

Guideline

9/17

CLAP

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Article 3 § 3 - 97/23 EC

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Subject: New approach – Application of the sound engineering practice (SEP)

Question: How shall a manufacturer established outside the European Economic Area (EEA) fulfil the requirement of the sound engineering practice (SEP) of a Member State?

Answer: A manufacturer outside of EEA may choose the SEP of one of the Member States.

SEP from countries outside EEA does not automatically fulfil the requirement of Article 3 § 3.

However, as a general rule, it can be assumed that the SEP of a Member State is met if:

- the product has been legally marketed in one Member State of EEA for many years, or
- the product fulfils technical specifications recognised by one Member State of EEA.

Refer also to CLAP 82 - Guideline 9/1 and CLAP 130 - Guideline 9/9.

Reason: Article 3 § 3 of PED stipulates mutual recognition of SEP of Member States in order to avoid barriers of trade. The level of safety is assumed to be sufficient in all Member States. So the equipment must in be fact safe.

Modifications compared to the previous adopted version: Editorial correction on 2004-09-16.