

Gas Appliances Directive (90/396/EEC)	
GUIDANCE C 2	Approved by WG -GA 06- 2003

Guideline related to:

ANNEX	II	Procedure for certification of conformity
Section	2	EC declaration of conformity to type
Paragraph	2.3.	
Subject	On-site checks	

2.3. On-site checks of appliances must be undertaken at random by the notified body at intervals of one year or less. An adequate number of appliances must be examined and appropriate tests as set out in the applicable standards referred to in Article 5 or equivalent tests must be carried out in order to ensure conformity with the corresponding essential requirements of this Directive. The notified body shall in each case determine whether these tests need to be carried out in full or in part. Where one or more appliances are rejected, the notified body shall take the appropriate measures to prevent the marketing thereof.

Question

What measures should the Notified Body take in case where tests to 2.3. of ANNEX II reveal non-conformity?

Discussion

When the Notified Body identifies a non-conformity in the meaning of point 2.3., it will enter into discussion with the manufacturer to solve the identified non compliance. In case the non-conformity to the type persists, it can formally suspend the surveillance activities, thus impeding the manufacturer from affixing the CE marking and from placing the product on the market. It will inform, in such a case, the other Notified Bodies. It will also draw the attention of the manufacturer to the potential consequences for the products already placed on the market. The Notified Body can, as appropriate, in the light of the safety risks identified, inform the competent market surveillance authorities.

The Notified Body cannot oblige the manufacturer to have previously manufactured appliances removed from the market. Such a measure is to the competence of the enforcement authority only (see Article 7) who will have been informed by the Notified Body as mentioned above.

Conclusion

When an on-site check reveals non-conformity of one or more appliances or fittings, the Notified Body in charge of it should take the measures described above.

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This guidance is for information only; it has no formal status

Reference: 90/396/EEC "Gas appliances directive" O.J. L 196, 26.07.90, p. 15

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