## Basic information

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|---|---|
| **2001/0004(COD)**<br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Directive | Procedure completed |
| Machinery. Recast<br><br>Repealing Directive 98/37/EC 1996/0305(COD)<br>Amending Directive 95/16/EC 1992/0394(COD)<br>Amended by 2008/0172(COD)<br>Amended by 2010/0212(COD)<br>Amended by 2022/0280(COD)<br><br>**Subject**<br><br>2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance<br>3.40.08 Mechanical engineering, machine-tool industry<br>4.15.15 Health and safety at work, occupational medicine<br>4.60.04.02 Consumer security | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| IMCO Internal Market and Consumer Protection | SCHWAB Andreas (PPE-DE) | 31/08/2004 |

| Former committee responsible | Former rapporteur | Appointed |
|---|---|---|
| JURI Legal Affairs and Internal Market | WIELAND Rainer (PPE-DE) | 27/02/2001 |

| Former committee for opinion | Former rapporteur for opinion | Appointed |
|---|---|---|
| ITRE Industry, External Trade, Research, Energy | The committee decided not to give an opinion. | |
| EMPL Employment and Social Affairs | PÉREZ ÁLVAREZ Manuel (PPE-DE) | 15/03/2001 |
| ENVI Environment, Public Health, Consumer Policy | FLORENZ Karl-Heinz (PPE-DE) | 11/04/2001 |

### Council of the European Union

| Council configuration | Meetings | Date |
|---|---|---|
| Competitiveness (Internal Market, Industry, Research and Space) | 2605 | 2004-09-24 |
| Competitiveness (Internal Market, Industry, Research and Space) | 2547 | 2003-11-26 |

| | | | |
|---|---|---|---|
| | Agriculture and Fisheries | 2676 | 2005-07-18 |
| | Agriculture and Fisheries | 2724 | 2006-04-25 |

| European Commission | Commission DG | Commissioner |
|---|---|---|
| | Internal Market, Industry, Entrepreneurship and SMEs | |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 26/01/2001 | Legislative proposal published | COM(2000)0899 | Summary |
| 12/02/2001 | Committee referral announced in Parliament, 1st reading | | |
| 28/05/2002 | Vote in committee, 1st reading | | Summary |
| 28/05/2002 | Committee report tabled for plenary, 1st reading | A5-0216/2002 | |
| 03/07/2002 | Debate in Parliament | | |
| 04/07/2002 | Decision by Parliament, 1st reading | T5-0362/2002 | Summary |
| 11/02/2003 | Modified legislative proposal published | COM(2003)0048 | Summary |
| 26/11/2003 | Debate in Council | | |
| 18/07/2005 | Council position published | 05786/2/2005 | Summary |
| 08/09/2005 | Committee referral announced in Parliament, 2nd reading | | |
| 23/11/2005 | Vote in committee, 2nd reading | | Summary |
| 25/11/2005 | Committee recommendation tabled for plenary, 2nd reading | A6-0338/2005 | |
| 14/12/2005 | Debate in Parliament | | |
| 15/12/2005 | Decision by Parliament, 2nd reading | T6-0517/2005 | Summary |
| 15/12/2005 | Results of vote in Parliament | | |
| 25/04/2006 | Act approved by Council, 2nd reading | | |
| 17/05/2006 | Final act signed | | |
| 17/05/2006 | End of procedure in Parliament | | |
| 09/06/2006 | Final act published in Official Journal | | |

## Technical information

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|---|---|
| **Procedure reference** | 2001/0004(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Directive |

| | |
|---|---|
| **Amendments and repeals** | Repealing Directive 98/37/EC 1996/0305(COD)<br>Amending Directive 95/16/EC 1992/0394(COD)<br>Amended by 2008/0172(COD)<br>Amended by 2010/0212(COD)<br>Amended by 2022/0280(COD) |
| **Legal basis** | EC Treaty (after Amsterdam) EC 095 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | IMCO/6/30115 |

Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee report tabled for plenary, 1st reading/single reading | | A5-0216/2002 | 28/05/2002 | |
| Text adopted by Parliament, 1st reading/single reading | | T5-0362/2002<br>OJ C 271 12.11.2003, p. 0378-0491 E | 04/07/2002 | Summary |
| Amendments tabled in committee | | PE364.847 | 28/10/2005 | |
| Committee recommendation tabled for plenary, 2nd reading | | A6-0338/2005 | 25/11/2005 | |
| Text adopted by Parliament, 2nd reading | | T6-0517/2005 | 15/12/2005 | Summary |

**Council of the EU**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Council statement on its position | 10855/2005 | 05/07/2005 | |
| Council position | 05786/2/2005<br>OJ C 251 11.10.2005, p. 0001-0067 E | 18/07/2005 | Summary |
| Draft final act | 03680/4/2005 | 17/05/2006 | |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2000)0899<br>OJ C 154 29.05.2001, p. 0164 E | 26/01/2001 | Summary |
| Modified legislative proposal | COM(2003)0048 | 11/02/2003 | Summary |
| Commission communication on Council's position | COM(2005)0403 | 31/08/2005 | Summary |
| Commission response to text adopted in plenary | SP(2006)0053 | 12/01/2006 | |
| Commission opinion on Parliament's position at 2nd reading | COM(2006)0058 | 13/02/2006 | Summary |
| Follow-up document | SWD(2018)0160 | 07/05/2018 | |

| | | | |
|---|---|---|---|
| Follow-up document | SWD(2018)0161 | 07/05/2018 | |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES1112/2001<br>OJ C 311 07.11.2001, p. 0001 | 12/09/2001 | |

**Additional information**

| Source | Document | Date |
|---|---|---|
| National parliaments | IPEX | |
| European Commission | EUR-Lex | |

**Final act**

Directive 2006/0042
OJ L 157 09.06.2006, p. 0024-0086 Summary

# 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.

# Machinery. Recast

2001/0004(COD) - 11/02/2003 - Modified legislative proposal

In its amended proposal, the Commission has integrated a number of suggestions from the European Parliament in view of improving the Directive. The Commission has accepted 11 amendments, in full, adopted by the Parliament at first reading. These amendments aim to clarify the scope of the Directive, to present a description of the different phases in the lifecycle of a product, to improve the safety level for construction site hoists and to simplify the application of the CE marking. Among the 6 amendments accepted in principle by the Commission, those which aim to improve the measures concerning the designation of notified bodies or the introduction of the term "hazard", meaning "the possible occurrence of an injury to a person or damage to a person's health". The Commission has also accepted in part 17 amendments which aim to introduce numerous simplifications and improvements to the scope of the Directive. According to the new wording, the Directive shall apply to the following products: machinery; interchangeable equipment; safety components; lifting accessories; removable mechanical transmission devices; partly completed machinery. The following are excluded from the scope of this Directive: components, including safety components, or equipment, including interchangeable equipment, intended to be used as spare parts to replace identical components or equipment supplied by the manufacturer of the original machinery or by a third party in accordance with the manufacturer's instructions; specific equipment for use in fairgrounds and amusement parks; machinery specially designed or put into service for nuclear purposes which, in the event of failure, may result in an emission of radioactivity; firearms; the following means of transport: agricultural and forestry tractor; motor vehicles and their trailers; vehicles covered by Directive 92/61/EEC; motor vehicles exclusively

intended for competition; and means of transport by air, on water and on rail networks; (Machinery mounted on these means of transport is not excluded); seagoing vessels and mobile offshore units and machinery installed on board such units; machines specially designed and constructed for military or police purposes; mine winding gear; machinery intended to move performers during artistic performances; electrical and electronic products falling into the following areas: household appliances, audio and video equipment, information technology equipment, office machinery and equipment, circuit breakers and switches, the following types of high-voltage electrical equipment: switch gear and control gear, transformers; motors of all types; industrial sites taken as a whole; medical devices. The Commission accepts, in part, the amendments concerning the term "machinery". The proposal specifies that all machinery must be marked legibly and indelibly with the following minimum particulars: the name and address of the manufacturer and, where applicable, his authorised representative, where applicable, the name and address of the natural or legal person who assumes responsibility for its conformity to this Directive, designation of the machinery, CE marking, designation of series or type, serial number, if any, the year of construction. Furthermore, machinery designed andconstructed for use in a potentially explosive atmosphere must be marked accordingly. Machinery must also bear full information relevant to its type and essential to its safe use. Where a machine part must be handled during use with lifting equipment, its mass must be indicated legibly, indelibly and unambiguously. Other amendments proposed by the Parliament (40 in total) were rejected by the Commission.

# Machinery. Recast

2001/0004(COD) - 17/05/2006 - Final act

PURPOSE: to lay down the essential health and safety requirements of the design and manufacture of machinery placed on the internal market.

LEGISLATIVE ACT: Directive 2006/42/EC of the European Parliament and of the Council on machinery and amending Directive 95/16/EC (recast).

CONTENT: the Council approved Parliamentary amendments on the draft Directive on the technical harmonisation for machines, which amends Directive 95/16/EC. The Directive is deemed to have been adopted in the form of the common position, as amended by the European Parliament during its second reading.

The Directive’s objective is to update technical prescriptions of existing community legislation which governs the design and construction of machinery, interchangeable equipment, safety components, lifting accessories, removable mechanical transmission devices and partly completed machinery. The agreed text improves legal certainty by clarifying the Directive’s scope and meaning and by removing ambiguities that have led to diverging interpretations. For example, there will be clearer borderlines to other directives such as the Lifts and Low Voltage Directives. Market surveillance and surveillance of product certification bodies is made more efficient by improved co-ordination at EU-level and monitoring at national level. It covers anything from small consumer products such as handheld power tools, outboard engines to large professional products such as paper making machinery or tower cranes.

The agreed text defines only the essential health and safety requirements of general application, supplemented by a number of more specific requirements for certain categories of machinery.

ENTRY INTO FORCE: 29 June 2006

TRANSPOSITION: 29 June 2008. The Member States will have until 29 December 2009 to apply the Directive’s provisions.

# 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.

# Machinery. Recast

2001/0004(COD) - 15/12/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Andreas **SCHWAB** (EPP-ED,) making some amendments to the common position:

-concerning agricultural and forestry tractors, the provisions of the Directive concerning the risks currently not covered by Directive 2003/37/EC should no longer apply when such risks are covered by Directive 2003/37/EC.

-a new recital states that Member States are responsible for ensuring that the Directive is effectively enforced on their territory and the safety of the machinery concerned is, as far as possible, improved in accordance with its provisions. The Member States should ensure their capacity to carry out effective market surveillance, taking account of guidelines developed by the Commission, in order to achieve the proper and uniform application of the Directive;

-electric motors should be listed among the products excluded from the scope of the directive in Art. 1(2).

-there is increased emphasis on the fact that business, professional and trade secrets shall be treated as confidential;

-the reference to scrapping of machinery was deleted from Annex I on the grounds that this lies outside the control of manufacturers, who should therefore not be made responsible for it;

-during the assessment of the technology of the machinery, the team of auditors shall carry out a review of the technical files to ensure their compliance with the relevant health and safety requirements.

# Machinery. Recast

2001/0004(COD) - 04/07/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Rainer WIELAND (EPP-ED, Germany) on the Commission's proposal. (Please refer to the summary dated 28/05/02.) Parliament clarified in the recitals the fact that the directive does not apply to industrial sites taken as a whole. It also pointed out that there is no Community legislation on fairground machinery and felt that the Commission should propose to bring such equipment within the scope of the directive. Parliament went on to state that purchasers should be given the best possible chance to select the machinery providing the best guarantee of a healthy and safe working environment. This may be done by compiling databases of machinery on the market, which contain information relating to the health and safety requirements laid down in the directive. The Commission should authorise CEN to establish and maintain such databases. On the question of market surveillance, Parliament has inserted a provision that Member States must ensure that machinery will be placed on the market only if it complies with the directive, when properly installed and maintained. There must be competent authorities established to monitor conformity.

# Machinery. Recast

2001/0004(COD) - 13/02/2006 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts in full all of the nine amendments adopted by the European Parliament. They are the result of a compromise package agreed between the European Parliament and the Council. The conclusion of the compromise package has been facilitated by three declarations, which the Commission made during the December 2005 session. The Commission Declaration states:

- On CE marking: The Commission will clarify the conditions for affixing other markings, whether national, European or private, in relation to the CE marking.
- On tractors I: The Parliament, the Council and the Commission declare that, in order to cover all aspects related to the health and safety of agricultural and forestry tractors in one harmonising Directive, Directive 2003/37 on type-approval of agricultural and forestry tractors, their trailers and inter-changeable towed machinery, together with their systems, components and separate technical units needs to be modified so as to address all the relevant risks of the Machinery Directive. Such a modification should include an amendment of the Machinery Directive in order to delete the expression “for the risks”.
- On tractors II: The Commission recognises the need to include in the agricultural and forestry tractors directive further requirements for risks not yet covered by these Directives. To this end, the Commission is considering appropriate measures that include references to United Nations regulations, CEN and ISO standards and OECD codes.

# Machinery. Recast

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

The Council adopted a common position on a draft Directive laying down harmonised safety requirements for the design and manufacture of certain machines in order to improve prevention of accidents when using them. The purpose of the draft Directive is to update technical prescriptions of the existing community legislation1 governing the design and construction of machinery, interchangeable equipment, safety components, lifting accessories, removable mechanical transmission devices and partly completed machinery.

The agreed text defines only the essential health and safety requirements of general application, supplemented by a number of more specific requirements for certain categories of machinery.

Once the new provisions come into force, the Member States will have to ensure that manufacturers comply, before placing machinery on the market, with the following conditions:

-Ensure that it satisfies the mandatory health and safety requirements;

-Ensure that technical files are available;

-Provide necessary information, such as the instructions for use and warnings;

-Carry out conformity assessment procedures;

-Draw up the EC declaration of conformity;

-Affix the CE marking.

Since the Commission presented the original proposal in January 2001, the text has been significantly amended with a view to ensuring terminological consistency, to addressing concerns for industrial stakeholders and allowing a smooth transition from the Directive currently in force.

# Machinery. Recast

2001/0004(COD) - 24/09/2004

The Council unanimously reached a political agreement on a draft Directive on technical harmonisation for machines and amending Directive 95/16 /EC. After finalisation of the text the Council will formally adopt its common position at one of its forthcoming meetings and will forward it to the European Parliament for second reading.

The Directive, which is based on the New Approach legislative technique, aims at simplifying the approval and testing procedures, and at updating the technical prescriptions, extending the scope of the Directive to portable cartridge operated impact machinery and construction site lifts.

# Machinery. Recast

2001/0004(COD) - 26/01/2001 - Legislative proposal

PURPOSE: to present a proposal for a Council Directive on machinery and amending Directive 95/16/EC. CONTENT: This proposal for a Directive amends Directive 98/37/EC. Given the scope and number of amendments, and in order to make the text more comprehensible, it is presented as a recast directive rather than a directive amending Directive 98/37/EC. The proposal contains two major changes to the scope of the existing Directive: - the inclusion of portable cartridge-operated devices, such as fixing tools, stunning pistols, marking guns etc., where the cartridge is not direct-acting; - construction site hoists intended for lifting persons or persons and goods. The main provisions of the proposed Directive are the following: - the Machinery Committee set up by the Directive has been divided into two distinct parts; - the possibility of prohibiting potentially dangerous machinery has been introduced; - the procedures for disputing harmonised standards and safeguard clauses are set out in separate articles; - as regards the conformity assessment of machinery, the distinction between machinery as a whole and machines which present more serious hazards, has been maintained; - partly completed machinery, which is almost a machine but which cannot itself perform a specfic application, is required to meet only two obligations, namely to bear a declaration of incorporation and to be accompanied by assembly instructions; - Member states are now required to inform all parties concerned and the Commission of all existing and future provisions which they intend to apply; - provisions dealing with non-conforming markings and the obligations arising from the affixing of the CE marking on a machine that is not covered by the Directive or the absence of CE marking for a machine that is so covered; - two articles have been introduced, the first to describe the necessary cooperaton between Member States, and the second to ensure the necessary confidentiality in exchanges of information relating to the application of the Directive. Finally, the provisions in the Annexes relate to health and safety requirements, categories of potentially hazardous machinery, partly completed machinery and intrinisically safe machinery, conformity assessment and minimum criteria for notification of bodies.