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DRAFT

Supplementary Guidance on the LVD/EMCD/RED

1 Introduction

This document supplements the Guides (existing or future) on Directive 2014/35/EU (LVD), Directive 2014/30/EU (EMCD) and Directive 2014/53/EU (RED).

In addition, this document shall be read together with the Blue Guide¹. In particular, Chapter 2 of the Blue Guide provides clarifications on the application of Union Harmonisation legislation to finished products. Chapter 3 of the Blue Guide provides clarifications on role and responsibilities of economic actors in the supply chain when they make their products available on the EU market.

The references, in this document, to 'EU market' are without prejudice to the EEA agreement and the EU-Turkey association agreement.

This document has been prepared by the competent Commission services in collaboration with the relevant national authorities and stakeholders.

It should be noted that this document is publicly available but is not binding in the sense of a legal act adopted by any of the EU institutions, even if the word 'shall' is used in many parts. In the event of any inconsistency between the provisions of the LVD/EMCD/RED and this document, the provisions of the LVD/EMCD/RED prevail. Lastly, this is without prejudice to the applicability of any other EU act (s) which might also be applicable to the products in question.

2 Non-radio electrical products functioning with radio equipment

Electrical or electronic products whose function is not to intentionally emit or receive radio waves for the purpose of radio communication and/or radiodetermination (in this section referred to as 'non-radio product') may function with radio equipment.

¹ Blue Guide' on the implementation of EU product rules.

The RED is applicable to the combination of the radio equipment and the non-radio product as a whole only if the radio equipment is:

- incorporated into the non-radio product; and
- permanently affixed to the non-radio product².

Hence if the radio equipment is incorporated in a fixed and permanent way in the non-radio product at the moment of its placing on the EU market (i.e. in such a way that it cannot be easily accessed and readily removed), as specified above, this product is deemed to be a single product.

In the other cases³ the radio equipment and the non-radio product are considered as separate finished products and only the radio equipment is subject to the RED⁴.

3 Radio or electrical equipment with non-electrical products

Electrical/electronic equipment⁵ covered by the LVD/EMCD/RED may be included in or attached to non-electrical products⁶ (in this section the combination of electrical/electronic equipment and non-electrical product is referred to as 'final product').

A. When electrical/electronic equipment, that was not placed on the EU market, is included in or attached to a non-electrical product

The economic operator who is placing the final product on the EU market shall be considered as the manufacturer and shall follow the obligations enumerated below (under Paragraph C).

B. When electrical/electronic equipment, that is already placed on the EU market, is included in or attached to a non-electrical product

The economic operator who is placing the final product on the EU market shall be considered as the manufacturer and shall follow the obligations enumerated below (under paragraph C) if:

² The same conclusion was stated in the Guide of the repealed Directive (R&TTED) and on this point there is no modification between the provisions of the repealed Directive and the RED.

³ When the radio equipment is not incorporated in a fixed and permanent way in the non-radio product at the moment of its placing on the EU market.

⁴ The risk assessment of the radio equipment shall address its intended use by ensuring that, when it operates in combination with the intended non-radio product, the conformity of the combination is fulfilled.

⁵ e.g. led, tags.

⁶ e.g. shoes, furniture, luggage, clothes.

- the intended function or performance of the electrical/electronic equipment is modified; or
- the compliance is impacted.

C. Obligations

- (i) the compliance of the electrical/electronic equipment with the LVD/EMCD/RED shall be determined and ensured;
- (ii) the risk assessment of the electrical/electronic equipment shall address its intended use by ensuring that, when it operates in combination with the intended non-electrical product, the conformity of the final product is fulfilled; and
- (iii) the CE marking, the contact details and any required information shall be affixed as follows:

CE Marking under LVD/EMCD

The CE marking shall be affixed on the electrical/electronic equipment. Where it is not possible to affix the CE marking on the electrical/electronic equipment or it cannot be ensured that the CE marking, if affixed on the equipment, will be visible, legible and indelible:

- the CE Marking shall be affixed on the non-electrical product; or
- the CE Marking shall be placed on the packaging as well as the accompanying documents in relation to the final product (i.e. passes on the final product).

CE Marking under RED

The CE marking shall be affixed on the packaging; the CE marking shall also be affixed on the electrical/electronic equipment unless if:

- it is not possible to affix the CE marking on the equipment; or
- it cannot be ensured that the CE marking, if affixed on the equipment, will be visible, legible and indelible.

Contact details and any required information under LVD/EMCD/RED⁷

The contact details and any required information shall be affixed on the electrical/electronic equipment. Where it is not possible to affix the contact details and any required information on the electrical/electronic equipment:

- they shall be affixed on the non-electrical product; or
- they shall be provided on the packaging or the accompanying documents in relation to the final product (i.e. passes on the final product).

⁷ The same applies for the contact details of the importer (if there is an importer).