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Ordinance on electrical low-voltage equipment

of 25 November 2015

The Swiss Federal Council,

based on Article 3 and Article 55, paragraph 3 of the Swiss Federal Electricity Act of 24 June 1902¹ (Electricity Act),

in application of the Swiss Federal Act of 12 June 2009² on Product Safety (Product Safety Act),

and the Swiss Federal Act of 6 October 1995³ on Technical Trade Barriers (Technical Trade Barriers Act),

decrees:

Chapter 1: General provisions

Article 1 Scope of application

¹ This ordinance applies to electrical low-voltage equipment for use with a nominal voltage of between 50 V and 1,000 V alternating current or between 75 V and 1,500 V direct current (low-voltage equipment) within the meaning of Directive 2014/35/EU⁴ (EU Directive on low-voltage equipment).

² It also applies to low-voltage equipment:

- a. Designed for use with an operating voltage below 50 V alternating current and 75 V direct current;
- b. Listed in Annex II to Directive 2014/35/EU, except in cases in which its electrical safety is governed by special regulations.

³ For electromagnetic compatibility, the provisions of the Ordinance of 18 November 2009⁵ on Electromagnetic Compatibility shall continue to apply.

SR

¹ SR **734.0**

² SR **930.11**

³ SR **946.51**

⁴ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits, version as per ABI. L96 dated 29 March 2014, p. 357.

⁵ SR 734.5

Article 2 Terminology

¹ Definition of terms used in this Ordinance:

- a. *Making available on the market*: Any supply of low-voltage electrical equipment for distribution, consumption or use on the Swiss market in the course of a commercial activity, whether in return for payment or free of charge;
- b. *Placing on the market*: First making available of low-voltage electrical equipment on the Swiss market;
- c. *Economic operators*: Manufacturers, authorised representatives, importers and distributors;
- d. *Harmonised standard*: Harmonised standard as defined in the legislation governing product safety.

² If a company puts products into operation for its own use, this shall be deemed equivalent to making them available on the Swiss market if the products have not previously been made available on the market.

³ Otherwise the definitions cited in Article 2 of Directive 2014/35/EU⁶ shall apply, with the exception of Article 2, number 9. In addition, the usage of the terminology cited in the Appendix to this Ordinance shall apply analogously.

Article 3 Safety

Low-voltage electrical equipment may only be made available on the market if it complies with the recognised rules of technology and does not endanger the health and safety of persons, domestic animals or objects when installed, maintained and used in a proper manner.

Chapter 2: Making new low-voltage electrical equipment available on the market

Section 1: Low-voltage equipment in general

Article 4 Obligations

¹ The obligations of the economic operators shall be based on Articles 6 to 9 and Annexes I and III to Directive 2014/35/EU,⁷ insofar as these do not arise from this Ordinance. In accordance with these Articles, the Federal Inspectorate for Heavy Current Installations (ESTI) shall be the relevant supervisory authority.

² The obligation to attach a CE mark shall not apply. Insofar as a CE mark has already been attached in compliance with the requirements of the EU, it may in accordance with Article 1, paragraph 1 be left on the product concerned.

⁶ cf. footnote to Article 1, paragraph 1.

⁷ cf. footnote to Article 1, paragraph 1.

³ An importer or distributor shall be regarded as a manufacturer in the sense of this Ordinance and shall be subject to the obligations of the latter if:

- a. It places a low-voltage electrical product on the market under its own name or its own trademark; or
- b. It modifies a low-voltage electrical product that has already been placed on the market in such a way that its conformity with the provisions of this Ordinance may be affected.

Article 5 Fundamental requirements

¹ Low-voltage equipment as defined in Article 1, paragraph 1, may only be placed on the market if it meets the safety requirements specified in Annex I to Directive 2014/35/EU.⁸

² For low-voltage equipment in accordance with Article 1, paragraph 2, or products and applications listed in Annex II to Directive 2014/35/EU, the fundamental requirements specified in Article 13 shall apply.

Article 6 Product identification

The following information must be provided on low-voltage equipment, or if this is not possible, on its packaging or accompanying documentation:

- a. Type, batch or serial number or other element allowing its identification;
- b. Name, registered trade name or registered trademark of the manufacturer and if necessary the importer;
- c. The contact address of the manufacturer / importer cited in accordance with b.

Article 7 Technical standards

¹ The designation of technical standards that are suitable for ensuring that the fundamental requirements are complied with, shall be based on Article 6 of the Federal Product Safety Act.⁹

² The Swiss Federal Office of Energy (SFOE) and – insofar as low-voltage equipment is concerned which is intended for use in the military sector, the Swiss Federal Department of Defence, Civil Protection and Sport (DDPS) – shall be responsible for specifying the applicable technical standards upon consultation with the State Secretariat for Economic Affairs (SECO).

⁸ cf. footnote to Article 1, paragraph 1.

⁹ The lists of titles of the designated standards and their wording may be viewed at, or obtained from, the Swiss Association for Standardisation, Bürglistrasse 29, 8400 Winterthur (www.snv.ch).

Article 8 Declaration of conformity

¹ Anyone who in the capacity of economic operator places low-voltage equipment on the market must be able to submit a declaration of conformity from which it can be seen that the low-voltage equipment complies with the fundamental requirements.

² For products as specified in Article 1, paragraph 1, the conformity procedure must be carried out in accordance with Annex III to Directive 2014/35/EU.¹⁰

³ If the low-voltage equipment should be subject to more than one set of regulations which call for a declaration of conformity, only a single declaration shall be required that contains all the relevant information specified by the sets of regulations concerned.

⁴ The declaration of conformity must:

- a. Be formulated in one of the official languages of Switzerland or in English, or be translated into one of the above-mentioned languages;
- b. Certify that the product complies with the applicable regulations; for products as specified in Article 1, paragraph 1, compliance with EU regulations in accordance with Annex IV to Directive 2014/35/EU may be declared;
- c. Contain at least the following information:
 1. Product or model with product name, batch, type or serial number;
 2. Name and address of the manufacturer or its registered representative in Switzerland;
 3. Description of the low-voltage product and details permitting its identification;
 4. The applied technical regulations, standards – citing the versions (EN) – or edition (IEC), or other specifications;
 5. Names and addresses of persons signing the declaration of conformity on behalf of the manufacturer or its registered representative in Switzerland.

⁵ The declaration of conformity must be kept up to date.

Article 9 Retention of declaration of conformity

Declarations of conformity must be retained for a period of ten years from the date on which the low-voltage equipment was placed on the Swiss market.

Article 10 Fulfilment of requirements

¹ If low-voltage equipment is manufactured in accordance with the technical standards as stated in Article 7 above, it shall be assumed that the safety objectives that are specified by standards or parts thereof have been complied with.

¹⁰ cf. footnote to Article 1, paragraph 1.

² If these standards are not, or are not fully, applied the economic operator must be able to prove that the fundamental requirements have been met in another manner.

Article 11 Information to be provided with the product

¹ Economic operators must ensure that their products are accompanied by operating instructions and safety information in at least the official language or languages of the location at which the product was made available on the market.

² Symbols may be used as long as the provision of adequate information is assured.

Article 12 Technical documentation

¹ Economic operators must retain all technical documentation that permits the auditors (Article 21, Federal Electricity Act) to verify compliance with the fundamental requirements.

² Technical documentation must be formulated in one of the official languages of Switzerland or in English, and contain the following information:

- a. A general description of the equipment;
- b. Conceptual design and manufacturing drawings and diagrams, in particular of components, sub-assemblies and circuits;
- c. Descriptions and explanations necessary for understanding the cited drawings and diagrams and the way in which the equipment functions;
- d. A list of the standards applied in full or in part, and a description of the solutions adopted to meet the safety objectives insofar as the cited standards have not been applied;
- e. Results of construction calculations and tests, including an appropriate risk assessment;
- f. Test reports compiled by the manufacturer or a third party.

³ The technical documentation may be formulated in another language as long as the information necessary for assessment is provided in one of the official languages of Switzerland or in English.

⁴ Technical documentation must be kept for a period of ten years from the date on which the low-voltage equipment was placed on the Swiss market. In the case of equipment manufactured on the basis of series production, the deadline shall commence with the production of the last item in the series.

Section 2: Special low-voltage equipment

Article 13 Recognised technical regulations

¹ Low-voltage equipment which is not subject to the scope of application of Directive 2014/35/EU¹¹ or which is listed in Annex II to the latter may only be made available on the market if it complies with the recognised technical regulations.

² In particular, the internationally harmonised standards of the IEC (International Electrotechnical Commission) and CENELEC (European Committee for Electrotechnical Standardisation) shall apply as recognised technical regulations, and wherever such standards are lacking, Swiss standards¹² shall apply.

³ If no specific standards exist, then analogous standards or other technical instructions shall be applied.

Article 14 Compliance with recognised technical regulations

¹ Anyone who in their capacity as economic operator intends to make low-voltage equipment in accordance with Article 13, paragraph 1 available on the market must be able to prove that it complies with the recognised technical regulations.

² For low-voltage equipment with an operating voltage lower than 50 V alternating current or 75 V direct current and an operating current of less than 2 A, proof of compliance shall only be required if the special function of the equipment or its special operating conditions could endanger persons or objects.

Chapter 3: Voluntary safety mark

Article 15 Principle

¹ The Federal Inspectorate for Heavy Current Installations (ESTI) operates the certification bureau for the voluntary safety mark (Article 20).

² Anyone intending to make an electrical product available on the market using a voluntary safety mark must obtain approval from the relevant issuing authority.

Article 16 Conditions for approval

¹ Approval shall be granted if the manufacturer, its registered representative in Switzerland or another economic operator is able to prove that the product meets the requirements specified in Article 5 and/or Article 13 above.

² Applications for approval must contain the following information:

- a. A brief description of the equipment;
- b. The trade mark, type designation and main technical data;

¹¹ cf. footnote to Article 1, paragraph 1.

¹² These standards may be viewed at, or obtained from, the Swiss Association for Standardisation, Bürglistrasse 29, 8400 Winterthur (www.snv.ch).

- c. Proof of electromagnetic compatibility according to the provisions of the Ordinance of 9 April 1997¹³ on Electromagnetic Compatibility;
- d. The test report from a test centre, or a certificate of conformity from a conformity assessment bureau.

³ The issuing authority may also request the submission of technical documentation and a sample of the equipment.

Article 17 Test centres and conformity bureaus

¹ Test centres and conformity bureaus that issue reports or certificates must be:

- a. Accredited in accordance with the Ordinance of 17 June 1996¹⁴ on Accreditation and Certification;
- b. Recognised by Switzerland within the framework of international agreements; or
- c. Otherwise authorised on the basis of Swiss federal legislation.

² If reference is to be made to documentation issued by another office than those referred to in paragraph 1 above, it is necessary to submit credible evidence that the applied procedures and the qualifications of the office concerned comply with the Swiss requirements (Article 18, paragraph 2, Swiss Federal Technical Trade Barriers Act).

Article 18 Validity of approval

¹ The approval shall remain valid for a period not exceeding five years.

² In the case of an application for modification or renewal of the approval, the issuing authority shall decide to what extent any additional proof needs to be provided.

Article 19 Withdrawal of approval

The approval shall be withdrawn if the prerequisites for its issue are no longer fulfilled.

Article 20 Safety mark

¹ The voluntary mark is of the following design:



$$\frac{c}{d} = 1,3$$

¹³ SR 734.5

¹⁴ SR 946.512

² If for technical reasons it is not possible to apply the safety mark in the above form, the issuing authority may authorise the use of another safety mark.

Chapter 4: Making used low-voltage electrical equipment available on the market

Article 21

¹ Used low-voltage equipment may only be made available on the market if it meets the applicable requirements at the time it was first placed on the market.

² Used products that are placed for the first time on the market in Switzerland shall be subject to the provisions governing the placing on the market of new equipment.

³ If used low-voltage equipment is to be modified or upgraded, and the modification or upgrading has a significant effect on safety, with respect to the modification or upgrade it shall be subject to the provisions governing the placing on the market of new equipment.

Chapter 5: Exhibition and demonstration

Article 22

Low-voltage equipment which does not meet the requirements for being made available on the market may be exhibited or demonstrated if:

- a. It is clearly indicated that compliance with the applicable legal requirements has not been certified and the low-voltage equipment may therefore not yet be placed on the market
- b. The necessary measures have been taken to protect persons and objects.

Chapter 6: Supervision and monitoring of the market

Article 23 Market supervision

¹ The relevant supervisory authority is responsible for verifying whether low-voltage equipment made available on the market complies with the provisions of this Ordinance.

² For this purpose it carries out random checks and follows up any substantiated indications that low-voltage equipment does not comply with the applicable regulations.

³ For a specified period the supervisory authority may request reports from the customs authorities concerning the import of precisely designated low-voltage equipment.

⁴ Economic operators shall place all information at the disposal of the supervisory authority that the latter may require in order to perform its duty of market supervision, and in particular upon request to name the economic operators from whom they have obtained a low-voltage product or to whom they have supplied a low-voltage product. The supervisory authority shall specify a reasonable deadline for this purpose.

Article 24 Monitoring of the market by economic operators

¹ Economic operators shall monitor the market in order to verify whether equipment they have made available on the market or placed on the market complies with the provisions of this Ordinance if this appears necessary in view of the risks to health and safety associated with the equipment concerned.

² If necessary, for this purpose they shall carry out random checks, follow up substantiated indications that a given low-voltage product does not comply with the applicable provisions, and document these actions for the attention of the supervisory authority and the other economic operators.

³ If they should ascertain that a product does not comply with the relevant provisions, they shall take the necessary measures and, to the extent necessary in consideration of the involved risks, shall immediately notify the supervisory authority about the identified shortcomings and the measures they have taken.

Article 25 Powers of the supervisory authority

¹ Within the scope of its supervisory activities, the supervisory authority is empowered to:

- a. For the purpose of verifying conformity, request:
 1. Documentation and data, and set a deadline for their delivery;
 2. Sample products;
- b. Enter the premises concerned during normal business hours;
- c. Order tests to be carried out if:
 1. The requested documentation is not submitted, or is only submitted in incomplete form, by the specified deadline;
 2. From the certificate in accordance with Article 8 or Article 14 it is not sufficiently apparent that the low-voltage equipment meets the applicable requirements;
 3. There should be grounds for doubting that the low-voltage equipment corresponds to the submitted documentation.

² Before it orders an inspection, the supervisory authority shall give the economic operator the opportunity to comment.

³ For inspection purposes, the economic operator shall provide the supervisory authority with a low-voltage product of the latter's choice, without charge.

⁴ The economic operator shall also bear the costs of the inspection in accordance with paragraph 1c if the documentation should not be submitted, or should not be

submitted in full, by the specified deadline, or if the inspection should confirm that low-voltage equipment does not meet the applicable requirements.

Article 26 Measures

¹ If a control or inspection should reveal that the provisions of this Ordinance have not been complied with, the supervisory authority shall order measures to be taken in accordance with Article 10, paragraphs 2 to 5, of the Swiss Federal Product Safety Act.

² The supervisory authority is responsible for ensuring official international authority assistance within the scope of Article 22 of the Swiss Federal Technical Trade Barriers Act.

Chapter 7: Fees and penal provision

Article 27 Fees

¹ The supervisory authority shall collect a fee and impose costs in accordance with the applicable regulations governing fees and charges for:

- a. Inspections, if it is confirmed that the equipment does not comply with the applicable regulations;
- b. Rulings relating to the inspection of low-voltage equipment.

² This provision shall also apply analogously to the voluntary safety mark.

Article 28 Penal provision

Anyone who intentionally or negligently uses the voluntary safety mark without the necessary approval shall be prosecuted in accordance with Article 55 of the Swiss Federal Electricity Act.

Chapter 8: Concluding clauses

Article 29 Repeal of previous Ordinance

The Ordinance of 9 April 1997¹⁵ on electrical low-voltage equipment is herewith repealed.

Article 30 Transitional clause

Low-voltage equipment that is made available on the market on the basis of the previous Ordinance may continue to be made available on the market if it meets the

¹⁵ [AS 1997 1016]

fundamental requirements of the previous Ordinance and was placed on the market prior to the entry into force of this present Ordinance.

Article 31 Entry into force

This Ordinance shall enter into force on 20 April 2016.

25 November 2015

On behalf of the Swiss Federal Council

President of the Swiss Confederation:

Simonetta Sommaruga

Federal Chancellor: Corina Casanova

Appendix
(Article 2, paragraph 2)

Equivalent terminology

The following comparison of terminology is intended to facilitate the correct interpretation of Directive 2014/35/EU¹⁶ to which reference is made in this Ordinance:

EU	Switzerland
Member State	Switzerland
EU declaration of conformity	Declaration of conformity
Union market	Swiss market
Union	Switzerland
Person domiciled in the Union	Person domiciled in Switzerland
Official Journal of the European Union	Swiss Federal Gazette

¹⁶ cf. footnote to Article 1, paragraph 1.