Mr. Vesa Katajisto

Directorate General Growth

European Commission

Brussels

17 November 2016

# Re: Transition of GAD certificates to GAR certificates

Dear Mr. Katajisto,

The industry associations addressing this letter to you represent European manufacturers of gas appliances and components. Thousands of certificates issued under the Gas Appliances Directive have been issued for our products. Therefore, we hope you can take into consideration our concerns regarding the interpretation of certain provisions of the Gas Appliance Regulation (2016/426/EC, “GAR”).

We have been informed that some Notified Bodies plan to approach the transition of the current Gas Appliances Directive (2009/142 EC; GAD) to the new GAR in a way that causes great mistrust of the manufacturing sector.

Based on the information we received, a product which has been assessed and certified to be safe according to the GAD, shall be submitted by the manufacturer to the Notified Body - not just to have a new certificate issued, but for a new EU type examination under the GAR. Otherwise, the manufacturer will not be permitted to place the product on the market after 21 April 2018.

Requesting manufacturers to test again product types already tested is in our opinion unjustified. The new obligation to prove that a risk assessment has been performed has not changed the essential requirements under GAR, compared to the Gas Appliances Directive. Therefore, any re-testing would be redundant.

On the other hand, if a new type examination would be required, the whole existing stock of the exact same products that have already been placed on the market under the GAD would now be considered unsafe. This cannot be the intention of the new GAR.

We fully understand the aim of the Regulation: all products that are being placed on the market in future should comply with the essential safety requirements to the full extent, as it was the case until now.

Still, the across-the-board demand for new type examination would not contribute to this aim. Even more, a general demand to submit all products to a new type examination would likely cause a capacity problem for the Notified Bodies once they are accredited and get to deal with the transition of products. A disruption of market supply with products might result from this situation, causing even more suspicion that there might be a general safety issue with this kind of products.

The GAD has contributed significantly to ensuring that gas products are safe. The GAR builds upon the positive experience and introduces few adjustments. To manage a smooth transition between the GAD and the GAR, we need a considerate approach without casting doubt on what has been done, but rather building on what has been achieved so far.

Hence, we would like to invite you to a dialogue which should lead to a constructive way forward.

Best Regards,

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| Martin Bergemann President  AFECOR | Norbert Burger  General Secretary ELVHIS/Euro Air | Federica Sabbati Secretary General  European Heating Industry | Adrian Harris  Director General Orgalime |