 12.7.74 | VAT BE 0414 341 438

3 – Safeguard clauses and objections to harmonised standards are not a good reason to call for a revision of the LVD.

To our knowledge, the fact that safeguard clauses against a product or formal objections to harmonised standards can and do arise are in themselves proof that the Directive works well.

The issues with the four recent formal objections against LVD standards have to do with the standards themselves in relation with a specific product type (household appliance) and not with either the scope, the health and safety requirements or their links with the related conformity assessment procedures of the Directive.

Nevertheless, Orgalime is somewhat surprised to learn that there were 306 notifications of safeguard clauses under the LVD in the first 6 months of 2017. Therefore, we call on the EC to disclose further information on the origin country and underlying reasons for this situation, which seems exceptional.

4 – The interface between LVD and other EU Directives does not raise any issue.

We have not experienced any interpretation issues in the way the LVD interacts with other pieces of EU legislation, namely Directive 2014/53/EU on "Radio Equipment" (RED) and Directive 2006/42/EC on "Machinery" (MD), that could not be solved in the Commission's specific application Guidelines. In any case, Orgalime does not believe this can be sufficient reason to trigger a revision of the law, which overall works well.

Conclusion

The LVD has given the industry a stable and well-established way to demonstrate compliance with the law for the placing on the market of products attaining a high level of health and safety in the whole of the European Union territory. Our industry values the LVD for its legal stability and predictability and firmly believes that the Directive remains fit for purpose for at least the next decade. We clearly believe that identified legal or enforcement problems, if any, can and should therefore be addressed without revising the LVD.

Advisers in charge: Philippe Portalier & Caio Lobo (firstname.lastname[at]orgalime.org)