

Brussels, 20/04/2015

Orgalime warns against the disproportionate consequence for manufacturers to ban harmonised standard on hot surfaces of toasters

[\(Formal objection against EN 60335-2-9:2003 as amended by A13:2010\)](#)

Orgalime requests the Committee on Standards (CoS) to refrain from the withdrawal from the citation in the Official Journal of the EU (OJEU) of Standard EN 60335-2-9:2003, "*Household and similar electrical appliances - Safety -- Part 2-9: Particular requirements for grills, toasters and similar portable cooking appliances*", as last amended by A13:2010.

Orgalime considers that the removal the presumption of conformity to Standard EN 60335 would be disproportionate to safeguarding public interests and at odds with better regulation principles. We believe that the decision of the Administrative Co-operation Working Group for the Low Voltage Directive (LVD AdCo) – further to the formal objection of two Member-States only, which have not provided convincing evidence that the latest version of the standard would not entirely satisfy the safety objectives set out in the Low Voltage Directive – was disproportionate. Further comments on this are attached in the detailed CECED position paper, which we support.

While the disputed version of the standard allows the products to have hot non-functional surfaces, as long as they are marked with a warning symbol, factual evidence show that such hot surfaces could not cause more than 1st degree skin burns on a small surface of a non-vital body part, such as a finger. This would not constitute a serious risk according to the Commission RAPEX Risk Assessment Guidelines.

Moreover, this would be a significant deviation to what is considered as 'state of the art' and currently under harmonisation at international level within IEC, where TC 61 gathers 42 countries. Therefore, Orgalime warns against an objection to the standard which would make it drift away from any possible further approximation with IEC standards; this would give the wrong political signal in the context of the ongoing TTIP negotiations where both the EU and the US are aiming at progressive regulatory convergence.

Overall, objecting to this standard would infringe the better regulation principle and have significant consequences on meeting the objectives of other Union policies:

- higher energy and resource consumption, as products will get larger and require more fans
- reduced choice for consumers, who would be forced to purchase a more expensive product
- undermining of the progressive alignment of our regulations and standards with those of other trading partners
- increased unfair competition from any market operator, who would ignore the new particular requirements, given the uneven level of market surveillance across the EU.

Therefore we call on the European Commission to play its role as impartial arbiter and Guardian of the Treaties and to consider that following unsubstantiated objections of Member States would be disproportionate and negatively affect the competitiveness of producers through adding yet further costs.

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Orgalime, the European Engineering Industries Association, speaks for 41 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10 million people in the EU and in 2013 accounted for more than €1,700 billion of annual output. The industry accounts for over a quarter of manufacturing output and a third of the manufactured exports of the European Union.

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