

## TRANSPOSITION NOTE

**Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to the making available on the market of electrical equipment designed for use within certain voltage ranges.**

1. This Transposition Note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how the 2014 Directive is implemented in the UK.
2. This instrument is being made in order to implement the provisions of the revised EU Low Voltage Directive ("LVD") (2014/35/EU), the majority of the provisions of which came into force on 20 April 2016.
3. This instrument will replace and repeal the current Regulations (the Electrical Equipment (Safety) Regulations 1994, (S.I. 1994/3260) as amended.
4. The Regulations do not go beyond what is necessary to implement the 2014 Directive.
5. The Secretary of State is responsible for taking measures to implement the 2014 Directive.

### TRANSPOSITION OF DIRECTIVE 2014/35/EU

Article	Objective of the Article	Implementation
1	Scope of Regulation States Directive shall apply to electrical equipment designed for use within certain limits in voltage, save for excluded equipment.	Regulation 3(1)(b) and 3(2).
2	Definitions	Regulation 2.
3	Requirement that electrical equipment is made available on the market only if it does not endanger the health and safety of persons and domestic animals or property when properly installed and maintained and used in applications for which it was made.	This requirement is adequately covered by the requirements on economic operators and requirement for compliance with the principle elements of the safety objectives.
4	Requirement on Member States not to impede free movement	Unnecessary to implement this explicitly
5	Requirement to ensure stricter safety requirements are not imposed for connection to the grid or the supply of electricity to users	Unnecessary to implement this explicitly
6(1)	Obligation to ensure design and manufacture of electrical equipment is in accordance with the safety objectives	Regulation 4
6(2)	Obligation to draw up technical documentation, declaration of conformity and affix CE marking	Regulations 5 and 6

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6(3)	Requirement for retention of technical documentation and declaration of conformity for 10 years	Regulation 7.
6(4) para 1	Obligation to ensure procedures for series production to remain in conformity.	Regulation 10
6(4) para 2	Requirement to carry out sample testing and monitoring	Regulation 11
6(5)	Requirement to ensure proper labelling to allow for identification	Regulation 8(1)(a) and (2)
6(6)	Requirement to indicate name, trade name or trade mark and address and contact details must be in a language easily understood by end-users and market surveillance authorities	Regulation 8(1)(b), 8(3) and 8(4).
6(7)	Manufacturers must ensure that equipment is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users as determined by the Member State concerned.	Regulation 9.
6(8)	<p><u>Obligation 1:</u> Manufacturers who consider or have reason to believe that they have placed on the market equipment not in conformity with the Directive must immediately take corrective action to bring that equipment into conformity, to withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where equipment presents a risk, manufacturers must immediately inform the competent national authorities of the Member States in which the equipment has been made available to that effect, giving details of the non-compliance and any corrective measures taken.</p>	This is implemented through Regulation 12.
6(9)	Manufacturers must, further to a reasoned request from a competent national authority, provide it with information and documentation to demonstrate conformity with the Directive, in a language which can be easily understood, and cooperate with the authority on any action to eliminate risks posed by equipment	Regulation 13.
7(1)	A manufacturer may appoint an authorised representative by written mandate. Key obligations to ensure conformity and draw up technical documentation must not be delegated to the authorised representative	Regulation 14.
7(2)	Obligations on authorised representative to perform tasks and requirements for mandate	Regulation 14(2).
8(1)	Importers must only place compliant electrical equipment on the market	Regulation 17.

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8(2)	<p>Obligation 1: Importers of electrical equipment must ensure the appropriate conformity assessment procedure has been carried out, and check technical documentation, CE marking and required documents and labelling.</p> <p>Obligation 2: Where an importer considers electrical equipment is not in conformity he must not place the equipment on the market, and where it presents a risk the importer must inform the manufacturer and market surveillance authority</p>	Regulations 16, 17, 18.
8(3)	Importers must indicate their name and address on the equipment or a document accompanying the equipment in a language easily understood by end-users and market surveillance authorities.	Regulation 18(1) and (2).
8(4)	Importers must ensure equipment is accompanied by instructions and safety information in a language easily understood by end-users as determined by the Member State	Regulation 19.
8(5)	Importers must ensure that while equipment is under their responsibility, its storage and transport do not jeopardise its compliance with the principal elements of the safety objectives.	Regulation 20
8(6)	<p><u>Obligation 1:</u> When deemed appropriate with regard to the risks presented by electrical equipment, importers must carry out certain monitoring activities and keep a register.</p> <p><u>Obligation 2:</u> Importers must keep distributors informed of monitoring activities.</p>	Regulation 22
8(7)	<p><u>Obligation 1:</u> Importers who consider or have reason to believe that they have placed on the market equipment not in conformity with the Directive must immediately take corrective action to bring that equipment into conformity, to withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where equipment presents a risk, importers must immediately inform the competent national authorities of the Member States in which the equipment has been made available to that effect, giving details of the non-compliance and any corrective measures taken</p>	Regulation 23.
8(8)	Importers must keep the technical documentation and the EU declaration of conformity for 10 years after equipment is placed on the market.	Regulation 21
8(9)	<u>Obligation 1:</u> Importers must, further to a reasoned request, provide a competent national authority with	Regulation 24

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	<p>information and documentation necessary to demonstrate the conformity of equipment with the Directive in a language which can be easily understood by the market surveillance authority.</p> <p><u>Obligation 2:</u> Importers must cooperate with the authority on action taken to eliminate risks posed by equipment placed on the market.</p>	
9(1)	When making equipment available on the market, distributors must act with due care.	Regulation 25.
9(2)	<p><u>Obligation 1:</u> Before a distributor makes equipment available on the market, he must ensure that the manufacturer and importer have satisfied certain obligations and that the equipment is accompanied by the required documents in a language which can be easily understood by end-users in the member State concerned.</p> <p><u>Obligation 2:</u> Where a distributor considers, or has reason to believe, that equipment is not in conformity with the safety objectives he must not make it available on the market.</p> <p><u>Obligation 3:</u> Where the equipment presents a risk, the distributor must inform the manufacturer or the importer and the market surveillance authorities.</p>	<p><u>Obligation 1:</u> Regulation 26</p> <p><u>Obligation 2:</u> Regulation 27(1)</p> <p><u>Obligation 3:</u> Regulation 27(2)</p>
9(3)	Distributors must ensure that while electrical equipment is under their responsibility, its storage and transport do not jeopardise its compliance with the safety objectives	Regulation 28
9(4)	<p><u>Obligation 1:</u> Distributors who consider, or have reason to believe, that equipment which they have made available on the market is not in conformity must make sure that corrective measures are taken to bring that equipment into conformity, withdraw it or recall it.</p> <p><u>Obligation 2:</u> Where the equipment presents a risk, the distributor must immediately inform the competent national authorities of the Member States in which they made the equipment available.</p>	<p><u>Obligation 1:</u> Regulation 29(1)</p> <p><u>Obligation 2:</u> Regulation 29(2).</p>
9(5)	<u>Obligation 1:</u> Distributors must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of electrical equipment with the Directive	Regulation 30

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	<u>Obligation 2:</u> Distributors must cooperate with the authority on action taken to eliminate risks posed by equipment made available on the market.	
10	Importers and distributors to be treated as manufacturers where they place equipment on the market under their name or modify it in a way that affects its compliance with the Directive.	Regulation 31
11	Economic operators must, on request identify other economic operators in the supply chain. They must be able to do this for 10 years after the supply of equipment.	Regulation 33
12	Equipment is presumed to be in conformity with the safety objectives to the extent that they are in conformity with a harmonised standard covering those requirements.	Regulation 36.
13(1)	Where there are no harmonised standards Member states shall ensure that equipment complying with safety provisions of international standards of the IEC is treated as complying with the safety objectives	Regulation 37 (1)
13(2)	International safety provisions shall be notified to the Member States by the Commission	This provision is an obligation of the Commission and does not require implementation
13(3)	Member States must notify the Commission of any objection within 3 months	This provision does not require implementation in legislation
14	Where there are no published harmonised standards or international standards, Member states shall ensure equipment manufactured in accordance with national safety standards are regarded as complying with the safety objectives if it ensures a safety level equivalent to that required in the Member State	Regulation 37(2).
15(1)	The EU declaration of conformity must state that the fulfilment of the safety objectives has been demonstrated	Regulation 38(a)
15(2)	<p><u>Obligation 1:</u> The EU declaration of conformity must have the model structure set out in Annex IV of the Directive.</p> <p><u>Obligation 2:</u> The EU declaration of conformity must contain the elements specified in the relevant modules set out in Annex II of the Directive.</p> <p><u>Obligation 3:</u> The EU declaration of conformity must be continuously updated.</p> <p><u>Obligation 4:</u> The EU declaration of conformity</p>	<p><u>Obligation 1:</u> Regulation 38(b)</p> <p><u>Obligation 2:</u> Regulation 38(c)</p> <p><u>Obligation 3:</u> Regulation 6(2)</p> <p><u>Obligation 4:</u> Regulation 32</p>

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	must be translated into the language required by the Member State in which the equipment is placed or made available on the market.	
15(3)	Where electrical equipment is subject to more than one Union act requiring an EU declaration of conformity, a single declaration must be drawn up.  The declaration must contain the identification of the Union acts concerned.	Regulation 6(3)
15(4)	By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the equipment with the requirements of the Directive	It is unnecessary to implement this requirement.  The manufacturer has a clear set of obligations under the Regulations, which each have their own trigger points (such as placing on the market).
16	The CE marking is subject to the general principles in Article 30 of Regulation (EC) No 765/2008	Regulation 34, 48. This obligation has been implemented by setting out the principles contained in Article 30 of Regulation (EC) No 765/2008 as enforceable prohibitions.
17(1)	The CE marking must be affixed visibly, legibly and indelibly to the electrical equipment or to its data plate; or where that is not possible to its packaging and accompanying documents	Regulation 39
17(2)	The CE marking must be affixed before the equipment is placed on the market.	Regulation 6(2)
17(3)	Member States must build on existing mechanisms to ensure correct application of the regime governing CE marking and must take appropriate action in the event of improper use.	Regulations 34 and 48. This provision requires action, but does not specify the action that must be taken. The UK implements this obligation by prohibiting the improper use of the CE marking, and in particular by enforcing the requirements set out in Article 30 of Regulation (EC) 765/2008.
18	Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 apply to equipment covered by the Directive.	Part 4 of the Regulations Regulation (EC) 765/2008 is directly applicable in United Kingdom law. Part 4 of these Regulations provides for enforcing authorities to use

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		their powers to give effect to Regulation (EC) 765/2008.
19(1)	<p><u>Obligation 1:</u> Where a market surveillance authority has reason to believe that electrical equipment presents a risk to health or safety of persons or to domestic animals or property, it must carry out an evaluation in relation to the equipment concerned.</p> <p><u>Obligation 2:</u> The relevant economic operators must cooperate as necessary with the market surveillance authorities for the purposes of the evaluation.</p> <p><u>Obligation 3:</u> Where, in the course of an evaluation, the market surveillance authority finds that electrical equipment does not comply, it must require the economic operator to take all appropriate corrective action within a reasonable period.</p> <p><u>Obligation 4:</u> Article 21 of Regulation (EC) No 765/2008 applies to the corrective action required.</p>	<p><u>Obligation 1:</u> Regulations 44(1)</p> <p><u>Obligation 2:</u> Regulations 13(4)(a) and 24(4)(a)</p> <p><u>Obligation 3:</u> Regulation 45(1)</p> <p><u>Obligation 4:</u> Regulation 49</p>
19(2)	Where the market surveillance authority considers that non-compliance is not restricted to their national territory, they must inform the Commission and other Member States of the result of the evaluation and the actions that it has required of the economic operator.	Regulation 45(2) and (3).
19(3)	The economic operator must ensure that all appropriate corrective action is taken in respect of the electrical equipment concerned that it has made available on the market.	Regulations 13(4)(b) and 24(4)(b). This obligation does not require further implementation as it is already reflected in the obligation to cooperate.
19(4)	<p><u>Obligation 1:</u> Where the relevant economic operator does not taken adequate corrective action, the market surveillance authority must take appropriate measures to prohibit or restrict the equipment being made available on the national market, to withdraw the equipment from the market or to recall it.</p> <p><u>Obligation 2:</u> The market surveillance authority must inform the Commission and the other Member States of those measures.</p>	<p><u>Obligation 1:</u> Regulation 45(4)</p> <p><u>Obligation 2:</u> Regulation 45(6)</p>
19(5)	<u>Obligation 1:</u> The information provided to the Commission and other Member States must include certain information, including data necessary for the identification of the equipment, the nature of the	<u>Obligation 1:</u> Regulation 45(7)

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	<p>non-compliance and the risk, the nature of the national measures taken etc.</p> <p><u>Obligation 2:</u> The information provided must indicate whether the non-compliance is due to either failure to meet requirements under the Directive or shortcomings in the harmonised standards.</p>	<p><u>Obligation 2:</u> Regulation 45(7)(f)</p>
19(6)	<p>Member States other than the one initiating the procedure must inform the Commission and other Member States of any measures adopted and any information at their disposal relating to the non-compliance of the equipment, and any objections to the adopted national measure.</p>	<p>Regulation 46</p>
19(7)	<p>If no objections are raised within 3 months of receipt of the information, the measure is considered justified.</p>	<p>It is not necessary to implement this provision. It concerns a procedure that takes place at the EU level.</p>
19(8)	<p>Member States must ensure that appropriate restrictive measures are taken in respect of the electrical equipment without delay.</p>	<p>Regulation 46(3)</p>
20(1)	<p>Where, on completion of the procedure in Article 19(3) and (4), objections are raised, the Commission must enter into consultation, evaluate the national measure, adopt an implementing act determining whether the national measure is justified and communicate its decision to Member States and relevant economic operators.</p>	<p>It is not necessary to implement this obligation because it is an obligation on the European Commission.</p>
20(2)	<p><u>Obligation 1:</u> If the national measure is considered justified, all Member States must take the necessary measures to ensure that the non-compliant electrical equipment is withdrawn from their national market and inform the Commission accordingly.</p> <p><u>Obligation 2:</u> If the national measure is considered unjustified, the Member State concerned must withdraw that measure.</p>	<p><u>Obligation 1:</u> Regulations 46(3) and (5)</p> <p><u>Obligation 2:</u> Regulation 46(6)</p>
20(3)	<p>Where the national measure is considered justified and the non-compliance is attributed to a shortcoming in the harmonised standards, the Commission must apply the procedure provided for in Regulation (EU) No 1025/2012.</p>	<p>It is not necessary to implement this obligation because it is an obligation on the European Commission.</p>
21(1)	<p>Where, having carried out an evaluation, a Member State finds that although electrical equipment is in compliance with the Directive, it presents a risk to the health or safety of persons or to other aspects of public interest protection, it must require the relevant economic operator to take all appropriate</p>	<p>Regulations 47(1) and (5)</p>

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	measures to ensure that the equipment, when placed on the market, no longer presents the risk, to withdraw the equipment or to recall it within a reasonable period.	
21(2)	The economic operator must ensure that corrective action is taken in respect of all the equipment concerned that he has made available on the market throughout the Union.	Regulations 13(4)(b) and 24(4)(b) This obligation does not require further implementation as it is already reflected in the obligation to cooperate.
21(3)	The Member State must inform the Commission and other Member States and provide the data necessary to identify the electrical equipment, the origin and the supply chain, the nature of the risk and the nature of the national measures taken.	Regulation 47(3) and (4)
21(4)	The Commission must enter into consultation, evaluate the national measures and decide whether the national measure is justified.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
21(5)	The Commission must address its decision to all Member States and the relevant economic operators.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
22(1)	Where a Member State makes a finding of formal non-compliance, it must require the relevant economic operator to put an end to the non-compliance concerned.	Regulation 48(1)
22(2)	Where the non-compliance persists, the Member State must take appropriate measures to restrict or prohibit the equipment being made available on the market or ensure that it is recalled or withdrawn from the market.	Regulation 48(2) and (3).
23(1)	The Commission is to be assisted by the Committee on Electrical Equipment	It is not necessary to implement this obligation because it is an obligation on the European Commission.
23(2)	Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
23(3)	Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 applies.	It is not necessary to implement this obligation because it is an obligation on the European Commission.
23(4)	Consultation of the Committee	It is not necessary to implement this obligation because it is an obligation on

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		the European Commission.
24	<p>Member States must lay down rules on penalties applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and must take all measures necessary to ensure that they are enforced.</p> <p>Such rules may include criminal penalties for serious infringements.</p> <p>The penalties provide must be effective, proportionate and dissuasive.</p>	Part 4 (and in particular, regulations 50 and 51).
25	Member State must not impede the making available on the market of equipment which is in conformity with Directive 2006/95/EC and which was placed on the market before 20 April 2016.	Regulations 3(1)(a) and 62(1).
26(1)	Member States must adopt and publish their implementing measures by 19 April 2016 and must apply them from 20 April 2016.	It is not necessary to implement this obligation explicitly.
	Where Member States adopt the measures referred to in paragraphs 1 and 2, they must contain a reference to this Directive. They must also include a statement that references in existing laws to the Directive repealed are to be construed as references to the new Directive.	<p>These Regulations do contain a reference to the Directive in regulation 2(1) and in the Explanatory Note.</p> <p>However, the obligation concerning references to the repealed Directive is implemented by ensuring that there are no longer any references to the repealed Directive in United Kingdom law.</p>
26(2)	Member States must communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	It is not necessary to implement this obligation explicitly. This obligation is implemented by communicating the main provisions to the Commission.
27	Directive 2006/95/EC is repealed from 20 April 2016. References to the repealed Directive are to be construed as reference to the new Directive.	It is not necessary to implement this obligation as it operates at the EU level. However, the Regulations do revoke the Electrical Equipment (Safety) Regulations 1994 as

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		amended, which implemented the repealed Directive.
28	The Directive enters into force on the twentieth day following its publication and certain provisions apply from 20 April 2016.	It is not necessary to implement this obligation as it operates at the EU level.
29	This Directive is addressed to Member States.	It is not necessary to implement this provision.
Annex I	Principal Elements of the Safety Objectives	Schedule 1
Annex II	Equipment and Phenomena outside the scope of the Directive	Regulation 3(2)
Annex III	Module A – Internal Production Control	Schedule 2
Annex IV	EU declaration of conformity	Schedule 8
Annex V	Time limits for transposition and dates of application of Directives referred to in Directive 2006/95/EC	It is not necessary to implement these provisions.
Annex VI	Correlation table	It is not necessary to implement these provisions.