

EVALUATION / FITNESS CHECK ROADMAP	
Roadmaps aim to inform citizens and stakeholders about the Commission's plans in order to allow them to provide feedback on the intended initiative and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have, including on possible impacts of the different options.	
TITLE OF THE EVALUATION/FC	Evaluation of the Low Voltage Directive 2014/35/EU
LEAD DG – RESPONSIBLE UNIT – AP NUMBER	DG GROW (Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs), UNIT C3 Advanced Engineering and Manufacturing Systems
INDICATIVE PLANNING (PLANNED START DATE AND COMPLETION DATE)	Q1 2018 – Q4 2018
ADDITIONAL INFORMATION	http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive/
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A. Context, Purpose and Scope of the evaluation
Context
<p>The Low Voltage Directive (LVD) 2014/35/EU deals with the electrical equipment placed on the EU market that is designed for use with a voltage rating between 50 and 1 000 V AC and between 75 and 1 500 V DC. The objectives of the LVD are to ensure the safety of low voltage electrical equipment placed on the EU market and ensure its free movement.</p> <p>The LVD 2014/35/EU is the result of the alignment of the previous LVD 2006/95/EC to the New Legislative Framework (NLF)¹. The alignment to the NLF addressed the horizontal elements of the New Approach but did not include a revision of the sector specific aspects of the LVD 2006/95/EC, that was just a codification of Directive 73/23/EC and Directive 93/68/EC.</p> <p>After more than 40 years without any major modifications, it is now necessary to assess, in the context of regular evaluation of the acquis, if the Directive has achieved its objectives in an efficient, coherent and relevant way and still has EU added value taking also into consideration the scientific and technological progress and in particular the digitalisation of the electrical devices and household appliances and their coexistence with the Internet of Things.</p>

¹ New Legislative Framework for marketing of products: http://ec.europa.eu/growth/single-market/goods/new-legislative-framework/index_en.htm

Purpose and Scope

The purpose of this evaluation is to assess if the Low Voltage Directive 2014/35/EU² is fit for purpose in terms of effectiveness, efficiency, relevance, coherence, EU added value. On the basis of the conclusions on the performance of the Directive, the Commission will assess which next steps may be necessary to improve the performance of the Directive..

The analysis is also intended to collect evidence and information to point out if and where issues arise and what improvements could be envisaged and should identify potential difficulties in the implementation that may require regulatory or/and non-regulatory corrective measures, , also with a view to the properly functioning of the internal market.. At the same time, it must be checked whether the increased number of safeguard clauses and objections to harmonised standards raised by Member States indicate the need for a revision of the scope, the health and safety requirements and their links with the related conformity assessment procedures.

Finally, its interaction with other pieces of legislation, and in particular with the Radio Equipment Directive (RED) 2014/53/EU, the Electromagnetic Compatibility directive (EMC) 2014/30/EU, the Machinery Directive 2006/42/EC, with a view to the coherence in case of simultaneous applications and taking into account the technical development (including in areas such as energy efficiency and digitalisation), will be evaluated.

B. Better Regulation

Consultation strategy

The consultation approach will include both public and targeted consultations. The public consultation will be open to general public. The more specific targeted consultations will involve main stakeholders and take place by means of interviews and surveys with, at least:

- the competent authorities in Member States responsible for the implementation of the Directive (including market surveillance authorities);
- representatives from Industry, European federations and SMEs;
- representatives from environmental NGOs;
- consumer associations and consumers;
- representatives of the European Standardisation Organisations (CENELEC - European Committee for Electrotechnical Standardization) and the New Approach CENELEC consultants.

The different tools that will be used in the evaluation to reach stakeholders are:

- 12-week internet based open public consultation, in 24 languages, to be carried out through on-line consultation tools (EU Survey in order to ensure transparency and accountability and to give any interested party the possibility to contribute. This consultation will be available via the Commission's dedicated website: https://ec.europa.eu/info/consultations_en
- Targeted consultations and interviews with the representatives of the stakeholders mentioned above (3 languages).

Other tools might be considered in the further preparatory process, depending on the level of information needed.

More details about the consultation strategy will be made available on the webpage dedicated to this evaluation on the DG GROW website on EUROPA, from <http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive/> .

Data collection and methodology

The mechanism of monitoring the implementation of the Directive is ensured through cooperation between Member States national authorities, including market surveillance authorities, the Commission services and stakeholders through regular meetings such as the Low Voltage Working Party and the Administrative Cooperation Group of market surveillance authorities. Issues related to the interpretation and implementation of the Directive are regularly discussed in the LVD Working Party.

Throughout this time, a series of guidance documents have been published. An "LVD 2014/35/EU - Guidelines on the application of the directive" are available on <http://ec.europa.eu/DocsRoom/documents/20341> . So far, there have been only 2 or 3 complaints per

² Low Voltage Directive: http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive_en

year on the application of national laws related to LVD products, on which either settlement was reached or no evidence found of the LVD violation.

On the contrary, there have been already four formal objections presented by Member States against the presumption of conformity of some LVD harmonised standards since 2014 (see http://ec.europa.eu/growth/single-market/european-standards/notification-system/index_en.htm), and 6 Commission Decisions based on Article 9 of the Low Voltage Directive 2006/95/EC (see <http://ec.europa.eu/growth/sectors/electrical-engineering/lvd-directive/>). In addition, the high and increasing numbers of safeguard clauses notified by the Member States under Art.20 of the LVD, withdrawing from the market a number of electrical equipment, and therefore suggesting that quality of electrical products on the market needs increased attention. One of the reasons appears also to be that the LVD scope covers a high and increasing number of products, both for consumer and professional use. The safeguard clauses can be found in CIRCABC → LVD ADCO group: <https://circabc.europa.eu/> (restricted) and in the ICSMS database (starting 2016) <https://webgate.ec.europa.eu/icsms/> (undisclosed). As a reference, during the first 6 months of 2017, there were 306 notifications under the LVD.

Several past studies are available which will be considered in the evaluation :

- 1998 - study³ on the implementation of the LVD.
- 2005 - supportive study for an Impact Assessment⁴ to analyse how the Low-voltage Directive 73/23/EEC could be modernised.
- 2013-2014 - Evaluation of Internal Market Legislation for Industrial Products. The focus of the study was on Union harmonisation legislation, and the LVD was one of the legislations within study scope⁵. The study included desk research, interviews and consultations. 3 main conclusions were related to The LVD:
 - 1) Unclear demarcation between the LVD and the MD with regard to the definition of industrial printers.
 - 2) Whereas appliances under 50V are not covered and the General Product Safety Directive (GPSD) 2001/95/EC provides a framework, safety is not covered through harmonised requirements. Doubtful whether voltage should be the most appropriate criteria.
 - 3) The LVD fails to address the safety challenges raised by after-sales services, since it is only concerned with the placement of products on the market and not with after-sales, repair, renting to consumers, etc.

Further to the sources described below, additional evidence will also be sought on the performance of the Directive through relevant tools (e.g. literature research, etc). The cost-benefits analysis will follow the methods described in the [Better Regulation guidelines](#)⁶

³ "Study on the Implementation of the Low Voltage Directive" 1999 - ERA Technology Ltd (Annex 1)

⁴ "Impact Assessment of Various Policy Options for a Possible Amendment of the Low Voltage Directive 73/23/EEC" 2005 - Risk & Policy Analysts Limited (RPA) (Annex 2)

⁵ " Evaluation of the Internal Market Legislation for Industrial Products" - Final report:
<http://ec.europa.eu/smart-regulation/evaluation/search/download.do?documentId=9966151>

⁶ http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm