

# Guidance and Information Paper on The Use of Lighting Product Standards in Europe

## Scope

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This document gives guidance and information on the use of standards (EN, harmonized EN, OJEU listed harmonized EN and non-EN standards) in the European Union, the European Economic Area, the European Free Trade Association, and the European Custom Union.

The selection of the standards is important for the manufacturer for the preparation and maintenance of the technical file and Declaration of Conformity for placing the product on the market. This document outlines all the different options available to manufacturers, leaving it up to them to choose which option to follow. This document can also be used as guidance by Market Surveillance authorities for checking conformity considering the option chosen by the manufacturer.

The document also covers UK designated standards to be used in the United Kingdom.

**NOTE:** The information given in this paper is fully applicable for Directives using Module A (Internal production control) where the manufacturer can declare the compliance with the essential requirements by using harmonized standards or other publications following their own risk assessment. Examples of Directives using module A are LVD, EMC, ROHS and RED<sup>1</sup> (for the part dealing with health, safety, and EMC essential requirement as in article 3, item 1 a) and b)). For other Directives, the information given is still applicable, but the use of non-harmonized standards may require the intervention of a notified body. Examples for these situations are the RED Directive (Essential requirements in article 3 item 2 dealing with the efficient use of radio spectrum) and Construction Products Regulations (CPR).

## Background

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Standards provide important benchmarks for industry, consumers, and regulatory authorities against which to assess aspects such as a products safety, electromagnetic compatibility (EMC), performance, or quality. Many European Union (EU) Directives (e.g. LVD; EMCD; RED, etc.) and the equivalent UK Regulations reference harmonized EN standards that are listed in the Official Journal of the European Union (OJEU) and UK

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<sup>1</sup> Directives 2014/35/EU, 2014/30/EU, 2011/65/EU and 2014/53/EU.

designated standards listings as providing a presumption of conformity against the essential requirements of the Directives/Regulations.

A very high proportion of the standards used in the European Union, the European Economic Area, the European Free Trade Association, and the European Custom Union are adopted either directly, or with small modifications, from international IEC and ISO standards. The IEC and ISO standards are developed via a highly technical and consensus-based process involving industry, test houses, and regulatory experts who have been appointed by their own national standardisation organisations. The draft standards that these experts propose are consulted and voted on at numerous stages with the national committees. It is important that standards are kept up to date to address new technologies that are entering the market, protect against risks that were previously unforeseen, and to make improvements to assist the understanding and application of the standards. However, it is always the case that the availability of ‘fully up to date’ standards lags behind the new technologies and situations that are constantly evolving in the market.

## Description of the present options

The EU Blue Guide gives some advice such as “manufacturers must keep themselves appraised of changes in the state of the art, assess the extent of the changes to the superseded version of the standard and, if necessary, take appropriate action.” Following the EU Blue Guide (clause 4.1), the options manufacturers have, are the following listed in Table 1. They may be applied individually or together. In Table 2 pro’s and con’s of each option are given.

**TABLE 1: Possible Options for Demonstrating Conformity Against the Essential Requirements of EU/UK Product Directives or Regulations**

OPTIONS	
1	Harmonised EN Standard (OJEU or UK Designated Listed) + Risk Assessment
2	Latest Harmonised EN Standard (but not listed in OJEU or UK Designated List) + Risk Assessment
3	Latest Non-Harmonised EN Standard (not listed in OJEU or UK Designated List) + Risk Assessment
4	Use of other Standards (including latest IEC, When There Are No EN Standards) + Risk Assessment
5	Old + New EN Standards (“Cherry Picking”) + Risk Assessment
6	Own Assessments Against Essential Requirements + Risk Assessment

**TABLE 2: Pro's and Con's per option of TABLE 1**

PRO's	OPTIONS					
	1	2	3	4	5	6
Provides a legal presumption of conformity according to the Directive or Regulations for those aspects covered with the Annex ZZ. <sup>2</sup>	X					
Follows the state of the art and has been updated in line with innovation of products and technology.		X	X	X		
Is aligned with IEC and other non-European national standards that are also aligned with IEC.		X	X	X		
Is used for third party certification (e.g. ENEC Mark).		X	X			
May provide more design flexibility or be appropriate for highly innovative designs.					X	X
<b>CON's</b>						
Does not provide a legal presumption of conformity according to the Directive or Regulations. <sup>2</sup>		X	X	X	X	X
May lag the state of the art and may not have been updated in line with innovation of products and technology, increasing product liability risk.	X				X	
May not be aligned with the latest IEC or other non-European national standards that are aligned with IEC.	X				X	X
May not be used for third party certification if its DOW date is passed (e.g. ENEC Mark).	X			X <sup>(3)</sup>	X	X
A comparison with listed harmonised standard (if available) is needed under the risk assessment (differences between the standards should be considered)		X	X	X	X	X
A comparison with the most recent published EN standard is needed under the risk assessment (differences between the standards should be considered).	X			X	X	X
In the case of a superseded standard, the EU Commission (or UK Government) might decide to withdraw the standard from the OJEU (or UK Designated List) without any transitional period.	X					
CEN/CENELEC will list the standard as withdrawn once the DOW (date of withdrawal) is passed.	X				X	
The OJEU and UK designated standards listings may not be aligned.	X					
There will be confusion as to why the standard is harmonised but not listed in the OJEU (or UK Designated List).		X				

<sup>2</sup> The term “presumption of conformity” has a special legal meaning, it does not imply that this is the only method by which conformity can be demonstrated.

<sup>3</sup> DOW is not applicable for IEC.

# General Notes

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**NOTE 1:** CENELEC Technical Committee TC34 (Lighting) is in active dialogue with CENELEC, EU Commission, and HAS Consultants to seek solutions for the improvement of this situation.

**NOTE 2:** In the EU Commission Blue Guide 2022 the following statement is provided under clause 4.1.3:

*The manufacturers can choose whether or not to apply and refer to harmonised standards. However, if manufacturers choose not to apply harmonised standards, they have the obligation to demonstrate that their products are in conformity with essential requirements by the use of other means of their own choice that provide for the level of safety or protection of other interests required by the applicable legislation. These can be other standards such as national standards, international standards, European standards the references of which are not published in the OJEU, or other technical specifications such as European standardisation deliverables (deliverables other than European standards developed by the ESOs), or the manufacturer's own specifications. In these cases the manufacturers do not benefit from the presumption of conformity, but have to demonstrate the conformity themselves. This implies that they demonstrate, in the technical file of a relevant product, in a more detailed manner how the standards or technical specifications they use provide conformity with the essential requirements, for instance by carrying out a more in-depth risk assessment on the product, a gap analysis, etc.*

**NOTE 3:** European based third-party certification schemes such as those run by ETICS (ENEC Mark), VDE, DEKRA, IMQ, BSI, etc., tend to base their certifications on the most recently published EN standards regardless of their harmonisation status or listing in the OJEU or UK Designated Standards list. When standards are updated, time for manufactures to arrange recertification and the updating of the product design is provided by observing the DOW (Date Of Withdrawal) period. The DOW date is detailed in the new incoming standard and defines the date of withdrawal for the superseded edition of the standard. During the DOW period both incoming and outgoing versions of the standard remain valid for third party product certification, providing a transition or 'overlap' period between the different versions of the standard. The typical DOW period is normally three years, but this may be reduced if there are special circumstances (e.g. if a critical safety deficiency in the outgoing standard has been recognised). Whilst providing an independent verification of standards conformity, a third-party certification may not necessarily cover all conformity aspects required by a Directive or Regulations.

**NOTE 4:** To provide some clarity on the distinction between 'Placing On The Market' and 'Making Available': for maintaining EU CE or UKCA declarations of conformity, and their associated product files, it is important to understand correctly the legal terms 'Placing On The Market' and 'Making Available'. The EU Commission 'Blue Guide' on the implementation of EU product rules (2022) provides extensive advice on this subject. Two particularly pertinent extracts taken from clause 2.3 of the 'Blue Guide' are given below:

*Products made available on the market must comply with the applicable Union harmonisation legislation at the moment of placing on the market.*

*As for 'making available', the concept of placing on the market refers to each individual product, not to a type of product, and whether it was manufactured as an individual unit or in series. Consequently, placing on the Union market can only happen once for each individual product across the EU and does not take place in each Member State. Even though a product model or type has been supplied before new Union harmonisation legislation laying down new mandatory requirements entered into force, individual units of the same model or type, which are placed on the market after the new requirements have become applicable, must comply with these new requirements*

Consequently, it is required that established product designs must be kept under review for changes introduced by new or updated legislation and for any changes to standards that have been declared as providing a legal presumption of conformity. It may also be appropriate to update (or reconsider) previous risk assessments to take account of changed requirements and the latest 'state of the art' or latest knowledge of possible risks.

## Contact

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LightingEurope is the voice of the lighting industry, based in Brussels and representing 33 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 80,000 people and an annual turnover exceeding 15 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and wellbeing, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry. More information is available at [www.lightingeurope.org](http://www.lightingeurope.org).