

Electrical equipment designed for use within certain voltage limits: making available on the market. Recast. 'Goods package'

2011/0357(COD) - 05/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 651 votes to 12, with 11 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the harmonisation of the laws of Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (recast).

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Further align the Directive to the “new legislative framework” and ensure legal certainty: the amendments made by the Parliament seek to ensure that the proposed Directive is more consistent with the terms used by Decision No 768/2008/EC and to eliminate any inconsistencies in the text which could otherwise create legal uncertainty.

Purpose and scope: the objective of this Directive is to ensure the electrical equipment on the market fulfils the safety objectives providing for a high level of protection of health and safety of persons, and of domestic animals and property, while guaranteeing the functioning of the internal market.

This Directive covers electrical equipment designed for use within certain voltage limits which is new to the Union market when it is placed on the market; that is to say it is either new electrical equipment made by a manufacturer established in the Union or electrical equipment, whether new or second-hand, imported from a third country.

This Directive should apply to all forms of supply, including **distance selling**.

The harmonised standards relevant to this Directive should also take into account the United Nations Convention on the Rights of Persons with Disabilities.

Obligations of economic operators: When placing their electrical equipment on the market, manufacturers should ensure that it has been designed and manufactured in accordance with the safety objectives referred to in the Directive and set out in Annex I. Manufacturers and importers should indicate on the electrical equipment his **name, registered trade name or registered trade mark and the postal address** at which he can be contacted.

The contact details shall be in a **language easily understood** by end-users and market surveillance authorities.

In order to increase consumer protection, manufacturers should ensure that the product is accompanied by instructions and safety information in a **language which can be easily understood** by end-users, as determined by the Member State concerned.

Such instructions and safety information, as well as any labelling, shall be **clear, understandable and intelligible**.

In order to facilitate communication between economic operators, market surveillance authorities and end-users, Member States should encourage economic operators to include a **website address** in addition to the postal address.

EU declaration of conformity: the EU declaration of conformity should be translated into the language or languages required by the Member State in which the electrical equipment is placed or made available on the market.

In order to **reduce the administrative burden** on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.

CE marking: Parliament called on the Member States to build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

Notified bodies: a conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities. The **impartiality** of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

Market surveillance: Member States should take all appropriate measures to ensure that products covered by this Directive may be placed on the market only if, when properly stored and used for their intended purpose, or under conditions of use which can be reasonably foreseen, they do not endanger the health and safety of persons.

Restrictive measures in case of non-compliance: Member States should ensure that appropriate restrictive measures, such as withdrawal of the product concerned, are taken in respect of the measuring instrument concerned without delay.

Rules on **penalties** applicable to infringements by economic operators may include criminal penalties for serious infringements. These penalties should be effective, proportionate and dissuasive.

Stock: distributors should therefore be able to supply electrical equipment that has been placed on the market, namely stock that is already in the distribution chain, before the date of application of national measures transposing this Directive.

Implementing measures: in order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission.

On duly justified imperative grounds of urgency relating to the protection of health and safety of persons, the Commission should **adopt immediately** applicable implementing acts.

The Commission shall be assisted by the Committee on Electrical Equipment.

When matters relating to this Directive, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, the **European Parliament should receive full information** and documentation and, where appropriate, an invitation to attend such meetings.