



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Resources Based, Manufacturing and Consumer Goods Industries
Engineering Industries

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STANDARDISATION MANDATE TO CEN, CENELEC AND ETSI RELATING TO HARMONISED STANDARDS IN THE FIELD OF THE LOW VOLTAGE DIRECTIVE

1. OBJECTIVE OF THE MANDATE

The general objective of this Mandate is to request CEN, CENELEC and ETSI (hereafter 'ESOs') to adopt and provide voluntary harmonised standards for electrical equipment designed for use within certain voltage limits in support of safety objectives given in the Annex I of the new Directive.

For the purposes of this Mandate:

- 'new Directive' means the Directive of the European Parliament and the Council which will repeal and replace Directive 2006/95/EC, having regard to the Commission Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the harmonisation of the laws of Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (Recast)¹.
- 'old Directive' means Directive 2006/95/EC on the harmonisation of the laws of member states relating to electrical equipment designed for use within certain voltage limits.²
- 'Standardisation Regulation' means the Regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council, having regard to the Commission Proposal for a Regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/1/EC of

¹ COM(2011) 773 final.

² OJ L 374, 27.12.2006, p. 10

the European Parliament and of the Council and repealing Decision No 1673/2006/EC and Decision 87/95/EEC.³

2. POLICY AND LEGAL FRAMEWORK

The new Directive, on the date of its application, will repeal and replace the old Directive and harmonised standards established on the basis of the old Directive will cease to be harmonised standards (under the new Directive). The purpose of the new Directive will be the alignment of the old Directive with the New Legislative Framework⁴ and, in addition, to be consistent with the Standardisation Regulation. As a result, the new Directive will contain a revised definition for the term 'harmonised standard' which means a European standard adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation.

Due to the fact that under the new Directive, harmonised standards must be adopted by the ESOs on the basis of a request (mandate) made by the European Commission, the main aims of the present Mandate are to:

- invite the ESOs to start adopting harmonised standards in support of safety objectives of the new Directive, and
- invite the ESOs to start providing the titles of harmonised standards to be published in the Official Journal of European Union (hereafter OJEU) under the new Directive.

Until now and under the old Directive there has been no need for a generic Commission mandate as European standards can be regarded as harmonised standards providing presumption of conformity once they are drawn up by common agreement of CENELEC members and published under national procedures as national standards transposing relevant European standards. Since the old Directive does not require a request from the Commission for European standards to have a status of a harmonised standard, such a generic Commission mandate has never been delivered to the ESOs under the old Directive.

The New Legislative Framework and the Standardisation Regulation makes clear distinction between the concept of a "harmonised standard" and a concept of "presumption of conformity" and these provisions will be part of the new Directive as well. All European standards adopted on the basis on a Commission mandate and supporting Union harmonisation legislation are regarded as "harmonised standards", but "presumption of conformity" is possible only after the titles of relevant harmonised standards have been published in the OJEU. Under the new Directive the Commission is solely responsible for publishing titles of harmonised standards in the OJEU and to enable this publication this mandate asks the ESOs to provide the titles of harmonised standards to be published under the new Directive.

Under the old Directive the decision on harmonised standards providing presumption of conformity is done by the national members of CENELEC and subsequent publication of

³ COM(2011) 315 final.

⁴ DECISION No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC

the titles of harmonised standards in the OJEU is done only for information purposes. Under the new Directive this will change: publication of titles in the OJEU is a compulsory precondition for presumption of conformity and it is the Commission who makes the final decision on the publication of the titles of harmonised standards in the OJEU.

Considering the obligations of the Commission, as set by the new Standardisation Regulation, in ensuring compliance of harmonised standards with this Mandate and to enable effective publication of titles of harmonised standards in the OJEU, each harmonised standard should indicate clearly those safety objectives of the new Directive supposed to be covered and, when relevant, indicate also those issues covered by a harmonised standard but not supporting a safety objective of the new Directive. This information not only helps the Commission in assessing the compliance of a harmonised standard against legal requirements and against relevant mandate it aims to cover, but also allow the users of a standard to establish to which extent a harmonised standard cited in the OJEU provides presumption of conformity with relevant legal requirements.

The Mandate does not request the information referred to in the previous paragraph for past (existing) standards, unless they have been amended in order to address a safety risk (i.e. technical issue), for a number of reasons. Firstly, it would be costly to achieve this task, secondly it is not clear the time frame that is needed for achieving this task and thirdly it might create confusion if standards already published and transposed are amended, including their references (which might be needed to be modified as well), with the sole purpose to provide this information.

The scope and the safety objectives of the old Directive and the new Directive are the same and, from that point of view, the new Directive does not necessitate immediate review or revision of technical content of existing harmonised standards under the old Directive. However this Mandate covers also revision, amendment, repeal or replace of any existing harmonised standards already adopted under the old Directive, if this is deemed necessary to address better level of protection within the context of safety objectives of the new Directive. Thus this Mandate can be considered, at the same time, as the instrument which sets out a generic and standing horizontal request made by the Commission. No time framework is specified for this general request concerning on-going and future standardisation work.

3. DESCRIPTION OF THE MANDATED WORK

The ESOs are requested:

- a) to provide the first full list of the titles of harmonised standards to be cited in the OJEU under the new Directive, at least 2 months before the date of repeal of the old Directive and, after the publication of this first list of harmonised standards, to provide continuously the titles of new or revised harmonised standards as needed to update the list of harmonised standards published in the OJEU;
- b) to replace, amend, revise or withdraw any of the existing harmonised standards, when it is deemed necessary, or to adopt new harmonised standards in support of safety objectives of the new Directive solely under this Mandate;

4. INDICATION OF SAFETY OBJECTIVES COVERED BY HARMONISED STANDARDS

In case of standards, prepared under section 3 (b) of this Mandate and published 12 months after the date of application of the new Directive, ESOs should indicate⁵, unless it is not feasible and possible for a given standard, which safety objectives of the new Directive those harmonised standards are supposed to cover.

5. RESERVATIONS

This Mandate does not repeal any current mandates under the old Directive but section 4 is applicable also under other specific mandates under the old Directive. All references to the old Directive in these mandates are to be taken as references to the new Directive and the correlation table of the new Directive should be taken into account when there are references to specific Articles of the old Directive.

Section 3 of this Mandate does not affect or prejudice any future specific mandates under the new Directive. Unless it is otherwise provided, any future mandates under the new Directive do not affect nor prejudice the validity of section 3 of this Mandate.

Any references, found in the contents of the harmonised standards the titles of which have been published in the OJEU under the new Directive, should be read as a reference to the new Directive and the correlation table of the new Directive should be taken into account when there are references to specific Articles of the old Directive.

Until the first list of harmonised standards is published in the OJEU under the new Directive, the latest and updated list of harmonised standards published in the OJEU under the old Directive shall be deemed to represent the state of the art, without prejudice of any right of a Member State to raise a shortcoming in a harmonised standard.

6. EXECUTION OF THE MANDATE

a)	2 months after receipt of this Mandate	The ESOs shall inform the Commission, if they accept this Mandate and of the arrangements to be adopted during the execution of it.
b)	2 months after acceptance by the ESOs	The ESOs shall establish time schedule for the execution of the Mandate.
c)	2 months before the date of repeal of the old Directive	The ESOs shall provide the titles of harmonised standards for publication under the new Directive
d)	12 months after the date of application of the new Directive	The ESOs shall start providing in new harmonised standards information referred to in section 4 of this Mandate.

In the above time schedule items a) to c) concerns only section 3(a) and item d) relates to section 3(b) only.

Where appropriate, alignment with equivalent activities planned and already undertaken in IEC and ISO should be ensured.

⁵ Preferably in a dedicated Annex,

During the preparation of harmonised standards the needs of SMEs shall be taken into account.

Acceptance of this Mandate by the responsible standardisation organisations starts the standstill period referred to in Article 7 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998.

The text of the harmonised standards shall be delivered to the Commission in the three languages: German, English and French.

The titles of the harmonised standards shall be provided in all the official languages of the European Union.

7. ORGANISATIONS TO BE INVOLVED

Without prejudice to the national delegation principle the ESOs shall invite, as appropriate, the representative organisations of consumers' interests (such as ANEC), environmental protection (such as ECOS), workers (such as ETUI), small and medium-sized enterprises (such as NORMAPME), electrical industry (such as ORGALIME, Digital Europe), other relevant organisations and market surveillance authorities of the Member States to take part in the standardisation work.

The ESOs are also requested to consult with the European Commission Directorate-General Joint Research Centre in order to explore if the Commission's research institutes dispose of specific competence to support the standardisation work.