

**Guideline**

**10/4**

**CLAP**

**FORM N°174**

**Version : 2**

**Directive 97/23/EC**

**Keywords :**

Assembly

User

Manufacturer

Placing on the market

**Directive references:**

Article 1 § 2.1.5 - 97/23 EC

Article 3 § 2.2 - 97/23 EC

**Adopted by WPG:** 28/11/2001

**Adopted by CLAP:** 28/11/2001

**Subject:** Assembly built by a subsidiary or affiliated company of the final user

**Question:** When an assembly is built by a subsidiary or affiliated company of the final user, is such an assembly covered by the PED?

**Answer:** Yes.

As the subsidiary or affiliate company is a separate legal entity – even if it is part of the same industrial group – the assembly is transferred between the two companies and hence is placed on the market. The subsidiary or affiliate company is to be considered the manufacturer.

Note: If the subsidiary or affiliated company acts under the overall responsibility of the user (as an installer or sub-contractor), the PED does not apply to this "installation" (see CLAP 9 - Guideline 3/2)

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