

COMMISSION IMPLEMENTING DECISION (EU) 2015/1067**of 1 July 2015****on a measure taken by Spain in accordance with Directive 2006/42/EC of the European Parliament and of the Council to prohibit the placing on the market of a jigsaw manufactured by Yongkang Hengfa Electrical Appliance Co. Ltd, China***(notified under document C(2015) 4360)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ⁽¹⁾, and in particular Article 11(3) thereof,

Whereas:

- (1) Spain informed the Commission of a measure to prohibit the placing on the market of a jigsaw, type Practyl/JS-HF-55-1 manufactured by Yongkang Hengfa Electrical Appliance Co. Ltd, China, imported by Adeo Service France and distributed in Spain by Leroy Merlin Spain.
- (2) The jigsaw bore CE marking, according to Directive 2006/42/EC.
- (3) The reason for taking the measure was the non-conformity of the jigsaw with the essential health and safety requirements set out in Annex I to Directive 2006/42/EC, points 1.3.2 — Risk of break up during operation, 1.3.4 — Risks due to surfaces, edges or angles, 1.4.1 — General requirements of guards and protective devices and 1.4.2 — Special requirements for guards, on the grounds that the machine failed to pass the resistance test and presents risks of cut and access to the active parts.
- (4) Spain informed the distributor and importer about the deficiencies. The importer voluntarily took the necessary measures to remove non-compliant products from the market.
- (5) The documentation available, the comments expressed and the action taken by the parties concerned demonstrate that the jigsaw, type Practyl/JS-HF-55-1 fails to satisfy the essential health and safety requirements set out in Directive 2006/42/EC. It is therefore appropriate to consider the measure taken by Spain as justified.

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by Spain to prohibit the placing on the market of a jigsaw type Practyl/JS-HF-55-1 manufactured by Yongkang Hengfa Electrical Appliance Co. Ltd, is justified.

⁽¹⁾ OJ L 157, 9.6.2006, p. 24.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 July 2015.

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission
