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EXECUTIVE SUMMARY OF THE EVALUATION

of the Low Voltage Directive 2014/35/EU

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EXECUTIVE SUMMARY

The Low Voltage Directive 2014/35/EU (LVD) evaluation is carried out as part of the Commission's Regulatory Fitness and Performance (REFIT) programme. The evaluation covers all relevant electrical equipment in the Directive's scope and 33 countries (EU28, EFTA, and Turkey). It focuses on the period from 2014 after the Directive's alignment to the New Legislative framework.

The purpose is to review the performance of the Directive according to the five criteria: relevance, effectiveness, efficiency coherence, and EU added value.

The LVD has two main objectives: it provides that electrical equipment is safe for persons, domestic animals and property and it guarantees free movement of products within the internal market.

Two significant developments affected the LVD during the last decade. First, electrical equipment embeds more and more computing devices allowing them to send and receive data wirelessly (Internet of Things) and hence are now covered by the Radio Equipment Directive 2014/53/EU and no more by the LVD. Second, the continuous growth of e-commerce changes the way consumers shop on a large scale[1], affecting the ability to perform effective market surveillance. The development of e-commerce leaves room for uncompliant products in the EU market, affecting the level playing field.

Stakeholders generally agree that the **objectives of the LVD are still relevant** today. This is true for both health and safety of persons, domestic animals and property, and free circulation of products within the internal market.

The increased number of products wirelessly connected to the internet has reduced the scope of the LVD, given that wireless connected LVD products fall within the scope of the Radio Equipment Directive (RED). Nevertheless, the safety provisions of the LVD continue to apply.

Also, the Directive still responds to the current needs of free circulation because it prevents diverging regulations between the EU Member States, and it favours the intra EU trade with benefits for both economic operators and consumers.

The LVD is generally seen as contributing to an **effectively operating internal market** for electrical equipment in its scope. It facilitates intra-EU trade by establishing a set of rules and procedures that are integrated into the harmonised standards. All interested parties confirmed that standards are effective means to comply with the Directive while keeping pace with technological innovations. No major cases of discrepancies have been detected across the EU Member States in implementing the LVD.

Overall, stakeholders are relatively positive on the Directive's **effectiveness for health and safety**. Though highlighted by some stakeholders, the absence of third party involvement for assessing the conformity of low voltage products is not seen as having a negative impact on the safety by the majority of them. Some stakeholders, including consumer organisations, suggest imposing a mandatory third party certification for a category list of "risky products". However, such list is not defined by the LVD.

Concerning **efficiency**, all stakeholders bearing the cost stemming from the LVD consider the benefits outweighing its costs. Economic operators acknowledge the importance of the use of

[1] With 40% of consumers preferring to buy consumer electronics online PWC, Global Consumer Insight Survey (2018).

standards. However some, in particular SMEs, feel that they are too costly. Procedural compliance costs, administrative costs, and specific resource costs for economic operators are generally considered less problematic. Economic operators suggest reducing costs related to marking and documentation by using internet-related solutions in combination with information on the product/in manuals.

The **coherence** with the Radio Equipment Directive and the Machinery Directive raised issues in determining to what extent a product should fall under each Directive. Nevertheless, most stakeholders considered that these issues do not stem from the LVD. In this regard, the recent revision of the Machinery Directive has brought legal clarity on the issue.

Overall, the LVD brings **EU added value**, providing a common set of rules and standards, facilitating the free circulation of compliant products within the internal market and guarantee a high level of safety of products across the EU.

The ***overall conclusion*** is that the Directive is relevant, effective, efficient, coherent, and has EU added value. However, specific issues have been identified.

- Some stakeholders suggest imposing a mandatory involvement of third parties for products that could be classified as high-risk products. However, the majority of stakeholders views are positive towards the current conformity procedure arguing that such change would not address the safety of products. Additionally, the LVD does not make the distinction between classes of risks.
- Economic operators would welcome the introduction of internet related solutions for marking and documentation. However, consumers feel that it will decrease their ability to find and understand the information.
- Coherence issues with the MD and the RED remain and stakeholders would like more clarity. In this respect, the proposal for the revised MD aims at bringing greater clarity to the interplay between the LVD and the MD. The evaluation does not indicate that a merger between the LVD and the RED would be beneficial.
- Some stakeholders suggest the possible inclusion of products with a very low voltage limit (currently excluded by the LVD). However, views are diverging with no clear indication if such change would be beneficial.

Other issues were identified but fall outside the remit of the LVD.

- Member States have different abilities to identify uncompliant products during the conformity assessment procedure, and this might create an uneven playing field. Furthermore, due to the introduction of Wi-Fi connection in equipment, competency gaps for the testing and market surveillance authorities can appear. Overall, the effectiveness of market surveillance activities is currently seen as uneven throughout the EU.
- The increased phenomenon of e-commerce makes it challenging to sample products or conduct risk assessments. Also, this leaves room for uncompliant products to be sold by extra-EU competitors in the internal market.

On the latter two, some steps are taken for increased clarity of e-commerce rules[2] but challenges remain in particular related to market surveillance. The Goods Package 2017 as well as the new market surveillance Regulation (EU) 2019/1020 should address both concerns.

[2] A Commission Notice on the market surveillance of products sold online (2017/C 250/01) was published:

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017XC0801%2801%29