

# Position Paper

## Comments on Draft LVD Guide

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Page 1

Bitkom represents more than 2,300 companies in the digital sector, including 1,500 direct members. With more than 700,000 employees, our members generate a domestic turnover of 140 billion Euros a year, exporting high-tech goods and services worth another 50 billion Euros. Comprising 1,000 small and medium-sized businesses as well as 300 start-ups and nearly all global players, Bitkom' members offer a wide range of software technologies, IT-services, and telecommunications or internet services. They produce hardware and consumer electronics or operate in the sectors of digital media and the network industry. 78 percent of the companies' head-quarters are located in Germany with an additional amount of 9 percent in other countries of the EU and 9 percent in the USA as well as 4 percent in other regions. Bitkom supports an innovative economic policy by focussing the modernization of the education sector and a future-oriented network policy.

### Background

In November 2015, the EU-Commission has proposed the first draft of a guideline document for the new Low Voltage Directive – LVD – 2014/35/EU. The German Federal Ministry of Labour and Social Affairs (BMAS) has made the draft available to Bitkom and other interested parties and asks for comments from relevant economic operators. Bitkom has analyzed the draft and would like to submit the following comments.

### Comments

Reference to the draft LVD-guide	Comments
General	<p>The guide contains a considerable amount of helpful content relevant not only for the LVD but rather horizontally for all NLF directives.</p> <p>Horizontal topics should be moved into the Blue Guide. If this is not possible, then at least the coherence between</p>

Federal Association  
for Information Technology,  
Telecommunications and  
New Media

**Christian Herzog**  
**Head of Dept. Technical Regulations &  
IT-Infrastructure**

P +49 30 27576-270  
c.herzog@bitkom.org

Albrechtstraße 10  
10117 Berlin  
Germany

President  
Thorsten Dirks

CEO  
Dr. Bernhard Rohleder

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Pag 2|6

Reference to the draft LVD-guide	Comments
	<p>the LVD guide and the guides for RE-D and EMC-D, respectively, should be ensured.</p>
<p><b>Introduction</b> 5. <i>“... These Guidelines should be used in conjunction with the Directive itself and with the European Commission’s document “The Blue Guide on the implementation of EU product rules”, which further explains concepts such as “placing on the market”, “manufacturer”, “authorised representative”, “importer”.”</i></p>	<p>The distributor as one of the economic operators is missing in the list. We suggest to either replace the list by “economic operators” (preferred) or add the distributor in the list.</p>
<p><b>§5 Scope and Objectives</b> <i>“The Low Voltage Directive carries specific obligations for the person (natural or legal) who places the electrical equipment on the market, be it the manufacturer, his authorised representative, the importer, the distributor <u>or any other responsible person.</u>”</i></p>	<p>There is no other responsible person besides the economic operators. Therefore, we suggest to remove the underlined words.</p>
<p><b>§ 6 Which products are covered?</b> <i>“The Directive applies to all electrical equipment designed for use with a voltage rating of between 50 and 1000 V for alternating current and between 75 and 1500 V for direct current. Voltage ratings refer to the voltage of the electrical input or output, not to voltages that may appear inside the equipment.”</i></p>	<p>The draft LVD guide does not define clearly and correctly the scope of the directive regarding spare parts, components or sub-assemblies incorporated in a system. Therefore we propose to clarify this topic in §6. We suggest to add “made available on the EU market as finished product” with a footnote referring to the Blue Guide:</p>

Reference to the draft LVD-guide	Comments
	<p>Proposed text:</p> <p>§ 6 Which products are covered? The Directive applies to all electrical equipment[8] made available on the EU market as finished product[footnote] designed for use with a voltage rating of between 50 and 1000 V for alternating current and between 75 and 1500 V for direct current. Voltage ratings refer to the voltage of the electrical input or output, not to voltages that may appear inside the equipment.</p> <p>[footnote] “finished product” typically is offered as a standalone product with specific intended use. See also Blue Guide section 2.1 PRODUCT COVERAGE.</p>
<b>§ 15 The requirement to indicate name and address for manufacturers</b>	<p>This is another variation not fully aligned with the NLF and LVD. The words “tradename or” are missing.</p>
<p>“Article 6.6 requires that the manufacturer must indicate his name, registered trademark and a single contact postal address on the product ...”</p>	<p>Proposed text: “Article 6.6 requires that the manufacturer must indicate his name, tradename or registered trademark and a single contact postal address on the product ...”</p>
<b>§15 The requirement to indicate name and address for manufacturers</b>	<p>This is good and should be kept. However the RE- and EMC-guides do not contain such a useful statement. The coherence between the guides should be ensured. We suggest the authors of the guide to submit this text for consideration in the other guides, or</p>
<p>“If both, the manufacturer and the importer belong to the same group or company and if the company based in the EU takes the</p>	

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<i>manufacturer's responsibility, the indication of the branch based in the EU should suffice to comply with the requirements."</i>	<p>(better) in the Blue Guide.</p> <p>Furthermore, we suggest to change "importer" into "importing branch" because an importer has fixed obligations different from the obligations of the manufacturer. Often the EU importing branch of a global company is at the same time the authorized representative.</p> <p>Proposed text: <i>"If both, the manufacturer and the importing branch belong to the same group or company and if the company based in the EU takes the manufacturer's responsibility, the indication of the branch based in the EU should suffice to comply with the requirements."</i></p>
<p><b>§16 Instructions and Safety Information Requirements</b></p> <p><i>"The national law in Member States shall indicate the languages required and the use of English only is allowed for specific cases."</i></p>	<p>The wording "shall indicate...." is an instruction and should not be used in a guide. We don't know what the legal origin of "allowed for specific cases" is. This is not helpful as long as no examples of specific cases are provided. We suggest to replace the entire sentence.</p> <p>Proposed text: <i>"Manufacturers should implement the legal requirements of Member States</i></p>

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	<i>regarding languages.</i> “
<b>§24 Responsibility for Translations</b>  <i>“A manufacturer provides the instructions in a certain set of languages where he intends to ship the product but if his product ends up in an unintended market, the importer and the distributor must ensure that instructions are translated in the required language. It depends on how economic operators are organised by contractual arrangements.”</i>	This is good and should be kept. However the RE- and EMC-guides do not contain such a useful statement. The coherence between the guides should be ensured. We suggest the authors of the guide to submit this text for consideration in the other guides, or (better) in the Blue Guide.
<b>§ 32 Translation of the declaration of conformity</b>  <i>“The LVD requires only the manufacturer or the importer to keep a copy of the declaration of conformity.”</i>	In order to reflect the obligations as set in the LVD, at least the “or” should be changed to “and”. It would be better to add the authorized representative as well.  Proposed text: <i>“The LVD requires the manufacturer, importer and, where mandated, the authorized representative to keep a copy of the declaration of conformity”</i>
<b>§61 Manufacturing</b>  <i>“The manufacturer has to draw up the technical documentation and ensure compliance of the manufactured products with the requirements of the Directive.”</i>	The wording does not provide any useful information but rather leads to potential confusion. The manufacturing site is not the place where the technical documentation is being drawn up. The obligations of the manufacturer are described already at other places in the document.

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Reference to the draft LVD-guide

Comments

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Therefore, we suggest either to delete the entire §61 or provide information on e.g. what has to be done in terms of manufacturing controls.

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