

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

2011/0357(COD) - 28/11/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Zuzana ROITHOVÁ (EPP, CZ) 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).

The committee recommends that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Definitions: the term 'making available on the market' shall mean the supply of electrical equipment for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.

Consumer protection: Members consider it necessary to ensure consumer protection, including a high level of protection of **vulnerable consumers** in those cases where the electrical equipment is not intended for professional use (the safety of children, elderly and the persons with disabilities).

Where applicable, electrical equipment **not intended for professional use may be made available on the market only if it is constructed in such way that it can be easily used and accessed by persons with disabilities.**

Manufacturers shall indicate, on the electrical equipment, their **name, registered trade name or registered trade mark and the postal, or, if available, the website address** at which they can be contacted or, where that is not reasonably possible, those details shall be provided on the packaging or in a document accompanying the electrical equipment. The contact details shall be in a language easily understood by end-users and market surveillance authorities. Such instructions and safety information as well as any labelling shall be **clear, understandable and intelligible.**

In addition, economic operators should ensure that all required relevant information is also displayed in the case of **distance selling.**

Products in stock: Members consider it necessary to provide for **transitional arrangements** that allow making available on the market electrical equipment which has already been placed on the market in accordance with Directive 2006/95/EC. Economic operators should be able to sell stocks of electrical equipment designed for use within some certain voltage limits that are **already in the distribution chain** on the date of application of national measures transposing this Directive. Member States shall ensure that the obligations of economic operators concerning the products in stock are applied.

EU Declaration of conformity (DoC): upon the request of the market surveillance authorities, the economic operator shall provide **a copy of the EU declaration of conformity in paper form or by electronic means.** It is also proposed to add **an exception to the rule on 'one single DoC'** for cases where the providing a single document creates specific problems due to its complexity or extent. In this case, it should be possible to replace that single EU declaration by individual EU declarations of conformity relevant for the particular electrical equipment.

Identification of economic operators: economic operators shall present the information for a period of 10 years after they have been supplied with the electrical equipment and for a period of 10 years after they have supplied the electrical equipment. Economic operators shall not be required to update that information after supply is finalised.

Market surveillance: Members suggest that **Member States shall, on an annual basis, provide the Commission with details** of the activities of their market surveillance authorities and of any plans for and increase of market surveillance, including the allocation of more resources, the increase of efficiency and the building of the necessary capacity for achieving those goals. Member States shall provide **adequate funding** to their market surveillance authorities.

Member States shall ensure that appropriate restrictive measures are taken in respect of the electrical equipment concerned, such as **withdrawal of the electrical equipment from their market**, without delay.

Compliant electrical equipment presenting a health or safety risk: where a Member State finds that although electrical equipment is in compliance with this Directive, it presents a risk to the health or safety of persons and safety of domestic animals and property, it shall require the relevant economic operator to take all appropriate measures to ensure that the electrical equipment concerned, when placed on the market, no longer presents that risk, to withdraw the electrical equipment from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Penalties: Members propose that the Member States shall 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 the marking**. Rules on penalties applicable to infringements by economic operators of the national provisions may include criminal **penalties for serious infringements**. The penalties shall be **proportionate to the seriousness of the offence**.

Non-retroactive nature of EU legislation: Member States shall ensure that electrical equipment which was lawfully placed on the market before may be made available on the market by distributors without further product requirements.

Transposition: Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. The Commission shall make those texts publicly available by publishing them on the internet.