

COMMISSION OPINION

of 8 December 2003

within the framework of Council Directive 73/23/EEC relating to electrical equipment designed for use within certain voltage limits

Safety of cable reels

(2003/C 297/06)

(Text with EEA relevance)

Article 9 of Council Directive 73/23/EEC of 19 February 1973 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits ⁽¹⁾ stipulates the procedures where a Member State, for safety reasons, prohibits the placing on the market of electrical equipment or impedes its free movement. In such a case, the Member State informs the other Member States concerned and the Commission, indicating the grounds for its decision and stating in particular whether the non-conformity is attributable to a shortcoming in a harmonised standard referred to in Article 5 of the Directive, incorrect application of a harmonised standard, or failure to comply with good engineering practice referred to in Article 2 of the Directive.

Article 5 of the Directive confers a presumption of conformity to European standards adopted by the European Standards Body Cenelec to the requirements of Directive 73/23/EEC. These standards are called 'harmonised standards'. Their references are published for information purposes by the European Commission in the *Official Journal of the European Union* (previously the *Official Journal of the European Communities*).

In the context of a notification under the safeguard clause procedure in accordance with Article 9 of the Low Voltage Directive, a shortcoming in the harmonised standard EN 61242 has been brought to the attention of the European Commission by the Swedish authorities.

The shortcoming relates to the risk of fire and electrical shock, which might occur if cable reels are subject to a maximum load and the cable is not completely unrolled. The insulation material can melt and live parts may be accessible.

In accordance with Article 5 of Directive 73/23/EEC, a reference to the harmonised standard EN 61242 was published in the *Official Journal of the European Communities* ⁽²⁾.

This standard, as adopted by the European Standards Body Cenelec, is entitled:

— EN 61242 Electrical accessories — Cable reels for household and similar purposes.

⁽¹⁾ OJ L 77, 26.3.1973, Directive as amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

⁽²⁾ OJ C 57, 4.3.2002, p. 1.

The safety objectives, as laid down in Annex I, Section 2 (a-d) of Directive 73/23/EEC require that electrical equipment should be designed and manufactured so as to ensure:

- protection against hazards which may be caused by electrical contact;
- protection against hazards which may be caused by hot temperatures;
- protection against hazards which are revealed by experience;
- a suitable insulation in foreseeable conditions.

The current version of this standard does not adequately address the risk of fire and of electrical shock in cases where there is a foreseeable overload of cable reels. In particular, the test procedure referred to in clause 20.2 of the standard is not considered as sufficient to cover the foreseeable conditions of use.

As a consequence, EN 61242 as listed in the above mentioned publication in the *Official Journal of the European Communities* is not regarded as giving a presumption of conformity with regard to the risk of fire and of electrical shock in cases of foreseeable overload.

These conclusions were supported by experts from national administrations at the meeting of the Administrative Co-operation Working Group of 11 March 2002.

The European Standards body Cenelec has been requested by the European Commission to revise this standard to ensure that the above mentioned risks are adequately addressed.

In the absence of a revised harmonised standard, the manufacturer will need to make a risk assessment regarding cable reels for these aspects in order to ensure that the risk of fire and electrical shock, in cases of foreseeable overload, are adequately addressed, when establishing compliance of relevant electrical equipment with the requirements of the Low Voltage Directive.

As a result of the above, the Commission is of the opinion that

- EN 61242 as listed in the above mentioned publication in the *Official Journal of the European Communities* is not regarded as giving a presumption of conformity with regard to the risk of fire and of electrical shock in cases of foreseeable overload;

- Manufacturers of the relevant products may use thermal or current cut-outs or other appropriate means to ensure that the risk of fire and electrical shock, in cases of foreseeable overload, are adequately addressed;

- Member States' Authorities take account of this opinion in the context of market surveillance. Member States should base their market surveillance measures on a case-by-case evaluation and respect the principle of proportionality.

Non-opposition to a notified concentration

(Case COMP/M.3268 — Sydkraft/Gräninge)

(2003/C 297/07)

(Text with EEA relevance)

On 30 October 2003, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 303M3268. CELEX is the computerised documentation system of European Community law.

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EUR-OP,
Information, Marketing and Public Relations,
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.
