

COMMISSION OPINION

of 30 March 2000

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

(2000/C 104/07)

(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 entitled 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 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, was brought to the attention of the Commission.

This refers to the risk of high non-working surface temperatures of apparatus covered by EN 60335-2-9. This standard, in its current version, does not address the risk in relation to non-working surface temperatures. The safety

objectives, as laid down in Annex I, Section 1(d) and 2(b) to Directive 73/23/EEC require electrical equipment to be designed and manufactured so as to ensure that protection against hazards in relation to surface temperatures is assured. Due to the absence of adequate specifications in relation to non-working surface temperatures, EN 60335-2-9 cannot therefore necessarily guarantee full compliance with the Low Voltage Directive. In relation to the hazards in connection with non-working surface temperatures, EN 60335-2-9 (clause 11) and EN 60335-1 (clause 11), as listed in the abovementioned publication in the *Official Journal of the European Communities*, are therefore not regarded as giving a presumption of conformity with the stated safety objectives.

These conclusions as detailed were supported by the representatives of national administrations at the meeting of the Low Voltage Working Party of 17 and 18 June, 1999.

The European Standards body Cenelec has been requested by the Commission to ensure that the abovementioned hazard is adequately addressed in a revised version of this standard. A revision of EN 60335-2-9 is currently under way.

In the absence of a revised harmonised standard, manufacturers, when establishing compliance of relevant electrical equipment with the Low Voltage Directive, must therefore address the risk of non-working surface temperatures. This may require a risk analysis and assessment in order to ensure that equipment is designed and manufactured in such a way as to reduce as much as is reasonably possible the risk in relation to non-working appropriate surface temperatures.

⁽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 268, 22.9.1999, p. 1.