Machinery. Recast

2001/0004(COD) - 31/08/2005 - Commission communication on Council's position

The Commission is of the opinion that the Common Position, which was unanimously adopted, further clarifies certain issues and concepts whilst at the same time improving the formulation of certain provisions. At the same time, the Council’s stance neither alters the objectives, nor the general approach, of the initially proposed Directive. The Commission can therefore support the Common Position.

In other comments, the Commission notes that key amendments proposed by the European Parliament made during the fist reading of the Directive, such as introducing self-certification, have been incorporated into the Common Position. Moreover, many of the modifications introduced in the Common Position concern improvements in the layout of the text or constitute editorial improvements, which do not change the fundamental meaning or practical application of the Directive. The Commission notes that, the layout of Annex I on essential health and safety requirements is consistent with the layout of the current Directive. Thus, the essential health and safety requirements have been merged with the Chapters relating to lifting as well as the lifting of persons.

Three Declarations have been attached to the Common Position. They concern:

- Issues relating to the exclusion of agricultural and forestry tractors. The Council and Commission declare that, in order to cover all aspects of health and safety issues, components and separate technical units will need to be modified so as to address all the relevant risks of the Machinery Directive.

- Issues relating to the presumption of conformity and harmonised standards. The Commission declares that it will make every effort to provide information on standards published in the Official Journal, indicating the relationship between their clauses and essential health and safety requirements.

- Matters relating to CE marking. The Commission declares that it will clarify the conditions for the affixing of other markings in relation with the CE marking, whether national, European or private.