

Mr Luis Filipe GIRAO
Head of Unit
Unit G4 Mechanical, Electrical and Telecom
Equipment
Directorate General for Enterprise and Industry
European Commission
Bélliard 100 (B 100)
Brussels, Belgium

19 April 2012

Re: Atlas on Child Appealing Designs for Household Appliances

Dear Mr Girao,

As you know, the safety of consumers, especially children, is of great concern to Orgalime and CECED and the industries they represent. Hence, we promote the use of the LVD guidelines¹ among our membership that are manufacturers of electrical products used in households.

In 2010, CECED and Orgalime were invited to participate as stakeholders in the “*Joint Market Surveillance Action on Child Appealing Designs*” of EMARS/PROSAFE. We welcomed this project to provide a common understanding among market surveillance authorities of the conditions where the child-appealing character of an LVD product could increase the risks for children.

Recently the Chair of the LVD AdCo recommended market surveillance authorities to use an “*Atlas on Child Appealing Designs for Household Appliances*” which was developed in the framework of the 2010 EMARS/PROSAFE project.

However, Orgalime and CECED believe that this guide in its current version, does not reflect the views of industry stakeholders involved in the initial project and does not adequately take the Low Voltage Directive (LVD - 2006/95/EC) provisions into consideration. It therefore raises concerns over legal certainty that manufacturers deserve in order to place their products on the market.

¹ Cf. Low Voltage Directive (2006/95/EC) - [Guidelines on application and recommendations](#)

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 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.

CECED represents the household appliance manufacturing industry in Europe. Its member companies are mainly based in Europe. Direct Members are Arçelik, Ariston Thermo Group, BSH Bosch und Siemens Hausgeräte GmbH, Candy Group, Daikin Europe, De'Longhi, AB Electrolux, Fagor Group, Gorenje, Indesit Company, LG Electronics Europe, Liebherr Hausgeräte, Miele & Cie. GmbH & Co., Philips, Samsung, SEB, Vorwerk and Whirlpool Europe. CECED's member Associations cover the following countries: Austria, Belgium, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

www.orgalime.org

ORGALIME aisbl | Diamant Building | Boulevard A Reyers
80 | B1030 | Brussels | Belgium
Tel: +32 2 706 82 35 | Fax: +32 2 706 82 50 | e-mail:
secretariat@orgalime.org

Ass. Intern. A.R. 12.7.74 | VAT BE 414341438

www.ceced.eu

CECED aisbl | Boulevard Brand Whitlock, 114 |
B1200 | Brussels | Belgium
Tel: +32 2 738 78 10 | Fax: +32 2 403 08 41 | e-mail:
secretariat@ceced.eu

We call on the Commission to take a proactive role in ensuring that the placing on the market of this category of harmonised products will not be subject to varying interpretations based on the various assumptions contained in this Atlas, which we believe, constitute an arbitrary interpretation of the law. For example, on page 11:

“It is clear that for child appealing appliances within the scope of this Atlas it is only allowed to draw-up an EC declaration of conformity if you can declare that children up to 14 years of age can handle the product without being exposed to hazards. Evidence must be available in the Technical File”.

We consider this Atlas demand as unjustifiable for the following reasons:

- The LVD only requires “that electrical equipment is manufactured in a way that does not endanger the safety of persons, domestic animals or property **when properly installed and maintained and used in applications for which it was made**” (article 2 in the existing version of the Directive and article 3 in the recast proposal). This is confirmed in Article 16 of Regulation 765/2008.
- It is the responsibility of the manufacturer to determine and to describe in the accompanying documents the normal and foreseeable applications for which the product is made. For electric household appliances, as for other items of kitchen equipment, adult supervision is a reasonably foreseeable condition, which was deliberately ignored in the drafting of the Atlas.
- Such LVD household appliances, which are not directly intended to be used by children, should not face stricter risk assessment rules (e.g. a complete ban from the market) than toys falling under the Toys directive (2009/48/EC), which allows use under parental supervision provided that certain conditions are met (labelling and warnings by age groups under Annex V).

Although we understand and support the necessity of guidance documents for market surveillance authorities, we deem that the application of the Atlas in its current version could have a more harmful effect than its temporary delay in view of further improvement. Thus, we urge the Commission to co-ordinate a re-launch of the stakeholder consultation on the draft Atlas, with a view to duly address the legal framework conditions, which should include the intention of the manufacturer and other comments that we made in previous steps of the process and for which little attention was paid. This would be in the interest of all interested parties, whether consumers, manufacturers or market surveillance authorities. As such, we hope that the revised Atlas will be made publicly available as a complementary guidance in support to the application of the Low Voltage Directive, and not only as the deliverable of a PROSAFE project.

Thank you in advance for your interest and we look forward to continuing to work actively with you,
Yours sincerely,



Adrian Harris
Director General of Orgalime



Luigi Meli
Director General of CECED

N.B.: In support, please find the position papers that Orgalime and CECED have already submitted to the team that drafted the Atlas, which were not sufficiently taken into consideration.

- [15/11/2010 - Comments on a “draft Atlas for Household Appliances – child appealing designs”](#)
- [8/3/2010 - Child-appealing design and child safety](#)

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Advisers in charge: Philippe Portalier (firstname . lastname @ orgalime . org)
Michal Zakrzewski (firstname . lastname @ ceced . eu)

www.orgalime.org

www.ceced.eu

ORGALIME aisbl | Diamant Building | Boulevard A Reyers 80
| B1030 | Brussels | Belgium
Tel: +32 2 706 82 35 | Fax: +32 2 706 82 50 | e-mail:
secretariat@orgalime.org

CECED aisbl | Diamant Building | Boulevard A Reyers 80 |
B1030 | Brussels | Belgium
Tel: +32 2 706 82 90 | Fax: +32 2 706 82 89 | e-mail:
secretariat@ceced.eu