



5 February 2020

DIGITALEUROPE views on the Interim evaluation of the Low Voltage Directive

DIGITALEUROPE welcomes the report on the evaluation of the Low Voltage Directive and we are greatly reassured that its findings generally align with our industry's positive experiences of applying the Directive over five decades.

The LVD is one of the great success stories of the internal market

In previous communications to the Commission, we have shared our view that the LVD continues to be one of the great success stories of the internal market and the report confirms this to be case showing as it does that the Directive remains effective, efficient and relevant.

The finding that issues relating to effective and consistent market surveillance are amongst the external factors hindering the Directive comes as no surprise and we look forward to improvements in that regard through other regulatory instruments.

Taking account of this and the overall positive findings of the report, it is clear that no fundamental alteration to the Directive is necessary or advisable at this point.

Removal of lower voltage limit

We note the analysis of the appropriateness voltage limit (5.3.2.2) in the report.

While we can understand why removal of the lower voltage limit may be seen as a means to address some gaps in the scope of products covered by the Directive, we do not see this as a priority and care should be exercised not to create disproportionate and costly requirements for products that might represent a very low safety risk and which often sell at low cost and profit margin.

Acknowledging that operating voltage alone is not the sole criteria to determine the risk of a product, it is true that many products operating below 75 V DC do fall in to this very low risk category and are currently effectively covered by the General Product Safety Directive.¹

Taking account of the overall effectiveness of the GPSD and the low risk associated with these products, we do not see an urgency to change the scope of products covered by the directive at this point.

If a decision is taken to remove the lower voltage limit in a future revision of the directive, an impact analysis on all affected products would be required and provision made for exemption of products that do not represent a serious risk and that can be more effectively covered under the GPSD.

¹ Examples of such products include low power memory sticks, digital watches and remote controls.

"It is not necessarily third party certification which can help improving the safety of products on the market but correct implementation and enforcement of the existing legislation"
European Commission
2008

Conformity Assessment Procedures - Module B

While the report does not reach a conclusion about the inclusion of Module B for conformity assessment, DIGITALEUROPE is convinced that this would bring no value for stakeholders and may even be counterproductive.

As noted above, the overall findings of the report indicate that the Directive is working well and fulfilling its objectives related to safety and enabling of the internal market. Thus, it seems unjustified to introduce such a fundamental change to the functioning of the directive as Module B would bring.

The manufacturer is always fully responsible for the safety of his product. Rightly so. Application of Module B and the role of a notified body cannot change that obligation.

SMEs or other manufacturers will always have the option to consult with 3rd parties if they lack certain internal expertise but it must not be assumed that any notified body will have superior expertise or knowledge about the compliance of the product. This is particularly true in the case of the 'new/innovative' products referenced in the report.

In its analysis on the feasibility of a consumer safety mark in 2008², the Commission found that *"It is not necessarily third party certification which can help improving the safety of products on the market but correct implementation and enforcement of the existing legislation"*.

We fully agree with this conclusion and consider that Module A as currently applied has been shown to serve all stakeholders of the LVD well for almost fifty years. It is notable that the report found that weakness in market surveillance practices was amongst the external factors hindering the effectiveness of the Directive. Thus, it seems that focus on market surveillance activities and resources will be more effective at improving the safety of products than introduction of Module B and a role for notified bodies.

Application of Module B on a mandatory basis will certainly have a negative impact on the functioning of the Directive and will introduce additional costs and burdens for compliant manufacturers but with no clear improvement to the safety of products. The tests and technical standards applied by notified bodies will be no different from those that the manufacturer can apply himself and thus bring no benefit when applied by a 3rd party.

Even application on a voluntary basis may be detrimental as it can only serve to introduce confusion and uncertainty about the safety of the product. Fragmentation of the approach to conformity assessment would be an unwelcome development that, as well as bringing additional costs, can also make the work of market surveillance authorities more complex.

Conclusion

The Low Voltage Directive and particularly the conformity assessment procedure based on Module A continues to work effectively while achieving its objectives and being positively regarded by stakeholders. Thus, it would be unwise and counter-productive to make

"It would be unwise and counter-productive to make fundamental changes now"

² COMMISSION STAFF WORKING DOCUMENT Feasibility of a consumer safety mark and its possible relation to CE marking

fundamental changes now to the functioning of the Directive and its conformity assessment procedures.

Introduction of Module B to the Directive can only add costly and ineffective complexities to the Directive whilst leading to no improvement in the safety of products.

While we do not believe that any changes to the scope of the Directive are required, if this is done they should be made with caution and with due regard to the potential impact on low risk products.

FOR MORE INFORMATION, PLEASE CONTACT:



Klaus-Dieter Axt

Policy Director for Digital Technology, Innovation & Consumer Affairs

klaus-dieter.axt@digitaleurope.org / +32 478 17 39 01

About DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE Membership

Corporate Members

Airbus, Amazon, AMD, Apple, Arçelik, Bayer, Bosch, Bose, Bristol-Myers Squibb, Brother, Canon, Cisco, DATEV, Dell, Dropbox, Epson, Ericsson, Facebook, Fujitsu, Google, Graphcore, Hewlett Packard Enterprise, Hitachi, HP Inc., HSBC, Huawei, Intel, Johnson & Johnson, JVC Kenwood Group, Konica Minolta, Kyocera, Lenovo, Lexmark, LG Electronics, MasterCard, METRO, Microsoft, Mitsubishi Electric Europe, Motorola Solutions, MSD Europe Inc., NEC, Nokia, Nvidia Ltd., Océ, Oki, Oracle, Palo Alto Networks, Panasonic Europe, Philips, Qualcomm, Red Hat, Ricoh Europe PLC, Rockwell Automation, Samsung, SAP, SAS, Schneider Electric, Sharp Electronics, Siemens, Siemens Healthineers, Sony, Swatch Group, Tata Consultancy Services, Technicolor, Texas Instruments, Toshiba, TP Vision, UnitedHealth Group, Visa, VMware, Xerox.

National Trade Associations

Austria: IOÖ

Belarus: INFOPARK

Belgium: AGORIA

Croatia: Croatian
Chamber of Economy

Cyprus: CITEA

Denmark: DI Digital, IT
BRANCHEN, Dansk Erhverv

Estonia: ITL

Finland: TIF

France: AFNUM, Syntec
Numérique, Tech in France

Germany: BITKOM, ZVEI

Greece: SEPE

Hungary: IVSZ

Ireland: Technology Ireland

Italy: Anitec-Assinform

Lithuania: INFOBALT

Luxembourg: APSI

Netherlands: NLdigital, FIAR

Norway: Abelia

Poland: KIGEIT, PIIT, ZIPSEE

Portugal: AGEFE

Romania: ANIS, APDETIC

Slovakia: ITAS

Slovenia: GZS

Spain: AMETIC

Sweden: Foreningen
Teknikföretagen i Sverige,
IT&Telekomföretagen

Switzerland: SWICO

Turkey: Digital Turkey Platform,
ECID

Ukraine: IT UKRAINE

United Kingdom: techUK