

COMMISSION OPINION

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

(2002/C 300/04)

(Text with EEA relevance)

This opinion is based on Article 9 of Council Directive 73/23/EEC of 19 February 1973 relating to electrical equipment designed for use within certain voltage limits ⁽¹⁾. It refers to the application of Article 5 of that Directive.

In accordance with Article 5 of Directive 73/23/EEC, references to harmonised standards EN 60335-1 and EN 60335-2-9 were published in the *Official Journal of the European Communities* ⁽²⁾.

Those standards, adopted by the European standards body Cenelec, are as follows:

- EN 60335-1 Safety of household and similar appliances
 - Part 1: General requirements.
- EN 60335-2-9 Safety of household and similar appliances
 - Part 2: Particular requirements for toasters, grills, roasters and similar portable cooking appliances.

In the context of an application of the safeguard clause procedure in accordance with Article 9 of the Low-voltage Directive, a shortcoming in the harmonised standard EN 60335-2-9, applied in conjunction with EN 60335-1, has been brought to the attention of the Commission.

This notification refers to the risks associated with functional safety of electrical appliances covered by EN 60335-2-9. This standard, in its current version, does not adequately address functional safety in terms of protection against electromagnetic disturbances and normally occurring voltage transients from the main electricity supply. The safety objectives, as laid down in Annex I, sections 1(d) and 3 to Directive 73/23/EEC require that electrical equipment should be designed and manufactured so as to ensure that protection against hazards which may be caused by non-mechanical influences in expected environmental conditions is assured. Therefore, electrical appliances which are electronically controlled (e.g. with an

electronic timer) and in compliance with the requirements of the above mentioned standard might not comply with the requirements of the LVD with regard to foreseeable external influences on electrical equipment. Due to the absence of adequate specifications in relation to functional safety, EN 60335-2-9 cannot necessarily guarantee full compliance with the Low-voltage Directive.

Therefore, the Commission is of the opinion that EN 60335-2-9 as listed in the above mentioned publication in the *Official Journal of the European Communities* is not regarded as giving rise to a presumption of conformity with the safety objectives laid down in Annex I, sections 1(d) and 3 to Directive 73/23/EEC.

The above conclusions were supported by national experts of national administrations at the meeting of the Low-voltage Working Party of 11 December 2001.

The European standards body Cenelec has been asked by the Commission to ensure that the abovementioned hazards associated with functional safety are adequately addressed in a revised version of this standard.

Therefore, in the absence of a revision to the abovementioned harmonised standard, manufacturers, when establishing compliance of relevant electrical equipment with the Low-voltage Directive, will need to take additional measures in order to ensure that equipment designed and manufactured in accordance with EN 60335-2-9, satisfies the safety objectives laid down in Annex I, sections 1(d) and 3 to Directive 73/23/EEC. This may require a risk analysis and assessment in order to ensure that the equipment is designed and manufactured in such a way as to reduce, as far as is reasonably possible, the risks related to the functional safety of electrical appliances.

Member States' authorities should take account of this opinion in the context of market surveillance.

⁽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.