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PRODUCT STANDARDS

Electrical Equipment
(implementing the Low
Voltage Directive)

GUIDANCE NOTES ON THE UK
ELECTRICAL EQUIPMENT (SAFETY)
REGULATIONS 1994
(S.I. 1994/3260)

JULY 2004

URN 04/1106

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While every effort has been made to ensure that the information in this booklet is accurate, the Department of Trade and Industry cannot accept liability for any errors, omissions or misleading statements in that information.

This document provides information about the Regulations. It is for guidance only and cannot act as a substitute for the Regulations themselves. The guide has no legal force and is not an authoritative interpretation of the Regulations, which is a matter for the Courts. You should refer to the Regulations themselves for a full statement of the legal requirements and, if appropriate, seek your own independent legal advice. It is intended to help suppliers of electrical equipment and enforcement authorities to understand, in general terms, the main features of the Regulations.

The Regulations (SI 1994/3260) can be obtained from the following HMSO address. Please note that Crown Copyright applies, so copies may only be made in accordance with the restrictions laid down by HMSO:

http://www.hmso.gov.uk/si/si1994/Uksi_19943260_en_1.htm

Alternatively you may purchase copies of the Regulations from The Stationery Office (TSO).

To place an order or to make an enquiry please contact them on:

Telephone	0870 600 5522
Fax	0870 600 5533
E-Mail	mailto:customer.services@tso.co.uk

Low Voltage Directive - the law in brief

BACKGROUND

On 19 February 1973, the Council of Ministers adopted Council Directive 73/23/EEC (“the Low Voltage Directive”) on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits.

The Low Voltage Directive is an old approach Directive and as such did not provide for the use of CE marking. However, electrical equipment is also covered for certain purposes by other more recent new approach Directives which do require CE marking. Thus, to prevent possible confusion in the market place and to avoid problems of overlapping Directives, the Low Voltage Directive has been amended to introduce CE marking requirements.

Directive 93/68/EEC (“the CE Marking Directive”) was adopted on 22 July 1993, its purpose, to introduce a harmonised set of rules relating to the affixing and use of CE marking. The rules brought about amendments to the Low Voltage Directive. The **ELECTRICAL EQUIPMENT (SAFETY) REGULATIONS 1994** (“the Regulations”), which are made under section 11(1) of the Consumer Protection Act 1987 (“the Act”) and section 2(2) of the European Communities Act 1972 implement into UK law the modified Low Voltage Directive.

The modified Directive embodies a number of principles:

- ❑ only electrical equipment which does not jeopardise the safety of people, domestic animals and property shall be placed on the market;
- ❑ only electrical equipment which satisfies the CE marking requirements will be taken as complying with the requirements of the modified Low Voltage Directive and is thereby entitled to free circulation throughout the European Economic Area (EEA)*, **unless there are reasonable grounds for suspecting that the product does not in fact meet the requirements;**
- ❑ electrical equipment is not required to be tested or marked for approval by an independent third party;
- ❑ enforcement is the responsibility of each Member State within its national jurisdiction;

The Regulations replace, with certain savings, the Low Voltage Electrical Equipment (Safety) Regulations 1989 which implemented the original Low Voltage Directive. Electrical equipment which complies with the Regulations will be taken to comply with the Directive as amended, and be entitled to free circulation throughout the EEA, including certain other countries as listed at Annex G.

* Note: All references in this document to the EEA should be understood to include the territory of the Turkish Republic.

Free movement of goods

Achieving the free movement of goods - one of the four basic freedoms - lies at the heart of the drive to create the single European market. In May 1985, European Community Ministers agreed on a 'New Approach to Technical Harmonisation and Standards' to fulfil this objective.

'New Approach' Directives (that is Community laws) set out '**Essential Requirements**' (for safety, for example), written in general terms, which must be met before products may be supplied in the United Kingdom or anywhere else in the Community. Harmonised European standards then fill in the detail. Conformity with such standards is the main way for business to comply with the 'Essential Requirements'. The Directives also state how manufacturers should demonstrate that products meet the 'Essential Requirements'. Products meeting these requirements carry **CE marking**, which means they can be sold anywhere in the European Union.

The Low Voltage Directive is one such Directive. It has been implemented into (consolidated) United Kingdom law by the Electrical Equipment (Safety) Regulations 1994 which came into force, subject to certain transitional provisions, on 9 January 1995. The rest of this booklet describes the Regulations.

The Electrical Equipment (Safety) Regulations 1994 (S.I. 1994/3260)

Entry into force: 9 January 1995.

Primary legislation: Consumer Protection Act 1987 and the European Communities Act 1972.

Supply of Electrical Equipment: All new electrical equipment that is intended for supply in the UK from 9 January 1995 must now fully comply with the requirements of the Regulations and as such must carry the CE marking.

EFFECT ON OTHER REGULATIONS

The Low Voltage Electrical Equipment (Safety) Regulations 1989 S.I. 1989/728 have been revoked.

PRODUCTS AFFECTED BY THE REGULATIONS

The Regulations apply to **all electrical equipment**, subject to the exemptions shown at Annex B, that is designed or adapted for use between 50 and 1,000 volts (in the case of alternating current) or 75 and 1,500 volts (in the case of direct current). The Regulations cover domestic electrical equipment and equipment that is intended for use in the workplace.

Components: The Low Voltage Directive and the Regulations apply to electrical equipment. In general components as such are not covered by the requirements of the Regulations. Only components which are in themselves 'electrical equipment' need satisfy the requirements of the Regulations and in particular bear CE marking.

The term 'electrical equipment' is not defined in the Low Voltage Directive and should therefore be given the ordinary dictionary meaning. 'Electrical' is defined as 'operated by means of electricity' or 'of or pertaining to electricity'. 'Equipment' is defined as 'apparatus' which is in turn defined as 'the things collectively necessary for the performance of some activity of function'. An item is only subject to the requirements of the Regulations if it is 'electrical equipment' as so defined.

Electrical Components: Certain components of electrical equipment may in themselves be considered to be electrical equipment. In such cases steps should be taken to ensure that they satisfy the requirements of the Regulations if it is intended that they are to be supplied as separate items. For example, a manufacturer of control devices will need to ensure that his product satisfies the Regulations' requirements if he supplies it, and this will include supplies for retail sales and to other manufacturers for incorporation into other electrical equipment. Manufacturers of small components which are in themselves electrical equipment

may under the Regulations affix CE marking to the packaging, instruction sheet or guarantee certificate of such components. However, it is important that component (and indeed all) manufacturers ensure that the mark is present particularly when moving their products around the EEA.

Non-Electrical Components: Components which are not in themselves electrical equipment do not fall within the scope of the Regulations and should not have CE marking affixed to them. However, the Regulations do require electrical equipment to be safe and it is a prerequisite of safe electrical equipment that the combination of components comprised in it do not render it unsafe.

Further guidance with regard to components can be obtained from the following Commission website link:

http://europa.eu.int/comm/enterprise/electr_equipment/lv/direct/text.htm

SUPPLIERS AFFECTED

The Regulations affect all persons who supply electrical equipment during the course of a business, whether or not the business is one of supplying electrical equipment. They affect:

- manufacturers;
- authorised representatives;
- importers into the EEA;
- wholesalers, distributors;
- retailers (including mail order traders);
- persons who hire out electrical equipment in the course of business;
- persons (including auctioneers) who supply second hand electrical equipment in the course of business;
- persons who, in the course of business, let accommodation which contains electrical equipment.

All suppliers have a statutory duty to ensure that they supply only electrical equipment which satisfies the requirements of the Regulations. However, the Regulations require that certain suppliers have to fulfil particular obligations.

Manufacturers: The manufacturer is the person, whether established in the EEA or not, who is primarily responsible for designing and manufacturing equipment so that it complies with the safety requirements of the Regulations (see pages 9-11).

A manufacturer **who is based within the EEA** is the first point in the supply chain that may:

- ❑ affix CE marking (see pages 12-13); and
- ❑ draw up and hold an EC Declaration of Conformity (see page 13 and Annex C); and
- ❑ compile and hold the Technical Documentation (see page 14 and Annex D).

Where the manufacturer is **not established within the EEA** he may still affix the CE marking, draw up an EC Declaration of Conformity and compile the Technical Documentation. If he has appointed an authorised representative within the EEA that representative should retain copies of the EC Declaration of Conformity and the Technical Documentation. In the case of a manufacturer established outside the EEA with no authorised representative in the EEA, the EC Declaration of Conformity and the Technical Documentation should be retained by the first supplier of the electrical equipment in the EEA.

Authorised Representatives: An authorised representative is any person (or organisation) **established in the EEA** who has been appointed by the manufacturer to act on his behalf in carrying out certain tasks required by the Regulations. His position needs to be distinguished from that of an importer. As the Regulations permit an authorised representative to undertake more tasks than may be undertaken by an importer, both the manufacturer and the authorised representative will want to ensure that the appointment is clearly documented and can be substantiated if required.

Subject to the conditions of appointment by the manufacturer, the authorised representative may:

- ❑ affix CE marking (see pages 12-13):
- ❑ draw up and hold the EC Declaration of Conformity (see page 13 and Annex C);
- ❑ and where **the manufacturer is not established in the EEA**, hold the Technical Documentation (see page 14 and Annex D) within a country in the EEA. (The Regulations do not allow the authorised representative to compile the documentation).

Importers: An importer is any person who places electrical equipment from a third country on to the market so that he supplies it on the first occasion that it is supplied in the EEA. However, unlike the authorised representative, an importer, unless he is also the manufacturer's authorised representative, will not be appointed by the manufacturer to carry out any task under the Regulations. An importer will not generally have detailed knowledge of which Directive(s) have been applied by the manufacturer nor can an importer be certain of which standards/specifications were adopted by the manufacturer in the construction of the equipment. Therefore the Regulations do not allow an importer to affix CE marking, draw up an EC Declaration of Conformity or compile the Technical Documentation.

However, if the manufacturer is not established within the EEA and has not appointed an authorised representative the importer will be required to:

- hold a copy of the EC Declaration of Conformity (see page 13 and Annex C); and
- hold the Technical Documentation (see pages 14 and Annex D).

Any importer of electrical equipment importing from countries in the EEA into the UK market is strongly advised to establish the whereabouts of the information or be in a position to obtain the information as soon as possible if an enforcement authority requests to see it.

All other suppliers: Any other person who supplies electrical equipment (ie wholesalers, distributors, retailers etc) in the course of a business has a statutory duty to ensure that the equipment that they supply:

- satisfies the safety requirements (see pages 9-11); and
- bears CE marking.

Whilst such suppliers are under no obligation to retain a copy of the EC Declaration of Conformity or the Technical Documentation, they may wish to satisfy themselves of the existence and validity of this information as evidence that the equipment meets the requirements of the Regulations.

For information on how the Regulations affect the suppliers of second hand electrical equipment and equipment that is supplied for hire/leasing etc see page 16.

THE SAFETY REQUIREMENTS

All electrical equipment must be:

- Safe:

This has the same meaning as in section 19(1) of the Act, in that there should be no risk, apart from one reduced to a minimum, that the electrical equipment will in any way cause death or personal injury to any person. However, to comply with the terms of the Directive this meaning has been extended to include the risk of death or injury to domestic animals and damage to property.

- Constructed in accordance with principles generally accepted within Member States as constituting good engineering practice in relation to safety matters.

Electrical equipment is generally considered to be constructed in accordance with good engineering practice if it is manufactured to comply with the specifications of a harmonised standard (see below) or, in their absence, to an equivalent level of safety to that provided by such a standard.

- ❑ Electrical equipment shall be designed and constructed to ensure that it is safe when connected to the electricity supply system by providing a level of protection against electric shock which relies upon a combination of insulation and the protective earthing conductor contained within the electricity supply system or which achieves that level of safety by other means;

Electrical equipment will be presumed to satisfy this requirement if it is constructed to include protective earthing, is double insulated or provides an equivalent level of safety. For further guidance suppliers should refer to the relevant harmonised standards which may be purchased from the British Standards Institution (for address see page 20).

- ❑ Designed and constructed to conform with the Principal Elements of the Safety Objectives.

The Principal Elements of the Safety Objectives (“the Safety Objectives”), which are shown at Annex A, **must** be satisfied if the electrical equipment is to be taken to meet the safety requirements of the Regulations.

It is for the manufacturer to decide on how these objectives should be met but it should be remembered that a presumption of conformity with the safety requirements will be afforded to electrical equipment which has been designed and constructed to meet the specifications of a harmonised standard (see below).

How to comply with the safety requirements: Electrical equipment that is constructed to meet the safety provisions of one of the following in an accepted hierarchy of standards and requirements will be taken to satisfy the safety requirements of the Regulations, **unless there are reasonable grounds for suspecting that it does not so comply.**

Harmonised Standards: Electrical equipment which complies with the safety provisions of a harmonised standard, will be presumed to comply with the safety requirements of the Regulations.

Standards are regarded as being harmonised once they have been drawn up by common agreement between the National Standards Bodies notified to the European Commission by the Member States under Article 5 of the Low Voltage Directive. The United Kingdom National Standards Body is the British Standards Institution (“BSI”) (for address see Annex F). In drawing up a harmonised standard the relevant CENELEC (the European standards making body) technical committee ensures that the agreed standard takes into account the Safety Objectives of the Low Voltage Directive (see Annex A).

Although harmonised standards and their amendments have equal validity in all Member States they may include a Special National Condition(s) for individual Member States that will require a departure from the general specifications, (in general due to the differences such as climate or in the electrical supply system and wiring rules in various Member States). Manufacturers who wish to supply their products in the EEA as a whole or in selected State’s markets are therefore advised to ensure that their equipment complies with any such conditions that may exist for the market(s) concerned and which are noted in the relevant standards.

BSI are responsible for publishing harmonised standards and any amendments as identically worded British Standards. Copies of the standards can be purchased from BSI (for address see page 20).

A list of harmonised standards that have been drawn up by common agreement under the Low Voltage Directive is periodically published in the *Official Journal of the European Communities* (“the Official Journal”). This publication may be purchased from The Stationery Office Ltd (see page 20 for address). The list of harmonised standards may also be viewed on the Commission website at:

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist.html>

International Standards: Where no relevant harmonised standard exists, electrical equipment which complies with the specification of a standard published by the International Electrotechnical Commission (IEC) (details of which have been published by the European Commission in the *Official Journal*) will be presumed to comply with the safety provisions of the Regulations. Such standards will only be published if the Commission is satisfied that they adequately reflect all relevant Safety Objectives.

Suppliers should note that to date this option has not been activated, as IEC standards are normally accepted by CENELEC with common modifications for the European market.

National Standards: Where no relevant harmonised standard or international standard exists, electrical equipment will be presumed to comply with the safety provisions of the Regulations, if it is constructed to conform with the safety provisions of either:

- a published British Standard; or
- a published standard of the Member State of the manufacturer;

provided that such a national standard does in fact satisfy the safety requirements of the Regulations.

Electrical Equipment that does not conform to any published standard: Electrical equipment that does not conform to any of the accepted hierarchy of standards, perhaps because it is an innovative product, must nevertheless comply with the basic requirement to be safe. Manufacturers and suppliers of such products will need to consider what steps to take to satisfy themselves as to the compliance of the electrical equipment with the requirements of the Regulations.

Where electrical equipment has not been manufactured to comply with the specifications of one of the above standards, suppliers may consider it prudent to have the equipment assessed for safety by an independent third party, in particular, a notified body (see page 15 and Annex F). Third party tests are not mandatory but if there are any doubts about the safety of the equipment such a report may help establish that it is safe.

Suppliers seeking any information about any of the above standards and their application to a particular product should contact BSI for further details (for address see page 20).

CE MARKING REQUIREMENTS

The CE marking requirements consist of three parts, all of which must be satisfied. These are:

- the affixing of the mark;
- the drawing up of an EC Declaration of Conformity;
- compiling and holding the Technical Documentation.

CE Marking: CE marking is a visible declaration by the manufacturer or his authorised representative that the electrical equipment to which it relates satisfies all the provisions of the Regulations. Equipment bearing the mark will be taken as meeting the requirements and thereby entitled to free circulation throughout the EEA provided that the equipment does in fact satisfy those requirements.

CE marking should be affixed to the electrical equipment, or to the packaging, the instruction sheet, or the guarantee certificate. Manufacturers or authorised representatives may decide for practical reasons to affix it to both the product and its packaging. The mark must be visible, particularly to the enforcement authorities, easily legible and in an indelible form.

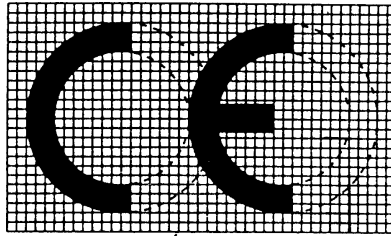
By affixing CE marking to electrical equipment, the manufacturer is making a statement that his equipment meets the requirements of all relevant Directives. It is for the manufacturer to decide which other Directives are relevant to his equipment. However, where a particular Directive provides a transitional period which allows a manufacturer the choice of which provisions to apply the manufacturer must indicate which Directive(s) have been applied, this information must be given in the documents, notices or instructions that accompany the electrical equipment.

The presence of CE marking does not mean that the electrical equipment cannot be challenged by an enforcement authority if they have reasonable grounds for suspecting an infringement of the Regulations.

Suppliers should note that CE marking is not a European safety mark or quality symbol intended for consumers and should not be presented as such. Its purpose is to indicate to enforcement authorities that the electrical equipment to which it relates is intended for sale in the EEA and signifies a declaration, which is rebuttable, by the manufacturer or his authorised representative that the equipment satisfies the requirements and is entitled to access those markets.

It should also be noted that CE marking is specific only to a range of Directives. It can only be applied to products covered by such Directives and under the conditions contained in them. While it is not an offence under the Regulations to affix **CE marking** to items which are not electrical equipment or covered by another Directive requiring **CE marking**, such an action could constitute an offence under section 1 of the Trade Descriptions Act 1968 and may result in prosecution and a subsequent fine. This can apply to any person in the supply chain.

Example of CE Mark



If the mark is reduced or enlarged the proportions given in the graduated drawing must be respected. The two letters of the CE marking must have substantially the same vertical dimension, which must not be less than 5mm. The grid does not form part of the mark and is for information only.

Non-CE Marked Electrical Equipment: Suppliers of non- CE marked equipment will be required, if requested to do so by an enforcement authority, to give any such information which they have about:

- the date when the electrical equipment was first supplied in the EEA; and
- the basis on which the electrical equipment does not bear CE marking.

Marks other than CE Marking: Other marks, for example, an approval mark from a Certification Body, may appear on or with the equipment but they cannot be used to declare compliance with the Regulations, only CE marking can be used for this purpose. Any other marks that are present **must not** reduce the visibility or legibility of CE marking.

EC Declaration of Conformity: An EC Declaration of Conformity is a written declaration by the manufacturer or his authorised representative that the equipment to which the CE marking has been affixed complies with the requirements of the Regulations. For the purposes of the Regulations the Declaration must:

- Identify the manufacturer or the authorised representative;
- Describe the electrical equipment to which it relates;
- Where appropriate, specify the harmonised standard(s) or other specifications with which conformity with the safety requirements is declared.

Further details on the information that should be included in the EC Declaration of Conformity can be found at Annex C.

A copy of the EC Declaration of Conformity is not required to accompany each product but a copy must be retained within the territory of the EEA by the manufacturer, the authorised representative or failing that the importer who first places the equipment on the market in the EEA. A copy of the Declaration must also be kept with the technical documentation (see below and Annex D).

Where an enforcement authority has reasonable grounds for suspecting that a product does not satisfy the safety requirements, that authority may, by virtue of its powers under the Act, request that a copy of the Declaration be made available for inspection purposes within a reasonable time. Failure to provide a copy could amount to an offence under the Act.

Technical Documentation: The Technical Documentation provides the enforcement authorities with the means of assessing the conformity of the electrical equipment to the requirements of the Regulations. For the purposes of the Regulations the Documentation must:

- describe the electrical equipment to which it relates;
- contain information about the design, manufacture and operation thereof;
- set out the procedures used to ensure the conformity of the electrical equipment with the safety requirements.

To assist UK manufacturer's and authorised representatives guidance is provided at Annex D on what has been agreed with the enforcement authorities in the UK on what may be incorporated to make up the various elements of the Technical Documentation. If there is any doubt you are strongly advised to contact either your local authority trading standards department (for consumer products) or your local Office of the Health and Safety Executive (for industrial products).

It is the manufacturer's responsibility to compile the relevant Documentation whether he is established in the EEA or not. However, the information must be kept within the EEA for inspection purposes (see below) and this responsibility will fall on either:

- the manufacturer, if he is based in the EEA; or
- the authorised representative; or
- the person who first places the equipment on the market in the countries in the EEA.

The Documentation does not have to be assessed by an approved body but it must be possible to assemble it whether or not the equipment has undergone any independent testing, certification or approval. It must also be kept for a period of not less than 10 years after manufacture of the equipment to which it relates has ceased.

Internal Production Controls: The manufacturer is responsible for ensuring that his manufacturing process is such that the production of the electrical equipment conforms to that described in the Technical Documentation that relates to it.

Inspection of the EC Declaration of Conformity and/or Technical Documentation by Enforcement Authorities: If there are reasonable grounds for suspecting that a product is unsafe the enforcement authorities may request that the EC Declaration of Conformity and/or Technical Documentation is made available for inspection purposes within a reasonable period of time. Failure to make the documentation available could amount to an offence under the Act.

If there is any doubt about the content of either the EC Declaration of Conformity or the Technical Documentation or should a request be made to inspect any of this information suppliers should contact their local authority trading standards department or Office of the Health and Safety Executive for advice.

Language of the EC Declaration of Conformity and the Technical Documentation: The Regulations do not contain any specific provisions concerning the language of either the EC Declaration of Conformity or the Technical Documentation. However, it is reasonable to expect that this information should be in one of the official languages of the EEA (e.g. English, French or German etc).

A translation into a specific language should only be necessary if it is not possible to understand the content of documentation.

NOTIFIED BODIES

Reports on safety: Member States are required by the Low Voltage Directive to notify the European Commission and other Member States of those bodies that are capable of providing an authoritative test report on the safety of electrical equipment. Whilst it is not mandatory for such a report to be drawn up, suppliers may feel that in some circumstances it is in their best interests to consider the need for such a report, particularly where the electrical equipment has not been constructed to conform to the specifications of any of the recognised hierarchy of standards (see pages 10-11). In such circumstances it is in the suppliers best interests to have a report drawn up before the safety of the equipment is challenged.

In the event that a product is challenged on grounds of safety by an enforcement authority a supplier may submit a report drawn up by a notified body on the safety of the product. This report may be used to establish whether the equipment does in fact satisfy the safety requirements.

Opinions: The Directive also requires that Member States notify the European Commission and other Member States of those bodies that are considered capable of giving an opinion to the Commission on the safety of a product which has been the subject of enforcement action and where there is a disagreement between Member States that cannot be resolved within the time limits specified (for further information see 'the Role of the European Commission', page 19).

The Secretary of State for Trade and Industry has authorised a number of UK test laboratories for the purpose of drawing up reports on safety and giving an opinion. The bodies that have been notified to the European Commission by the United Kingdom can be found at Annex F. For further information about the services offered and fees charged by these bodies, suppliers should contact them direct.

A list of the bodies that have been notified to the Commission by all Member States is available from the following Commission website:

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/reflist.html>

A list of United Kingdom (only) Notified Bodies may also viewed on the STRD website: <http://www.dti.gov.uk/strd/lvdnbs.pdf>

ELECTRICAL EQUIPMENT INTENDED FOR USE BY A MANUFACTURER IN HIS OWN PREMISES

Electrical equipment that is intended for use by a manufacturer in his own premises is controlled by the Regulations. Such equipment must satisfy the safety requirements of the Regulations (see pages 9-11) but need not satisfy the CE marking requirements. However, should the manufacturer subsequently decide to supply such equipment (for example by selling it or hiring it out), it will be subject to the relevant provisions of the Regulations including the CE marking requirements.

SECOND HAND AND HIRED ELECTRICAL EQUIPMENT ETC

Second-hand electrical equipment: The safety of second hand equipment that is supplied in the course of business (including auctions) is controlled by the Regulations.

Second hand electrical equipment need not satisfy the CE marking requirement, and needs neither the EC Declaration of Conformity (See Annex C) nor the Technical Documentation (See Annex D). Equipment is classed as second hand if it has previously been supplied to an end user in the EEA.

An end user means the consumer and includes commercial and industrial consumers.

Whilst there is no mandatory requirement for second-hand equipment to undergo any safety testing, a supplier is required to supply only equipment that is safe so as to avoid the committing of an offence under the Regulations.

The supply of electrical equipment that is in need of reconditioning or repair **to someone who carries on a business of repairing and reconditioning electrical equipment** is excluded from the Regulations by virtue of the Act. Similarly the sale of articles as scrap is also excluded. However, if the electrical equipment is subsequently supplied to someone who does not carry on such a business it is subject to the requirements of the Regulations.

Suppliers should note that second-hand equipment is excluded from CE Marking requirements.

Hired / leased electrical equipment: The safety of electrical equipment that is supplied by way of hiring it out in the course of business is also controlled by the Regulations.

Suppliers of such equipment must ensure that it satisfies the safety requirements however, there is no requirement to comply with General Condition 1(b) of the Safety Objectives provided for in the Regulations (see Annex A). Hired/leased equipment is to be considered as new equipment until it is supplied to an end-user in the EEA.

An end user means the consumer and includes commercial and industrial consumers.

A business that hires equipment must therefore ensure that it is safe. Although there is no mandatory requirement for the equipment to undergo any safety testing a supplier may consider such testing is advisable as a means of satisfying himself that the equipment is safe.

Furnished Accommodation: The Regulations apply to any person who supplies electrical equipment in the course of a business. Thus, the safety of any electrical equipment that is supplied as part of furnished accommodation that is hired or let in the course of a business is controlled by the Regulations. However, equipment which is supplied as part of a furnished accommodation is treated as hired / leased equipment in the course of business provided that it has been previously supplied to an end user in the EEA. **An end user means the consumer and includes commercial and industrial consumers.** Estate agents, letting agents and anyone else who hires or lets furnished accommodation are strongly advised to seek their own independent legal advice as to whether they do so in the course of a business.

Suppliers of electrical equipment supplied in the above manner must ensure that it satisfies the safety requirements of the Regulations. As with other second hand equipment there is no mandatory requirement for the equipment to undergo any safety testing but a supplier may wish to arrange for testing to check the safety of any equipment.

ENFORCEMENT

The Regulations are primarily enforced by the local authority trading standards departments with regard to consumer products. The Health and Safety Executive enforce the Regulations in respect of electrical equipment that is:

- designed for use or operation by persons at work; or
- designed for use otherwise than at work, in non-domestic premises made available for persons at a place where they may use the equipment.

Any reference to an enforcement authority in this guide is a reference to both trading standards officers and Inspectors of the Health and Safety Executive.

All electrical equipment to which CE marking has been affixed will be presumed to comply with all the requirements of the Regulations. It should be remembered that CE marking is the visible means by which the manufacturer or his authorised representative declares that in his opinion the equipment meets all the requirements of the Regulations. The effectiveness of this mark will depend heavily on the degree of production supervision undertaken by the manufacturer. It does not mean, therefore that the equipment cannot be challenged by the enforcement authorities - indeed, the Directive specifically requires that Member States provide for enforcement within their own jurisdiction and take steps to ensure that any electrical equipment which does not meet its requirements is withdrawn from the market.

Therefore, where there are reasonable grounds for suspecting that electrical equipment may not meet the requirements of the Regulations, an enforcement authority should take appropriate enforcement action to remove the equipment from the market.

Any enforcement action under the Act will be based on the facts of the case in the UK and will not be jeopardised by the origin of the equipment. For example, the lack of response from some party either in the UK or elsewhere will not affect the ability of UK enforcement authorities to take appropriate measures to safeguard the public when an unsafe product is found in the UK.

Compliance Notice: Where for reasons **other than safety**, an enforcement authority has reasonable grounds for suspecting that CE Marking has been wrongly affixed (ie the equipment meets the safety requirements but does not, for whatever reason, comply fully with the other requirements of the Regulations) the authority may issue a compliance notice on the manufacturer or the authorised representative, if they are established in the UK, requiring him to bring the equipment into conformity. Compliance notices are intended to give the named person an opportunity to take action to correct the non-compliance. Enforcement action can only be taken in respect of the alleged non-compliance if such a notice has been issued and not acted upon within the time specified in the notice.

Where the non-compliance is safety related, enforcement authorities can take immediate enforcement action to safeguard consumers.

Penalties: It is an offence to supply electrical equipment which does not comply with the requirements of the Regulations. Any person committing an offence is liable, under summary conviction, to imprisonment, a fine or both.

Safeguard Procedures: Article 9 of the Directive (usually referred to as the 'safeguard procedures') requires Member States to take all appropriate measures to withdraw from the market, or to prohibit and restrict the supply of, electrical equipment bearing CE marking which does not comply with the safety requirements.

They must immediately notify the European Commission and other Member States of its action and give reasons. To this end the Regulations place a duty on UK enforcement authorities to inform the DTI Standards & Technical Regulations Directorate without delay of any action taken by local authority trading standards departments in connection with sections 14 to 17 of the Act or where an improvement notice or prohibition notice has been served by an Inspector of the Health and Safety Executive.

In the event of an objection to a notification being raised by another Member State(s) the European Commission will immediately consult with the Member States concerned (see 'Role of the European Commission', below).

The DTI is responsible for notifying the Commission and other Member States of enforcement action taken in the UK and receives from other Member States details of enforcement action in other markets. Much of the outgoing and incoming information is likely to feature in court proceedings and is often treated in confidence and made available for enforcement purposes only.

Role of the European Commission: It is only where a Member State raises an objection to a notification made under the safeguard procedures that the European Commission will become involved. In such circumstances they will immediately consult with the Member States concerned and if agreement between the States cannot be reached within a period of three months from the date of the notification the Commission will, if necessary, obtain the opinion of a notified body (see page 15) on the safety of the equipment. The Commission will then communicate the opinion of this body to the Member States involved who will have a period of one month to make their views known to the Commission. If agreement still cannot be reached the Commission will make their own recommendations/opinions to the Member States involved.

Useful Information and Contacts

Availability of texts of national standards which implement harmonised standards: these may be obtained from BSI:

BSI Sales
Maylands Avenue
Hemel Hempstead
Herts
HP2 4SQ

Telephone 01442 278 607
Fax 01442 278 630
E-Mail <mailto:cservices@bsi-global.com>
Website <http://www.bsi-global.com/Corporate/Standards.xalter>

Availability of text of notified national standards: BSI offer advice concerning technical barriers to trade in areas including European and foreign regulations, standards, certification, and approval bodies. Contact their:

Technical Information Group
British Standards Institution
389 Chiswick High Road
London
W4 4AL

Telephone 020 8996 7111
Fax 020 8996 7048
E-Mail <mailto:the@bsi-global.com>

Specific enquiries about electrical equipment safety standards: These should also be made to BSI for which they have a dedicated phone line:

Telephone 020 8996 7024

Availability of text of the Regulations: The Electrical Equipment (Safety) Regulations 1994 (SI 1994 No. 3260) can be obtained from the following HMSO address. Please note that Crown Copyright applies, so copies may only be made in accordance with the restrictions laid down by HMSO:

http://www.hmso.gov.uk/si/si1994/Uksi_19943260_en_1.htm

Alternatively you may purchase copies of the Regulations from The Stationery Office (TSO). To place an order or to make an enquiry please contact them on:

Telephone 0870 600 5522
Fax 0870 600 5533
E-Mail <mailto:customer.services@tso.co.uk>

Availability of the Text of the Low Voltage Directive and CE Marking Directive:

The complete texts of the Low Voltage Directive (73/23/EEC) and the CE Marking Directives (93/68/EEC) have been published in the Official Journal of the European Communities (No. L77, 26 March 1973, page 29 and No. L220, 30 August 1993, page 1, respectively).

The complete text of the Low Voltage Directive (73/23/EC) can also be viewed on the European Commission's website:

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31973L0023&model=guichett

The complete text of the CE Marking Directive(93/68/EEC) can also be viewed on the European Commission's website:

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31993L0068&model=guichett

Copies of the Official Journal (O.J.) may also be purchased from The Stationery Office (TSO). To place an order or to make an enquiry please contact them on:

Telephone 0870 600 5522
Fax 0870 600 5533
E-Mail <mailto:customer.services@tso.co.uk>

Please note that the DTI does not supply copies of the Regulations, Standards or Directives.

Further Information

Further copies of this booklet can be obtained from the DTI's Publications Orderline, electronically through the following address: <http://www.dti.gov.uk/publications>
Alternatively contact the Orderline direct and quote the URN reference given at the beginning of this booklet:

DTI Publications Orderline
ADMAIL 528
London SW1W 8YT
Telephone 0870 1502 500
Fax 0870 1502 333

This booklet is also available to download from the Department's website:
<http://www.dti.gov.uk/strd/lvdps04.pdf>

Local Authority Trading Standards Departments

Suppliers of domestic equipment wishing to ensure that their products meet the requirements of the Regulations should make enquiries to their home authority trading standards department which is listed in the telephone directory under 'Local Authority' or 'Trading Standards Department'. In Northern Ireland enquiries should be made to the environmental health department of the local district council.

Local Authority Co-ordinators of Regulatory Services (LACORS)

LACORS promotes the 'Home Authority Principle' which is designed to encourage efficiency, promote uniformity, reduce duplication and assist enterprises to comply with the law. The Principle seeks to ensure that:

- Local authorities place special emphasis on the surveillance of goods and services originating in their areas:
- Enterprises are able to depend on a specific home authority for preventative guidance and advice;
- Enforcing authorities will liaise with the relevant home authority on issues which affect the policies of an enterprise;
- Machinery exists to monitor and resolve disputes in appropriate cases.

The home authority principle applies to all food hygiene and Trading Standards issues and has the support of local and central government, trade and professional enforcement bodies.

A booklet describing the home authority principle is currently being updated; but information can be downloaded from the following LACORS website at:

<http://www.lacors.gov.uk/pages/trade/forbusiness.asp#Information%20on%20the%20Home%20Authority%20Principle>

Health and Safety Executive

In a similar way the Health and Safety Executive has local Offices located throughout Great Britain. Each of these Offices accepts the responsibility for dealing with manufacturers, agents, importers etc, situated within their area in respect of supplying articles and substances to be used at work. In addition to reactive and routine visits to suppliers, HSE inspectors will also advise on current standards, including relevant legislation.

Suppliers of electrical equipment intended for use at work should contact their local office of the Health and Safety Executive.

HSE Offices

A list of Health and Safety Executive (HSE) Local Offices is available from their website (<http://www.hse.gov.uk>) at <http://www.hse.gov.uk/contact/local.htm>.

HSE Inspectors and other field professionals are based in offices organised into regions. HSE offices are open 9am to 5pm, Monday to Friday.

All telephone enquiries should be directed through the HSE Infoline in the first instance -

Telephone 08701 545500, Fax 02920 859260, Minicom 02920 808537
(Opening Hours 8 am - 6 pm)

E-mail: <mailto:hseinformationservices@natbrit.com>

ADVICE TO MANUFACTURERS AND SUPPLIERS

Clearly it is in the suppliers' own interest to discuss at an early stage with their own local authority in the case of domestic equipment or HSE for equipment intended for the workplace any problems they may have in applying the Regulations to their products.

ADVICE TO EXPORTERS

EEA: The Low Voltage Directive applies equally in all Member States of the EEA. Therefore, electrical equipment which complies with all the provisions of the Regulations will be taken as complying with the modified Low Voltage Directive and as such will be entitled to enjoy free movement around EEA territory. Suppliers are, however, reminded of the need to take into account any Special National Conditions that may appear in the relevant harmonised standards (see pages 10-11).

Difficulties experienced by UK companies selling in other Member States: Where a UK company believes that their electrical equipment is being denied proper access to other Member States markets they should contact:

Action Single Market, Department of Trade and Industry, Kingsgate House, 66-74 Victoria Street, London SW1E 6SW. It is important that companies provide as much detail as possible of the problems they are experiencing (eg if it is a problem with an enforcement authority the authority should be identified; if the difficulty concerns customs authorities then the particular customs post must be identified).

In some cases companies may feel that they should take complaints directly to the European Commission. Where a company chooses this route they should notify both Action Single Market and the Standards & Technical Regulations Directorate - this will ensure that all government channels of communication are effectively used to pursue the matter.

Other Countries: The Low Voltage Directive has no legal force in countries other than the EEA, but for other countries listed in Annex G compliance with the Directive will provide compliance with the technical legislation in force in those countries, however there may be additional administration requirements. Suppliers of electrical equipment who wish to sell their products in other countries must establish whether there are any regulations or technical specifications in force which the equipment may have to meet.

Advice and assistance is available from the following sources:

- Government Offices for the Regions <http://www.rcu.gov.uk> ;
- Chambers of Commerce <http://www.chamberonline.co.uk> ;
- Trade Associations.

Exporters seeking advice on overseas regulations and standards should contact: British Standard Institution's Technical Help to Exporters Unit, 389 Chiswick High Road, Chiswick, London W4 4AL. Tel: 0208 996 7111.

Specific enquiries about electrical equipment standards: These should be made to the British Standards Institution, Electrical Section, 389 Chiswick High Road, Chiswick, London W4 4AL. Tel: 0208 996 7021

Policy relating to the Low Voltage Directive and UK Regulations:

Department of Trade & Industry, Standards & Technical Regulations Directorate (STRD6), Bay 343, 151 Buckingham Palace Road, London SW1W 9SS.
Tel: 0207 215 1347/1351/1345/1349. Fax: 0207 215 1340.
Website: <http://www.dti.gov.uk/strd> E-mail <mailto:dti.strd6@gtnet.gov.uk>

Texts of Regulations and Official Journals containing Directives and Harmonised standards: These can be purchased from The Stationery Office (TSO), Telephone 0870 600 5522, Fax 0870 600 5533
E-Mail <mailto:customer.services@tso.co.uk>

The Regulations can be viewed at:

http://www.hmso.gov.uk/si/si1994/Uksi_19943260_en_1.htm

The Commission website for the Low Voltage Directive: This contains various information concerning the Directive including the Directive itself; the Commissions own guidance on the Directive; lists of EU notified bodies and harmonised standards, etc.

The address for this website is:

http://europa.eu.int/comm/enterprise/electr_equipment/lv/index.htm

Links to relevant information can be obtained from our website at

<http://www.dti.gov.uk/strd>

Principal elements of the Safety Objectives for electrical equipment designed for use within certain voltage limits

1 GENERAL CONDITIONS

- (a) The essential characteristics, the recognition and observance of which will ensure that electrical equipment will be used safely and in applications for which it was made, shall be marked on the equipment, or, if this is not possible, on an accompanying notice.
- (b) The manufacturer's brand name or trade mark should be clearly printed on the electrical equipment or, where that is not possible, on the packaging.
- (c) The electrical equipment, together with its component parts should be made in such a way as to ensure that it can be safely and properly assembled and connected.
- (d) The electrical equipment should be so designed and manufactured as to ensure that protection against the hazards set out in points 2 and 3 of this Annex is assured providing that the equipment is used in applications for which it was made and is adequately maintained.

2 PROTECTION AGAINST HAZARDS ARISING FROM THE ELECTRICAL EQUIPMENT

- (a) Persons and domestic animals must be adequately protected against danger of physical injury or other harm which might be caused by electrical contact direct or indirect.
- (b) Temperatures, arcs or radiation which would cause a danger must not be produced.
- (c) Persons, domestic animals and property must be adequately protected against non-electrical dangers caused by the electrical equipment which are revealed by experience.
- (d) The insulation must be suitable for foreseeable conditions.

3 PROTECTION AGAINST HAZARDS WHICH MAY BE CAUSED BY EXTERNAL INFLUENCES ON THE ELECTRICAL EQUIPMENT

- (a) The electrical equipment must meet the expected mechanical requirements in such a way that persons, domestic animals and property are not endangered.
- (b) The electrical equipment must be resistant to non-mechanical influences in expected environmental conditions, in such a way that persons, domestic animals and property are not endangered.
- (c) In foreseeable conditions of overload the electrical equipment must not endanger persons, domestic animals and property.

Electrical equipment excluded from the Regulations

The Regulations do not apply to:

- Equipment for use in an explosive atmosphere;
- Equipment for radiology and medical purposes;
- Parts for goods lifts and passenger lifts;
- Electricity supply meters;
- Plugs and socket outlets for domestic use;
- Fence Controllers;
- Specialised electrical equipment for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which the Member States participate;
- Electrical equipment supplied for export to a country who is not in Annex G.

EC Declaration of Conformity

The EC Declaration of Conformity must include the following information:

- The name and address of the manufacturer or his authorised representative established in the Community;

- A description of the electrical equipment:

It is recommended that a full description is given including type, model and any other information that clearly relates the equipment to the Declaration;

- A reference to the harmonised standards that have been applied:

A reference to standard numbers and/or clauses adopted should suffice:

- Where appropriate, references to the specification with which conformity is declared:

This will apply where a harmonised standard has not been applied. In such circumstances reference should be made to the international standard or national standard (see page 11) that has been applied. If a standard has not been applied reference should be made to what other specifications have been adopted or to the Safety Objectives that have been applied and satisfied;

If during a transitional period not all relevant Directives have been applied, the Directives that have been applied may be listed here;

- Identification of the signatory who has been empowered to enter into commitments on behalf of the manufacturer or his authorised representative established within the Community:

This should identify an individual within the manufacturer's or his authorised representative's organisation;

- the last two digits of the year in which CE marking was affixed;

- a copy of the EC Declaration of Conformity must be kept with the technical documentation (see Annex D).

Technical Documentation

The technical documentation must be such as to enable enforcement authorities to assess the conformity of the electrical equipment to the requirements of the Regulations. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of electrical equipment.

The Documentation must include:

- a general description of the electrical equipment:

This requirement could normally be met by the description (including model number etc) found in the users handbook;

- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits etc;

This could be met by a general assembly drawing and/or photographs plus a block diagram. The drawings should relate to a particular model number and year of manufacture. Circuit diagrams may also be required;

- descriptions and explanations necessary for the understanding of the drawings and schemes referred to above and the operation of the electrical equipment:

To some extent the users handbook may meet this requirement but it may be necessary to include a schematic operation description;

- a list of the standards applied in full or in part and descriptions of the solutions adopted to satisfy the safety requirements of the Regulations/Directive where standards have not been applied:

This refers to the harmonised standards that have been applied in full or in part. If a harmonised standard has not been applied a list of either the international or national standards should be provided. If no standards have been applied references should be made as to how the safety requirements have been satisfied;

- results of design calculations made, examinations carried out, etc:

In many cases test reports will meet this requirement if they can demonstrate that the design calculations have been made correctly;

- test reports:

This could include test reports drawn up by the manufacturer, a notified body or any other person the manufacturer considers to be competent;

- a copy of the EC Declaration of Conformity (see page 13 and Annex C).

Other European or National Legislation that may affect Electrical Equipment

- ❑ **The Plugs and Sockets etc. (Safety) Regulations 1994 (S.I. 1994 No. 1768).**

More information about the Regulations is available from <http://www.dti.gov.uk/strd/plugso.html>

- ❑ **The Electromagnetic Compatibility Directive (89/336/EEC) and amending Directive (92/31/EEC).**

More information is available from:

http://europa.eu.int/comm/enterprise/electr_equipment/emc/index.htm

Implemented into UK law by the **Electromagnetic Compatibility Regulations 1992 (S.I. 1992 No. 2372)**, the **Electromagnetic Compatibility (Amendment) Regulations 1994 (S.I. 1994 No. 3080)** and the **Electromagnetic Compatibility (Amendment) Regulations 1995 (S.I. 1995 No 3180)**. More information is available from:

<http://www.dti.gov.uk/strd/emc.html>

Notified Bodies

UK NATIONAL STANDARDS BODY

British Electrotechnical Committee The British Standards Institution (BSI)

389 Chiswick High Road
Chiswick
London W4 4AL
Tel: 0208 996 9000
Fax: 0208 996 7400

An up to date list of bodies notified by the UK under Article 11 as being competent to issue reports on safety and to give an opinion under Article 9 of the Directive can be viewed at the following link:

<http://www.dti.gov.uk/strd/lvdnbs.pdf>

For information a list correct at the time of publication (July 2004) is reproduced below:

AMTAC Laboratories Ltd

Norman Road
Broadheath
Altrincham
Cheshire WA14 4EP
Tel: 0161 928 8924
Fax: 0161 927 7359

British Approvals Board for Telecommunications (BABT)

Claremont House
34 Molesey Road
Hersham
Walton-on-Thames
Surrey KT12 4RQ
Tel: 01932 251 244
Fax: 01932 229 756

ASTA BEAB Certification Services

ASTA House
Chestnut Field
Rugby
Warwickshire CV21 2TL
Tel: 01788 578 435
Fax: 01788 573 605

British Approvals Services for Cables (BASEC)

23 Presley Way
Crownhill
Milton Keynes
MK8 0ES
Tel: 01908 267 300
Fax: 01908 267 255

ASTA BEAB Certification Services

1 Station View
Guildford
Surrey
GU1 4JY
Tel: 01483 445 466
Fax: 01483 455 477

BSI Product Services

Maylands Avenue
Hemel Hempstead
Hertfordshire
HP2 4SQ
Tel: 01442 230 442
Fax: 01442 231 442

CCQS (UK) Ltd
Foundation House
56 Maybury Road
Woking
Surrey GU21 5JD
Tel: 01483 776 799
Fax: 01483 767 678

Celestica Limited
Westfields House
West Avenue
Kidsgrove
Stoke-on-Trent
Staffordshire ST7 1TL
Tel: 01782 771 000 x 3107
Fax: 01782 784 210

Intertek Testing and Certification Ltd
Intertek House
Cleeve Road
Leatherhead
Surrey KT22 7SA
Tel: 01372 370 900
Fax: 01372 370 333

KTL
Saxon Way
Priory Park West
Hull
HU13 9PB
Tel: 01482 801 801
Fax: 01482 801 806

**Motor Industry Research Association
(MIRA)**
Watling Street
Nuneaton
Warwickshire
CV10 0UT
Tel: 0247 635 5495
Fax: 0247 635 5486

Nemko Ltd
15 Chelsea Fields Estate
Western Road
London SW19 2QA
Tel: 0208 254 5226
Fax: 0208 646 8099

SGS United Kingdom Limited
South Industrial Estate
Bowburn
Co Durham DH6 5AD
Tel: 0191 377 2000
Fax: 0191 377 2020

**Specialised Technology Resources
(UK) Ltd**
10 Portman Road
Reading
Berkshire RG30 1EA
Tel: 01189 398 700
Fax: 01189 398 701

Technology International (Europe) Ltd
60 Shrivenham Hundred Business Park
Shrivenham
Swindon
Wiltshire
SN6 8TZ
Tel: 01793 783 137
Fax: 01793 782 310

The Lighting Association
Stafford Park 7
Telford
Shropshire
TF3 3BQ
Tel: 01952 290 907
Fax: 01952 290 908

TRL Compliance Services Ltd
Safety Division
Moss View
Nipe Lane
Up Holland
West Lancashire WN8 9PY
Tel: 01695 556 666
Fax: 01695 557 077

TUV Product Service Limited
Segensworth Road
Titchfield
Fareham
Hampshire
PO15 5RH
Tel: 01329 443 491
Fax: 01329 443 422

UL International (UK) Ltd
Wonersh House
(Building C)
The Guildway
Old Portsmouth Road
Guildford
Surrey GU3 1LR
Tel: 01483 302 130
Fax: 01483 302 230

Countries where compliance with the Regulations provides free movement of goods

Note - The following information is correct as of July 2004.

CONTRACTING PARTIES TO THE EUROPEAN ECONOMIC AREA AGREEMENT:

EUROPEAN COMMUNITY MEMBER STATES

- | | | |
|------------------|------------|---------------|
| ■ Austria | ■ Belgium | ■ Cyprus |
| ■ Czech Republic | ■ Denmark | ■ Estonia |
| ■ Finland | ■ France | ■ Germany |
| ■ Greece | ■ Hungary | ■ Ireland |
| ■ Italy | ■ Latvia | ■ Lithuania |
| ■ Luxembourg | ■ Malta | ■ Netherlands |
| ■ Poland | ■ Portugal | ■ Slovakia |
| ■ Slovenia | ■ Spain | ■ Sweden |
| ■ United Kingdom | | |

EFTA MEMBER STATES

- | | | |
|-----------|----------|-----------------|
| ■ Iceland | ■ Norway | ■ Liechtenstein |
|-----------|----------|-----------------|

Note that Switzerland is not a contracting party to the EEA, but see Swiss MRA below.

Protocols to the Europe Agreements on Conformity Assessment and Acceptance of Industrial Products (PECAs)

The Europe Agreements are the basic accords governing bilateral relations between the European Communities and their Member States and each candidate country in central and Eastern Europe. Under the terms of the Europe Agreements, candidate countries for EU membership should approximate their legislation to that of the Community. In the field of industrial standards and conformity assessment, the Europe Agreements aim to achieve the candidate countries' full conformity with Community technical regulations and European standardisation and conformity assessment procedures. They also envisage the conclusion of agreements on mutual recognition in these fields.

PECAs can be considered as the major instrument of the pre-accession strategy in the field of the free movement of goods. They create an enlarged internal market for products in certain industrial sectors prior to accession. As such, they are of great political and economic significance to the countries concerned. The **PECAs** represent recognition of progress made in adopting and implementing the relevant EC legislation on industrial products, and in creating the necessary administrative

infrastructure. The **PECAs** are also important to the EU in extending the benefits of the internal market using a sectoral approach, on the basis of the sectors identified by the candidate countries.

Basically this means that Electrical Equipment complying with the Regulations can enjoy free movement to countries with a PECA in force.

You are therefore advised to check the European Commission's website on a regular basis to ensure that you are aware of the current state of play on both the candidate countries involved and the particular sectors that each country has identified.

Europe Agreements exist with Bulgaria and Romania, but as yet there are no free-trade agreements for this sector.

Please check the following European Commission website for current state of play and for further information :

<http://europa.eu.int/comm/enterprise/regulation/pecas/pecas.htm>

NOTE: PECAs do not allow for the keeping of technical documentation outside the EEA.

Customs Agreement with Turkey

A Customs agreement has been agreed to set up a free trade agreement between the EU and Turkey. For further information please see the following link, in particular Articles 8,9 and 10:

http://europa.eu.int/comm/enlargement/turkey/pdf/ec_tk_ass_council_1_95_en.pdf

NOTE: All references in this document to the EEA should be understood to include the territory of the Turkish Republic.

Mutual Recognition Agreements (MRAs)

The European Community in its relations with third countries endeavours to promote international trade. For regulated products, this is achieved - inter alia - through the conclusion of Mutual Recognition Agreements (**MRAs**) on the basis of Article 133 of the Treaty.

Mutual Recognition Agreements are established between the Community and the Government of third countries, which are on a comparable level of technical development and have a compatible approach concerning conformity assessment. These agreements are based on the mutual acceptance of test reports, certificates and marks of conformity issued by the conformity assessment bodies of one of the Parties of the Agreement in conformity with the legislation of the other Party.

Generally MRAs require more than just compliance with the Regulations. However, for Switzerland there is a MRA in place with little difference between the two requirements. For full details see D G Trade website:

<http://trade-info.cec.eu.int/tbt/mra.cfm?id=46>

This contains a link to helpful guidance produced by EOTC under contract from DG Trade. See website:

http://trade-info.cec.eu.int/tbt/documents/oth_61_MRA_Final_version_31_EOTC_revision_24-02-03_.doc

In the case of Electrical Equipment covered by the LVD there is harmonisation in requirements.

Further general information on MRAs is available from the European Commission's website. You are advised to access this site, on a regular basis, to ensure that you are aware of the current state of play with regards to MRAs:

<http://europa.eu.int/comm/enterprise/international/indexb1.htm>

NOTE: MRAs do not allow for the keeping of technical documentation outside of the EEA.

Other Free Trade Agreements

The EU is negotiating other arrangements with a number of countries. These agreements are expected to aim to be free trade agreements relying on mutual recognition of products circulating in the EU and in the partner country, and therefore they will require no additional compliance requirement to that required for circulation of the product in the EEA.

As at June 2004 there are no agreements in place. Full information can be found on the Commission website at:

http://europa.eu.int/comm/trade/issues/bilateral/countries/index_en.htm