

# Machinery. Recast

2001/0004(COD) - 18/07/2005 - Council position

An extensive redrafting of the Proposal has been done by the Council, largely concentrating on the use of terminology in order to make it more consistent throughout the proposed Directive. Lengthy debate and analysis at committee level has ensured that all foreseeable elements have now been incorporated into the proposed Directive. In this way, the Council is hoping to avoid revisiting the Directive in the near future.

The new elements incorporated into the Common Position are as follows:

- Changes have been made to the scope of the Directive. Various items have explicitly been added, some of which were previously mentioned in the Annexes only.
- Certain categories of products have been added to the scope of the Directive. This refers mainly to various means of transport and machinery especially designed for research/laboratory purposes.
- An indicative list of safety components has been set up, which may be modified via a comitology procedure setting up a new Machinery Committee.
- The Annex on Health and Safety requirements has been extensively redrafted.
- A table, cross referencing the proposed Directive with Directive 98/37/EC, has been included in a bid to facilitate the Directive's application – even when the content of the corresponding parts are not identical.

A number of changes have been made to the terminology of the text. Amendments, which have been included in full by the Council are:

- References to Directive 92/59/EEC
- Restriction to the free circulation of goods.
- Including matters of transportation to the phases where hazards must be eliminated.
- Including the manufacturer's representative name and address only when appropriate.

Amendments, which were partially included or were reworded by the Council relate inter alia, to:

- Definitions of partly completed machinery and safety components, which have now been included.
- Matters relating to the conformity assessment procedure.
- Matters relating to the CE marking.
- On the obligation for national/Commission officials to respect professional confidentiality.
- Rewording the issue of fixed guards.
- Issues relating to language usage and instructions.
- Specifications on how information must be affixed on lifting accessories.

Amendments unacceptable to the Commission and therefore not included by the Council relate inter alia, to:

- Improved environmental performance of machines.
- The non-application of the provisions of the Directive in certain circumstances.
- Equipment used in fairgrounds and amusement parks.
- Voluntary certification and marking schemes.
- High voltage devices.
- Safety improvements regarding old machinery.
- The codification of future legal acts.
- Harmonised standards for machinery

- Risk analysis and conformity assessment procedures
- Partly completed machinery.
- Market Surveillance
- The definition of a “lift”.
- The entry into force of the future Directive
- Obligations of the manufacturer during the handling and transport of machinery
- The stability of machinery.
- Seats in the machinery.
- Movement of exposed persons.
- Content in instruction manuals.
- Vibrations
- Defining a “slinging device”.
- Designing a lifting device.
- Designing controls and manual controls
- Construction site hoists.
- The availability of technical files.
- Series manufacture of identical machines
- Persons responsible for fulfilling conformity assessment
- The compilation of a database of machinery which contributes to a safe working environment.

Amendments unacceptable to the Council related, inter alia, to:

- The exclusion of industrial sites and medical devices.
- The conformity of assessment procedure
- Risk analysis
- Professional secrecy
- Hazardous situations
- Measuring procedures
- Aspects of the definition relating to lifting devices.
- Static and dynamic tests
- Hold-to-run controls.
- Machinery load.
- Marking.
- The travel zone in industrial lifts.
- Co-ordination obligations.

To conclude, the Council accepts that the Common Position extensively modifies the text of the initial proposal. However, this re-writing is deemed essential in order to achieve three key objectives. Firstly, to ensure that the terminology is consistent throughout the entire Directive thus allowing for an easier application of its provisions. Secondly, to address the concerns of industrial stakeholders who are expected to apply the provisions and thirdly, to allow an easy transition from the Directive currently in force to the new Directive.