

Change of the MD 2006/42/EC

Proposals

General comments

In its Impact Assessment, the EU Commission identified five theoretical options that could result from the evaluation of the Machinery Directive. Here one can add two more options:

5. **Merging of the Machinery Directive with the Low Voltage Directive and the RED**
6. **Extension of the scope of application of the Product Safety Directive to B2B products and adoption of related safety requirements (general and specific hazards) as well as special conformity assessment procedures for specific hazards if needed.**

Reason:

The current system of different directives and regulations is no longer understood by the economic operators and the authorities. It is very difficult to identify the relevant EU legislation for a specific product. When identified, the individual EU regulations, which must be applied cumulatively for this specific product, often do not really fit together. This must be urgently improved. Otherwise, the “EU frustration” because of the bureaucratic effort and because of the uncertainty of the economic actors the system will break down. The acceptance will go to zero.

I am aware that such a step demands courage from all concerned and some work. But in the end everyone will benefit.

Change of the Machinery Directive 2006/42/EU

Here are some suggestions for amending the Machinery Directive 2006/42/EU beside the adoption on the NLF.

DEFINITIONS

The definitions in Article 2 should be revised against the background of interpretation problems and a lot of discussions.

(a) ‘machinery’ means:

- an assembly, fitted with or intended to be fitted with **or intended to be connected to** a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application,
- *(new)*
an assembly referred to in the first indent, missing only interchangeable equipment or tools referred to in point (b) in order to achieve its specific application,
- assemblies of machinery referred to in the first, second and third indents or partly completed machinery referred to in point (g) **and other units, equipment or components** which, in order to achieve the same end, are **for a specific application** arranged and controlled so that they function as an integral whole,

(b) 'interchangeable equipment' means a device which, after the putting into service of machinery or of a tractor, is assembled with that machinery or tractor by the operator **himself in the sense of ANNEX I, No. 1.1.1. d** in order to change its function or attribute a new function, in so far as this equipment is not a tool;

A tool in this sense is to be understood as a production part which is in direct contact with the object or material to be worked on, such as drills, grinding wheels, saw blades, drill bits for pneumatic hammers.

(See "Statement of Protocol to the 1st amendment Directive (91/392/EEC)")

(g) 'partly completed machinery' means an assembly **consisting of linked parts or components, at least one of which moves** ~~which is almost machinery~~ but which cannot **or may not** in itself perform **its specific application in its existing condition**. Partly completed machinery is only intended to be incorporated into or assembled with other machinery or other partly completed machinery or equipment, thereby forming machinery to which this Directive applies. A drive system is partly completed machinery. **Equipment in this sense is any device which is necessary in order to complete partly completed machinery into machinery.**

new Definitions:

"drive system" means a device that converts thermal, electric, pneumatic, hydraulic or mechanical stored energy into kinetic energy;

"Specific application" means the application of the machinery intended by the manufacturer.

(As a consequence of the Definition "intended use" in Annex I No. 1.1.1 h. Both belong together.)

EXCLUSIONS

article 1, No. 2 b

(b) specific equipment for use in fairgrounds and/or amusement parks;

Tis can be deleted. If excluded here, they automatically fall within the scope of the Low Voltage Directive. Therefore, this exclusion makes no sense.

Article 5(2)

Article 5 (2) refers to Article 13. That is complicated to read and should be simplified. The contents of Article 13 therefore should be amended in accordance with Article 5 (1) in Article 5 (2):

2. Before placing partly completed machinery on the market, the manufacturer or his authorised representative shall:

(a) ensure that it satisfies the relevant essential health and safety requirements set out in Annex I up to the interfaces stated in the declaration of incorporation;

(b) ensure that the relevant technical documentation described in Annex VII, part B is available;

(c) provide, in particular, the necessary information, such as instructions;

(d) draw up the assembly instructions described in Annex VI and ensure that it accompanies the partly completed machinery;

(e) draw up the declaration of incorporation described in Annex II, part 1, Section B and ensure that it accompanies the partly completed machinery;

(Remark:

The content of the declaration of incorporation described in Annex II, part 1, Section B must be adjusted accordingly.)

ANNEX I

Security of machinery

According to Annex I 1.2.1. a control must be designed and constructed in such a way that

- a fault in the hardware or the software of the control system does not lead to hazardous situations,
- errors in the control system logic do not lead to hazardous situations

Proposed change:

Clarify, that such faults and errors can result from security faults and that the machinery directive covers such faults and errors.

- A **safety or security** fault in the hardware or the software of the control system does not lead to hazardous situations,
 - **safety or security** errors in the control system logic do not lead to hazardous situations
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ANNEX II and VII

Custody of technical file vs. custody of declarations

In Annex II and Annex VII custody of documents is defined. This is double in case of the EC Declaration of Conformity, because it is also part of the technical file.

In Annex II an "*original*" is to be kept, in Annex VII only a "*copy*" because the "*original*" stays with the machine.

Solution:

Remove Annex II 2. Add "*a copy of declaration of incorporation*" to Annex VII B. (a).