

Guideline

3/1

CLAP

FORM N°76

Version : 4

Directive 97/23/EC

Keywords :

Conformity assessment

Assembly

Responsibility

User

National regulations

Directive references:

Article 3 § 2.1 - 97/23 EC

Article 10.2 - 97/23 EC

5th recital - 97/23 EC

Adopted by WPG: 08/11/2000

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Subject: Assembly – Done under the responsibility of the user

Question:

Must the global conformity assessment procedure be applied to assemblies covered by article 3.2.1, e.g. to boilers, even if the assembling is done under the responsibility of the user?

Answer:

No.

Reasons: PED Article 1.2.1.5 states that “assembly” in the sense of the directive must be assembled by a manufacturer; otherwise it is not in the scope of the directive. This is further supported by recital 5 last sentence. An installation performed by or under the responsibility of the user would normally not be under the scope of the Directive. It would be under the applicable national legislation. See CLAP 9 - Guideline 3/2.

Modifications compared to the previous adopted version: copy of guideline 3/1 (08/11/00) and editorial correction on 2004-09-16.