

Update of the Low Voltage Directive (73/23/EEC) Orgalime answer to the Commission on some issues

23 January 2004

ORGALIME represents the interests of the European mechanical, electrical, electronic and metalworking industries at the level of the EU. ORGALIME's members include, at the present time, 34 national trade federations representing some 130,000 companies in 23 European countries. These industries, which include mainly small and medium sized companies, employ some 7.3 million people and account for around 1,200 billion Euro in the GNP, that is over a quarter of the output and a third of the exports of manufactured products of the EU.

As requested during the last LVD Update Working Group meeting held on 20 & 21 October 2003, ORGALIME experts in the electrical and electronic field are pleased to forward their complementary comments to the Commission.

1. FIRE RESISTANCE

The text of LVD Update.4 reads:

“Equipment must provide an adequate level of fire resistance to an external ignition source and must not contribute significantly to the spread of fire.”

ORGALIME is of the opinion that the wording should include first of all resistance to an internal ignition source.

If necessary, in order to prevent TV sets-like fires, an adequate wording should be added for that purpose only. Such fires are caused by small external sources (i.e. candles) and the LVD, which covers many other products than household appliances, should not exaggerate the scope of such external causes for all electrical products. A general, all embracing legal requirement would be unjust, while many other household goods are not subject to any similar requirement.

Furthermore, words such as “contribute significantly” do not carry an adequate meaning to characterise the risk. We believe that it would be more appropriate to ensure that an electrical product (e.g. a TV set) does not exacerbate (i.e. makes it worse) an externally initiated fire. Therefore, ORGALIME proposes to replace the existing text into:

“Equipment must provide an adequate protection against fire hazards initiated by the electrical equipment itself. Where applicable, equipment must, as the first item ignited by a small external source, not exacerbate the spread of fire.”

2. SAFETY FOR ALL

ORGALIME agrees with the principle of “safety for all” and refutes any other reference to “design for all” or “accessibility for all”, which are not suitable for this directive. The LVD is about ensuring that all users and those present during the product use should be safe.

However the responsibility of the user should always be taken into account. There are several risks, which cannot be avoided by design, protective devices or warnings, in order to cover all kinds of misuse, such as drinking the drainage water of a washing machine or warming the bed with a hair dryer. It is impossible to make each and every electrical product “ignorance” or “fool”-proof.

Furthermore, overkill in the number of warnings or catalogue of possible misuse or abuses in the instructions for use would deter the user from reading them and would even have a counter-productive effect, since the most important safety instructions would be overlooked in the mass of information.

Consequently, manufacturers rely on society's reasonably foreseeable capacity to educate its constituency, to common sense in usually acknowledged human behaviour AND to the personal responsibility of users, or people legally responsible for supervising them such as children's parents, medical care helpers, etc...

Therefore, we believe that it is of paramount importance that item I.1 *Principles of safety integration*, sub-clause a) 2nd paragraph should make reference to this, e.g. by the following wording:

*"This protection must be against all **reasonably foreseeable** health and safety hazards arising from the use of the equipment, or such hazards caused by ~~reasonably foreseeable~~ external influences on the equipment itself,etc".*

On the basis of such a formulation, standardisation experts can take into account the relevant risks linked with the product use in conjunction with both common sense AND towards the conditions of use according to the manufacturer's safety instructions.

It may be useful to introduce an additional definition for reasonably foreseeable hazards, on the same basis as the definition of reasonably foreseeable misuse in EN ISO 12100-1:2003:

Reasonably foreseeable hazards:

"Hazards that may occur during the use of a product in a way not intended by the manufacturer, but which may result from easily predictable human behaviour."

Further, it would be necessary to have a clause in the Preamble (Whereas) with the same purpose. ORGALIME proposes:

"Whereas electrical equipment shall as far as possible be safe for all users and those present during use, taking into account users' responsibility towards the conditions of use according to the manufacturer's safety instructions. Users for which specific risks exist may need supervision or training."

3. ERGONOMICS

The existing text of LVD Update.4 says:

"Equipment shall be designed and manufactured in accordance with ergonomic principles including the ability to be moved and handled safely".

The word "including" opens the door to more aspects of ergonomics, without clarifying which ones. It is not the purpose of this directive to tackle ergonomics beyond safety issues, and details in this respect should be avoided, for the sake of a good implementation by regulators, good application by manufacturers and market surveillance on a level-playing field by authorities.

Therefore, Orgalime proposes to replace the existing wording by:

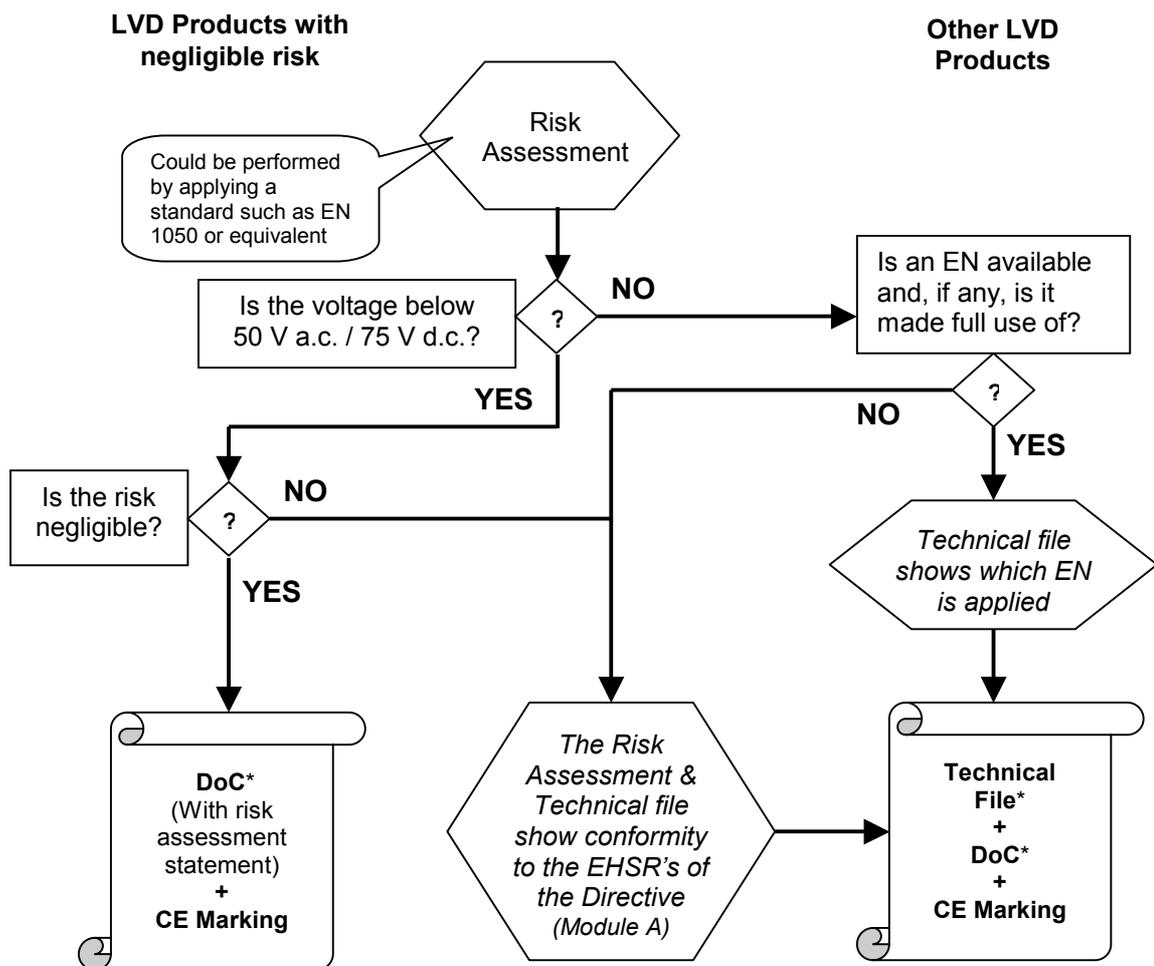
"Equipment shall be designed in accordance with ergonomic principles so that it can be handled and used safely."

4. NOTIFIED BODIES

ORGALIME is of the opinion that the legal reference to notified bodies in the body of the Directive could be maintained, provided that the role of notified bodies under the Low Voltage Directive is not increased. Whether or not Article 8 of the existing Directive is deleted, there should be NO challenge to the principle of self-declaration of conformity under this directive.

5. CONFORMITY ASSESSMENT OVERVIEW FOR PLACING ELECTRICAL PRODUCTS UP TO 1000 V A.C. / 1500 V D.C. ON THE MARKET

ORGALIME agreed with the proposal to delete the lower voltage limit of the Directive, as a consequence of which the scope and requirements of the LVD is extended to products below 50V AC / 75V DC. Since most of these products are exposing the user to negligible risks, ORGALIME strongly recommends the inclusion of a simplified risk assessment procedure, which would avoid manufacturers the administrative burden occurred by the making of a technical file, while keeping them subject to the obligation of a risk assessment along the lines illustrated in the enclosed flow chart.



* Shall be held at the disposal of the competent authorities of Member States for a period of ten years after the date of manufacture.