

Brussels, 16 June 2011

Revision of the Gas Appliances Directive (GAD) 2009/142/EC

Introduction

During the meeting of the Working Group (WG) GAD Revision on 10 May 2011, the European Commission asked for the Orgalime opinion on some issues related to the alignment of Modules of the current text of the Gas Appliances Directive (GAD) to the requirements of the New Legislative Framework, and in particular to the provisions of Decision 768/2008/EC of the European Parliament and the Council of 9 July 2008 on a common framework for the marketing of products.

Orgalime therefore welcomes the opportunity to put forward its opinion on the issues raised within the WG GAD Revision, hoping to provide the Working Group with some effective contribution to the discussion.

Orgalime opinion on four issues under consultation concerning the GAD Modules alignment to the New Legislative Framework

Reference document: "Informal working document for the 10 May 2011 meeting of the WG GAD Revision"

1. Annex II, Module B: EC-type examination

Regarding the discussion which took place within the WG GAD Revision on the possibility to choose at point 1.2 between the three indents (please refer to page 40 of the reference document), since the European Commission confirmed that it may be possible to delete some of the three indents foreseen by Decision 768/2008/EC, Orgalime supports the position of some members of the WG GAD Revision **to keep the first indent only**.

The possibility given by the first indent is indeed the most stringent and reflects the current situation to which manufacturers are already used today. Orgalime believes that having a unique procedure which applies indistinctly and clearly for all manufacturers will prevent uncertainty and distortions on the market.

Orgalime, the European Engineering Industries Association, speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 9.7 million people in the EU and in 2010 accounted for some €1,510 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.

2. Annex II, Module C2: Conformity to type based on internal production control plus supervised instrument checks at random intervals (*Accredited in-house bodies*)

Regarding the discussion which took place within the WG GAD Revision on the possibility for the manufacturer to choose either an accredited in-house body or a notified body, **Orgalime does not support the introduction of “accredited in-house bodies”** within the future text of the GAD, since this new possibility foreseen by the New Legislative Framework is considered inappropriate in the context of the GAD Directive. Furthermore, it is important to remember that the absence of a notification number of the accredited in-house body besides the CE marking would rather complicate the implementation of the new text of the directive.

3. Annex II, Module C2: Conformity to type based on internal production control plus supervised instrument checks at random intervals (*proposal for the introduction of a new note on the declaration of conformity supply*)

Regarding the possible introduction of a new note, which is not foreseen by the New Legislative Framework, concerning the obligation to supply a copy of the declaration of conformity with each appliance or component placed on the market (please refer to page 46 of the reference document), Orgalime agrees with the decision taken during the last WG GAD Revision meeting **to delete this note** as it is not required by the New Legislative Framework and it introduces a requirement which seems unnecessary and which is not in place today with the current text of the GAD.

4. Annex II, Module C2: Conformity to type based on internal production control plus supervised instrument checks at random intervals (*use of the term “relevant authorities”*)

The use of the term “relevant authorities” at paragraph 2.4.2 of Module C2 of the draft text of GAD (please refer to page 46 of the reference document) is foreseen by Decision 768/2008/EC, which also envisages the use of this term in other Modules - except in Module B which explicitly refers to the Commission and to the Member States authorities. Regarding the discussion which took place within the WG GAD Revision on the definition of the term “relevant authorities”, Orgalime does not feel it should take a position on this issue which indeed concerns Member States’ Authorities.

As requested by the Commission, Orgalime will report on any concrete experiences that manufacturers may have faced on requests from “relevant authorities”, after consulting its members. As a general consideration, Orgalime would like to stress that the target should be to reduce as much as possible any further administrative burden for manufacturers.

CONCLUSION

We thank the Commission for taking our remarks into consideration and look forward to continuing our collaboration in the lead up to the forthcoming review of the Gas Appliances Directive



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