to improve the consistency of accreditation services across Europe and will require national accreditation bodies:

- not to compete with other national accreditation bodies, or offer services offered by conformity assessment bodies,
- to be independent of the conformity assessment bodies they accredit, and to be objective and impartial, and
- to operate on a ‘not for profit’ basis, and employ competent personnel for tasks to be carried out.

The credibility and meaning of CE marking is enhanced and clarified and will be protected as a community collective trademark. This will give authorities and competitors additional means to take legal action against manufacturers who abuse it.

A common legal framework for industrial products is established in the form of a set of measures for use in future legislation. This includes provisions to support market surveillance and application of CE marking, and sets out simple common definitions of terms and procedures that will allow future legislation to become more consistent and easier to implement. The provisions of the decision will be fed into existing directives as and when they are revised and in effect form the basis for future regulation.

The related EU Decision (768/2008/EC) adopted at the same time as the regulation, sets ‘a common framework for [future EU directives relating to] the marketing of products, and repealing Council Decision 93/465/EEC’1. The decision covers: the use of standards, CE marking, conformity assessment procedures and the appointment of conformity assessment bodies, e.g. notified bodies. The decision also places greater emphasis on the use of accreditation in the assessment of notified bodies with the intention of improving consistency across Europe.

The texts of the Regulation and Decision were published in the Official Journal of the European Union on the 13 July 2008 as Regulation (EC) No 765/2008 and Decision No 768/2008. Copies can be obtained from the European Commission’s website:

The Regulation No 765/2008 ‘setting out the requirements for accreditation and market surveillance relating to the marketing of products, and repealing Regulation (EEC) No 339/93’:


The Regulation (764/2008/EC) ‘laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision 3052/95/EC’, relates to the practice of mutual recognition i.e. the application of certain national technical rules to products lawfully marketed in

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another Member State. The package of measures strengthens the internal market of a wide range of products, which are not subject to EU harmonization e.g. various types of foodstuffs, furniture, bicycles, ladders and precious metals, etc. The new mutual recognition Regulation covers these products:

**The principle of mutual recognition**

Within the EU, mutual recognition is the principle that a product lawfully marketed in one Member State should be allowed to be marketed in any other Member State; even in cases where the product may not fully comply with the rules of the destination Member State.

The destination Member State may refuse the marketing of a product in its current form only where it can demonstrate that this is necessary for the protection of e.g. public safety/health or the environment. However, the destination Member State must demonstrate that any measure taken is the least trade-restrictive measure. The mutual recognition principle is a main driver for facilitating market access in other Member States.


The Regulation (764/2008) defines the rights and obligations of the national authorities and commercial enterprises wishing to sell products in a Member State that have been lawfully marketed in another Member State. In cases where the competent authorities intend to take restrictive measures regarding the product in accordance with national technical rules, the Regulation sets out the procedural requirements for denying mutual recognition.


**Implementation in the UK**

In the UK, The Department for Business Innovation and Skills (BIS) is responsible for co-ordinating the Market Surveillance and CE Marking aspects of these new measures:

- EC Regulation (765/2008/EC); sets out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation EEC 339/93, and
- Decision (768/2008/EC); on a common framework for the marketing of products and repealing Decision 93/465/EEC.
• Information about additional European Union legislation affecting electrical products including energy labeling of household appliances, minimum efficiency requirements, general information on import rules and general product safety can be obtained from the Commission’s website: http://ec.europa.eu/enterprise/sectors/electrical/documents/additional-legislation/index_en.htm

Revision of the Low Voltage Directive

In accordance with conclusions reached at the meeting of the LVD Working Party on 20 February 2001, the European Commission started a process to revise the Low Voltage Directive. A working group ‘WG LVD Update’ consisting of relevant European stakeholders was set up to prepare a first draft amendment.

The group was asked to consider the following elements of the directive:

• Scope of the directive and interface with other directives;
• Safety objectives;
• Market surveillance and traceability;
• The introduction of New Approach principles.

As a result of this work, a number of working documents were prepared for further discussion and consultation between the Commission and stakeholders. Copies of these documents can be obtained for reference from the Commission’s website: http://ec.europa.eu/enterprise/sectors/electrical/documents/lvd/legislation/revision/index_en.htm

The discussions on a revised directive were not continued because the LVD will be aligned in the future with the revised New Legislative Framework – see section 1.2.

1.4 Contents of Directives 73/23/EEC and 2006/95/EC

Introduction

The LVD first came into force in 1973 and is considerably modified by the amending Directive 93/68/EEC, which introduced CE marking to the Low Voltage Directive for the first time. The aim of 93/68/EEC was to align the conformity assessment and the CE marking requirements of a number of directives.

The LVD has been the subject of a codification requiring a new number, and as such Directive 2006/95/EC entered into force on 16 January 2007. The old directive (73/23/EEC) was repealed on the same date.

The recitals at the beginning of the LVD explain that the objectives are to harmonize the laws of the Member States with respect to the safety of electrical equipment in accordance with Article 100 of the treaty establishing the European Community. Article 100 and later, in 93/68/EEC, Article 100a both relate to freedom of movement of goods.
The rules in the country issuing the certificate must be followed and details of the countries operating the scheme against particular standards are contained in the CB Bulletin. The CB Secretariat also publishes in the CB Bulletin the national deviations from the IEC standards and the procedures to be followed for each NCB.

Testing at the manufacturer’s premises and supervised manufacturer’s testing are two available options in specified conditions under which an alternative to testing at the CB test laboratory exists.

**IECEE CB-FCS**

This Full Certification Scheme (FCS) is based on testing to determine compliance as above, and assessment of the manufacturer’s quality system. The scheme requires regular surveillance of the quality plan and audit samples. The manufacturer may be assessed against ISO/IEC Guide 5.2 or be registered to ISO 9000.

**IEC Certification Scheme for Electrical Equipment in Explosive Atmospheres (IEC Ex Scheme)**

There are two options:

1. Where national bodies work to eliminate national standards which differ from IEC standards and achieve equal treatment and national acceptance of IEC Ex certification.
2. Where the national standard is already identical with the IEC standard and IEC Ex certification is treated as equivalent to national certification.

The scheme includes product testing and inspection, quality system assessment and ongoing surveillance. The certificate must show conformity with the IEC standards and operation of an assessed system of quality to ISO 9002.

**Participating countries**

Austria Austria
Australia Australia
Belgium Belgium
Canada Canada
China China
Czech Republic Czech Republic
Denmark Denmark
Finland Finland
France France
Germany Germany
Greece Greece
Hungary Hungary

The Netherlands Norway Poland
Republic of Korea Russian Federation
Singapore Slovak Republic
Slovenia
South Africa
Spain Sweden
Switzerland
6.4 Recommendations of the Administrative Co-operation Working Group (LVD-ADCO)

The LVD-ADCO WG deals with market surveillance problems and safeguard clause notifications under the Low Voltage Directive.

ADCO groups were initiated by the Commission as a means to harmonize market surveillance within the EU/EEA. Participation in ADCO meetings is restricted to authorities of Member States of the EU and EEA. However, experts and organizations are invited to an ‘open part’ of the meeting.

**ADCO targets**

- Exchange of information about structure, organization, procedures and resources of market surveillance.
- Exchange of information about non-conforming products (practical implementation of safeguard procedure).
- Presentation of summarized results of market surveillance actions.
- Agreement on bilateral or multilateral market surveillance programmes between Member States.
- Agreement on a common understanding regarding specific questions and issues.

**ADCO long-term targets**

- Harmonization of market surveillance efforts of Member States.
- Database of equipment subject to market surveillance measures (problem: different attitude towards confidentiality).

**ADCO Recommendations**

The following is a summary of LVD-ADCO recommendations.

LVD-ADCO has introduced a recommendation regarding hot, touchable, non-functional surfaces within the framework of the LVD (May 2010):