MINUTES OF MEETING

Subject: Working Party on Machinery under the 89/392/EEC Committee
Place and date: Borschette Centre, Brussels on 24-25 March 1997
Chairman: Jean-Pierre Van Gheluwe
Assistants: P. Decamps, G. Mattinò, B. Vilain

1. Welcome and introduction

The Chairman welcomed those present.

The agenda was adopted subject to the following amendments:
- an additional item was added after item 9: Situation report on the safeguard clauses
- Orgalime asked for the burners referred to in item 18 to be dealt with, if possible, under item 7 (questions/answers).
- new documents distributed during the meeting:
  - 97.1: Comments by the representatives of France on standard EN 692
  - 97.2: minutes of the meeting held on 2-3 December 1996
  - 97.3: provisional questions/answers
  - 97.5: Comments by the CEN on standard EN 708
  - 97.10: Letter from the French authorities (mobile elevating work platforms)
  - 97.11: Letter from the French authorities (risk of load distribution variations on vehicle lifts)
  - 97.12: Proposal to clarify prEN 1493
  - 97.13: Correspondence of the 83/189/EEC Committee
  - 97.14: Proposal by CUNM/AFNOR to amend standard EN 692
  - 97.15: English version of document 97.14
  - 97.16: Letter from Mr Makin to Mr Repussard concerning standard EN 692
  - 97.17: Comments by the Chairman of TC 143 concerning standard EN 692
  - 97.18: Proposal to modify prEN 280

2. Minutes of the meeting held on 3-4 June 1996 (doc. 96.16)

As this document did not prompt any comments by the Member States (apart from a reservation entered by the Netherlands pending the availability of the translation), it was approved.

3. Minutes of the meeting held on 2-3 December 1996 (doc. 97.2)

Since not all of the language versions of the minutes were available, this item was postponed until the next meeting.

4. Progress report on the guide to the implementation of the Machinery Directive

On receipt of the English and German versions, this guide would be sent to the Member States, along with a partial translation into the other languages, and an invitation to submit in-depth comments. Where points of difference existed, the Chairman asked that the Member States should notify him accordingly and submit their proposed solutions. In the case of the English and German versions, an expert in the language in question would examine the guide.

5. Progress on the codification of the Machinery Directive
This codification, which had been decided on last year by the Secretariat-General, consisted of the consolidation of the existing texts and involved only a bare minimum of amendments in terms of textual content (apart from a number of recitals and formal enhancements). This text had been approved by the Commission on 13 December 1996 (Document COM 96/997, not published in the OJ) and by the Economic and Social Committee in February 1997.

It should be noted that the references to the former texts remain valid. Germany pointed to numerous deviations from the previous texts. These deviations should be drawn to the attention of the Working Party on Codification through the Governments. So far the only comments expressed had come from the United Kingdom.

6. Progress on the recasting of the Machinery Directive

This recasting exercise had been undertaken under the Molitor programme, which had identified difficulties in reading and applying the text and had therefore proposed a number of solutions. This text was still at the investigative stage. The principal amendments applied to the scope of the Directive and Article 4(2) dealing with incorporation. An appropriate text was due to be presented by the end of July 1997.

France called for a certain degree of textual stability and questioned whether the Machinery Directive should be included in the SLIM exercise. The Chairman replied that it should, in view of Germany’s request to this effect. Germany explained that the text of the Directive needed to be clarified in order to ensure an unambiguous interpretation of the Directive and to avoid differing interpretations. Article 4(2) needed to be discussed within this committee, whereas the horizontal aspects should not be made the subject of sectoral discussions. Ireland called for the redistribution of the documents relating to the 1995 discussions on the scope of the Directive (doc. 95.09).

7. Provisional questions/answers (document 97.3)

- PQ 12: This question was held over in view of its complexity.
- PQ 13: Sweden and Ireland felt that the example was a bad choice and should be scrapped.
- PQ 14: At France’s request, the term component should be replaced by safety component.
  \[\Rightarrow\] approved question
- PQ 22: The question should be reworded but the answer retained (the phrase new machines, not yet used should be inserted, and user should be replaced by purchaser or future user).
- PQ 24: No consensus on whether these objects constituted machinery or not.
- PQ 28: Cf. PQ 65. Reword in the form of a single, more intelligible question.
- PQ 34: Laboratory equipment.
- PQ 39: Certain parts of these installations must be regarded as machinery, and others not. Germany also raised the problem of the installers of this equipment.
- PQ 40: An answer needed to be reworded, and the standard relating to construction products needed to be checked (e.g., machine for the motorised part, construction products in the case of thermal insulation).

8. Report on the publication of standard EN 692 (doc. 96.22, 97.1)

The Chairman explained a number of points relating to Document 97.13. France felt that it was essential to have a method in place, in order to be able to deal correctly with similar cases which would inevitably arise in future. Germany considered that, at the technical level, the problem of standard EN 692 was too complex and that a way had to be found of reaching a decision without too many technical discussions. Spain strongly backed this view and was also considering the possibility of setting up an ad hoc group to solve the problem. A question mark hung over the status of such a group. There followed an exposé by France on standard EN 692 (general presentation by Mr Dufumier and technical presentation by Mr Trivin). In the light of the documents presented, the CEN and the Chairman of TC 143 felt that, in spite of everything, this standard had a valuable role to play and that, if anything, the majority of the accidents were attributable to misuse of the machine.

Following discussions with the Member States and with the aim of breaking the deadlock in the short term, the standard would be published in the OJ on a restrictive basis, i.e., there would be no presumption of conformity in the case of rigid clutch presses (= key presses). Only the United Kingdom took the view that the standard should be published without restriction. The CEN would be given the task of clarifying the situation over the long term.
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9. Report on the publication of standard EN 708 (doc.97.4, 97.5 & 97.6)
Mr Robert (France) set out his views on standard EN 708. In the absence of a formal safeguard clause, this item would be submitted for opinion to the 83/189/EEC Committee.

9.a. Safeguard clauses
This item was discussed solely with the Member States. Ms Brumter gave a brief exposé of the current position as regards the safeguard clauses (19 official and +/- 6-7 unofficial).

10. Report on the meetings held in January concerning vehicle lifts and mobile elevating work platforms
Item not discussed.

11. Coordination of the notified bodies
Item not discussed.

12. MRA
Mr Mattinò announced the holding of a seminar, to be attended by Australia, New Zealand and the European Union, with a view to appointing appropriate bodies. The seminar was aimed at the national authorities of the Member States, Australia and New Zealand with responsibility for appointing Conformity Assessment Bodies (CABs) within the MRA framework. The object of the seminar was twofold: on the one hand, to promote a better understanding of the respective systems of appointment and notification and, on the other, to ensure that the criteria for appointing the CABs were correctly understood and applied by the national authorities. To this end, the exposés would range over general subjects (horizontal part), such as the New Approach and the MRA objectives, and more specific items (sectoral part) such as machinery. Mr Mattinò noted that information relating to the seminar (agenda, etc.) had been sent out by the competent Commission departments to all the Member State representatives, to the Committee on Machinery and to the Notified Bodies Coordination Chairman. France and Germany stressed the need to lay down appropriate procedures within the EU for notifying the bodies concerned, before attempting to do so within an MRA framework. Accordingly, the Member States called on the Commission – or, at least, the Committee on Machinery – to organise a special meeting of the representatives of the Member States, with a view to finding a solution to this problem of defining and coordinating the criteria used for notifying the bodies concerned.

13. Relations between the Machinery Directive and the EMC Directive
Item not discussed.

14. Relations between the Machinery Directive and the Low Voltage Directive (Doc. 97.7)
Item not discussed.

15. Market monitoring
Item not discussed.

16. Directive on machinery for on-road use
Item not discussed.

17. Standardisation: situation report
Item not discussed.

18. Divers
- National standards: item not discussed.
- Wind generators: item not discussed.
- Burners: A burner is a machine when viewed as a single motor-coupling entity. The Committee asked the representative of the European Committee of Manufacturers of Burners to come up with a solution at the next meeting of the Committee on Machinery.
1. **Welcome and introduction**

The Chairman welcomed the participants. The agenda was adopted subject to the following amendments:

- item 2 was deleted because the documents were not available;
- new documents distributed during the meeting:
  - 97.20: Coordination sheets: notified bodies;
  - 97.21: DTI document on operation of the notified bodies.

Italy wished to raise a point concerning stop/start systems for macerator sewage pumps.

The Chairman announced that the proposal to amend the Machinery Directive would be discussed.

2. **Minutes of the meeting held on 24-25 March 1997**

Not discussed, for lack of documents.

3. **Progress report on the guide to implementation of the Machinery Directive**

First, the Chairman thanked Mr Zwicky and Mr Makin for correcting the German and English versions of the guide.

Copies were distributed to the Member States and the European federations for consultation. The Commission would write to explain as clearly as possible what was expected in terms of comments by the Member States and federations.

4. **Progress on consolidation of the Machinery Directive**

The ESC had endorsed the text in February 1997 and the Council Working Party on consolidation would examine it in the second half of June.

5. **Progress on recasting the Machinery Directive**

The Chairman announced that the French text was ready (apart from Annex I) and had been sent for translation. A brief presentation of the text followed. It would be discussed at the next meeting of the Working Party on Machinery on 7-8 July 1997.

6. **Provisional questions/answers (Document 97.3)**

Not discussed.

7. **Opinion on publication of standard EN 692**

The Chairman announced that the 83/189 Committee had decided to proceed with publication of standard EN 692, with restrictions for rigid clutch presses (key presses). A formal Commission decision was being prepared.

8. **Report on the meetings held in January 1997 concerning vehicle lifts and mobile elevating work platforms**
Vehicle lifts (report by France)
There had been some distortion in application of the Directive in the Member States. Since 1995 considerable progress had been made with the draft standard on vehicle lifts (particularly on cylinder joints and non-return (check) valves). A common position had been adopted in Vienna on 28 November 1996. Harmonised interpretation and a similar EC type examination throughout the EU would take time but remained more than desirable.

Elevating work platforms: prEN 280 (report by France)
Differences had been observed in the EC type examinations, depending on the notified body, particularly in the load and overload measurements. In France, there were systems for measuring overloads and stopping dangerous movements. The prEN was insufficient from certain points of view; however, the state of the art was sufficient to solve these problems.

9. Coordination of the notified bodies

Report by the Chairman of the Coordination Committee
Mr Jacques considered the cooperation between the administrative secretariat (EOTC) and the technical secretariat (EUROGIP) fruitful. To date 110 sheets had been finalised and notified direct to the Member States and 30 new technical sheets would be sent in the near future. There were a number of problems with the notified bodies for certain types of machine, since the Member States sometimes imposed different requirements. More harmonised application of the Directive was necessary.
France agreed with Germany that it was necessary to go beyond simple cooperation between the notified bodies and that guidelines and coordination at European level were indispensable.
The majority of the Member States agreed to participate in coordination of the notified bodies on a rota basis, with a maximum of three Member States at a time. Germany proposed discussions with the Member States to ascertain each Member State’s practices, everyday problems, etc. The Chairman said that this was an interesting idea but that a questionnaire would be needed to make it easier to handle the data. The questions would be prepared by a small working party of Member States, including Germany, which would produce a preliminary draft.

Examination of coordination sheets (Doc. 96.19)
Sheet 00.210: Approved.
Sheet 00.221: “It is” instead of “is it” and “equivalent” instead of “similar”. Approved.
Sheet 00.230: Approved.
Sheet 12.003: Approved (only the titles of the standards were added).

10. MRAs: Central and Eastern European and Mediterranean countries

The Committee was informed of the following certification/standardisation activities with non-member countries:
(a) MRA with Australia and New Zealand and negotiations with other countries
The mutual recognition agreement (MRA) with Australia and New Zealand had been initialled and a seminar had been held from 14 to 18 April to exchange information and build confidence between the national authorities from the countries concerned. The joint minutes of the seminar were distributed to the members of the Working Party. A document on the follow-up to the seminar had been prepared by DG III/B/4 and would be distributed in the near future. On the whole, the results could be considered satisfactory. However, the seminar had brought to light organisational shortcomings and the need for closer coordination between the Commission and the Member States involved. The Commission representative, Mr Mattinò, called on the members to contact their counterparts on Council Committee 113 which was in charge of this file and to let them have all their comments regarding the priorities for the negotiation of any MRA.
The French and German representatives had reservations about the efficiency of such negotiations and stressed the importance of close coordination. They stressed the importance of strong representation of experts from the sector concerned in technical negotiations involving only generalists. They asked the Commission to study ways of ensuring better representation of the sectors concerned. In this connection, they called on the Chairman to make the formal approaches required to the Commission department coordinating the file (DG I/M/1).
(b) Relations with Central and Eastern European countries were accounting for a growing proportion of certification activities: these included evaluation of implementation of the Community legislation by these countries, evaluation of the technical capacity of the certification bodies in Central and Eastern Europe, technical assistance in these fields and negotiation of ECAAs. Mr Mattinò said that the Commission department concerned (DG III/B/4) was finalising a document defining these activities. It would be distributed to the Working Party as soon as it was available.
The Austrian representative stressed that care must be taken with negotiations with these countries, which must be based on a correct understanding of EU legislation, particularly of the new approach directives. This was easier for some of these countries which had been participating in CEN/CENELEC standardisation work, in some cases as associated countries.

11. **Relations between the Machinery Directive and the EMC Directive**

A revised English version of the EMC guide had been completed and sent to the Office for Official Publications. Germany, Denmark and Austria highlighted the problem with the difference between “new” and “reconditioned” machines (does this depend on the number of changes or the type of change? At which point must the machine be re-examined?). Sweden and the Netherlands considered the risk analysis decisive.

12. **Relations between the Machinery Directive and the Low Voltage Directive (Doc. 97.7)**

Document 97.7 was relatively obsolete since the situation had changed since 1995-96. Mr Jacques asked what would happen if there were two standards imposing different requirements on the same subject (for example, transportable machines). Mr Makin replied that this point had been discussed and resolved at BTS2 level.

With regard to the low voltage guide, Germany felt that the Working Party should discuss it for machine components (Article 1(5) of the Directive). The Chairman said that the text of the guide would have to be improved but that there were no contradictions between the last two points in paragraph 30.

13. **Market monitoring**

The new approach guide was being revised to harmonise the general points applicable to all the directives. The safeguard clauses served more for providing information for other Member States than for their real purpose: often, a consensus could be reached within a single Member State but problems arose when more than one Member State was involved (e.g. manufacturer from country A, government from country B and notified body from country C). To avoid this, Germany felt that a liaison network should be established so that the information required could be distributed rapidly. The Chairman pointed out that the data confidentiality aspect must not be forgotten.

14. **Directive on machinery for on-road use**

A past attempt with a new approach directive had met with opposition from Member States since their national legislation was too precise. Discussions were being held with the CECE and CEMA to incorporate the requirements of the existing directives (on tractors, etc.) but amendments were expected. The CECE intended to send a document to the Commission (which would forward it to the members) and a letter to the Member States to explain the current situation.

15. **Standardisation: situation report**

The CEN announced that there were now more or less 750 documents on machinery: 140 standards had been adopted (and 50 more would be in 1997) and there were 270 draft standards. The rest were preparatory documents. The Chairman stressed the persisting translation problems. Mr Makin mentioned the good cooperation with CEN/CENELEC.

Germany and France wanted regular progress reports on standardisation and information on any CENELEC standards published under the Machinery Directive.

16. **Other business**

The Working Party was informed about progress with the DG XI proposal for a Directive on noise emission by equipment used outdoors.

Mr Mattinò put the proposal in context: it was one of the measures to attain the objectives set in the Commission Green Paper on noise policy. The draft combined and updated a series of Directives on specific types of product (lawnmowers, compressors, cranes, etc.). DG III was involved since the Directive would apply in parallel with the Machinery Directive. A special effort must be made to keep the measures called for by the two Directives consistent.

The proposal for a Directive on noise follows the general principles of the new approach even though the regulatory context and the Member States’ objectives made it impossible to apply them fully. The Working Party’s attention was drawn to the following points in particular:

(a) the members were asked to contact their Environment Ministry counterparts on the DG XI working party and give them their comments on the proposal;
although many of DG III’s comments had been taken into account (reference to the modules, CE marking, etc.), industry and DG III still had reservations on a series of points: the reference to a guaranteed noise limit instead of a measured limit, the reference to ISO standards instead of harmonised European standards and the dates for implementation.

The Working Party was informed that a new draft was being finalised and that DG XI planned to submit the definitive draft for interdepartmental consultation within the Commission by July at the latest for approval by the Commission by the end of 1997. The Working Party would be kept informed.
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EUROPEAN COMMISSION
DIRECTORATE GENERAL III
INDUSTRY

Industrial affairs II: Capital goods industries

MINUTES OF MEETING

Subject: Working Party on Machinery under the 89/392/EEC Committee
Place and date: Borschette Centre, Brussels on 08-09 December 1997
Chairman: Jean-Pierre Van Gheluwe
Assistants: M. Eifel, G. Mattinò, B. Vilain

1. Welcome and introduction

The Chairman welcomed those present.
The Chairman clarified the numbering of the documents:
- 97.22 bis: letter from Denmark concerning building hoists (dated 13/10/1997)
- 97.23: guidelines on the LVD
- 97.23 bis: fax from Denmark concerning goods lifting equipment (25/07/97)
- 97.24: letter from France concerning certificate for press-brakes
- 97.25: fax from CENELEC concerning the publication of standards
- 97.26: date of construction for machinery
- 97.27: minutes of the meeting of 26-27 May 1997 (not yet available)
- 97.28: letter from CEB concerning burners
- 97.29: report from Mr Jacques: statistics on the work of the co-ordination
- 97.30: document from CENELEC concerning the standards under the LVD and the MD
- 97.31: note from France about the safety of vehicle servicing lifts.

The agenda was adopted subject to the following amendments: some items were added under the point miscellaneous:
- speech from Mr Brekelmans (DG III/B/2) concerning a report asked by the Council on the efficiency of the standardisation
- problem of burners (doc. 97.28)
- roller test - beds for motorbikes
- vehicle servicing lifts (doc 97.31)
- lifting anchors

The British delegation asked for an additional item concerning the problem of the year 2000 by PC’s.

Concerning the procedures of the Working Group, and following the proposals made by the Chairman, the following decisions are taken:
- The agenda of the meeting should be more explicit and written in English only; it will be distributed at least one month before the expected date of the meeting.
- The working documents will be sent out in English, or with an English translation. They will be sent out with the agenda. Therefore, no decisions will be taken for the questions received within the month preceding the meeting.
One must be aware of that the confirmation of the meeting depends on the Secretariat-General and is given only 3 weeks in advance.
- The minutes of the meeting will be sent out in English to the Member States for comments and approval. Afterwards, the minutes will be translated into French and German.
- Concerning the questions/answers, they will still be translated in all languages once they become definitive after approval by the Member States. In order to involve the national interested parties, Germany asked to have a translation of the provisional questions/answers also.

2. Progress report on the draft decision concerning EN 692
The Chairman announced that the draft decision of the Commission has been translated in 11 languages (copy is given to the representatives of the Member States) and that the written procedure for the formal approval of this decision has been launched.

The CEN informed the participants that this subject will be tackled at the next BT meeting in April.

France noted that the same problem could arise with the prEN 693, if this draft standard passes the final vote.

3. Progress report on the status of the consolidation of the Machinery Directive

The codification of the machinery Directive should be approved by the Council (1ère lecture) by the end of the year.

4. Provisional questions/answers (doc. 97.22)

This item was not discussed.

5. Persons lifting equipment versus building hoists (doc. 97.22 bis)

Recently, the services of the Commission have been warned that some manufacturers had to cope with the following problem: they produce a machine intended for lifting persons (Annex IV of the machinery Directive) but some Member States consider this same machine as a building hoist (excluded from the scope of the Directive). Denmark gave some explanations and expressed the opinion that in the future, building hoists should no more be excluded from the scope of the machinery Directive and the essential requirements of Annex I should then be adapted.

For the Belgian delegation, since this equipment is intended to lift persons and not to work on it, it is a building hoist, excluded from the machinery Directive.

If no Directives apply on the building hoists, it is up to the Member States to take their responsibilities and to draw up national legislation.

Decision: A file will be sent to the Member States in order to prepare a small meeting on the 13th January 1998 and a provisional question/answer will be written in order to define criteria allowing to make a clear distinction between both devices.

6. Goods lifting equipment used occasionally as working platforms (doc. 97.23 bis)

According to the machinery Directive, all machines lifting persons must be designed and manufactured to this purpose and therefore comply with all the provisions of the Directive (in particular, Annex I, chapter 6). For the machines designed and manufactured to lift goods, the lifting of persons is normally not authorised. Some standards have tackled the question although the standardisation shouldn’t encourage this practice. Otherwise, this equipment must be considered as a person lifting device and then be type-tested as belonging to Annex IV.

In fact, this misuse is not so occasional.

The Netherlands don’t forbid this practice but ask for more additional safety features, so that the work can be carried out in a safe way. Denmark applies the same rule.

Mr Detilloux (CEN) pointed out that the Directive 95/63/EC, amending the 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work, has handled this question, so that the Member States are entirely free to set up additional requirements for the use of this lifting equipment. DG V noted that this Directive emphasised the occasional aspect of this practice: it is not the general rule but the exception.

The Chairman noted that, in all cases, the equipment used to lift a person has to be CE marked (Annex I, item 4.3.2). The same applies if this equipment is considered as interchangeable equipment by the manufacturer; in that case, all requirements of the Directive must be fulfilled.

Decision: The services of the Commission will write a text which will be presented to the Member States at the next meeting.

7. EC-type examination certificate for press-brakes (doc. 97.24) (prEN 12622)

According to the French delegation, there is a problem concerning the press-brakes working at a speed higher than 10mm/s with a pedal control without guards. The level of safety required on those presses is not in accordance with the actual state of the art and doesn’t meet the essential requirements of annex I.

The proposition of France is that the notified bodies should no longer deliver EC type examination certificates on this kind of presses and that, as from the 1st July 1998, the notified bodies withdraw the certificates which have already been delivered.
France insisted on the fact that this decision wouldn’t change anything for the existing certificates of the machines which have already been placed on the market.

The Chairman pointed out that a formal and legally binding text is needed.

**Decision:**

The Commission will present a draft decision in order to forbid the delivering of EC-type examination certificates on press-brakes with a working speed higher than 10mm/s and a pedal control without guards. This decision will enter into force 20 days after the publication in the OJ. The existing certificates will have no more validity 6 months after the publication of the decision on the OJ (the precise delays are not yet fixed).

**8. Relation between the LVD and the MD: publication of the references of the harmonised standards (doc. 97.30)**

The Chairman presented the consensus reached between the CEN and the CENELEC concerning the publication of the references of harmonised standards. The standards related to the machinery Directive (MD) will be published in the OJEC only under the MD and the standards related to the “low voltage” Directive (LVD) will only published under the LVD. The publication lists will give an indication on the procedures to be applied. Those machinery standards coming from CENELEC will then be submitted to the machinery consultant. The German delegation wondered about who will take the decision for the classification of the standards and on the base of which criteria, and if it will be possible, for more general standards, to publish them under both directives. The Chairman stressed that this consensus will not solve all the existing problems but this is a good step forwards because both Directives will work complementary.

**9. Construction date to be affixed on machinery (doc. 97.26)**

The Commission has been warned that some problems had raised concerning the date of construction of machinery: as from the 1st October, the date changed to the next year, like for instance in the car market. All Member States agreed on the following decision:

**Decision:**

The marking of the year of the construction must, stricto sensu, coincide with the end of the manufacturing process and with the issuance of the declaration of conformity. It is therefore absolutely forbidden to pre- or post-dating the machines.

**10. Standardisation: chain saw for tree service (prEN ISO 11681-2)**

The chain-saw for tree-service is a one-hand-operated machine. The draft standard has been contested by two Member States but the CEN/BT nevertheless decided to submit it to the formal vote. Mr Makin is in fact worried about the misuse and about the non-professional use of the product; it is not possible to restrict the use to professional tree service. But from a technical point of view, this draft standard is good and meets the requirement of the Directive.

The Chairman stressed that the absence of standards has no effects since the product can be placed on the market with or without standards. If they want, the Member States can always take national measures to try to restrict the use of this product but the German and the Swedish delegations said it is not possible.

**11. Notified bodies: report of the chairman of the co-ordination (doc. 97.29)**

Mr Jacques began by expressing his worries about the weak participation level of the vertical groups (VG) to the co-ordination’s meetings. There have been 80 meetings in 3 years and it is now time to consolidate what has been done. The question concerning the status of the technical sheets is still open and he would like to know the Member states opinion on those sheets.

The German delegation wished to receive more information from the co-ordination of the notified bodies. The Chairman asked the Member States if they were able to provide information on the number of EC type examination certificates delivered by the notified bodies. All, excepted Greece which has no notified bodies, will try to collect this statistical information.

**12. Miscellaneous**

- Speech of DG III/B/2: Mr Brekelmans announced that the Council had asked a report on the standardisation in the framework of the New Approach and its efficiency. Some meetings have already been held with CEN, CENELEC and ETSI. By the end of the year, other meetings will be held in DG III with the involved sectors
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(machinery, lifts, EMC, etc.). The national authorities will also been asked to give their opinion, since it is everyone’s interest to have standards of good quality. This valuable initiative is very welcomed.

- **Lifting anchors**: due to a complaint from a manufacturer, DGIII/D/2 would like to have the opinion of the working group as to whether this equipment is covered by the machinery directive or not. The German and Italian delegations asked for more documentation.
  
  **Decision:** The Commission will send information to the Member States and ask for an answer by correspondence in order to accelerate the legal procedures.

- **Roller test-beds for motorbikes**: all Member States agreed that this equipment is a machine covered by the Directive, as stated in the question/answer 75.
  
  **Decision:** the roller-test bed for motorbikes is a machine covered by the Directive and the CE-marking has to be affixed on it.

- **Burners**: this point has already been discussed during the meeting in March (doc. 97.8). The Spanish delegation’s opinion is that this product should be considered as a quasi-machine intended to be incorporated in a boiler and that Annex II.b of the Machinery Directive is applicable. The only problem is that the boilers are specifically excluded from the scope of the Directive and therefore cannot be CE-marked.
  
  **Decision:** the burner with all its accessories (control buttons, injectors, etc.) is a machine covered by the Directive and the CE marking must be affixed on it. The Commission will write a provisional question/answer.

- **Year 2000**: the British delegation pointed out the problem of the Year 2000 in the PC’s; which is related to the annex I, point 1.2.7. The only recommendation that can be proposed by the Working Group is to go back to the supplier of the system.
MINUTES OF MEETING

Subject: Working Party on Machinery under the 89/392/EEC Committee
Place and date: Borschette Centre, Brussels on 23-24 March 1998
Chairman: Jean-Pierre Van Gheluwe
Assistants: B. Vilain

1. Welcome and introduction
The Chairman welcomed those present.
The agenda was adopted subject to the following amendments: some items were added under the point miscellaneous:
- Press-brakes: item asked by France (cfr. doc. 97.24)
- item 11: study of technical sheets should be added.
Additional documents:
- 98.23: letter from STANIMUC concerning EN692

2. Minutes of meeting of 08-09/12/97 (doc. 97.32)
Germany asked for some clarification concerning item 5 about the mandate given to the steering group of 13/01/98 (building hoists). Denmark explained that there were 2 purposes: the first related to a better distinction between a building hoist and a mobile elevating work platform (MEWP); this distinction is very important for the existing products. The second was a discussion on the new requirements to be put in the new machinery Directive if building hoists were no longer excluded from the scope of it.
United Kingdom highlighted the problem of the year 2000 for computers and intended to distribute a report to all participants.

The common position codification of the machinery Directive has been approved by the Council recently.

4. Report of the state of the European standardisation: CEN (doc. 98.13 & 98.24)
Mr Riekeles presented a short document with an updated situation of the work of the TC’s.
Denmark mentioned a problem concerning baskets which are intended to be lifted by a crane or a truck: the current situation is not very clear (which Directives apply: 89/392/EEC or 89/655/EEC?) and, if there is a standard concerning this matter; most people think that the use of it is legal and safe, which is not always the case.
According to Mr Riekeles and to the Chairman, the situation is quite confused because, at one hand, the definition of “lifting of persons” is not easy and, at the other hand, the scope is very wide. It must also be said that Directive 95/63/EC, Annex II, item 3.12, allows the use of such baskets in exceptional cases but under national regulations.

Decision: The services of the Commission will write to CEN to inform them that the standard concerning those kinds of baskets can only be considered as harmonised standard when they include command controls and when they are intended to be used with machines having appropriate controls.

5. Report of the state of the European standardisation: CENELEC (doc. 98.14)
The chairman remembered the agreement reached between the services of the Commission and CENELEC concerning the publication of standards. We can distinguish 3 kinds of standards:
- those relating to “Low Voltage Directive” (LVD): publication under LVD only (e.g. washing machines)
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- those relating to machinery Directive: publication under MD only (e.g., circular saws). LVD is indirectly covered by item 1.5.1 of Annex I.
- those relating to both Directives (not so many; e.g. EN 60204-1)

This distinction won’t certainly solve all existing problems but is a good step in the right direction.

6. **prEN 693: hydraulic presses**

France presented a short summary of the situation and noted that EN 693 has been proposed to the formal vote, although the problems are similar to EN 692. Moreover, the work for the revision of EN 692 should not start, according to a CEN resolution, before July 2000, which France considers as unacceptable. In order to avoid a safeguard clause on EN 693, which France intends to introduce if there is no change in the actual situation, the following agreement has been reached between France, CECIMO and CEN:

**Decision:**
- AFNOR will send to CEN an updated request concerning EN 692 and EN 693 and edit a proposal for both standards by the end of May 1998. AFNOR will send the document to CEN.
- CEN will forward this document to TC143 and propose a common meeting (CEN, chairman TC 143, convenor of TC 143 WG1, French National Public Authority, CECIMO) in order to clarify the positions and to consider the starting of a speedy revision of EN 692 and EN 693 before July 1998.
- If the revision of the above mentioned standards starts before July 1998, France will not start a safeguard clause procedure against EN 693 and thus the reference of EN 693 may be published in the OJEC.

7. **Lifting platforms (prEN 280)**

Presentation by France: technical points and enquiry report.

The main point is the discrepancy between notified bodies concerning the type-examination on lifting platforms and in particular items 4.2.1.4 and 6.1.3 of Annex I. These items are omitted or poorly handled in prEN 280. France expressed the opinion that the current state of the art is high enough in order to comply with the concerned safety requirements of annex I and does not see the reason why these items should not be handled. In the meantime, prEN 280 has been sent by CEN/BT to the final vote.

After a long discussion, the chairman summarised the situation:
- the scope of the standard is too wide
- despite the negative opinions of Mr Makin, France and BTS2, the CEN/ TC 98 has decided to continue its work with the view to give satisfaction to industry. One should not forget that, if a safeguard clause is introduced, the risk exists that this standard could not give the presumption of conformity.
- the chairman suggested to divide the standard in different parts, according to the scope
- the pertinent notified bodies should meet together in order to harmonise the applied EC type examination

8. **How to consider “all-terrain vehicles” (quads)?** (doc. 98.04)

After a presentation by Mr Robert, the following question is asked: is a quad to be considered as a machine covered by the machinery Directive?

**Decision:** All Member States agreed that this vehicle, when used in agriculture and not on a public road (in which case it is a leisure vehicle intended for the transport of persons), is a machine covered by the machinery Directive.

9. **Building hoists: report of meeting held on 13/01/98 (doc. 98.22)**

Denmark presented a report on the meeting held on 13/01/98. The document is welcomed by everybody as a very good contribution to reach a solution concerning that problem. This meeting had 2 purposes:
- to establish a clear definition between a building hoist and a working platform.
- to set up new requirements for building hoist if they are included in the new Directive.

Although the new machinery Directive will certainly solve the main problems, a solution must be found for the existing products. Most Member States agreed with the definition proposed by Mr Larsen in his document 98.22, item V and commented their point of view.

**Decision:** The services of the Commission will prepare a provisional question/answer based on the doc. 98.22. The decision concerning an eventual withdrawal of EC certificates will be discussed later.

10. **Lifting anchors**
23-24 MARCH 1998

Following an enquiry sent by post to all Member States concerning the lifting anchors, the chairman explained the current situation. A lifting anchor can be defined as a device, mainly in metal, which is designed to be integrated in a structure (panel, concrete units, etc.) in order to provide an anchorage for lifting the whole to put it in place. After this operation, the lifting anchor is lost since it is definitively integrated in the structure to which it has been fixed.

The following questions were sent:
1. Is this anchor a lifting accessory covered by the Machinery Directive?
2. If the answer to question 1 is yes, must the anchor have a CE marking?
3. If the answer to question 2 is yes, must the CE marking be visible after integration of the anchor in the structure?
4. Must the other part used for the lifting (chain, cable, hook, screw, etc.) be provided from the same manufacturer?

**Decision:** No decision could be taken: the Member States reached no agreement. The Commission will investigate whether this product can be covered by the Construction Directive (89/106/EEC) or not.

11. **Notified bodies**

Mr Jacques gives an overview of the situation of the Recommendations for Use as it is today.

A few of the Recommendations (more or less 25 Recommendation in total) were sent to the Standing Committee for formal approval (subject beyond the scope of competence of the co-ordination of notified bodies)

- **First set:** Doc 96.3 - 2 April 1996
- **Second set:** Doc 96.19 - 3 July 1996
- **Third set:** Doc 98.24 - 23 April 1998

The great majority of the Recommendations were sent for information (comments if necessary) to the members of the Group 89/392. Here too, there are three sets of documents

- **First set:** documents distributed mid-96 and considered to be accepted (these Recommendations are included in the "Useful Facts" as published by the Commission at the end of 97).
- **Second set:** documents directly distributed to the members of the Committee at the end of 1996 (all Recommendations accepted at the Co-ordination level at the end of 1996)
- **Third set:** documents directly distributed to the members of the Committee in April 1998 (Co-ordination document CNB/M/0/1998-009/GJ). It updates the second set in order to include all the documents accepted at the co-ordination level at the end of 1997.

The next meeting at co-ordination level will be held on 2 April 1998. It is an "advisory board meeting". The purpose is to prepare the next meeting of the Horizontal Committee to be held in June. The points of interest are

- Preparation of a general document describing the actual content of an EC type examination (at the request of the 89/392 Committee)
- Practical organisation of the Co-ordination
- Comments on the revision of the machinery directive

**Decisions:**

One of the Recommendations to be formally approved (Doc 98.24) was discussed. It is the Recommendation CNB/M/0/00.501/R/E regarding EMC. This Recommendation is a copy of a text which was discussed by the 89/392 Committee in June 1996. It is approved by all Member States except for one reservation. It is decided that the Recommendation is formally approved except if there is a reaction from a Member State before 15 April.

The Recommendations of the second and third set of Recommendations for Use sent for information/comments (see list enclosed) for which there is no comment from the Member States before 1 June will be considered to have been accepted by the group 89/392.

12. **Provisional questions/answers (Q/A) (doc. 97.22)**

Sweden wished to discuss Q/A 39, France Q/A 108 but no discussions could take place.

The chairman announced that a new document of provisional Q/A will be produced for the next meeting. As there are for the time being 88 approved Q/A (last revision in June 97) + 2 missing numbers (28 & 29), this new document will include 2 new provisional Q/A (28 & 29) and then start at 89, so that the numbering of the questions no longer changes once a provisional Q/A has been approved.

13. **New directive**

Item not discussed.

14. **Miscellaneous**
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France asked the status concerning the press-brakes functioning at high speed, with a pedal control and without guards. (doc. 97.24). A draft decision, established by the services of the Commission, is distributed in two languages (FR-EN). Following the discussions, some recitals and articles 2 and 4 will be modified. The services of the Commission will redraft a new proposal which will then be translated in 11 languages and presented to the Committee for formal approval.
MINUTES OF MEETING

Subject: Working Party on Machinery under the 89/392/EEC Committee
Place and date: Borschette Centre, Brussels on 8-9 June 1998
Chairman: Jean-Pierre Van Gheluwe
Assistants: M. Eifel, B. Vilain

1. Welcome and introduction

The Chairman welcomed those present. The agenda was adopted subject to the following amendments: some items were added:
- presentation of Mr Harless concerning ICSCA (doc. 98.31)
- presentation of MACHEX by Mr Gifford (doc. 98.32)
- presentation by the CECE related to an auction of machinery which will take place in Rotterdam.
- the problem of the year 2000
- EN 692 & 693: status

New documents were distributed during the meeting:
- 98.27: Correlation table between the existing structure of Annex I and the structure of the draft.
- 98.28: Letter from Germany: verkaufskühlmöbel (25/05/98).
- 98.29: Letter from France: automates programmables (fax 27/05/98).
- 98.30: Recommendations of CEN/TC 143 related to EN 692 and 693 (02/06/1998).
- 98.31: ICSCA: resolutions (14/05/98).
- 98.32: Administrative co-operation: MACHEX (Mr Gifford).

2. Minutes of meeting of 23-24/03/98 (doc. 98.25)

Belgium asked the Commission if the letter mentioned in point 4 of the doc. 98.25 (baskets used for lifting people) has been written and if it were possible to obtain a copy of it. This letter has not yet been done. As soon as it will be sent to CEN, the Member States will be given copies.

France and Denmark asked for a revision of point 9 (building hoists). According to their notes, this subject was not handled correctly.

A new document (doc. 98.25 rev. 1) will be written with the modifications.


This codification was approved by the Parliament at the end of April and by the Council on 25/05/98. This document should be signed before the end of June and there will be no transitional period. It will be enforced 20 days after its publication in the OJEC.

4. Report of the state of the European standardisation

- EN 692-692: TC 143 will begin an immediate revision of these EN’s. France expressed its satisfaction. Concerning EN 693, its publication will be requested after revision and a 2nd formal vote. According to Mr Makin, EN 693 should be ready in March 1999 and EN 692 in June.
- Mr Makin announced that CEN/TC 114 has made good progress on EN 1070, particularly concerning the definition of terms used in Annex IV.
- The chairman announced that a summarising list of all harmonised standards (162) will be published within two weeks in the OJEC. EN 28094-1 has been withdrawn from the previous list, since it is not covered by the Directive. Note: this list has been published in OJEC C183 of 13.06.1998.
- Germany and France asked for a presentation, during the next meeting, of the report the Council asked on the standardisation’s programme and the efficiency of it.

5. EN 708: presentation of the safeguard clause introduced by United Kingdom
UK presented a safeguard clause concerning EN 708: the main problem is the lack of protection (guards) for the lower limbs: when adjusting the powered tools to the rear of the tractor, the farm worker sometimes needs to put his feet on the barrier or guards above the powered tools in order to gain access to some devices; the feet can then slip and get trapped into the powered tools. According to UK, the most serious defects of EN 708 are:
- requirements for the front and rear guards are not strong enough,
- lack of dimensional requirements for the guards to protect against access to the dangerous moving tools of the machinery.
These arguments are developed in the booklet sent by post or distributed during the meeting. CEN asked for a meeting with all involved parties in order to reach a solution which will lay down the steps to solve the matter as quickly as possible.
The chairman informed the participants that the next meeting 83/189/EEC (responsible for the standardisation programme of CEN) will not take place before October.
Following an informal meeting between France, United Kingdom and CEN, it has been decided to inform CEN/TC 144 at a meeting which will be held at Brussels on 23/07/98 with the aim of preparing an amendment of the standard. It seems that the difficulties presented by UK can be resolved by an amendment to the standard, which could be made quite quickly.

6. Code of conduct for the notified bodies (NB) (doc. Certif 97/1-rev.2 and 97/2)
These documents are established by the services of the Commission (DG III/B/4). Mr Jacques would like to know the status of these documents: are they mandatory or just useful as information? Germany remembered that a meeting was held in December concerning the same subject: is there a relation between both? Some other questions were still unanswered: must a NB participate at the co-ordination, is the co-operation between a NB and the standardisation compulsory? France supported the idea of dedicating ½ day during the next meeting in order to see how these documents can be applied to the specific case of the machinery Directive.
The chairman agreed with this last proposal and asked the Member States to send their comments to the Commission in order to prepare the next meeting.

7. Notified bodies (NB)
- Report of the chairman, Mr Jacques:
  The last meeting was held on 02/04/98 and was set up to discuss the feasibility of an advisory group which would help the HC (technical support, etc.).
  Mr Jacques reminded everybody that technical sheets have been sent for comments “within one month” and that, to date, he hasn’t received anything yet. Sweden and France gave a copy of their comments to Mr Jacques. It was also agreed that the Member States send their comments concerning the technical sheets directly to EOTC.
- Problem with some Italian NB:
  The chairman recalled that, according to art. 9 of the Directive, the Member States must notify the Commission of the bodies responsible for carrying out the certification procedures referred to in art. 8. At present, there are 7 Italian bodies which are carrying out these procedures without having been notified to the Commission. This situation should be regularised as soon as possible.
- Mr Becker informed members that he is unable to attend the meetings of the co-ordination of the NB in future.
- Mr Jacques informed that the next meeting will be on 11th June 1998.

8. Press-brakes: draft decision
The services of the Commission have worked on a text which has not been translated yet. As soon as the translations are finalised, the document will be sent to the Member States for comments and approval.
Mr Makin advised that the draft standard prEN 12622 has been revised following the comments received after inquiry and is still a working document.

9. Definitive questions/answers
The current version is from June 1997. Germany made observations concerning:
- 77: In point 2.7, the second phrase is deleted: “It is a spare part excluded under the third indent of Article 1(2)”. This question remains approved but Norway, Germany and Luxembourg do not agree with the proposed answer.
- 84: this question remains approved but with a reserve of Germany.
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- 88: this question is deleted from the definitive questions/answers and transferred in the provisional document for revision.

10. Provisional questions/answers (Q/A) (doc. 98.26)

The chairman proposed each delegation to give their views: each Member State is invited to say if they have comments or not for the provisional Q/A. If not, they are considered as approved.

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The 15 provisional Q/A are then approved and become definitive. For the other questions, the Member States are asked to send their comments to the Commission in order to prepare an updated version for the next meeting.

Q/A 89 and 90 are discussed; new answers will be written in order to take the comments into account. A new document (doc. 98.35) will then be sent.

Everybody agreed to delete Q/A 91 and 92.

11. Miscellaneous

Auction Sales in Rotterdam in June

Presentation by CECE (Mr Raymackers): the sales take place in a free zone (it means, without the intervention of customs) and concerns a wide range of products covered by the machinery Directive. The prices are very competitive (up to 50% of the European prices). However, not all of these machines are CE marked and the procedures of putting on the market/into service are left to the responsibility of the buyer. This is not always possible as, for instance, the buyer cannot obtain the technical file of the machine. The result is that it is impossible to verify the conformity of these machines to the dispositions of the Directive; they are therefore prohibited on the territory of the EU.

UK said they are familiar with this situation: not all machines are unsafe, they might meet the current level of requirements including the necessary technical documentation.

Netherlands also highlighted that the final destination of the products sold during these sales is not known: it can be Finland, Russia, Spain or Japan. What can be done is to give a strong warning to all potential buyers concerning the administrative procedures for the placing on the market/putting into service on the EU territory.

Germany’s opinion is that, if an element is missing (CE marking, etc.), this machine can always be prohibited.

The chairman stressed the need of efficient market surveillance system. Another problem is related to the definition of “placing on the market”.

Safety 2000

United Kingdom announced that they have produced a new guide on that subject.

The new software is of course adapted to this situation but there are still some problems with existing equipment, mainly in SME.

ICSCA (doc. 98.31)

Presentation by Mr Harless. This is purely for information purposes.
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Automates programmables (doc. 98.29)

As this document has been sent too late, it was not possible to translate it. This item will be on the agenda of the next meeting. However, France made a brief introduction: the main concern is that this equipment, which is not part of Annex IV, is a success and its use is likely to further develop. Although there aren’t any problems until now, may a notified body accept this equipment when placed on a machine, like a press for instance?

Verkaufskühlmöbel (doc. 98.28)

According to the German WG, there are some gaps in standard EN 441-2. This standard is not yet published. The commission will check with CEN if this standard has been mandated under the machinery Directive and if there are problems.
MINUTES OF MEETING

Subject: Working Party on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 7-8 December 1998
Chairman: Jean-Pierre Van Gheluwe
Assistants: M. Eifel, B. Vilain

1. Welcome and introduction

The Chairman welcomed those present. The agenda was adopted subject to the following amendments: some items were added:
- France asked information on the status of safeguard clauses
- Italy expressed some concerns on EN 703
- Austria provided some information on the Directive "Noise emission"
- auctions related to Asian imports of machinery

New documents were distributed during the meeting:
98,42: FR: painting booths (05/11/98)
98,43: NL: Homelifts, platforms and the Directives (Machinery and Lifts).
98,44: Grey imports from Asia
98,45: EN 703: proposal from Italy
98,46: EN 703: resolution from CEN
98,47: CEN: report of the standardisation
98,48: CETS: painting booths
98,49: CLC/TC 61F: hand-held and transportable electric motor-operated tools

2. Minutes of meeting of 08-09/06/98 (doc. 98.34)

United Kingdom asked for some minor editorial changes. France asked for the document 98.25 rev1 (item 2 should be changed). Mr Jacques reminded the members that, as already stated, comments concerning the technical sheets should be sent to him directly.

3. Codification of the Machinery Directive (MD)

The chairman informed the Working Group that the codification of the Machinery Directive has finally been published in OJEC L 207 of 23.07.98. The number of the directive is 98/37/EC of 22.06.98. There is no need for the Member States to transpose it.

4. EN 708: Report of the meeting held on 23/07/98 at CEN

United Kingdom expressed the opinion that the meeting held in July was very helpful. The report was sent to the WG3/TC144 which has taken the remarks into consideration. As the hazard analysis raised some problems, progress has been delayed. The safeguard clause is postponed but still pending. CEN agreed that further consultation was still needed: the next meeting will take place on 25-26/01/99 in order to produce a final report which will also take into account the problems related to prEN 1553. A resolution has also been taken to revise EN 708.
The chairman considered this solution to be the best one as it will solve problems for a range of machines and not just for one, as would have been the case if a safeguard action had been launched.

5. EN 693: Hydraulic presses

Although all points are not yet dealt with, France is satisfied because the draft has made real progress on the 3 main concerns raised by France. Moreover, these improvements have been transferred to the new draft on pneumatic presses. A UAP is also in progress to incorporate these changes in EN 692.

6. Programmable logics for managing safety functions in machinery (doc. 98.29)

This point had already been presented by France during the last meeting. The problem is the following: the evaluation of such products since the conception is quite complicated, do they satisfy the ESR 1.2.7? Can we rely on a certificate delivered by a notified body? An investigation in France could not conclude that these logics are unsafe. Industry asked them for the category 4 of EN 954.1. Mr Detilloux pointed out that one piece of equipment can be safe but the problem arises with the integration of several units into a bigger assembly and with necessary modification of the program for verification/maintenance (e.g. verification of lifts by third party in service). Mr Jacques will put this item on the agenda of the next meeting of the co-ordination of the notified bodies.

The chairman proposed to find a central contact point (MACHEX - Mr Malcom Gifford- and notified bodies) to try to collect data, experience and to exchange information concerning these new systems.

**Decision:** a certificate delivered by a notified body for such programmable logics is valid, unless evidence to the contrary is provided.

7. Painting booths (doc. 98.42 and 98.48)

France asked the simple question: how to define painting booths and do they belong to the scope of the MD?

CEN suggested that there is often confusion between individual construction units and a complex assembly. PrEN 12215, as written previously, did not describe a machine and has therefore been rewritten to meet the definition of a machine.

**Decision:** The propositions made by France and CETS are accepted and the provisional question-answer 136 will be finalised.

Another question relates to the enforcement of this decision. Presently, painting booths are not considered as machines and thus subject to national regulations, as in France for instance. As the application of the MD cannot be submitted to the publication of a standard, the services of the Commission will write a letter to the RP with 01/01/2000 as the proposed date of application.

8. Standards and transitional periods (doc. 98.33)

There are several different problems to be solved:

- when a standard (revision) supersedes a previous version, should a transitional period apply?
- how long should the previous version of the standard remain valid?
- 6 months for the transposition of a European standard in national collections: too short, too long?

United Kingdom reminded that QR 117 already addresses this problem. France was in favour of a general solution and not a case-by-case one. This problem is mainly related to the “annex IV” machinery.

CEN stated that such a procedure is already foreseen in the CEN rules: the default value for the validity of a previous standard versus a revised one is 6 months (shortest possible time). Nevertheless, since the mechanism exists, a request for a later date can always be presented.

9. Report of the standardisation program
Harmonised standards: 192
European standards not yet harmonised: about 70
Draft standards: about 450

The safeguard action launched by UK against EN 708 is still pending, awaiting the results of the discussions of the TC for a revision.
Italy intend to start a safeguard procedure against EN 703 (see item 14).

10. Efficiency and accountability in European Standardisation under the New Approach: Report from the Commission to the Council and The European Parliament and Council conclusions (doc. 98.36 and 98.37)

Most Member States agreed on the fact that the quality of standards is a key issue, not the volume of production. France stressed the importance of a democratic process by, for instance, involving consumers, SME's, etc. in the elaboration of standards. Also the status of other documents (PAS) is important to avoid confusion.
Mr Makin pointed out that not only the elaboration of a standard is important but also how it will be used. Moreover, a product has to comply first with the essential requirements of the Directive: the standard is still optional.
A valuable point could be that the Member States are involved earlier (for instance, during the public inquiry) and not only via the normalisation bodies.
Cenelec handed out a document (doc. 98.49) discussed during the Cenelec/BT. This document is a proposal to make a better distinction between products covered by the Machinery/Low Voltage Directives.
German insisted on the fact that these documents do not reflect the opinion of the members of this working group.

11. Press-brakes (doc. 98.39)

The Legal Service of the Commission has been consulted on these draft decisions (doc. 98.39): their opinion is that there is no legal base in Directive 98/37/EC for the Commission to write such a decision. France asked if a "recommendation" or an "opinion" from the Commission could be possible. Austria considered that DG V was responsible for machinery already in use. Spain asked for a transitional period of max. 6 months.
Decision: The services of the Commission will question the Legal Service with respect to the possibility of an "opinion" or "recommendation" from the Commission.

12. Report of the meeting of the Co-ordination of the notified bodies (NB) held on 11/06/98

Mr Jacques announced that the next meeting will be held just after this meeting, on 09/12/98 and requested replacements for the present representatives of France, Germany and the Netherlands. Italy, Spain and United Kingdom volunteered. Names of the representatives will be sent to Mr Jacques.
As regards the technical sheets sent to the Member States for comments, Mr Jacques reminded the Working Group that these fiches are deemed to be approved in the absence of any comments.
France highlighted the problem of "vehicle servicing lifts" and wondered about the status of the situation. Mr Jacques stressed that the same problem exists for the press-brakes, for the lifting of persons with suspended baskets, for the refuse vehicles, etc. A clear signal must come from the Working Group, in order to know the exact nature of the consensus, from when it should be applied, etc.

13. Provisional questions-answers (doc. 98.35)

QR 93: the Working Group could not reach a consensus on the definition of a "modified" machine. Germany is asked to send a proposal as to what is meant by "modified" machine.
A new document "Provisional questions-answers" will be prepared with the following questions:
- PQ 144: definition of a construction-site hoist?
- PQ 145: definition of "year of construction"
14. Miscellaneous

Directive on "Noise emission of machinery used outdoors"

The proposal from the Commission is now in the Council and Austria, which has the presidency this semester, has some questions.
- is this new Directive to be considered as a specific Directive under the terms of Art. 1(4) of MD?
- what about EN ISO 4871?
- what about the collaboration of both committees (machinery and noise) as regards the elaboration of definitions, noise test codes, etc.?

According to the chairman, this new Directive will be more precise as to the noise than the MD. Therefore, it must be regarded as a specific Directive as defined under the terms of Art. 1(4) of MD. With respect to the use of standards, in particular EN ISO 4871, the Council must still decide which means will be used for the compliance with the new Directive. In the future, after the adoption of this new Directive, it seems useful to reach cooperation between both committees in order to avoid potential problems of interpretation, different requirements, etc. The working method should also be the same in both committees and a procedure of bilateral consultation could maybe be implemented for specific questions.

EN 703

Italy has recorded 4 fatal accidents this year with this kind of machinery and asked for an urgent revision of this standard. Mr Makin recognised that EN 703 is not a very satisfactory standard as some parts of it do not deal with the ESR of the MD. CEN informed the Working Group that this problem is known by the TC: a meeting has been held in November and a resolution has been taken (see doc. 98.46). As the proposed dates are quite late, CEN is still requested to urge the revision of this standard.

Guide to the implementation of Directives based on new approach and global approach

Ms Liukko made a presentation of the document. Comments are expected before the 31/12/99. France and United Kingdom would like to see some concepts improved (placing on the market, market surveillance, confidentiality of the information, etc.). Italy has already sent comments.

Transposition of the Machinery Directive in national laws (doc. 98.40)

The services of the Commission have the intention to update and to complete the document "Useful facts in relation to the Machinery directive". A new part will be included with the national measures implementing the Directive in the different countries. The chairman asked the Member States to check, each for their part, the validity of the document and to send their comments to the services of the Commission. The same request is addressed to Mr Jacques for the list of the notified bodies.

Relation between directives 90/396/EC (gas appliances) and 98/37/EC (machinery) concerning pressure related risks

Item not discussed.

Grey imports from Asia (doc. 98.44)

See doc. 98.34 (auction sales in Rotterdam). At this time, these sales mainly concentrate on hydraulic excavators. Italy raised the problem of the definition of "placing on the market". United Kingdom mentioned some other problems (traceability of the products which are sold, one-off problems, quality of the products, different
approaches from the national authorities). From a legal point of view, France wondered what one should understand under the terms of “free zone” and what are the Member States allowed to do or not. Some Member States have launched information campaigns to inform the potential users. For the moment, there are no official complaints.

United Kingdom also launched an inquiry in 1997: no evidence of failure could be demonstrated. The same was done in 1998, with the same results.

Belgium stressed the problem of safety: are these machines really less safe than those sold via the usual distribution channels?

The chairman highlighted the position of the Commission: only Member States are competent for market surveillance. In addition, as there is no official complaint, so there is little the services of the Commission can do.
12-13 APRIL 1999

EUROPEAN COMMISSION
DIRECTORATE GENERAL III
INDUSTRY
Industrial affairs II: Capital goods industries

MINUTES OF MEETING

Subject: Working Party on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 12-13 April 1999
Chairman: Jean-Pierre Van Gheluwe
Assistants: M. Eifel, JP. Pelayo, B. Vilain

1. Welcome and introduction

The Chairman welcomed those present. The agenda was adopted subject to the following amendments: some items were added:

- DE: problem with EN 1726-1 (safety of self-propelled industrial lift trucks)
- NL: ban on mitre saws

Italy would like to have a discussion on the lifting accessories placed on a non-movable equipment. Spain asked to come back, at the next meeting, on the point relating to the relation between directives 90/396/EC (gas appliances) and 98/37/EC (machinery) concerning pressure related risks.

New documents:

- 99.09: Note from the German authorities on EN 1726-1
- 99.10: Noise: modification of the Machinery Directive (MD)
- 99.11: Names and addresses of competent authorities in charge of market surveillance

2. Minutes of meeting of 07-08/12/98 (doc. 98.50)

Concerning item 10, Germany asked to add that the documents 98.36 and 98.37 do not reflect the opinion of the members of the Machinery Working party. There should be no drift towards a publication of a standard under the Low Voltage Directive (LVD) if the risk is mainly mechanical.

Mr Detilloux asked a modification in item 6.

Decision: the doc. 98.50 will be amended and a new document 98.50rev.1 will be presented.

3. EN 708: progress report

United Kingdom is satisfied with the work in progress. So, there is no change as to the status of the safeguard clause which is still pending but not really active.

According to CEN, the standard should be submitted to CEN/CS by the end of February 2000. The vote of the UAP (unique acceptance procedure) should occur in April. As the delay for a UAP is 4 months, the procedure should be finished in September-October.

4. EN 703: safeguard clause

Italy did not record any new accidents on this equipment but the safeguard clause is still in progress. However, they are willing to accept the same procedure as for EN 708, it means that the involved parties (CEN, TC, Italian authorities) will try to reach an agreement. France stressed the need for closer collaboration as the convenor of the TC responsible for EN 703 is Italian.

CEN informed that they have already taken action: a meeting is planned in Paris at the end of June and the TC had already decided, previous to the safeguard clause, to revise the standard.

5. EN ISO 11681-2 (doc. 99.03 & 99.08)
Denmark gave some explanations about the 2 documents received by the Commission. The doc. 99.03 cannot be considered as a safeguard clause as it does not come from the national authorities. The second one, doc. 99.08, is a safeguard clause, not against the product itself but against the standard EN ISO 11681-2. The reasons are:

a) no difference is made between professional and private users;
b) the requirements of the MD are not fulfilled;
c) the Danish delegation voted against the adoption of this standard.

United Kingdom shared the same concern as to the use of such a chainsaw, as well as France, Sweden and Finland. According to Mr Makin, the standard is good but the use of the product should be restricted. Germany stressed that it is not possible to carry out such a market surveillance.

The chairman considered that the document should be presented to the committee 98/34/EC but that more technical justifications are still needed (which requirements are not fulfilled, etc.).

6. Modification of the MD by art. 21 of Dir. 98/79/EC (in vitro appliances) doc. 99.04

France would like to be informed on the current status of this Directive amending the Directive Machinery. The chairman answered that it has been published in Dec. 98 but is not yet enforced. The same problem could occur with the COM proposal for the noise.

7. Standardisation status: report of CEN and CENELEC

182 drafts are in progress, 335 are under approval and 211 are ratified. Total: 728 mandated projects. 188 standards are published in the OJ. Mr Riekeles announced that CEN has now an internet-site where useful information can be found. France asked to include in the reports the revision works. Concerning Cenelec, nothing new needed to be mentioned, the list presented by TC-44X during the last meeting is always in use.

8. Market surveillance (doc. 99.07)

This subject will be handled more deeply in a separate paper.

9. Provisional questions-answers (doc. 99.01 & 99.02)

doc. 99.02: according to Italy, if there is a person on the machine, it belongs to annex IV. All these machines are CE-marked but some manufacturers do not allow persons on these machines and claim therefore that Annex IV does not apply. Sweden and Denmark considered that this product is a machine if it is impossible to lift a person.

For Sweden, this product belongs to Annex IV while, for Denmark, the instructions for use have to be considered (do they forbid or not transport of persons?). The problem is how to avoid people being lifted if the machine can carry loads and goods.

Decision: A question-answer will be written using the term "machine for lifting persons" instead of "machine".

10. Miscellaneous

Mitre saws
The Netherlands could not give any comments on the situation as his colleague from the Ministry for consumers' protection was absent. This problem should be dealt with in the discussions related to the market surveillance.

EN 1726-1 (doc. 99.09)

EN 1726-1 relates to the "Safety of industrial trucks - Self-propelled trucks up to and including 10000 kg capacity and industrial tractors with a drawbar pull up to and including 20 000 N - Part 1: General requirements". Germany informed the Working Group that many accidents occurred, not when these trucks are correctly used but mainly in the case of bad use. It means during between the loading when these trucks are driving empty. According to statistics, these trucks can sometimes roll-over but this situation is not mentioned in the standard. Some measures have already been taken in the line of Directive 89/655/EEC (protection structures, safety belts) but the problem is still pending for new equipment. That is why Germany is in favour of the non-publication of EN 1726-1.
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Sweden fully agrees. Italy experienced the same problems (3057 accidents recorded, 19 fatal): the hazard of roll-over has been assessed only in the case of a normal use. United Kingdom and France shared the same concern. CEN understood the position of the Member States but wondered why they let the standard be adopted. The chairman remembered that the Member states do not intervene in the vote. The national standardisation bodies do and sometimes, opinions can be different, as Sweden confirmed.

Decision: the publication of this standard will be postponed. The same will apply to EN 1459, whose scope is related to EN 1726-1. CEN will organize a meeting with all involved parties.

EN 692-prEN 693

To the question asked by the chairman concerning these two standards, CEN answered that prEN 693 will go to a second final vote, in awaiting of the translation in FR, DE and EN. No particular problems are foreseen. These amendments will be used to change EN 692 as well.

Noise

Presentation by Martin Eifel
The COM proposal has been examined by the Economic Questions Working Party of the Council during the last three Presidencies. A political agreement for a common position was reached at the Environment Council 24 June 1999. The adoption of the common position is foreseen for the next Environment Council. Compared to the Commission proposal the common position reduces the number of options for conformity assessment procedures, for equipment subject to noise emission limits, from five to three, including a new option for an internal control of production with assessment of technical documentation and periodical checking (Annex VI). The statistical checking procedure, EN ISO 4871, has been dropped. Some further categories of equipment have been added to the Directive and/or have been included in the group with limit values and certain limit values have been reviewed. The collection of noise data has been simplified making use of the EC-declaration of conformity. The Commission’s obligation to submit reports structuring the future development of the Directive has been refined.
A common position will be adopted in the next Council meeting, followed by the second reading in the European Parliament.

Publication of standards under "Low voltage Directive" (LVD) versus MD

The chairman reminded the previous discussions regarding the publication of some standards (industrial kitchens, portable electrical material, etc.): under which Directive should they be published? The aim is to help the manufacturers to determine which Directive is applicable in case of problems.
The result of a tour de table with the Member states is the following: everybody agreed on the fact that these standards should at least be published under the MD. They "can live with" a publication under the LVD as well, if needed. Norway requested the publication under the MD only.

Chainsaw mounted on a pole

France presented the problem: the question is whether this product belongs to Annex IV or not Germany and Denmark are in favour of annex IV: the length of the pole does not change anything: the product is still a chainsaw. United Kingdom and Finland considered this equipment looks more like a pruner (étaleur, Baumschere). Sweden reminded that the list of Annex IV is exhaustive and not subject to interpretation. The outcome of the discussions was in favour of Annex IV.

Decision: A question-answer (n° 148) will be written for approval at the next meeting.
MINUTES OF MEETING

Subject: Working Party on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 7 October 1999
Chairman: M. Eifel
Assistant: J.-C. Pelayo, B. Vilain

1. Welcome and introduction

The Chairman welcomed those present.
The agenda was adopted subject to the following amendments: some items were added:
Germany asked for a report of the status of the draft proposal of the new machinery directive and for a pragmatic approach of item 7 (provisional questions-answers).

New documents:
99.17 Names and addresses of competent authorities in charge of market surveillance
99.18 Market surveillance
99.19 CEN Minutes 05/01/99 relating to EN 1726-1 and 1459

2. Minutes of meeting of 12-13 April 1999 (doc. 99.12)

In item 5 regarding EN ISO 11681-2, Finland, France and Sweden supported Denmark's concerns.
In item 9, Sweden and Denmark had different opinions. For Sweden, this product belongs to Annex IV while, for Denmark, the instructions for use have to be considered (do they forbid or not transport of persons?). Regarding the same item, United Kingdom agreed with Sweden and would like to replace the term “machine” by “machine for lifting persons”
Italy proposed to replace “machine” with “manual machine for lifting persons”. Regarding the chainsaw mounted on a pole, Sweden noted that there were no outcomes.
Germany asked to make the previous updated minutes available.

Decision: the doc. 99.12 will be amended and a new doc. 99.12rev.1 will be presented.

3. Relation between directives 90/396/EEC and 98/37/EC (doc. 98.41)

In the absence of a responsible person for directive 90/396/EEC "Gas appliances", Spain introduced the subject, stating that they would like the Machinery directive to cover the majority of these machines. There is no relation between both directives as the Machinery directive does not cover the gas appliances, which belong to the scope of the directive 90/396/EEC. The question asked by the "gas appliances" working group is whether the machinery directive covers all pressure-related risks or not. Germany reminded that the scope of the "gas appliances" directive is quite limited: no industrial devices are covered. It is difficult to assume that only one directive covers all safety aspects; other directives may also apply for the same product (for example, gas burner). Mr Makin were not aware of major problems and added that only some household appliances are covered by 90/396/EEC and that standards are normally based on both directives.

Decision: The services of the Commission will be consulted internally and will present their conclusions at the next meeting.

4. Lifting devices used as airport equipment (doc. 99.14)
After a presentation of the TC 274, Mr Detilloux summarised the 3 main questions:
- Does this kind of machinery belong to Annex IV or not?
- What is meant with the words "risk of falling"?
- In the case of a passenger boarding bridge, is there a lifting operation or not?

Italy noted that this question is close to doc. 99.02: should a device already lifted into a stable position be considered as a lifting people machine?

For Sweden, the Netherlands, Belgium and Germany there are two risks of falling: firstly, the risk for the person to fall out of the device. Secondly, in case of collapse of the structure, the device itself can fall down. Both aspects should be taken into consideration for Annex IV.

If it belongs to Annex IV, Finland considered that all parts of the machinery should be affected by the type-examination. Denmark added the problem of abnormal foreseeable use. Spain focused on the term "lifting device" and underlined the difference between a moving and a fixed platform. UK agreed with Spain and suggested that the directive should be interpreted narrowly and that only lifting of persons should be subject to Annex IV.

**Decision:** The services of the Commission will present questions-answers regarding:
1. Lifting device versus passenger boarding bridge
2. Risk of falling

### 5. EN1726-1 and EN1459 (safety of industrial trucks): report of the CEN meeting of 05/10/99 (doc.99.19)

CEN recommended that DG III publishes the reference to EN 1726-1 and EN 1459 in the OJEC together with the following note:

"This standard does not fully satisfy the following essential health and safety requirements 1.1.2 (foreseeable abnormal situations), and 3.2.2 (with respect to operator restraint system) of Annex 1 of the Directive 98/37/EC and therefore does not cover the risk of the operator being crushed between parts of the work equipment and the ground should the equipment tip over. Therefore, it does not confer the presumption of conformity for these specific points."

According to Germany, 3 questions must be considered:
- What is the status of the current standard? The current standard is not incorrect but incomplete. So, it could be proposed to publish it with a restriction.
- An amendment must be carried out in order to add items related to use for instructions, normal conditions of use. Measures to improve stability (tipping over) are necessary.
- A safety harness is not the ultimate solution to ensure safety.

The Commission should address a mandate to CEN with the aim to review the standard. A study could also be launched.

Italy highlighted the agreement between themselves, France and Germany: the standard should be published in its current version, while CEN could start the revision of it. As Italy does not agree with item 6 of doc. 99.19, CEN proposed to delete it. CEN also reminded that the delay for this amendment is around one year.

The Netherlands informed that, in application of directive 95/63/EC, safety belts will be compulsory on these trucks from 05/12/2002.

Concerning item 3 in doc. 99.19, Sweden preferred to change "tip over", which could lead to some confusion in Swedish: is it "tipping over", "rolling over", or "tipping"? Sweden preferred "tipping" to avoid confusion. Finland supported this position.

Germany elaborated that trucks can fall on their side but no complete roll over can occur and therefore preferred "tip over".

Belgium reminded that "tipping" is not covered by Annex I. Annex I refers only to "roll over" (requirement 3.4.3).

According to United Kingdom, the term should be "roll-over" but Mr Makin noticed that this implies a rotation. "Tip over" seems to be more appropriate.

**Decision:** Everybody agreed to the fact that the truck falls along its lateral side and that there is no frontal roll-over. Translation of the decision will have to be verified when the text is available. A mandate from the Commission to CEN will be issued with a view to a revision of the standard.
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Mr Puplett expressed his regrets that Italy was not present at the meeting organised by CEN in order to solve the problem regarding EN 703. CEN had immediately reacted to the safeguard clause presented by Italy. Italy replied that the Italian normalisation body was present but that the Italian authorities had not been informed about this meeting. All MS agreed that it is important that the MS who has launched a safeguard clause participates in this kind of meetings. As regards work progress, the revision has started and another meeting is already planned in December.

7. **Provisional questions-answers**

In a general statement Germany expressed their wish to modify the way questions-answers are handled. In order to make better progress, they proposed to discuss and solve two or three questions asked by MS at the beginning of each meeting.

United Kingdom suggested that MS submit written comments if disagreeing. In absence of any comments, answers would be approved. As Sweden does not want to repeat the same things at each meeting, it would prefer the German option. Italy agreed with Germany and asked for the distribution of the comments resulting from the June-meeting, with the aim to discuss them.

Denmark found the common interpretation of the directive to be the most important task for the Working Group and therefore agreed with Germany to prioritise them, each MS providing one question. Quicker solutions could be WEB-site, e-mail or fax. Mr Makin proposed to delete all outstanding questions and to restart from scratch. Finland proposed to adapt all outstanding questions-answers not being contested.

Germany suggested adopting the same solution as for the Toys directive where a small group of Member States could meet, without interpretation, and propose solutions to the Working Group. Germany had a specific question on Annex II.B machinery, which they believe should be CE marked. A long discussion without conclusion followed, showing very differing points of view on this matter. This question will be further discussed in the next meeting.

**Decision:** All outstanding questions were dropped and a number of new (or important old re-proposed) questions will be discussed and decided at the start of every meeting. Discussions on this issue should continue at the start of the next meeting.

Doc. 2000.22, presented by Mr Makin, provides a summary of the discussions on Annex II.B Machinery.

8. **Road circulation: status (doc. 99.16)**

After a presentation of the situation by Mr Emond, the floor was given to Member States.

Germany supported the initiative and considered that the Machinery Committee is the place where this subject should be discussed, but a distinction between traffic rules and technical rules must be made. Austria agreed with Germany and asked which contacts have been taken by industry.

Industry has contacted ministries responsible for transport. Industry does not want to integrate the problem of road circulation into the Machinery Directive but prefers a complementary directive. Denmark reminded that in 1989, when the directive was adopted, the traffic question has not been taken into consideration. They are willing to solve it but this Committee is not the right place. United Kingdom were prepared to discuss the matter, but made a reservation on how to solve it. Spain was cautiously favourable, and Finland clearly in favour.

**Decision:** The request from industry will be presented to the "Motor vehicles" committee.

9. **Directive regarding the exposure of workers to mechanical vibrations**

Presentation by M. Eifel

A new Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from vibrations is currently discussed in a Council Working Group. It was originally a part of Commission proposal for a Directive on Physical Agents (from 1994) but is now discussed separately. Industry has voiced its concern that their opinion is not sufficiently taken into account and that there may
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be hard to judge the effect on use and design of machinery, due to the fact that adequate standards for measuring vibrations are missing. Member States are asked to take note of the issue and to give comments. Comments:
Mr Gambelli expressed the concerns of UNICE: the text of this draft directive is too complex and contains technical errors. There are no appropriate standards. In some countries there are not enough laboratories. There is a lack of technical preparation.
Finland, which held the presidency for this period, agreed that the directive might seem quite technical but it does not present any particular problems. The target is to establish some limit values, which should not be exceeded in order to protect the workers. Moreover, there are no contradictions with the Machinery directive.
Mr Higgins, CEN consultant for noise, stated that vibration aspects are very difficult to evaluate. Expressing the vibration exposure is very difficult (depends on the position of the hands, etc.). Limitations of use would be a better alternative. More standards are needed. United Kingdom and Germany insisted that the dispositions of both directives should match.

10. Miscellaneous

Mr Fernandez Ruiz informed that the resignation and replacement of the Commission has changed the perspectives for the revision of the Machinery directive and that it would obviously take longer than previously planned to make a Commission proposal for a revision.

Concerning the Commission services’ database of Notified Bodies Mr Pelayo informed that there is a risk that it is no longer fully correct. The Commission services are trying to resolve the problem in a pragmatic way and will present a new list as soon as the problems are resolved. Several Ms underlined the importance of having a correct list and asked the Commission to resolve the problem as quickly as possible.
MINUTES OF MEETING

Subject: Working Party on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 2 March 2000
Chairman: J.-P. Van Gheuwe
Assistant: M. Eifel, B. Vilain

Welcome and introduction

The Chairman welcomed those present.

As announced in the agenda, the 2nd of March was dedicated to the usual matters relating to the Machinery Directive (MD). The 3rd of March tackled the problem of market surveillance under the chairmanship of United Kingdom.

The agenda was adopted subject to the following amendments: some items were added:
- Sweden highlighted the problem of refuse vehicles when they are placed on the German market.
- Germany asked for a report of the status of the draft proposal of the new machinery directive.
- Spain reminded the discussion to be held on the relation between the "Gas appliances" and "Machinery" directives.

New documents:
- doc. 2000.07: report of Committee 98/34 regarding EN 11681-2
- doc. 2000.08: report from CEN regarding EN 11681-2 (meeting held on 1st March)
- Minutes of meeting of 12-13 April 1999 (doc. 99.12rev.1) and of 7 October 1999 (doc. 99.20)

No comments for doc. 99.12 rev.1.

German considered that the item 7 of doc. 99.20 does not reflect the discussions and the conclusions. UK proposed to replace the words "question on non-working machine parts" by "question on Annex II.B".

Germany and United Kingdom are invited to send their version of the discussions in order for the services of the Commission to adapt correctly the doc. 99.20 (best before within 2 months).

Italy would like that the text (as far as item 5 is concerned) appears in the minutes as discussed in the meeting.

France asked to make available the questions-answers prepared by the services of the Commission, as written in the doc. 99.20 and to discuss two more items: chainsaw mounted on a pole and the equipment used in airport.

Decision: a doc. 99.20 rev. 1, taking into account the comments, will be established and distributed. Doc. 2000.22, presented by Mr Makin, provides a summary of the discussions.

Questions-answers (doc. 2000.01)

1) Year of construction (old question 145)
   Germany agreed with UK, this question has already been approved. France asked to replace the word "délivrance (issuance)" by "établissement (drawing up)". Spain asked to replace "1.7.3" by "1.7.4".
   Decision: the answer is approved with these amendments

2) Lab equipment
   Belgium wondered about the added value of this question. Germany distinguished 3 cases:
   - the machinery is a "normal" one, used as everywhere else,
   - some parts are bought and assembled to manufacture a specific machinery used for particular tests and abandoned,
the machinery is constantly adapted (machine itself in test), the question is when does it become a "normal" machinery? 

The MD covers the 2 first cases, the last one is less obvious.

Sweden noticed that art. 8.6 is a mistake, it should be art. 8.7. The chairman considered that there are so many cases that this question is not really relevant and that it is more a question of common sense. According to the Netherlands, there are two cases: the machinery is either to be tested or to be used.

The references of the modification of directive 89/655 (safety of workers) shall be added.

Decision: the revised answer will be submitted to the Member States. In the absence of comments, it will be considered as approved.

3) Validity of EC type certificates

In the case of major modifications, France applies the paragraph 5 of Annex VI. The new certificate must have a reference distinct from the original certificate. United Kingdom agreed but, as there is no duty on notified bodies to inform the manufacturer, the words "it is advisable" are better than "they should however keep". Furthermore, notified bodies should keep abreast of the state of the art and provide advice to clients if they become aware of any changes. When the state of the art changes dramatically, Germany withdraws the certificate. At the end, "and inform the NB" shall be added.

Decision: the revised answer will be submitted to the Member States. In the absence of comments, it will be considered as approved.

Transport-platforms (doc. 2000.02)

The chairman explained the reasons which led to the drawing up of the document 2000.02: a transport-platform, manufactured in the Netherlands and successfully EC-type tested in Germany, has been prohibited in Sweden. Indeed, Sweden considered this product as a builder hoist (and therefore submitted to national legislation).

Sweden confirmed there is a case in progress: they considered that the platforms are not safe and presented with that respect a safeguard clause to the Commission.

Germany reminded that this topic has already been discussed and agreed with doc. 2000.02: builder hoists are not to be mixed with platforms. Finland recommended to have a look at the "intended use" of the product. Belgium is quite happy to have a document from the Commission, clarification was really needed.

Most Member States agreed with the document 2000.02 prepared by the services of the Commission.

Decision: this item will be discussed again at the next meeting with the results of the case in progress in Sweden. Sweden will also send his opinion on the document 2000.02 to the services of the Commission

Standardisation status

CEN distributed a document and informed the participants that this information can be consulted on their website.

CEN also commented the paper sent to the Commission regarding the remaining funding for the standardisation program. CEN considered that good work has been done and that the quality of standards has improved even if there are still some delays. These delays are due to higher quality level. The "noise" consultant must also be consulted. Some delays are related to contentious matters.

Coordination of Notified bodies (doc. 2000.06)

Mr Jacques presented the activities and projects of the European co-ordination of the notified bodies (NB).

The co-ordination has now been working for 5 years. Important technical questions have been discussed in the various vertical groups. 200 technical sheets dealing with pragmatic problems have been approved by the co-ordination. Priorities will now be the amelioration on the readability and the access to the sheets. Indeed, the enlargement of EU and the MRA's imply that potential newcomers will have to assimilate the "acquis communautaire".

A practical problem is the important number of sheets. It would be useful to regroup them by subjects with the view to facilitating their use by the interested parties. At the same time, the following tasks could also be planned:

- clean-up (deletion of obsolete sheets, update of the normative references, ...)
- editorial and linguistic improvements
- simplification of the model-sheet (some items are never used)
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- translation in German and French of the finalised sheets which are approved by the Machinery Working Group
- these sheets could be put on a Website

Regarding these aspects, Mr Jacques requested the agreement of the Machinery Working Group concerning the philosophy that a revised sheet is automatically accepted by the Group if the original sheet has already been accepted. This is only valid if the revision is related to update of references, editorial improvements, etc. The Working Group agreed on that point.

A first implementation of this philosophy is presented. The sheet CNB/M/00.250 replaces and supersedes 11 horizontal sheets which have already been approved by the Working Group. This sheet is approved by the Working Group.

As regards vertical sheets communicated to the members of the Working Group, the president informed the Member States that they have been sent to everybody by EOTC. Without reaction within 1 month, these sheets will be considered approved.

- **Chainsaw for tree-service (doc. 2000.03)**

Mr Herbert, head of unit responsible for the directive 98/34/EC, gave an overview of the state of play. Denmark presented a formal objection against EN 11681-2 in March 1999. This was discussed in April at the Machinery Working Group and in June, October and December at the 98/34 Committee. The opinion of the Machinery Working Group regarding the withdrawal or not of EN 11681-2 from the list of harmonized standards, was requested before a decision could be taken. CEN also summarised the situation. France agreed that requirement 1.1.2.c has not been taken into account and wondered whether the standard can really be improved. Is it the intention to ban this product from the market? Italy shared this opinion: improving the standard can only be done in terms of training and information, not technically. For United Kingdom, it looks more like a "consumer issue", complementary legislation is needed for users. A workplace product is migrating to consumers and other products follow the same path. Not only MD is involved. A more general framework must be put into place to tackle the problem at a wider front. If top-handled chainsaws are banned, users will use conventional (two-hands) chainsaws and the situation might become even more dangerous. As it is quite difficult to guess if the consumer is a private or a professional user, Germany stressed the need for the standard to take the different possibilities into consideration. For Sweden, the standard is very clear: "only trained people". Denmark maintained his position: EN 11681-2 is not in line with Annex I, item 1.1.2.c of MD but recognised that the use of top-handled chainsaws is less dangerous than the misuse of usual chainsaws.

The coordination of notified bodies waits for a clear message: deleting the standard will have no effect on the circulation of the product. On top of that, the question is still open as to the previous EC-type certificates. If this product is really dangerous, then it must be withdrawn. Member States are asked to give their opinion concerning the draft decision prepared by the services of the Commission and the need of a revision.

*In favour of the draft:* BE, DE, GR, ES, FR, I, NL, PT, FIN, S, NO
*Against the draft:* DK, UK

*In favour of a revision of the standard:* DE, ES, FR, IT, NL, PT, FI, SV, NO

- **Mandate EN 1726-1 & 1459: progress report (doc. 2000.04)**

This is just an information given by the services of the Commission. The mandate has been prepared and sent to CEN for approval. The only point yet to be defined is the target date for the revision. All the comments related to this mandate can be sent to Mr Herbert, head of unit ENTR/G/2 or to the national representative to the 98/34 Committee.

- **Miscellaneous**

**Revision of the MD**

The services of the Commission gave an update concerning the proposal for the revision of the MD. The last meeting with the Working Group took place on the 18th and 19th of January 1999. The draft has then been adapted and rewritten and the last modifications were done in August 1999. It must be noted that the new structure of Annex I had been kept. A decision has been made at the end of February 2000 and the Annex I will return to its original structure. Nevertheless, One must be aware that this will take some time and the numbering of the existing Annex I will still be affected. In the meantime, an inter-services consultation has been made on some points as definitions, role of market surveillance, safeguard clauses,
notified bodies, etc. Some of them have been resolved but other is still open. As regards the market surveillance and the safeguard clauses, the existing will mainly be the same as the MD. The annexes with the modules will be maintained but with the original text of the modules. The requirements for the notified bodies will be slightly enhanced.

The services of the Commission intend to have the proposal ready by the end of the year.

Refuse vehicles
Sweden explained the situation: a refuse vehicle, certified by a Swedish notified body, has not been accepted on the German market. This vehicle was manufactured according to EN 1501-1, which is a harmonised standard published in the OJ.

Mr Van Gheluwe informed that, if a standard is not correct, a safeguard clause must be drawn up. To date, the services of the Commission are not aware of an action launched against EN 1501-1. Moreover, according to the free circulation and the mutual recognition of certification, a product which is approved in Sweden, shall be accepted in other countries. According to some notified bodies, there are even two certificates: one for Germany, another for the other countries.

For the German delegate, the standard doesn’t say how all the requirements can be achieved. So, there is still a problem for the remaining risks. United Kingdom shared the same concern. Indeed, the device can always be defeated in case of foreseeable misuse. That is why the standard needs to be revised.

Sweden agreed that the requirements might be too general but it does not affect the fact that, if a product has been accepted by a notified body, the same interpretation of requirements should be accepted in all countries. There might be a problem of interpretation of the requirement when its description in the standard is too general. Germany approved this opinion but wondered whether the product has really been tested in-depth.

Mr Van Gheluwe insisted that a product which has successfully been EC-type-tested, shall circulate freely within the EU. There is no possibility to add supplementary conditions. As Mr Binnig, responsible for the TC dealing with this standard, is not present, this point will be on the agenda of the next meeting again.
MINUTES OF MEETING

Subject: Working Party on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 4 December 2000
Chairman: N. Anselmann, M. Eifel
Assistants: J.-P. Van Gheluwe, B. Vilain

1. Welcome and introduction

The Chairman welcomed those present. Some explanations were given as regards changes of responsibilities. Mr M. Eifel replaces Mr Van Gheluwe and is now responsible for the Machinery directive (MD). Mr Van Gheluwe is in charge of the revision of the MD, ensures the liaison with other units and monitors horizontal issues. Mr N. Anselmann will be in charge of the general co-ordination of the "new approach" directives.

United Kingdom announced the promotion of Mr Lawson who is replaced by Mr Ken Cooper. In CEN Mr Von Hoegen would replace Mr Puplett.

In absence of comments, the agenda is approved. Mr Anselmann stressed that the meeting had to be reduced from two days to one, because of too few subjects in due time. In the future, the items to be discussed should be sent at least three weeks before the day of the meeting.


Germany reminded about the document sent by Mr Makin in June concerning item 2. This change was not reflected in the minutes. United Kingdom suggested a minor modification in item 3, paragraph 3. The sentence "Notified bodies should keep abreast of the state of the art and provide advice to clients if they become aware of any changes." should be added.

Conclusion: Revised minutes, integrating the changes, will be provided.

Doc. 2000.22, from Mr Makin concludes the discussion (7 October 1999) on Annex II.B machinery.

3. Exchange of view relating to grey import of construction machinery and actions taken by Member States

Mr Anselmann introduced the question by stressing the dimension of the problem. Due to massive imports from third countries, the entire sector suffers from this situation. The question arises as whether the MD is sufficiently enforced or not. Do Member States have a common approach to deal with this problem and in that case which? The aim of this discussion was to make all involved parties aware of the problem and of the possible solutions. It also regards the credibility of the European Union.

CECE presented the current situation. It must be noted that it is sometimes difficult to provide accurate figures for grey imports. Auctions are still going on, some in a more fair manner, others not. Industry requested a better market surveillance with the view of avoiding problems when putting machinery into service, underlining that they are willing to help the MS in the area of market surveillance. The presentation document was distributed during the meeting.

Mr Anselmann reminded that the key point is the compliance of machinery with the essential requirements of the directive. As safety is concerned, United Kingdom wondered whether mechanical problems have been detected on those machines or is it just an administrative question (no CE marking, no declaration). CECE responded that
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it is very common that the boom-lowering check-valve is missing. United Kingdom reported that they are discussing a project with the Netherlands and will report to the MD WG. They would also like to have the importers' opinion. No such problems occurred in France as customs have been informed and been given the appropriate means to ensure efficient controls. Austria highlighted a new aspect of the problem: now, the CE marking is present, so that the product seems to be in conformity, which was not the case in 1998. Germany was not sure the MD is sufficient to cope with that kind of problem. Discussions should be held in ADCO and there is a need for a fast information exchange tool. The general product safety directive (GPS) could also be very useful. Finland, Italy and Sweden had experienced practical problems: it is very difficult to deal with each imported machine when a labour inspector at the workplace discovers it. The problem must be resolved at auction level. On top of that, sales are often carried out via Internet, bringing further difficulties.

Conclusion - there is a need for greater co-operation between customs and surveillance authorities.
- if possible, the problem must be handled at the origin, when placed on the market.
- the question should be further discussed in the framework of market surveillance - ADCO, as a legal issue.

4. Lifting anchors to be integrated in concrete units (doc. 98.25 & 2000.12)

According to doc. 98.25, Italy asked the Commission' services on the results of the discussion with the directive on the construction products. The question was does the MD cover a lifting anchor? For the Commission' services, this is clearly a lifting accessory covered by the MD. Accordingly, all dispositions must be fulfilled. Although the disposition regarding the marking might not be easy to implement, all agreed that this lifting accessory must bear the CE marking and all the indications prescribed by the MD. The criterion "one-time use" is not a reason for not complying with the MD.
Standardisation may help manufacturers as regards pragmatical aspects and a common solution could be found with the help of Construction Product Directive technical committees

Conclusion: Lifting anchors are covered by the MD and must therefore comply with all relevant provisions thereof.

5. EC-type certificates based on a prEN (doc. 2000.12)

Italy informed that prEN 280 relating to mobile elevating working platforms (MEWP) will soon reach the stage of formal vote. All Member States and NB have now accepted this prEN. The problem is that some MEWP's have been tested against the old version of prEN 280 but the current contents are no longer the same as the previous ones. Italy proposed that the Commission should send a letter to the MS arguing that the technology described in the old version of prEN 280 should no longer be considered state of the art. This would be the same procedure as had been used for hydraulic press-brakes in December 1999. France supported Italy, but thought that a date for the measure had to be agreed.
Germany reminded that the NB's have to verify the product against the safety requirements of the MD, not against a standard. And certainly not against a prEN. The competence of the NB must enable him to decide whether a product is still safe or not, and therefore whether the delivered certificate is still valid. United Kingdom saw two different questions: one relating specifically to prEN 280 and another, more general, to the role of prEN as a means of obtaining the CE marking.
The Co-ordination of NB insisted on a common position from the Member States on how to fulfil the safety requirements of the MD when no standard is available. Even if a (draft) standard is a good basis with a view of harmonising the work of NB, it is not mandatory. The chairman stated that the procedure of a letter from the Commission services had been used before, but that a definition of the technology to be regarded as state of the art was needed to be included in the letter.

Conclusion: Italy would submit a proposal for a Commission letter before the end of January 2001. The Commission would then prepare the actual letter to be discussed at the next meeting.

6. Requirements for refuse collecting vehicles (EN 1501-1)

Sweden announced that the situation had changed since March. No safeguard clause against the product and no formal objection against the standard have been launched. Indeed, in the meantime, Germany has proposed a
solution after several bilateral discussions. As, for Germany, EN 1501-1 is not fully in accordance with the essential health and safety requirements of the MD, a technical specification was agreed with the notified bodies (NB) with the view of completing the lacking standard. This is of course a purely German solution. That is why EN 1501-1 should be revised as soon as possible in order to avoid a safeguard clause. CEN was aware of the problem and will start the revision in a very near future.

The Co-ordination of NB brought to the attention of the working group the existence of 3 certificates for the same product, according to the country. It would be interesting for everybody that the MS agree on one common technical solution.

For Mr Anselmann, this situation is not acceptable. If the standard is in the OJEC, it may be applied without further problems. If this standard is not correct, a safeguard clause must be presented.

France proposed to launch an enquiry on the national practices in the different Member States.

Conclusion: - at the next meeting, CEN will inform the Working Group of the deadline for the revision of EN 1501-1.
- for the next meeting, the NB’s should present a technical solution.

7. Formal objection to EN 848-3: status (doc. 2000.13)

Sweden introduced the subject and distributed a copy of their formal objection. Some accidents due to the ejection of tools were described. It seems like guards and protectors, as described by EN 848-3, do not provide enough protection (part 5.2.7.1.2). As no immediate revision is foreseen, the formal objection is still valid and Sweden requested from the Commission an addendum to be added under the publication of EN 848-3, restricting the scope of the presumption of conformity. The safety requirements that are not satisfied are 1.1.2.c and 1.3.3.

Mr Van Gheluwe explained that, for the Commission, EN 848-3 is good. Further to the 98/34/EC meeting of standards and technical rules, few comments have been made and no one in favour of the Swedish objection. But the Commission's proposal can still be amended and there were three alternatives: either we keep EN 848-3, or we withdraw EN 848-3 or we restrict the scope of EN 848-3 to what is not contested. Several Member States saw the need for tests and rapid action by CEN.

CEN considered that EN 848-3 identifies the risks and presents solutions. Nevertheless, CEN welcomes all contributions with the aim of improving standards. The other question related to how far we go with protections. An amendment is already in progress and a timetable for the revision of EN 848-3 will be transmitted at the next meeting.

Conclusion: All Member States, but Sweden and the Netherlands, were in favour of the Commission’s proposal. Sweden and the Netherlands would like to proceed to a publication with restriction on part 5.2.7.1.2. CEN has to review standard rapidly and more specific tests on plastic guards also have to be carried out. Italy had started to test and would like CEN and other MS to join them.

8. How to apply the MD to working platforms? (doc. 2000.14)

The Netherlands presented the document.

In Denmark, the lifting of persons with a crane is not allowed. Only in exceptional cases, derogation can be given and in that case, national legislation applies.

Belgium made the distinction between what is foreseen by the manufacturer and not. If the lifting of persons is not foreseen, directive 95/63/EC relating to the use of products at the workplace applies.

For Germany, a basket does not change the function of the crane that is to lift loads. It can therefore not be interchangeable equipment. Spain and France insisted that one should always use equipment, which is in conformity. If this is not the case in emergency situation for instance, MD does not apply. The basket, to be covered by the MD, should have been designed and manufactured for this purpose.

Conclusion: Working platforms without controls are not interchangeable equipment and doc. 2000.13 cannot be accepted as it is. If there are more comments they can be submitted before the next meeting.

9. Comments on doc. 2000.02 relating to working platforms

To be discussed in the next meeting.
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10. CEN / CENELEC: standardisation progress report

CEN reported on standardisation activities and distributed a document on the current status. There were 310 harmonised standards.

Concerning safeguard actions:
- EN 703
- EN 708
- EN 848-3
- EN 1459
- EN 1726-1

11. Notified Bodies (NB)

Notified Bodies co-ordination informed on the latest developments. A web-site would be useful for supporting activities. 25 Recommendations for Use would be discussed at the meeting 7 December 2000.

The value of the Recommendations for Use was briefly discussed. It was felt that there was a need for a procedure to deal with deviations from them.

Conclusion: Further discussions should be held in NB-M, ADCO and in future meetings of the MD WG.

12. Questions - Answers

To be discussed in the next meeting
- ES: food-processing machinery
- IT: concrete mixer without motor
- FR: chainsaw mounted on a pole
- FR: lifting equipment for sport

13. ADCO: Notification of safeguard clauses

It was recommended that the procedure and form, according to doc. 2000.15, is used when notifying safeguard clauses and communicating informal information. Discussions on the practical application will be held in the next ADCO meeting.

14. ADCO: Requirements for the declaration of conformity

To be discussed in the next meeting and/or in the council working group for the revision of the Directive.

15. Miscellaneous

Revision of the MD

Sweden announced the provisional dates for the Council discussions of the revision of the MD during the Swedish presidency: 07/02 (1 day), 28/02 (1 day), 28-29/03 (2 days), 18-19/04 or 19-20/04 (2 days), 15-16/05 (2 days) and 07/06 (1 day).

Next meeting

The chairman announced that the next meeting of the MD WG was tentatively planned for 3 April 2001 and that the next MD ADCO WG would tentatively be held the following day, 4 April 20001.
MINUTES OF MEETING

Subject: Working Group (WG) on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 9 April 2001
Chairman: M. Eifel
EC participants: N. Anselmann, J.-P. Van Gheluwe, B. Vilain

1. Welcome and introduction

The chairman welcomed those present.
The provisional dates for the future “Machinery” meetings are the following: 09-10/10/2001 - 30-31/01/2002 - 18-19/06/2002 - 8-9/10/2002.
For the “Lifts” Directive (LD), the dates are planned as follows: 6-7/06/2001 - 27-28/11/2001 - 6/7/05/2002 - 26-27/11/2002

In order to facilitate the preparation of these meetings, it was agreed that some rules should be respected:
- An invitation and a draft agenda shall be sent to participants 6 weeks before the meeting date.
- Documents transmitted by participants at least 4 weeks before the meeting shall be accepted. Documents should be sent with a translation into English in order to facilitate understanding.
- 3 weeks before the meeting, the agenda shall be fixed and sent to participants together with the relevant meeting documents.

The Chairman proposed to take the discussion on transport and working platforms after item 6.
A would like to know when COM will draw up internal rules for this Committee. The chairman informed that a new general document concerning committee rules of procedure has been agreed by the EU institutions. The rules of procedure for this Committee should be based on this new document and a proposal will be made available at the next meeting. Also the rules for this WG could be reviewed.
D would like to deal with refuse collection vehicle as a separate item.
The agenda was approved.

2. Minutes of meeting of 4 December 2001 (doc. 2000.21)

IRL asked to replace in item 4 “appliance” by “accessory”.

Conclusion: Doc. 2000.21 was approved with the above correction.

3. Mobile elevating work platforms (MEWP): proposal from I (Doc. 2001.01)

Further to the last meeting of this WG, I had sent a draft letter concerning MEWPs. This draft letter was based on a similar letter that was sent by COM to MS and related to press-brakes. The intention is to inform the MS authorities and market players of the evolution of the state of the art of MEWPs and the practical consequences for manufacturers and NB’s. There would be a need for a transitional period to sell off stocks of MEWPs that have been certified according to an old prEN 280 (1996), reflecting an obsolete state of the art.

Mr Jacques (NB-M) stressed the need for co-ordination: all the withdrawals of existing certificates must occur at the same time and two questions must still be answered: from when would it be forbidden to draw up new certificates according to prEN 280 and from when would the old ones no longer be valid?

E stated that all essential requirements of MD must be fulfilled and the current state of the art allowed complying with the requirements of MD. A prEN should not be used for conformity assessment.
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CEN agreed but noted that, in case of various interpretations of the requirements of the MD, a standard, even a draft standard, is always useful. A one-year transitional period would be reasonable for manufacturers to have time to adapt. The standard has been adopted and will be issued in June 2001.

NL said they would prefer a fixed date and short transitional period and remarked that prEN 280 is not the only standard relating to MEWPs, there is also prEN 1777.

For COM, no safeguard clause on MEWPs has been received and therefore, the text proposed by I seems to be a good step forward in order to improve harmonisation of the EU market. 1 April 2001 could be envisaged for the measures to take effect.

B thought that there are risks also for small MEWP's and that the document should state that the manufacturer always has to make a risk assessment in order to judge the design and the device that is needed.

UK stated that one must be aware that there are different types of MEWPs and thus, one criteria might be valid for one type and not for another. NBs must see how the risk associated with each type is dealt with.

D insisted on the fact that the situation must be the same in all EU, a NB in one country cannot ask for a device (for preventing overloading) while in another country, the same machine is certified without this device. NB-M should decide.

F supported I.

E would agree with the B proposal.

Conclusion: COM to redraft the document 2001.01 and present a new version before the next meeting.


D presented the situation. The main problem is the absence of reference values as regards noise measurement. Requirement 1.5.8 of Annex I is very vague and requires the lowest possible level, which is very difficult to determine. Therefore, the help of the Health and Safety Agency in Bilbao to establish an “emission data bank” would be welcome. Most delegations supported the idea. DK remarked that they had launched a similar project around 10 years ago but the access to data proved to be very difficult. Nevertheless, the initiative should be supported as much as possible.

Conclusion: The initiative got a positive reception from the WG.

5. Simultaneous application of Directives "Machinery" and "ATEX" and consequences on the standardisation (doc. 2000.18)

F presented the document. ATEX should be considered as a specific Directive under the terms of Article 1.5 of the MD. Some problems have raised in the standardisation field. A horizontal B-standard for ATEX seems to be a better solution than referring to all existing vertical C-standards under the MD for some specific ATEX requirements.

Mr Anselmann, responsible for the ATEX Directive, informed the Group that the ATEX Committee has already dealt with this question, concluding that a B-standard would be possible. CEN/Cenelec are working on it. A list has been established but all the work is not yet done.

CEN agreed: in the beginning, a lot of problems occurred but good progress has been made and a clear solution will be proposed quite soon. A B-standard EN1127-1 exists and new completing standards are under development. If a standard does not cover all ATEX requirements it should clearly indicate it.

Conclusion: The ATEX SC has taken the necessary actions to ensure the development of proper standards.


Mr Van Gheluwe presented the document 2001.02 rev. If, for a machine covered by both directives 98/37/EC and 2000/14/EC, we have to apply these directives strictly, some confusion may arise due to the fact that measurement methods might be different as well as the indication regarding noise emitted by the machine.

COM proposes to be pragmatic regarding the measurement and the indications whilst, at the same time, complying with both directives. Mr Jacques, CEN noise consultant, had the opportunity to comment on the
document and made the necessary improvements. For CEN, this document is very useful as it clarifies the application of these directives.

One change is proposed in the last phrase of the footnote beginning with “As a rule, …”. The words “As a rule” should be deleted and replaced by “Standards foresee that……”.

Conclusion: After necessary modifications, the document to be submitted to the Committee 2000/14/EC for approval and inclusion in guidance documents.

7. Co-ordination of Notified Bodies (NB): Report

Mr Jacques, chairman of the co-ordination of the NB, announced that their last meeting took place on the 7th of December 2000. The finalised Recommendations for Use have been sent by EOTC, administrative secretariat of the NB co-ordination. In absence of any comments from the Member States, they will be considered as approved.

3 levels of “Recommendation of use” sheets should be distinguished:
- technical sheets, sent to the standing committee (SC) if needed
- “horizontal” sheets (general information) which need the formal approval of the SC
- interpretation of harmonised standards if in annex IV

The target audience of these Recommendations includes the SC, the NB, national authorities and manufacturers. There is a clear need to improve the communication of the Recommendations; a CIRCA-site or another web-site could be envisaged. An update of the approved sheets is also in progress. D thanked the co-ordination of the NB but reminded a discussion is essential as regards the status of these sheets.

Conclusion: There is a clear need for rules and communication methods to improve the transparency and clarify the status of the “Recommendation for use”. This item should be further discussed in the next meeting. NB-M to provide list of approved MD “Recommendations for use”.

8. CEN / CENELEC: standardisation progress report (doc. 2001.10)

CEN presented the current standardisation situation. As can be seen in the document, there is a gap between the number of standards ratified by CEN and the standards published in the OJEC. This can be explained by different factors like revision in progress, editorial improvements, some have been refused by the Commission due to the absence of Annex ZA, etc. In all cases, all efforts will be made to make these standards available as soon as possible.

EN 1501-1: Refuse collection vehicle and their associated lifting devices - General requirements and safety requirements - Part 1: Rear-end loaded refuse collection vehicle (item 6 in doc. 2000.21)

CEN informed that the TC responsible for this standard was not in favour of an immediate revision, due to the lack of practical experience of applying it. They therefore preferred to wait until its up for the obligatory revision after 5 years.

For the NB, the conclusions of EN 1501-01 are correct and adequate.

D considered this a step backwards, as the compromise is no longer valid. As no date for the revision could be given, a new discussion will take place in D and a safeguard clause could be initiated, unless a mandate for an immediate revision from COM to CEN is made. B informed that a fatal accident had occurred in their country where a truck reversing hit a worker who had just fallen from the same truck. This was possible because the switch that should prevent such an accident was turned OFF, as is common practice. Therefore, also B considered the revision to be urgent.

Conclusion: COM to take action to ensure that EN 1501-1 complies with the provisions of the Directive. D to send their observations to CEN. B to communicate conclusions of the investigation of the fatal accident.

EN 1526-1: Safety of machinery - Additional requirements for automated functions on trucks

As regards this standard, CEN informed that a detailed list of all accidents is now available. Work will start on this basis.

COM stated that lists of harmonised standards for the different Directives are available on the Europa web-site at the following address:
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Food-processing machinery:

E presented their written question and specifically asked if EN 1672-2 is applicable to this kind of machinery.

Conclusion: It was generally considered that the MD covers food-processing machinery, but there was no specific conclusion on the applicability of EN 1672-2.

Mr Riekeles (CEN) would check with the concerned CEN consultant, Mr Teasedale, and come back with an answer to E's questions on the relation between standards.

Concrete mixer

I described their question on if a concrete mixer without a motor should be considered to be machinery in the sense of the MD.
S asked why a mixer would be sold without a motor and E explained that the motor lasts much longer than the mixer and that therefore there is a market for concrete mixers without a motor.
An inconclusive discussion followed and the chairman proposed that the MS give their answer to the question by e-mail by 30 April 2001.
The resulting e-mail answers were:
No: NL, I, UK, D, E
Yes: DK, F, P, FIN, S, NO, IRL
Qualifications for no-answers: Concrete mixers without motors do not fit the legal definition of machinery, since they do not have "...the appropriate actuators, control and power circuits...". It should be considered as a part of complete machinery in the sense of Art. 4.2 and would therefore need a declaration according to Annex II.B.
Qualifications for yes-answers: In the instructions for use it must be clearly explained which type of motor it shall be equipped with and also how it shall be installed so that the finished concrete mixer is safe.
The full answers are enclosed to the minutes.

Conclusion: The opinions of the MS are split. It appears to be difficult to find an immediate solution that would satisfy everybody. On the one hand, it is questionable if a cement mixer without a motor fits the legal definition of machinery. On the other hand, provided that appropriate instructions on the type of motor and how to install it are given by the manufacturer, he seems to be the person best placed to take responsibility for the CE marking and the EC declaration of conformity for the product. This needs further reflection.

Chainsaw mounted on a pole: annex IV or not?

F introduced the question and stated that a majority of MS would be against classing this machinery as annex IV machinery.
S and COM considered that the product is portable, has a chain and is intended for wood-working, and therefore very clearly is covered by the definition of annex IV machinery in question.

Conclusion: This reasoning was generally accepted and it was concluded that this kind of machinery belongs to annex IV.

E remarked that there was a NB-M recommendation giving the contrary answer.

Is lifting equipment for sport covered by the MD 98/37/EC

F presented the question and explained that they consider the equipment covered by the MD. The example given had a motor.
Mr Detilloux (CEN) remarked that prEN 136202 has been withdrawn.
Mr Zwicky (Orgalime) thought it should be considered as machinery, but not under annex IV.
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B believed it could be covered by the GPS directive 92/59/EEC. I and D considered it to be covered by MD.

**Conclusion:** COM stated that if the equipment had a motor, as in the example, there could not be any doubt that it is machinery. For the types of equipment that have only a manual power source COM will reflect and make a proposal for an answer.

10. **Miscellaneous**

**Transport platforms (doc. 2000.25)**

NL presented their remarks on doc. 2000.20. After some discussions it was concluded that doc. 2000.20 would be modified in the following way:

- Add that platforms in category 4 are permanent installations.
- Clarify for categories 3 and 4 that the appliances are serving specific levels.
- Remove requirements for categories 2, 3 and 4.

**Conclusion:** Doc. 2000.20 will be revised and made available at MD CIRCA.

**Working platforms (doc. 2000.26)**

NL introduced the questions in their document arguing that the product should be considered as "lifting accessories" and correspondingly CE marked. FIN agreed with NL. D, E and F considered that these products are covered by the MD and therefore need controls. UK agreed, but added that national legislation could apply for exceptional cases. S and B thought the reality at the workplace and the application of Directive 89/655/EEC called for national legislation to prevail for these products.

Finally, it was generally considered that these working platforms, if covered by the MD, would have to be equipped with controls. But if they are neither considered lifting accessories nor interchangeable equipment, in order to be covered by the MD they would have to fit into the definition of machinery. They do not, since there are no moving parts and they therefore fall outside the scope of the MD.

**Conclusion:** These working platforms fall outside the scope of the MD and their marketing and use are therefore covered by national legislation. The conclusion was afterwards considered not fully satisfactory and the item would be discussed at a later meeting.

11. **TASK LIST**

**COM:**
- correct minutes of meeting 2000-12-04 doc. 2000.21
- draft internal rules for Standing Committee and Working Group
- modify doc. 2000.01 and consult MS
- adapt doc. 2001.02rev and transmit it to 2000/14/EC WG
- action on EN 1501-1
- prepare draft answer on lifting equipment for sport
- revise doc. 2000.20

**D:**
- send observations on EN 1501-1 to CEN

**MS:**
- answer question on concrete-mixer

**NB-M:**
- provide list of approved MD "Recommendations for use"

**CONCRETE MIXERS: summary of the answers**

**QUESTION**

Dear Colleagues,

As I concluded in the Machinery Directive WG meeting last Monday 9 April 2001, the Member States were asked to provide their position in written, by 30 April, to the following question from document 2000.10, item 2: "Can a Manufacturer affix the CE marking on a concrete mixer that is not provided with the engine and draw up an EC Declaration of Conformity according to Annex II point A referring to “concrete mixer without engine, model...........planned for engine model .........” and place this “machinery” on the market?"
9 APRIL 2001

The answer should be either yes or no. A qualification of the yes- or no-answer may of course be added. The positions of the Member States will be included in the minutes of the meeting.

**ANSWERS**

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<th>YES</th>
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<td>DK: if the instruction of use explains how the motor can be installed safely</td>
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<td>F: l’acheteur devant disposer de toutes les informations nécessaires concernant: - les caractéristiques du moteur susceptible d’équiper la machine en question - les conditions de montage de ce moteur.</td>
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<td>P: Yes - if the instruction of use mention the suitable motor to installed on machinery and explains how the motor can be installed safely.</td>
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<td>FIN: The instruction manual should include the following information: - the type of a suitable motor, and - safe installation of the motor.</td>
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<td>S: The Swedish answer is YES. However in the instructions for use it must be clearly explained which type of motor it shall be equipped with and also how it shall be installed so that the finished concrete mixer is safe. A comment, the situations seems to be artificial, is it realistic to place a new concrete mixer on the market without a motor because the motor normally is taken from an old concrete mixer?</td>
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<td>NO: If the instruction of use gives all the relevant technical specifications of motor to be installed and explains how it can be installed safely, the Norwegian answer is YES.</td>
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<td>IRL: Yes, the manufacturer should be responsible for affixing the CE mark and drafting the Declaration of Conformity in compliance with the Machinery Directive and should also provide full instructions on the fitting of power units and size &amp; type of power units to be used with the concrete mixer.</td>
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I: Machinery placed on the Market provided of EC Declaration of Conformity (Annex II point A) shall be ready to use within bounds of a correct installation as foreseen by the Manufacturer.

The EC Declaration of Conformity according to Annex II point A could be issued only for a machinery complete of the essential elements/equipments necessary to operate “with the appropriate actuators, controls and power circuits joined together etc. (art.1 Directive 98/37/EC). For this reason, as stated in Q.65 of the Working Group Machinery of the COMMITTEE (Dg III – INDUSTRY) and Comments n. 133 and n.149 included in “Comments on Directive 98/37/EC”, according to Community Legislation, we believe a machinery cannot be placed on the market without engine or any other actuators that is necessary to operate. 

NL: In the Netherlands we do not practise that motors have a much longer lifetime than concrete mixers. Seems a matter of quality to me. From a juridical point of view it is not possible to supply a concrete mixer without an engine and regard this as a IIA machine. If energy is supplied it will not work. Therefore I am of the opinion that the answer on Mr Eifel question should be no.

UK: The UK view is that a concrete mixer, placed on the market without a motor, can not be CE marked / no EC declaration of conformity indication compliance with the Machinery Directive can be issued.

Rationale: Concrete mixers not supplied with motors do not fit the legal definition of machinery, in particular, they do not have “…the appropriate actuators, control and power circuits, etc…”.


We are of the opinion that a concrete mixer without engine is a part of a machine in the sense of Art.4 Abs.2. The concrete mixer cannot function without an engine. Only in the assembly with the engine it becomes a working machine. Therefore for the introduction in the single European Market an explanation of the manufacturer or of his authorised representative in the EU
according to Annex II point B is necessary and not a Declaration of Conformity according to Annex II point A.

E: Entendemos que el suministro de toda la máquina nueva, a la que únicamente le falta el motor, es un caso muy poco habitual. En nuestra opinión, los mezcladores de cemento suministrados sin el motor a un usuario deben ser considerados máquinas, ya que se conoce perfectamente su destino, aún faltándoles (circunstancialmente) dicho componente. El dossier técnico debe ser único y referido a la máquina completa. Por lo tanto, en dicho dossier se deben incluir todos los datos correspondientes al motor y, se aplicarán los requisitos pertinentes de seguridad y de salud. La declaración CE de conformidad debe referirse a la máquina completa. No es admisible una declaración de tipo A en la que se indique que falta algún elemento de la máquina. Asimismo, el manual de instrucciones debe ser completo y, en consecuencia, incluirá entre otras, las indicaciones necesarias para un correcto y seguro mantenimiento o reparación del motor previsto para la máquina, su montaje y conexión a la fuente de energía. Así pues, en el caso excepcional que se plantea, dichas instrucciones deberían posibilitar la incorporación del motor previsto por el fabricante, sin necesidad de tener que recurrir a criterios técnicos ni medios excepcionales.

De no interpretarse de este modo, la Directiva QUEDARÍA VACÍA DE CONTENIDO, ya que del mismo modo podría suministrarse cualquier máquina sin los órganos de mando, sin las protecciones, sin el cabezal, sin las transmisiones, etc.

We think that the supply of the whole new machine, to which only the engine is missing, is not a very habitual case. In our opinion, the concrete mixers supplied without the engine to an user should be considered as machinery, since their destination is perfectly known, even in case they don’t have (circumstantially) this component. It should only exist a single technical dossier which shall cover the complete machine. Therefore, in this dossier all the data corresponding to the engine should be included and the pertinent safety and health requirements will be applied. The EC declaration of conformity should refer to the complete machine. It is not acceptable a type A declaration in which is indicated that some elements of the machine are missing. Also, the instructions for use should be complete and, in consequence, it shall include among other, the necessary indications for a correct and sure maintenance or repair of the engine foreseen for the machine, and its assembly and connection to the energy source. Therefore, in the exceptional case outlined in the question, these instructions should facilitate the incorporation of the engine foreseen by the manufacturer, without necessity of having to appeal to technical approaches neither exceptional means. If THE DIRECTIVE WAS NOT INTERPRETED BY THIS WAY, IT WOULD BE EMPTY OF CONTENTS, since
for the same reasons any machine could be supplied without the control devices, without the protections, without the headstock, without the transmissions, etc.

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No answer: Belgium, Greece, Luxembourg, Austria
MINUTES OF MEETING

Subject: Working Party (WG) on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 9-10 October 2001
Chairman: M. Eifel
EC participants: J.-P. Van Gheluwe, B. Vilain

1. Welcome and introduction

The chairman welcomed those present.
Mr Jacques, chairman of the co-ordination of the notified bodies (NB-M) asked to deal with item 8 as soon as possible since he had to leave for another meeting.
The agenda was approved.


E had three comments:
- item 9: food processing machinery. The conclusion should be changed as the question had been incorrectly understood. There had been no contact with CEN as to know whether EN 1672-2 applies or not.
- item 9: should a chainsaw mounted on a pole be annex IV or not? The risk is not the same. Technical sheet 2, rev 09, VG 3 seems to be in contradiction with the decision of the last meeting.
- item 10 (doc. 2000.26): the conclusion is confusing; which platforms are considered? This sentence needs to be improved and more detailed.

S agreed with E on item 10 and proposed to provide a new document for the next meeting.
As regards food processing machinery, CEN confirmed that these machines should meet the requirements of Annex I and EN 1672-2 does apply. Cenelec had been asked to contact TC 61 to bring the requirements of EN 60335-2-14 (kitchen machinery) in line and to provide with normative references. Cenelec would check with TC 61 and report to the next meeting.
As to chainsaws, COM reminded that a consensus had been reached and that all delegations but E agreed that equipment had to be considered as machinery listed under Annex IV. It was proposed that the decision of the last meeting remains.
Concerning platforms, COM proposed to postpone the discussions to the next meeting where S would provide new input.

Conclusion: Doc. 2001.12 would be amended on items 9 - food processing machinery and item 10 - lifting platforms in order to clarify that no satisfactory conclusions were reached. Cenelec would consult with TC61 on food processing machinery and report at the next meeting.

3. Rules of procedure for the 98/37/EC Machinery committee - proposal (Doc. 2001.20)

COM explained the background of these rules of procedure and reminded that these rules only apply to the Standing Committee (Member States and Commission) and not to the Working Group (including standardisers, industry and all other interested parties). This proposal is based on a Council decision that gives a standard text, which needs to be adapted to the needs of the Machinery Committee.
E stated that they would have like to have this proposal in ES, that footnotes 5 and 6 are the same and that the current version of directive 98/37/EC only refers to an advisory committee. The second sentence of Art 5 (1) should thus be deleted.
D noted that, to date, only the WG has met and that the Standing Committee has never met. They wondered whether this discussion on rules of procedures for such a Committee is really useful, or, is it the Commission's intention to apply the same rules to the Working Party?

COM confirmed that doc. 2001.20 only applies to the Committee. Rules of procedures for the WG could also be drawn up, on the same basis as for the Committee or on another. D considered that rules of procedure might also be very useful for the WG, as regards for instance the exchange of documents or the languages in use. Both rules of procedures should be in line, even if the composition of both groups are not exactly the same.

COM preferred to keep the rules of procedure apart; if the WG would have too stringent rules, it would lose the flexibility which has proved to be its main advantage.

NO asked about the status of the EEA countries. According to Art 8 of the rules of procedure, third countries may be admitted during the discussions but must withdraw when there is a vote.

Conclusion: MS would provide COM with written comments on the rules of procedure of the Machinery Committee. After consultation with the COM Legal Service, the new version would be transmitted in all 11 languages. COM would also establish a proposal for rules of procedure for the WG.


NL explained the safeguard clause they launched against EN 1495. Briefly, NL had taken measures against the use of certain platforms on their territory, as they considered that a 30 cm gap between a building facade and a platform without barriers (as prescribed by EN 1495) is too much and could lead to fatal accidents if somebody would fall between the platform and the building.

F fully agreed with the NL safeguard clause and reminded that they had already expressed reserves when the standard was adopted in 1997.

F and D thought that the platform must be conceived for all foreseeable work conditions, removable guards must always be supplied and instructions should support national legislation on use. They have national regulations on the use of such platforms.

UK also supported NL.

B supported NL and stressed other concerns as the resistance of the wall (it could be of glass).

CEN informed the delegations that this standard was developed as a compromise between the different national requirements. However, a quick amendment of paragraph 5.3.2.4, that could be revoked in the meantime, could be made.

D expressed that CEN would need to assure a better balance between MD requirements, instructions for use and workplace legislation.

CEN agreed that the borderline between legislation based on Article 95 and Article 137 of the Treaty needs to be better established.

Taking into account the discussion three possible solutions for a draft decision to be tabled at the next 98/34/EC committee were proposed:

-1: withdrawal of EN 1495
-2: the references remain published and CEN amends EN 1495.
-3: publication with warning

Tour de table
For solution 1: nobody
For solution 2: nobody
For solution 3: B, DK, D, NL, PO, FIN, SV, UK, F, S, NO

Conclusion: COM would draft a proposal for a decision on a publication with a warning for the next 98/34/EC committee.

5. Mobile elevating work platforms: proposal from Italy (doc. 2001.21)

COM had modified the proposal as regards the time limits as agreed in the previous meeting.

E considered that there are no provisions in the MD that justify the position elaborated in this document. Since the level of safety has to be high for such devices, flexibility in interpreting the directive should not be allowed. Consequently, this document could not be accepted, neither in its contents nor in the deadlines. The current state
of the art allows meeting all relevant dispositions of the directive and there is thus no reason to deviate from the essential requirements.

**COM** reminded that this document is based on EN 280 (not yet published), assuming that this standard is correct. If a technical problem arises, EN 280 should be disputed, not this document. In case there would be a safeguard clause, this document would become totally obsolete.

**F** agreed on the document (contents and delays) but at this stage, the translations to EN and FR do not reflect the contents of EN 280. **F** had rewritten the text and sent it by e-mail.

**UK** considered that this document may not respect the spirit of *New Approach*. On the other hand, slight changes in the last version of EN 280 may have occurred and should perhaps be taken into consideration.

**NB-M** highlighted the need for the withdrawal of the EC-certificates; the statement that the EC-certificates are no longer valid (second bullet of the second page) is not enough.

**UK** considered that the letter is useful but does not provide legal certainty. The directive does not provide any legal background for this kind of measure and **UK** is therefore against this in principle. **F** agreed and repeated that this WG should not proceed in this way, since for two years, not a single platform will correspond to the state of the art.

Industry stated that manufacturers strongly support the principle of sending the proposed letter.

**B** remarked that other standards in the transport sector have the same problem.

In order to resolve the question of principle a tour de table was made. Question: would MS be in favour of the principle of sending a letter from COM to MS as proposed by **I**?

- pro: B, DK, D, F, NL, S, NO, I
- contra: E, PT, UK
- no opinion: FIN

**Conclusion:** A majority of MS considered that such a letter might help MS to implement the MD. **COM** would send letter after revision in the light of the comments MS would transmit.


**D** announced that CEN agreed to amend the standard. **D** has withdrawn some remarks, but the remaining ones would be used when CEN makes the amendment. The question if the standard should be published in the OJEC before or after the amendment remained. Since industry is waiting for this standard, **D** would not be against the publication with a warning as regards the parts that must still be modified. Industry would also prefer a publication with a warning. According to **CEN**, the vote could occur at the beginning of 2002 and, if adopted in April 2002, EN 12999 could be available in June 2002.

**Conclusion:** **D** and **CEN** would provide the warning remark for publication in the OJEC. **COM** would investigate the possibilities of publishing with a warning.

**COM** informed the delegations about some fatal accidents that have occurred with these loader cranes. There appeared to be a problem related to the leg stabiliser and the interlocking of this stabiliser during operations. CEN and MS were asked to comment.

**CEN** explained the technical background.

**NL** remarked that no accidents have been recorded on their territory and that it would be difficult to include stabilisers in the standards. The requirements should rather be in the instructions for use.

**D** added that the changes that the UK sought were not supported by the CEN WG.

**CEN/TC 147** has no request regarding this aspect.

**F** recorded one accident in 1999 due to a bad positioning of the device on the crane loader. On this basis, no specific action was taken.

**UK** considered that it is better to have a solution in the design of the machine than in the instructions for use.


**B** distributed a new document on the findings of an enquiry on a fatal accident in Belgium. The study showed that the specifications of this standard are quite unclear. An emergency device must be reachable with the hand and override the reversing control.

The accident involved a truck manufactured in the Netherlands and examined in Germany. However, it was clear that this truck does not meet the requirements of the directive nor the provisions of the standard.
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D noted that this item has been discussed during the two last meetings. A recommendation for use (06.034 rev 0) must meet the requirements of the MD, and an explanation from NB-M would be adequate. CEN should also present their actions.

CEN has sent the letter from COM to CEN/TC 183-WG2, responsible for this standard. CEN/TC 183 is now willing to modify EN 1501-1, they have examined the D document and will start the work on this basis. 18 months should be needed at a first stage. On a long term (max 3 years), all comments could be integrated.

F has launched a study as regards the use of this equipment with a view of improving the safety of the operators. This will allow to evaluate the dispositions of EN 1501-1 versus the requirements of the MD and to provide new elements to improve this standard. There are no satisfactory technical solutions at the moment.

D complained about the delay needed to solve the problem. The only positive fact was that CEN changed its mind. On top of that, there was no information about what will be amended without delay and what would be done in the (near) future?

CEN agreed that the situation could be better and proposed to issue a CEN resolution with clear information as to the deadlines and the ongoing work. The convener of CEN/TC 183-WG2 would also be willing to attend the Working Party in order to explain the work's progress.

D would prefer to have this standard published in the OJEC with a warning, even a posteriori.

COM explained that, from a legal viewpoint, this is not possible without a safeguard clause; the consultation of 98/34 committee is needed, as well as a formal decision by the Commission.

DK recognised the problem but stressed the fact that this situation would remain for two years without any guarantee that the situation will improve at the end. A pragmatic solution must be found in the meantime.

A tour de table was made: Should the standard reference in the OJEC be modified without a safeguard clause? Could there be a pragmatic solution for the next 18 months?

- pro: nobody
- contra: B (give CEN time, dangerous situations have to be identified), DK (pragmatic actions at national level), S, F (no current technical solutions), NL, A (paper from COM), FIN, S(safeguard clause would be needed), UK, NO.

no opinion: P

D did not answer the tour de table as the question is too restrictive. Indeed, it is quite clear that everybody wants to keep the principles of the New Approach intact.

Conclusion: The tour de table quite clearly indicated that the safeguard clause is the only way to amend the list of published standards in the OJEC. CEN would provide a resolution from the WG on an amendment for clause 6.6.4.3 of EN 1501-1 for the next meeting.


Mr Jacques announced that, as from 2002, he will be replaced as chairman of NB-M by Mr Jockers. The communication of the "Recommendation for use" is important. A solution could be that they are published on the MD CIRCA website of the Commission when approved by MS. The tenth edition of the list of all recommendations, dated June 2001, has been transmitted to the MS with a total of 160 approved sheets. 24 additional sheets should also have been approved by the end of the year. Only the sheets with a certain political relevance are sent to the MD WG for approval.

F confirmed that they received the technical sheets but would like some more information as to the delays and consequences if there are no comments from the MS. From when is a sheet considered as approved in the absence of comments? A time limit of 3 months could be envisaged.

D stressed the importance of transparency but the approval of the Working Party cannot be considered as a formal adoption by all Member States. The status of these sheets is not very clear.

COM argued that the term "approved" should not be seen from a legal point of view. It is more a matter of agreeing on the contents of these sheets.

Mr Jacques asked if another procedure would be needed for the approval of these sheets? The next meeting of NB-M is on 9 December 2001 and a reaction on the current batch of recommendations should be transmitted by the end of November.

UK insisted on the fact that these sheets are only recommendations but considered the current mechanism as very useful.
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Furthermore, even MD CIRCA is not open enough to interested parties. Everybody may have access to it, but access rights have to be granted first. In the future, another website, for instance the Europa site of the Commission, should be envisaged.

MS observers at NB-M
There was a change of MS observers to the NB-M. D and E would replace F and UK, whilst I would continue to be an observer.


Report
CEN explained the document. An important point relates to the delay; once a standard is adopted by CEN, it takes, on average, one year to have this standard published in the OJEC. The delays are half due to CEN (translations of the titles, etc.) and half to COM (checking conformity with mandate, verification of the annexes, etc.).

A question was raised on A-deviations in standard for a component (conveyor belt) used in machinery that has a harmonised standard under MD. CEN does not allow this but a MS insists on having it.

COM added that a letter would be sent to CEN on this subject asking for a verification of the existing standards.

Mandate on industrial trucks (doc 2001.16)

Mr Balderstone of CEN/TC 150 presented the subject.
He underlined that in general electrical trucks are safer than diesel trucks. A major risk comes from poorly designed and maintained workplace environment. Even if there will be a technical improvement of the truck itself in the long term, something needs to be done in the short term. Drivers training, better instructions for use, etc. are some of the points that can be amended rather quickly in the standard. Technical standardisation will take much time and the results of the ongoing work will only be visible at the workplace in 15-20 years.

D wondered if it is possible for a standard to control or influence the use of such trucks, the environment of the workplace, etc. and noted that there is no information on seatbelts.

NL noted that the report mainly focused on overturning accidents.
F would prefer to concentrate on the design of the trucks, the other aspects are interesting but need more co-ordination. The priorities are not laid down in doc. 2001.16.
FIN will organise a "Truck safety day" together with other Nordic countries and will make the results available.
UK asked if something is being done on the driver's visibility.

COM noticed that the report, as well as the comments of the delegations, mentioned very interesting items but that some of them are totally outside the scope of the standardisation. As to workplace environment, roads, training or a special driver's license, Member States can act on the basis of the information provided by CEN/TC 150.

F proposed to use 89/655/EEC to address these concerns.
D commented that they have problems with high-rising storage.
CEN added that it was clear that standards cannot resolve all problems. MS could act rapidly (according to Article 137 of the Treaty) improving workplace environment, use of equipment and driver's licence.

10. Concrete mixer without motor (Doc. 2000.10)

COM explained that the answers received by e-mail showed a divided position among the MS. It appeared to be difficult to find a compromise on how concrete mixers without motor should be dealt with. The scope of the question must not be limited to concrete mixer without motor; all machinery without motor (or guards) are concerned.

DK feared there is a risk that manufacturers could escape their responsibility, although answering yes. Flexibility would be needed with the current directive and a solution must be found in the revised directive.

UK thought that even a motor can present many risks and that a machine without motor cannot be a complete machine. They also remarked that there appeared to be a difference between the language versions on the definition of machinery that might explain the different positions.

FIN would like to take into account all kind of machinery and make it a general case.

B, D and E were also against considering the concrete mixer without motor to be machinery.
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No conclusion could be drawn.

11. Lifting equipment for sport (doc. 2001.22)

COM presented a document relating to all lifting equipment. Indeed, the scope is much wider than for sport equipment only. A discussion on a “product by product” basis would not be adequate.

UK did not agree with the definition of load. A load is more than a weight and a solution that would widen the scope of the directive might not be the best solution.

F thought this proposal goes too far. Too many products would fall into the scope of the directive. Nevertheless, if there is some kind of accumulation of energy (via actuator, etc.), it should be seen as machinery.

DK would like to respect the legal text. During the discussions at the Council in 1989, “load” was considered as “mass”.

E assumed that the language used in the directive is coherent in the whole text and there is a clear definition in Annex I.

CEN proposed to delete the text into brackets and to add, at the end of the sentence, the words "even if it is his own weight".

B reminded the definition in Annex I of "lifting operation". The mass/load is not taken into consideration, only the lifting operation counts.

D thought that a solution should be found for the revised directive.

F, supported by UK, proposed to stick with the answer given at the last meeting, without widening the question.

Conclusion: The issue could not be resolved and the question was therefore dropped, as proposed by F.

12. Mitre saws (doc. 2001.05)

FIN presented the item.

E and COM thought that these saws are not in Annex IV, since there is no mechanical feeding.

UK and DK were of the opinion that they are covered by Annex IV, since the definition under A.1 is enough without considering points 1.1, 1.2, etc.

COM answered that A.1 should always be considered together with 1.1, 1.2, etc., and added that meeting documents from the Council WG of 1988 indicated that this interpretation was right.

F confirmed that COM's interpretation was, according to their recollection of the Council discussions in 1988, correct.

B thought that this type of machinery is dangerous and should be included in Annex IV.

FIN and UK asked for legal proof that the COM interpretation was valid.

Conclusion: COM would check with its legal experts and answer at the next meeting.

13. Telescopic loaders (doc. 2001.04)

F remarked that this document is no longer up-to-date as it was first presented to COM in April 2001. At the meeting in June 2001 it could not be discussed due to lack of time.

In the past it was quite clear that this equipment was considered to be machinery. Last year, some manufacturers installed trailers (plough, lifting devices, etc.) at the rear of these loaders and therefore considered them tractors. There are no problems with specific safety risks (visibility is well covered, there is a FOPS, etc.) but regarding the application of directives. From a legal viewpoint, only one directive applies; machinery or tractors. Is it a tractor with an articulated arm or a multipurpose machinery?

UK said that it is the main function of the product that determines which directive to apply. In that case, it looks more like machinery than like a tractor.

NO and I had the same opinion.

COM stated that both types of legislation (98/37/EC and 74/150/EEC) are needed and added that this should hopefully be resolved with the ongoing revision of the two directives.

E agreed that the problem is due to the two European directives and that both are needed. They would also like to have a decision about the scope of the tractor directive.

D said that there was a need for a pragmatic solution today and a more solid solution with the revised directives.

DK would like to have a better explanation of the definition of the tractor.
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F asked for a "tour de table" on the question.
COM stated that all MS appeared to believe the product should be considered as machinery and nobody disagreed. The matter should be discussed within the tractor committee, in order to find out if Luxembourg has acted correctly when certifying the product according to the tractor directive.

Conclusion: There was unanimous agreement that the product should be considered machinery. COM would discuss the matter with the responsible unit dealing with the tractor directive 74/150/EEC and inform at the next meeting.


F distributed a new document replacing doc. 2001.07, which was only an internal working document. Enquiry on this revision was in progress and a prEN should be submitted to vote in 2002. They asked for support from other MS to safeguard the functioning of the MD and harmonised EN standards. The said that problem is the functioning of WTO/TBT and many MS share concerns.
CEN said that third countries argue that EU standardisation is a barrier to trade. ISO IEC 51 is to a large extent using EU concepts, but some of its wording is misunderstood in the EU. The aim is to make EN/ISO standards. They further confirmed that F has some problems with the work in progress, namely with the principles of "tolerable risk" and "residual risks". In order not to waste time, French concerns have been taken into account and the words "tolerable risks" have been deleted. For the term "risk reduction" the EU concept is being used. As regards "residual risk", these words are quoted twice (with different meanings) in the MD, in Annex I, 1.1.2.b and in Annex I, 1.7.2, demonstrating that even the MD is not that clear. CEN committed to report on the development in future meetings.
D stated that the definition of "residual risk" should be in line with the New Approach directives.

Conclusion: MS would be attentive to the development of the revision. CEN would report on the development in future meetings.


F introduced the subject saying that the absence of standardisation work in this field caused problems. A mandate from COM to CEN would be welcome in order to provide a higher safety level for these products.
I supported F.
COM replied that an open machinery mandate covering this is already given to CEN, enabling immediate action. Specific mandates have only been issued due to safeguard clauses or other specific problems.
CEN argued that there are many different kinds of machinery handling waste and that there consequently would be a need to extend the scope. They proposed that AFNOR could launch the action to start standardisation within CEN.
F agreed that AFNOR should act.

Conclusion: All MS agreed upon the need for a standard covering this type of equipment and they will take necessary action via their standardisation bodies.


CEN presented the situation. Very often, these garage doors are initially manually operated, with or without a spring. Afterwards, it is possible to buy an electrical system as a kit, which is very easy to install on the existing garage door. "Kits" normally has CE marking, but no declaration of conformity. They are normally installed later with the aim to avoid making the whole assembly become machinery. Questions: is this "kit" machinery and has the "new" electrical garage door become machinery?
D thought that the "new" electrical garage door is a new product put into service that should meet the provisions of the machinery directive. The assembler would become responsible for the CE marking.
COM said that this might be a problem for effective market surveillance, as each private person installing such a system would become a manufacturer under the terms of this directive. The "kit" should be considered machinery, have CE marking and a technical file. Very good instructions for assembling and use should be provided, bearing in mind that the user is not a professional person.
NO asked for the status of the new EN standard on garage doors.
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CEN responded that the prEN would be withdrawn and that a new ISO standard would be used. B thought the manufacturer of the "kit" should pay for its installation. UK agreed with COM that "kits" should be machinery, since they have a well-defined function. They also thought that motorised garage doors are machinery. I was against, since it would be impossible for the "kit" manufacturer to foresee all risks. B agreed with I. D also agreed with I and proposed to apply the General Product Safety (GPS) directive. "Kits" could also be considered as partly completed machinery. E thought that only the manufacturer assembling the "kit" and the door could CE mark. The old manual door has been dismantled and a new electrical door has been constructed. The GPS directive is not applicable. COM said that a motorised garage door placed on the market certainly corresponds to the definition of machinery. A solution could be that the mounting of a "kit" on an existing garage door is considered a modification of an existing product, which is not covered by the scope of the MD. The "kit" should be subject to the MD. FIN noted that manual garage doors could also be dangerous. They had such a case, which was handled according to the GPS directive. DK considered "kits" to be machinery that should have CE marking and instructions. It would be unrealistic to expect any market surveillance for "new" electrical garage doors.

Conclusion: Discussion to continue at the next meeting.

17. Q/A on Annex IV A16 (doc. 2001.24)

To be discussed at the next meeting.

18. Miscellaneous

Doc. 2001.25 - Safeguard clause / Informal exchange of information notification form. Member States agreed on the updated version of the form. COM stated that there was also a need to develop a separate form for standard safeguard clauses.

Conclusion: This form would be made available on MD ADCO CIRCA.

19. TASK LIST

COM: (2) amend doc. 2001.12
(3) finalise rules of procedure for the Committee
(3) draft rules of procedure for the WG
(4) draft decision on standard safeguard clause on EN 1495 for the 98/34/EC Committee
(5) send letter on MEWPS based on revised doc. 2001.21.
(6) investigate possibilities of publishing reference in OJEC with warning for EN 12999
(12) report on legal validity according to question on saws in Annex IV
(13) consult with motor vehicle unit on telescopic loaders and report at next meeting
(18) upload safeguard notification / informal exchange form on MD ADCO CIRCA

MS: (3) give comments on the rules of procedure for the Committee
(5) send comments on a letter relating to mobile elevating work platforms
(14) follow revision of EN 292
(15) launch standardisation in the area of waste collection machinery

D: (6) send warning remark for publication of EN 12999 to COM

CEN: (6) send warning remark for publication of EN 12999 to COM
(7) provide an draft amendment of clause 6.6.4.3 of EN 1501-1 for the next meeting
(14) report on development of revision of EN 292

Cenelec: (2) report on food processing machinery after consultation with TC 61
MINUTES OF MEETING

Subject: Working Party(WG) on Machinery under the 98/37/EC Committee
Place and date: Borschette Centre, Brussels on 1 February 2002
Chairman: M. Eifel
EC participants: N. Anselmann, B. Vilain

1. Welcome and introduction

The chairman welcomed those present. F asked to add an item on their safeguard notification on standard EN 12525 to the agenda. After some further modifications to the agenda's order, it was approved.

2. Minutes of meeting of 9 October 2001 (doc. 2001.27) and follow-up

- item 2: CENELEC had carried out an assessment on all standards to make them compliant with the MD; a document would be provided by CENELEC for the next meeting. F underlined the importance of resolving this issue.
- item 3: COM received comments but the translations of the document were still to be done.
- item 4: EN 1495 - COM informed that, at the request of industry, the item had been withdrawn from the agenda of the 98/34 Committee meeting in January, and would be tabled at the next 98/34 Committee meeting.
  CEN and Orgalime argued that it was necessary to reconsider the decision from the last meeting. F and I stated that there was no need for further discussion of this matter at the meeting. No other MS had any further comments and the conclusion from the last meeting was therefore confirmed.
- item 5: MEWP's: see item 4 of this document.
- item 6: prEN 12999: CEN had agreed on a wording for the warning and would send a request for publication in the OJEC.
- item 7: EN 1501-1: copies of the CEN resolution were distributed during the meeting; the amendment should be ready by November 2002.
- item 8: no comments
- item 9: COM would send a letter to CEN, asking for the verification of A-deviations in existing standards.
- item 10 & 11: as no conclusion could be drawn, COM would include these kind of cases in the discussion on rules of procedures for the MDWG.
- item 12: It was confirmed by COM legal experts that Annex IV A.1 must be interpreted as always to be considered together with one of the subcategories 1.1, 1.2, 1.3 and 1.4. Since "mitre saws" are not listed in any of the subcategories they are not in Annex IV. NB's must be informed and apply the MD correctly in this aspect.
- item 13: COM had discussed the matter with the unit responsible for the Tractor Directive 74/150/EEC and they were prepared to discuss the matter in their committee if F tables the issue.
- item 14: revision of EN 292 was discussed in item 9 of this document.
- item 16: garage doors: see item 5 of this document.
- item 17: see item 6 of this document.

Conclusion: document 2001.27 was approved without changes.

3. Rules of procedure and Working practices
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There was no discussion due to lack of time. It would be discussed at a later meeting.


UK was concerned that the draft letter makes direct reference to EN 280. A harmonised standard is by no means obligatory and furthermore does not always reflect the state of the art. 
F reminded that they have always considered the proposed procedure as erroneous. 
F and I were in favour of the proposed letter. Indeed, in the absence of common dates, national authorities are responsible and have to apply the updated requirements as from the moment they are known. There was a need for a clear message to NB's on the need to review certificates from MDWG and MS. 
FIN agreed that clear guidelines were needed, but a letter as proposed should be avoided. 
COM had consulted the Legal Service: the principle of a letter is acceptable (since there is no legal basis in the MD to take a decision) but the time limitation of the certificates is more questionable. An alternative could be to include the contents of the letter in the minutes of the meeting after some modifications; e.g. no reference to the standard but to the technology. Concerning the old certificates, they should be revised in the light of the state of the art and if necessary withdrawn, according to Annex VI, item 6 of the MD. As regards state of the art, notified bodies should also take the necessary measures if the technical evolution is important. 
F would still like to have the document in 11 languages and a meeting of the formal Committee. 
S expressed a scrutiny reservation and would consult legal experts.

Conclusion: The letter would not be sent in its current form with explicit reference to EN 280. Regardless of the final decision on how to promote new guidelines in case of changes in the state of the art, the attention of MS and NB's was drawn to the need to effectively apply the "new" state of the art, in this specific case represented by the adoption and imminent publication in the OJEC of EN 280: 2001.

5. Garage doors (doc. 2001.17)

The Chairman resumed the discussion of the previous meeting (see minutes doc. 2001.27). 
CEN thought that even a manual garage door could be considered a machine since it implies not only manual power but also counterweights, springs, etc. 
In DK a kit manufacturer is considered as the manufacturer of the whole installation if the instructions for use are sufficiently clear. 
F shared this opinion if the manufacturer has foreseen everything. 
For S and UK it depends on the customer; if the customer is a private person the kit is a machine. If the customer is a professional installer, the kit is just a component forming part of the final machinery. 
UK proposed that the kit is CE-marked and questioned the added value of the CE marking after the installation. What is important is to have somebody responsible for the placing on the market /putting into service of the machinery. In the end it is up to the competent MS authorities to apply the MD in this field. 
F thought that the General Product Safety Directive (GPSD) applies. The garage door with a drive should not fall under the MD. 
Some speakers suggested that these "kits" should have an Annex IIB declaration. 
Others noted that the Construction Products Directive covers motorised garage doors. 
For COM, "kits" do comply with the definition of machinery and should consequently be CE marked as machinery. The complete motorised garage doors also clearly fall within the definition of machinery and could be CE-marked. MS would have to decide if to require CE-marking for the complete motorised garage door being a result of installing a kit on an existing garage door. With a view to finding a compromise, the following tour de table was proposed: 
1) is the "kit" machinery as defined by the MD and subject to Annex II.A? 
2) if no, is it intended to be incorporated into another machinery and then subject to Annex II.B? 
The final answers after more debate were: 
1) Yes: B, E, IRL, A, PT, FIN, S, UK 
    No: D, FR, I, NL, NO 
2) I, NL and NO preferred Annex II.B, whilst F and D opted for the application of the GPSD. 

Conclusion: The Chairman proposed that garage doors drives – j "kits" – are considered to be machinery and consequently CE-marked. Also the complete motorised garage doors are machinery.
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S presented the subject as described in doc. 2001.24, which concludes that these machines should be considered to be covered by Annex IV A16.

UK thought that the first example given is not covered by the MD, but S maintained that Builders hoist for goods are covered by the MD.

COM stated that the answer appeared to be very straightforward. According to MD, there is no exemption for the erection or dismantling phases in the MD.

D remarked that there are many other machines that perform this function but are not considered to be subject to Annex IV A16.

Conclusion: All machinery for lifting of persons involving a risk of falling from a vertical height of more than 3 meters, in any of their intended areas of use, are part of Annex IV.

7. Lifting accessories: how to apply the Machinery Directive (Doc 2001.30)

S presented the document explaining that the conclusions on the discussion on lifting baskets at the meeting last spring made it necessary to further discuss these issues. The purpose of the flowchart was to outline different possible solutions as an aid to find a common answer to the following two questions in today’s discussion:

1. Are lifting accessories included in the MD although they are not included in Art. (1), nor respond to the definition of machinery?
2. If yes, which requirements apply?

F and FIN were of the opinion that the flowchart should not define lifting “accessories” but lifting “equipment”. The first box of the flowchart was not clear.

UK found the discussion useful, but the end of the flowchart was very confusing. If a product is not in the scope in Article 1 then the Directive could not cover it.

COM answered that on the limits of the scope as defined in Article 1 of MD, their legal experts had expressed the view that the intention of the legislator determines what should be considered to be in the scope. Consequently, it can be assumed that lifting accessories fall under the MD as they are mentioned in Annex I and subject to all requirements. COM also explained how to use the flowchart in order to determine how the MD should be applied for different products. For example, concerning the box “Modifying function” used for determining if a product is interchangeable equipment, the key question to answer is if lifting of persons instead of lifting of goods means a modification of the function of the machinery.

On this issue, DK said it is important to consider the notion of risks. It is quite obvious that lifting persons and lifting goods are different applications and that therefore, the function is modified. The question is “to which category should the lifting accessory belong?”.

D had always considered lifting accessory as included in the MD. For E and I, the diagram was not very helpful, as the MD is clear enough on that lifting accessories are included in the MD and that the entire Annex I applies to them. The problem is that it is not possible to comply with all ESHR’s, e.g. baskets suspended to a crane or to a truck. The risk analysis should always be carried out on the whole machinery, not only to the lifting accessory.

COM reminded that, in cases where such products are non-compliant with the provisions of the MD, they could not be CE-marked.

B thought lifting platforms are covered by the MD as interchangeable equipment since they modify the function of the machinery.

UK agreed that suspended baskets are interchangeable equipment and therefore covered by MD and further explained that they are open to consider pragmatic solutions in order to find a common interpretation for all concerned products.

Many speakers underlined the fact that interchangeable equipment has to be certified in conjunction with the machinery if it changes its intended use and added that they wished to see a written proposal.

D stated that their national regulations offer practical solutions and the equipment is not CE marked, MS have to apply what they deemed necessary to ensure a good safety level.

After a very long discussion the Chairman proposed a conclusion based on the discussion to be confirmed at the next meeting.

Conclusion: 1) Lifting accessories are included in the MD as intended by the legislator.
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2) All relevant requirements of the Machinery Directive as amended are applicable to lifting accessories.
3) Some lifting equipment (e.g. lifting baskets and platforms) may qualify as “interchangeable equipment” when the intended use of the machinery changes from lifting or moving of goods to lifting of persons. These have to be certified taking account of their compatibility with the machinery they are intended to be used with.
4) Notified bodies should be aware of the situation and pay more attention when they certify such products.

8. Co-ordination of Notified Bodies (NB-M)
   Report
   Recommendations
   Approval of sheets: procedure (doc. 2002.01)

Due to lack of time, NB-M could not report on activities. Doc. 2002.01 could not be discussed and would be on the agenda of the next meeting.

NB-M Chairman, Mr Jockers, asked the Commission about the consequences of the absence of administrative secretariat. COM explained that in order to follow public procurement rules a new call for tender for the administrative secretariat for the NB co-ordination had to be launched. There would therefore be no support for any NB co-ordination (translations, meeting rooms, mails, etc.) before September 2002. In urgent cases improvised solutions could be found.

9. Standardisation: progress report

Due to lack of time, this point was very short. CEN announced that 400 EN standards have been adopted and ratified. CEN asked COM to speed up the publication in the OJEC, once the request has been sent. CEN asked to annex a number of documents to the minutes of this meeting (see Annexes).

10. EN 848-3: progress report (Doc. 2001.32)

S explained that the two important areas are the test method and the size and speed of the pieces to be tested. S reintroduced this subject to the agenda because they did not accept the modifications of target dates as proposed by CEN.

CEN answered that it is impossible to carry out the necessary research work and to amend the standard in the given time. If the EN 848-3 were to be withdrawn, there would be a problem since there is nothing better for the time being. A progress report was foreseen on the 28/02/2002.

F considered that the arguments presented by CEN were not very convincing and agreed with S to withdraw (at least partially) the standard.

Conclusion: CEN received a strong message that they would have to respect the agreed time limits.

11. Q/A on Tower Crane climbing Frames and Electromagnets (doc. 2001.33)

No discussion due to lack of time.

12. UK concerns regarding EN 693 (doc. 2001.34)

UK presented a video summarising the situation on that kind of equipment. The main problem is the use of two-hand controls as safety device on manually fed machines. Two-hand controls are very effective as regards the safety of the operator. On the other hand, for big presses, it is foreseeable (misuse) that another person could go through the dangerous zone without being detected. Two-hand controls do not protect all exposed persons and should therefore be complemented with other existing protective devices. As EN 693 only requires two-hand controls, UK stressed the need for agreeing on the state of the art and an amendment to this standard.

D supported the principle that all persons should be protected, but cautioned that how to resolve the problem is another matter. Two-hand control might be enough in some cases, but not always.

F shared the concern that all people should be protected and that a standard should not lower the safety-level required by the MD. Having taken part in the standardisation work, they agreed that non-material barriers are
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much more efficient but the cost is also higher; too high for small presses. There have not been any substantial accidents in France. That is why two-hands controls should be accepted if (1) they are installed on small presses, (2) there is only one operator for the press, (3) the press has only front controls and (4) other protective measures are not reasonably feasible.

CEN did not understand the relation between the video and EN 693. Indeed, EN 693 covers all objections from UK in its points 5.3.3 (combination of safety devices), 5.3.7 (access for more than one person) and 5.3.8. CEN also questioned if the presses shown on the video were manufactured according to EN693 or not. In the case of two or more operators, several two-hand controls could be installed. The accidents did not appear to be related to the standard. It was not clear when 3rd persons need to be protected. It would be possible to amend the standard in its future revision.

DK said that the UK already appealed in WG1 and disregarded the compromise to allow two-hand control only for small presses. A majority had been in favour of two-hand control since light curtains can be more dangerous for small presses. There had only been one accident with mechanical presses involving 3rd persons in the last 25 years. This discussion should be held in the CEN TC 143, WG1 considering a ban on two-hand control for big presses.

S could agree with the 3 first conditions of France but the 4th one would be difficult to apply. Furthermore, they were surprised that the UK had such difficulties with two-hand controls in this case when they accepted EN 574 on two-hand controls. Many more machinery standards would have to be reconsidered in this context.

E stated that many other risks that are not addressed in the insufficient EN 693 had not been discussed and that a light curtain only detects the passing of a person, not his presence. The UK did not present any practical solutions for other phases such as maintenance, dismantling, etc. where key-systems might be needed.

Mr Vigone found that the standard is not in conformity with the MD and should be contested with a safeguard clause.

FIN thought the standard is useful, but added that the UK is right in the long run.

UK noted that support was weak, but maintained that a standard should clarify a given situation. If a standard leaves the choice of solutions to the manufacturer, it could lead to misunderstandings. Safety should be built into machinery and photocells are not that expensive. Relying on instructions for use should only be the last resort. As they had been unsuccessful in CEN, they brought the issue to the MDWG. A safeguard clause would be considered.

COM reminded that the MDWG should not become the instance of first appeal to the formal vote in CEN.

Conclusion: The UK would have to decide whether to notify a safeguard clause against the standard or not.

13. All-terrain vehicles "quads" (doc. 2001.31)

No discussion due to lack of time.

14. Miscellaneous

Nothing.

19. ACTION LIST

COM: (2-3) Translate the "rules of procedure".
(2-4) Proceed with decision on EN 1495 safeguard clause.
(2-9) Send a letter to CEN (verification of A-deviation in existing standards).

CEN: (2-6) Adapt prEN 12999 and request its publication in OJEC.
(2-7) Amend EN 1501-1.
(10) CEN to proceed with revision of EN 848-3 as agreed.

CENELEC: (2-2) Issue document on assessment of CENELEC MD standards.
RESOLUTION 68/2001 (Birmingham - 1) taken by CEN/TC 183

Subject: CEN/TC 183 - Creation of an amendment on EN 1501-1:1998

The CEN/TC 183 "Waste Management",
- considering the CEN/CENELEC Internal Regulations - Part 2, subclauses 3.1.19 and 4.9.2 stating the rules for amendment;
- considering the need to alter or to add to the previously agreed technical provisions in the EN 1501-1 "Refuse collection vehicles and their associated lifting devices - General requirements and safety requirements - Part 1: Rearend loaded refuse collection vehicles"
- having verified that the proposed amendment is strictly within the scope of the initial EN;
- having considered the resolution CEN/BT 28/1996, offering the possibility of a shorter duration of the UAP for amendment which is simple and not controversial;
decides to create an amendment on EN 1501-1: "Refuse collection vehicles and their associated lifting devices - General requirements and safety requirements - Part 1: Rear-end loaded refuse collection vehicles" and to use the following track in view of its approval (check the appropriate box):
- CEN enquiry and formal vote
Target dates: Stage 32: CCYY-MM; Stage 40: CCYY-MM; Stage 49: CCYY-MM
- UAP of six months
Target dates: Stage 32:; Stage 49: CCYY-MM
- UAP of four months
Target dates: Stage 32: 2002-02; Stage 40: 2002-04; Stage 64: 2002-12
Scope of the amendment: Amend the existing sub-clause 6.6.4.3 of EN 1501-1 taking into account all hazardous situations from non-precise and / or interpretable requirements. New detailed risk analysis will be prepared and corresponding requirements established. Existing patents will be considered.

The decision was taken by unanimity.
1 FEBRUARY 2002

Annex 3

RESOLUTIONS TAKEN BY CORRESPONDENCE
BT C100/2001 – C132/2001

RESOLUTION BT C126/2001

SUBJECT: Publication of EN 12999 “Cranes – Loader cranes”

BT,

- noting that prEN 12999 has been submitted to formal vote from the 2000-11-02 to 2001-01-02 and that the result of the vote is positive;
- noting however the threat of a safeguard action against EN 12999;
- noting that CEN/TC 147 recognized the need for amending the standard in view of the arguments brought forward in support of that potential safeguard action;
- agrees to modify the annex ZA of prEN 12999 as follows:

  “Annex ZA (informative)
  Clauses of this EN addressing essential requirements or other provisions of EU Directives

  This EN has been prepared under a mandate given to CEN by EC and EFTA and supports essential requirements of EU Directives: Machinery Directive 98/37/EC amended by Directive 98/79/EC.

  Note: other requirements and other EU Directives may be applicable to the product(s) falling within the scope of this standard.

  The clauses of this standard (except clauses 5.6.3, 5.6.7, 5.6.8, 5.9.1 and 5.10.6.1) are likely to support requirements of Directive 98/37/EC amended by Directive 98/79/EC.

  Compliance with these clauses of this standard provides one means of conforming with the specific essential requirements of the Directive concerned and associated EFTA regulations.”

- agrees to the publication of the so amended EN 12999;
- requests CMC to inform the European Commission accordingly.

This resolution is applicable as from: 2002-01-23
18-19 DECEMBER 2002

EUROPEAN COMMISSION
ENTERPRISE DIRECTORATE-GENERAL

Single Market: regulatory environment, standardisation and New Approach
Mechanical and electrical engineering, and radio and telecom terminal equipment industries

MINUTES OF MEETING ON 18 & 19 DECEMBER 2002

Subject: Working Group on Machinery under the 98/37/EC Committee
Place: Borschette Centre, Brussels
Chairmen: L. Montoya, M. Eifel
EC Participants: N. Anselmann, I. Fraser

1. Welcome, Introduction, Agenda

The CHAIRMAN welcomed participants, particularly observers from candidate countries. He then explained recent changes in the Commission. Mr. Luis Montoya has taken over as head of Unit G3. Mr. Norbert Anselmann, who is taking part in his last meeting of the Working Group, has been promoted head of Unit G2 in charge of standardisation policy. Mr. Eifel continues as directive manager for machinery and he is now assisted by a seconded national expert, Mr. Fraser.

It was agreed to discuss point 3 of the agenda before point 2. Several delegations requested particular points to be taken at particular times, however, for practical reasons, it was decided to follow the initial order. The agenda was agreed.

2. Minutes of the meeting of 1 February 2002 (Doc. 2002.02)

ITALY considered that the conclusion to point 4 of the minutes relating to mobile elevating work platforms did not reflect what had been said at the meeting. Member States had reported a change in the state of the art, and this should be stated explicitly in the conclusion. FRANCE agreed that the conclusion should clearly appear as a position of the Working Group towards the Notified Bodies.

The CHAIRMAN replied that the conclusion could be rewritten to state explicitly adoption of standard EN 280 marked a change in the state of the art for MEWPs that should be taken into account by Member States. However the proposal to send a letter to Member States had been rejected following objections from SPAIN and the UNITED KINGDOM.

SPAIN stated that the minutes had been sent late and suggested a time limit of 2 months for sending draft minutes. The Spanish objection to the proposed letter had not been against the principle of the letter but against the proposed content and the reference to EN 280.

SWEDEN stated that the conclusion to point 7 relating to lifting accessories was not correct. The second sentence should state that all relevant requirements of the Machinery directive were applicable to lifting accessories, and not just the requirements of Annex I: the requirements concerning the technical file and the conformity declaration were also applicable.

The CHAIRMAN agreed to correct the conclusion of point 7 accordingly.

Conclusion:
- The conclusion to item 4 will be rewritten in order to state explicitly that the state of the art for MEWPs has changed and that Member States should take the appropriate action with regard to the Notified Bodies for which they are responsible.
- In the 2nd sentence of the conclusion to point 7, “Annex I” is replaced by “the Machinery Directive”.
- With these 2 corrections, the minutes of the meeting of 1 February 2002 were approved.

Follow up of minutes:

Item 2.3: Rules of procedure.
The CHAIRMAN reported that the draft rules of procedure had not yet been translated. This should be done so that the rules could be approved at a subsequent meeting of the Standing Committee.
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Item 2.4. Safeguard clause on EN 1495.
The CHAIRMAN reported that the Commission’s decision was in course of adoption. A new mandate would be given to CEN.

Item 2.6. Modification of prEN 12999 and request for publication in OJEC.
The CHAIRMAN asked CEN whether a request had been made for publication of EN 12999 in the OJEC. CEN replied that the standard had been issued in September 2002 but had not yet been sent to the Commission since the Portuguese title was missing. It would be sent in January 2003.

Item 2.7. Amendment of EN 1501-1.
CEN reported that the amendment to EN 1501-1 would be sent for publication in December 2002.

Item 2.9. Letter to CEN on A-deviations in existing standards.
A letter at a horizontal level concerning A deviations in harmonised standards was in preparation.

Item 10. Revision of EN 848-3.
For the revision of EN 848-3 following the request from SWEDEN, the Technical Committee had accepted the target date of May 2003 for the public enquiry. It seemed that SWEDEN’s objections had not yet been fully answered.

3. Revision of the Directive

The CHAIRMAN recalled that the proposed revised Directive had passed the first reading in the European Parliament on the 4th July 2002. Progress in Council had been slow, due to the complexity of the technical issues involved. He stressed the need to concentrate on essentials in order to keep to a reasonable timetable.

Mr EIFEL reported that Council had held 24 meetings on the proposal. The text of the Directive, except for Annex I, had been examined twice, the first time to discover the positions of the Member States and the second time in order to try to reach agreed positions. 74 amendments had been adopted by Parliament. Some of these were clearly improvements to the text, others were very technical, and others raise general questions relating to the New Approach that are outside the scope of the proposal. After study of the amendments, the Commission had drafted an amended proposal, integrating 34 amendments from the Parliament, which was being translated.

DENMARK reported that the Danish Presidency had organised 7 meetings representing 10 working days. The objective of the Presidency was to simplify and clarify the Directive and thus to limit changes to questions needing clarification. The discussion had been organised around a working document drafted during the Spanish Presidency, based on the initial comments of Member States. It had not proved possible to reach a common position during the Danish presidency, given the number of comments to be discussed and the fact the Commission’s amended proposal was not yet available. The Danish Presidency planned to draft a consolidated text including Annex I. DENMARK offered assistance to GREECE and ITALY in order to pursue the work in Council.

GERMANY thanked DENMARK for the work done. The proposed amendments of the European Parliament risked to destroy the balance reached in the Council Working Party. The important thing now was to identify the political obstacles to agreement and not to lose time discussing details. The economic actors needed legislative stability. GERMANY proposed that each Member State should draw up a list of what they considered the essential points to be settled during the Greek presidency.

FRANCE had agreed to the need to revise the Directive without changing the spirit of the text. The Commission’s proposal was good, but the form chosen for the discussion had opened a wider debate. FRANCE considered that a compromise was possible taking into account the Commission’s proposal, the results of work in Council, the Parliamentary amendments and the Declaration on market surveillance adopted at the Berlin conference in September 2002.

SWEDEN thought that the most difficult part of the work had been achieved with the discussion of Annex I and, in particular, the requirements on lifting and lifting of persons. The remaining work should proceed more quickly.

ITALY agreed, and was prepared to assist the incoming presidency, as proposed by DENMARK.

SPAIN recalled that the revision of Annex I had not been discussed by the Member States prior to the Commission’s proposal, which is why the discussion in Council had taken so long. Now it was necessary to seek a synthesis. Several of the revised Articles of the Directive raise horizontal questions which may be the subject of proposals for updating of the New Approach.
ITALY was optimistic. The essential requirements had been examined under the Spanish and Danish presidencies. The future Italian presidency was prepared to participate in finishing examination of the Articles of the Directive.

BELGIUM stressed the importance of dealing with the question of portable cartridge-operated devices: there was a problem of consistency with the provisions of an international convention.

The CHAIRMAN was glad to hear optimistic perspectives and thanked the previous presidencies for their constructive work. The Commission had proposed a complete revised text in the interest of clarity. This might have proved a mistake since it had opened too wide a debate. He appealed to Member States to exercise self-restraint and concentrate on essential issues. The Machinery Directive had already been examined in depth three times, which is in line with the Commissions guidelines which require evaluation of policies every six years. However, from a pragmatic point of view, we must aim to complete the revision before 2004 after which there will be a new Parliament and a new Commission.

TUTB stated that the Trades Unions had reservations about the results of application of the Directive with respect of its objectives of achieving free circulation of machinery and a high level of safety. Revision of the Directive should be based on an overview of its application. The TUTB had carried out a study of application of the Machinery Directive in 4 countries, France, Italy, Germany and Finland, soon to be published in book form. It was worrying that the number of accidents involving machinery had not decreased during the 3-year period following 1998. The scope of the Directive needed clarifying. Stronger provisions are needed on questions such as dangerous emissions, consideration of ergonomics and use of software. Change is also needed to develop a higher level of market surveillance, to improve the quality of harmonised standards and to ensure the monitoring of the work of Notified Bodies.

ORGALIME stated that in a letter to the Commission in May 2002, Industry had recalled that the Machinery Directive was working well overall. The Directive required clarification, adjustment and simplification, but did not require a major overhaul. The present revision process had got out of control and the aim of the Molitor report was not being met. ORGALIM called on Member States to concentrate on essentials. Industry eagerly awaited the Commission communication on the New Approach to address horizontal issues.

The CHAIRMAN welcomed the contributions from TUTB and ORGALIM. The revision should take account of experience with use of machinery. Concerning the amendments proposed by Parliament, he stated that these were not dramatic. The Commission would only agree to withdraw the proposal if the present Directive were not improved or if essential elements were lost. This was not the case.

Mr EIFEL, in conclusion, stressed the need to concentrate on the essential points of the Commission’s proposal:
- On the scope, the proposal clarified the borderline with the Lifts and Low Voltage Directives and brought builders’ hoists under harmonised legislation;
- Stronger requirements were made for partly completed machinery in order to better regulate the relations between manufacturers of such machinery and those assembling complete machinery;
- The proposal introduced clearer definitions and clarified the inclusion of safety components and lifting accessories;
- The role of the Standing Committee was reinforced via the regulatory procedure;
- New essential requirements were introduced to deal with the new types of machinery included in the scope. Areas in which no particular problems have been reported should as far as possible be left alone. The aim should be to reach a common position and complete the second reading of the revised Directive before the new Parliament was elected.

4. UK Safeguard clause on EN 693

The CHAIRMAN reported that the question was on the agenda of the next meeting of the 98/34/EC Committee. The Commission wished to know the opinion of the Machinery Working Group in order to prepare a report.

The UNITED KINGDOM presented the safeguard clause notification. The UK objection was against the possibility of using two-hand controls on hydraulic presses as the sole means of protection of the tools area. The UK position was based on two criteria: safety integration and the state of the art. On both of those criteria, extra protective measures were both necessary and possible. This had been accepted in the standard for press-brakes.

SWEDEN recalled that the use of two-hand controls on hydraulic presses had been extensively discussed. The UK was right that such controls only protected the persons using them, but the risk to other persons was no greater for hydraulic presses that for many other kinds of machinery. If the UK objection was sustained, it would have wide reaching consequences, in particular for EN 574 on two-hand controls.

FRANCE agreed with the UK on the risk involved but did not agree with the safeguard action. A general discussion was needed on the use of two-hand controls.
DENMARK thought that a compromise had been proposed but had not been accepted by the UK delegation. FINLAND thought that small presses could be safely used with two-hand controls alone. ITALY considered that the standard should be reviewed but disagreed with the safeguard clause. SPAIN did not agree with the safeguard clause. The choice of protective measures depended on the risk analysis and in particular on the size of the press.

The NETHERLANDS did not agree with the safeguard clause but agreed that two-hand controls alone were not acceptable on large presses. They proposed a rapid amendment of the standard.

CEN agreed with the position of the NETHERLANDS. The UK had stated that EN 693 accepted two-hand controls as the sole means of protection, but this was not the case. If the UK considered that the standard needed further clarification, CEN invited the BSI to propose detailed amendments to the standard.

CECIMO representing machine tool manufacturers had taken part in the discussion of EN 693 and had tried to conciliate the UK view on two-hand controls. CECIMO supported CEN’s proposal.

LUXEMBOURG recalled that hydraulic presses were included in Annex IV. How could Notified Bodies accept large hydraulic presses with two-hand controls alone? Such presses would not be in compliance with the standard. If such machinery were placed on the market in LUXEMBOURG it would be banned.

Mr FRASER recalled that although two-hand controls were among the protective devices mentioned in the Machinery Directive, they only protected the persons using them. This was stated both in EN 292-2 and in the B-standard on two-hand controls, EN 574. This implied that two-hand controls alone were insufficient when other persons were exposed to the risk.

EN 693 stated that the risk assessment must take into account access from all directions and risks both to press operators and other persons who may have access to the danger zones. According to the standard, the selected combination of safeguarding measures should protect all exposed persons who might gain access to the danger zone during operation, setting, maintenance, cleaning and inspection. This implied that a hydraulic press for which there was a significant risk of persons other than the operators being exposed to the danger zone in the tools area could not be equipped with two-hand controls as the sole protective measure. Such a press with two-hand controls alone could not claim to be in compliance with EN 693. The UK document did not therefore establish the non-conformity of EN 693. However the UK comments brought out several weaknesses in the standard:

- the unacceptability of two-hand controls alone when persons other than the operators were exposed to hazards in the tools area was not explicitly stated in the standard;
- the standard did not state in which conditions it must be considered that other persons were exposed to hazards in the tools area;
- the standard did not provide guidance on the appropriate combination of safety measures that should be selected in this case.

Mr FRASER suggested that the Commission write to CEN to ask for amendment of the standard in order to correct these weaknesses.

The UNITED KINGDOM replied that it was encouraging that the weaknesses of the standard were recognised. The UK had considered the safeguard clause as the way to deal with this, and had the right to use this procedure. However, in the light of the discussion the UK accepted that if an appropriate letter was sent by the Commission to CEN, the UK would suspend the safeguard action pending amendment of the standard.

The CHAIRMAN recalled that SWEDEN had pointed out that similar problems might exist for other standards. CEN should identify these problems and examine the need for amendment of other standards. CEN stated that two-hand controls were referenced in more than 60 machinery safety standards. The proposed enquiry should be limited to those standards where problems had been identified. FINLAND proposed to limit the present enquiry to the standards on presses covered by WG 10 of CEN TC 143. The problems in other standards could be dealt with progressively as they were revised.

Conclusion:

- The Commission will draft a letter to CEN to request urgent amendment of EN 693 to clarify the combination of safety measures to be used when persons other than the operators are exposed to hazards in the tools area.
- If this is accepted by CEN, the UNITED KINGDOM will suspend the safeguard procedure against EN 693 pending amendment of the standard.
- The Commission will also request CEN to examine the need to amend other standards relating to presses which raise similar problems.
- Sweden and France shall provide examples of such standards.
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Mr JOCKERS reported that only one meeting had been held in 2002 on the 24th of October, due to delay in appointment of the new administrative secretariat. 12 of the vertical groups had provided reports on activity. The Directive did not define the tasks of the Co-ordination of Notified Bodies. The issuing of Recommendations for Use was important in cases where there were no harmonised standards, or when manufacturers’ solutions deviated from harmonised standards. However was it the task of Notified Bodies to interpret harmonised standards?

Several questions raised by the Notified Bodies were horizontal questions concerning several directives. What is an EC type-examination? What is the status of the Recommendations for Use? How to deal with changes in the state of the art? Is a type-examination certificate still valid when a new version of a harmonised standard is published? A harmonised approach was needed to such horizontal questions.

Mr JOCKERS then presented Doc. 2002.26 concerning the approval of the Recommendations for Use. It was not always obvious whether a question concerned a policy issue or a technical issue. The questions were first asked by manufacturers. When such questions received an answer from the Working Group, the Recommendation of the Notified Bodies should be withdrawn. However no body was at present charged with the task of updating or cancelling existing Recommendations. He was not sure that it was appropriate to say that the Recommendations had been “Approved”.

FRANCE presented Doc. 2001.01. Tacit approval of technical recommendations was acceptable only if the system was fully transparent. A list of Recommendations to be approved should be attached to the agenda of the Working Group. The Minutes should clearly record the approval or otherwise of each Recommendation, identified by number. It was not enough to refer to the Recommendations as “First set” or “Second set”. Placing the Recommendations on CIRCA was not sufficient.

AUSTRIA presenting Doc. 2002.11, proposed to adopt the procedure agreed by the Working Group for Recreational Craft. All the Recommendations were being examined by a group of 3 Member States who reported to the full Working Group on any problems.

The UNITED KINGDOM agreed with AUSTRIA. Some of the questions covered by the Recommendations were outside the remit of the Notified Bodies, for example, questions concerning the scope of the Directive. Such questions should be raised in the Working Group.

GERMANY considered that the Recommendations were produced by the Notified Bodies themselves in order to avoid discrepancies. They could not be given a legal status. The Working Group should not approve the Recommendations but simply take note of them. Some of the questions raised by the Notified Bodies were horizontal issues that concern all New Approach Directives. It might be necessary to create a horizontal umbrella body of Notified Bodies to discuss such issues. It would also be useful to have a Co-ordination of Accreditation Bodies to harmonise the criteria for notification. There was need for legal advice and it would be useful to seek the opinion of the Committee of Senior Officials on Standardisation.

Mr VIGONE thought that the Recommendations had a different status according to whether they were adopted by the horizontal committee or by the vertical groups. Horizontal recommendations were usually interpretations of the Directive, whereas vertical Recommendations were often interpretations of harmonised standards. The latter should give rise to amendments of the standards by CEN. If the Recommendations for Use were only published on CIRCA, they were not available to manufacturers.

ITALY thought the word “approval” was not appropriate. The Recommendations for Use dealt with all aspects of management of the Directive – the Directive itself, standards and conformity assessment.

LUXEMBOURG recalled that the New Approach gave responsibility for conformity assessment to manufacturers and Notified Bodies. Member States were responsible for evaluating the Notified Bodies and for monitoring their work.

The CHAIRMAN thought that the Notified Bodies should concentrate on technical issues raised by conformity assessment and avoid policy questions, which should be submitted to the Working Group.

He proposed dealing first with the Recommendations for Use that had been formally approved, either by an explicit mention in the Working Group Minutes or by publication in the brochure “Useful Facts in relation to Directive 98/37/EC”. A list of 196 such Recommendations had been communicated to the Commission and had been placed on CIRCA in July 2002. Member States had been invited to state any objections. These Recommendations would be published on the Commission’s public Web Site, EUROPA. Any existing Recommendations that had not been formally approved or published would be treated as new Recommendations. For new Recommendations for use, the CHAIRMAN proposed the adoption of the procedure agreed by the Working Group for the Lifts Directive.
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Conclusion:

- Existing Recommendations for Use that have been formally approved by the Machinery Working Group or published in “Useful Facts” will be published on the Commission’s Web Site EUROPA;
- Existing Recommendations that have not been formally approved or published will be treated as new Recommendations;
- New Recommendations are sent by the Technical Secretariat of the Co-ordination of Notified Bodies to the Commission with an opinion as to whether they concern policy or technical issues;
- The Commission checks this classification;
- Recommendations concerning policy issues are placed on the agenda of the following meeting of the Working Group (oral procedure);
- Recommendations concerning technical issues are placed on CIRCA and Member States are given a time limit to send comments (written procedure). Any Recommendation on which written comments are received is placed on the agenda of the following meeting of the Working Group;
- In future, the Recommendations will include the expression “Endorsed by the Machinery Working Group”, instead of “Approved by the Standing Committee.”


The UNITED KINGDOM, presenting Doc. 2002.08, indicated that the Recommendation for Use sheet VG3/CNB/M/03.163/R/E does not correspond to the state of the art as now stated in the harmonised standard EN 12622:2001 on hydraulic press brakes. This sheet should be withdrawn.
FRANCE agreed with the UNITED KINGDOM. The Recommendation for Use had not been accepted by the French Co-ordination of Notified Bodies and a new Recommendation was being drafted.
FINLAND also agreed with the UNITED KINGDOM. The Recommendation for Use might have been acceptable before the adoption of the standard, but now it should be withdrawn.
DENMARK supported the UK position and considered that it was not valid to compare hydraulic presses and press brakes.
SPAIN thought that EN 12622 represented a considerable change in the state the art. The Directive permitted alternative solutions to those specified in the harmonised standard. Some Notified Bodies considered that exceptions could be made for certain press brakes. Most of the recorded accidents with press brakes occurred during maintenance, setting and inspection, when the safety devices prescribed by the harmonised standard are not active. For these operations, alternative safety measures had to be taken.
The CHAIRMAN replied that a harmonised standard was, of course, not mandatory but that any alternative solution must provide at least an equivalent level of safety.
NB-M agreed to withdrawal of the Recommendation VG3/CNB/M/03.163/R/E but stressed that this would have consequences for existing type examination certificates issued on the basis of the Recommendation.
The UNITED KINGDOM recalled that the Co-ordination of Notified Bodies should provide Recommendations to deal with new developments and questions not yet covered by standards. However, in this case the technical solutions to achieve the required level of safety had been discussed and agreed within CEN. There was therefore no need for a Recommendation.
The CHAIRMAN concluded that the minutes would draw the attention of Member States to the change in the state of the art represented by the adoption of the harmonised standard, and to the need for appropriate action by the Notified Bodies.

Conclusion:

- The attention of Member States is drawn to the change in the state of the art represented by adoption of the harmonised standard EN 12622: 2001 relating to the safety of hydraulic press brakes, in particular with regard to the use of two hand controls as the sole means of safeguarding a press brake. While the application of a harmonised standard is not mandatory, any alternative solution should achieve a level of safety equivalent to the state of the art represented by the standard.
- The Co-ordination of Notified Bodies is requested to withdraw Recommendation for use sheet VG3/CNB/M/03.163/R/E.
- The notifying authorities of Member States shall ensure that appropriate action is taken by the Notified Bodies for which they have responsibility in respect of EC type-examination certificates based on an earlier state of the art.

7. Standardisation
a) CEN progress report (Doc. 2002.20)

CEN presented a progress report. 395 machinery safety standards had been adopted at the end of 2001. The target of 590 standards by the end of 2002 had proved too ambitious, however this target would soon be met. There were only 4 standards for Annex IV machinery outstanding. The work program of the CEN machinery safety sector was available on the CEN Web Site.

FRANCE presented a resolution adopted by AFNOR (Doc. 2002.20) concerning the identification of the relationship between the specifications of harmonised standards and the essential health and safety requirements, including those requirements not covered or only partially covered by the standards. It was important for the manufacturer or the user of a machine to know exactly which essential requirements were covered by the standard in order to appreciate the extent of the presumption of conformity it conferred.

CEN stated that a position paper had been prepared on this question. The standardisers were not happy with the existing Annex ZA. A separate Annex ZA was needed for each relevant directive, which should be identified by number. It should be stated that the presumption of conformity applied only when the references of the standard were published in the OJEC. The extent of the presumption of conformity was determined by the scope of the standard. Any relevant essential health and safety requirement not dealt with in the standard should be mentioned in the clause relating to the scope. This information could also be given in the Annex ZA. For standards dealing with only one essential requirement, the Annex ZA should mention the requirement concerned. The AFNOR proposal had already been discussed by the Sectoral Technical Bureau for mechanical engineering in 1994. The idea was to use the list of hazards given in EN 1050, however each hazard may correspond to several essential health and safety requirements.

GERMANY considered that the most important element of compliance with the Directive was the quality of the specifications of the standard. GERMANY had some sympathy with the French position, but the inclusion of a correspondence table between the essential requirements and the specifications of the standard did not guarantee the quality of these specifications. A horizontal discussion was required on this question. This discussion should include CENELEC standards that do not at present include an Annex ZA.

The CHAIRMAN recalled that the Commission had asked CEN and CENELEC to include an Annex ZA in 1994. Progress on this question had been limited. The objective was to clarify the relationship between the content of the harmonised standards and the relevant essential requirements. This could be done in several ways: the Annex ZA could either include a complete check-list or a statement to the effect that all relevant essential requirements were covered except certain specified requirements. The problem could be solved if the content of the Annex ZA were clearly mentioned in the mandate given to CEN and CENELEC.

BELGIUM suggested that the Commission require a proper Annex ZA as a condition of publication of the references of the standards in the OJEC.

CENELEC reported that their approach was different to that of CEN. The inclusion or not of an Annex Z was left to the discretion of the Technical Board. Unless otherwise stated in the foreword, harmonised CENELEC standards satisfy all the essential health and safety requirements of all applicable Directives. A check on CENELEC standards had been undertaken to ensure this. A consultant checks draft standards before they are sent for enquiry and again before they are submitted to final vote. In some cases it had required several years’ work to improve already ratified standards refused by consultants. There had been no safeguard clauses against CENELEC standards.

Many CENELEC standards for machinery existed before the Machinery Directive came into force. They had been checked for compliance with the Machinery Directive before being sent to the Commission for publication in support of the Directive. The relationship between CENELEC and the IEC was regulated by the Dresden agreement. Adoption of IEC standards as ENs was not “rubber stamping”. IEC standards were checked for compliance with the relevant EU Directives before being adopted as ENs.

The TUTB asked CEN why there was such reluctance to provide the result of the risk assessment on which standards were based. Ten years ago, legal difficulties had been raised. Since then, the “risk clauses” of machinery standards had been drafted using the checklist from EN 1050. This table indicated the correspondence with the requirements of Annex I of EN 292-2, which is simply a copy of the essential requirements of Annex I of the Machinery Directive. There should therefore be no difficulty in identifying the essential requirements dealt with by the standards.

SPAIN stated that a gap in a harmonised standard did not provide a defence for the manufacturer of a non-compliant machine. However manufacturers needed more help from standards to ensure that all the relevant essential requirements were covered. SPAIN supported the Commission’s proposal for the Annex ZA, but the manufacturer must still check his machine against Annex I of the Directive.
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The CHAIRMAN noted that most members of the Group favoured a proper Annex ZA. The question was best resolved on a horizontal level. There might be changes to legislation later, however it was not necessary to await new legislation before taking action to improve the situation. The Commission would take account of the opinion of the Working Group and raise the matter at the next meeting of the Committee of Directive 98/34/EC. The CHAIRMAN asked the FRANCE to prepare a contribution to that discussion.

Conclusion:
- The question of clarifying the relationship between the specifications of harmonised standards and the essential requirements they cover will be raised at the next meeting of the Committee of Directive 98/34/EC in order to seek a horizontal approach.
- The Commission will communicate the opinions of the Machinery Working Group to the 98/34/EC Committee.

b) CENELEC progress report

CENELEC reported that an updated list of CENELEC standards relating to the Machinery Directive was sent to the Commission four times a year. The list to be sent in January would include 40 standards plus amendments. These were produced by four Technical Committees:
- TC 61 deals with some commercial appliances;
- TC 17B has two standards on low voltage switch gear and control gear;
- TC 44X deals with what in CEN are called B-type standards, in particular EN 60204-1 on the electrical equipment of machinery.
- TC 61F develops standards on hand held and transportable tools, which represent the major part of machinery standards developed by CENELEC.

The latter include the “home grown” CENELEC series of standards: EN 50144 on hand-held tools, the EN 50260 series on battery operated hand-held tools, and parts of the EN 61029 series on transportable tools. The EN 50144 and EN 50260 series were due to be replaced by the forthcoming EN 60745 series originating from the IEC, based on CENELEC work. The development of this series was carried out by the IEC within the framework of the Dresden agreement, with parallel IEC and CENELEC procedures for enquiry and vote. The drafts standards were not “rubber stamped” by CENELEC but were improved by CENELEC TC 61F. The consultants for machinery and noise checked the drafts for conformity with the essential requirements of the relevant directives. If the final draft was not agreed by the consultants, the standard was not ratified.

CENELEC then replied to questions raised in previous meetings of the Working Group:

a) Stopping time of mitre saws
CENELEC TC 61F had justified the stopping time of 10 seconds.

b) Hygiene requirements for household kitchen machines
CENELEC, presenting Doc. 2002.05, explained that EN 60335-2-14 was a standard published in support of the Low Voltage Directive. CENELEC was concerned that this standard should also satisfy relevant requirements of the Machinery Directive. The TC had discussed the question at a meeting in May 2002. The TC considered that subclause 7.12. of the standard, which specifies that instructions for use should contain details on how to clean surfaces in contact with food, provided sufficient guidance on application of the hygiene requirements of the Machinery Directive.

SPAIN considered that the TC 61F’s answer was not satisfactory. The standard should provide design specifications to satisfy hygiene requirements, not just cleaning instructions. Market surveillance of this type of machinery showed that parts of the machines were accumulating contamination or corrosion because of design faults. The decision on which Directive was applicable depended not on the place of use but on the risk assessment.

FRANCE pointed out that household kitchen machines were also used in commercial premises.

SWEDEN considered that the decision to apply the Low Voltage Directive on the basis of household use was not valid, even if household use was predominant. However, whichever Directive was applied, the same level of safety should be achieved. Priority should always be given to design measures.

GERMANY recalled that it had been agreed that domestic electrical appliances would continue to be covered by the Low Voltage Directive on condition that a check was made that the relevant requirements of the Machinery Directive were satisfied. This case showed that CENELEC was missing important aspects of conformity with
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essential health and safety requirements. However, if the standard was listed under the Low Voltage Directive, safeguard action under the Machinery Directive was not legally possible.

SPAIN agreed with GERMANY. The compliance with the relevant requirements of the Machinery Directive was partial and formal.

The CHAIRMAN understood the concerns expressed by Member States about the standard, but if the machinery covered by the standard was covered by the Low Voltage Directive, the problems should be raised in the LVD Working Group. It was necessary to be consistent with previous decisions to consider household electrical appliances as excluded from the scope of the Machinery Directive by Article 1.5. This was stated explicitly in the Commission proposal for revision of the Machinery Directive. There was agreement with CENELEC that standards for such machinery should also comply with the relevant essential requirements of the Machinery Directive. The Commission would also propose that this be stated explicitly in the LVD when it was revised.

Conclusion:
- The same level of safety is required for machinery, whether it is covered by the Low Voltage Directive or by the Machinery Directive;
- The Machinery Working Group expresses concern that the agreement with CEN and CENELEC concerning the compliance of standards for machinery covered by the Low-Voltage Directive with the relevant requirements of the Machinery Directive should be fully respected;
- Problems concerning application of this agreement should be raised using the procedures laid down in the Low Voltage Directive;
- The borderline between LVD and Machinery Directive is clarified in the Commission proposal for revision of the Machinery Directive;
- The Commission intends to include compliance with the relevant essential requirements of the Machinery Directive in a future revision of the Low Voltage Directive.


The CHAIRMAN declared that the aim of the discussion was to provide information to the 98/34/EC Committee in view of drafting a decision on the French safeguard clause.

FRANCE, presenting the safeguard clause notification, objected to the lack of requirements in the standard for means to prevent accidental lowering of the load in case of hydraulic failure. This had previously been required under French regulations and could be considered to be the state of the art. Non-return valves on the lifting cylinders were frequently installed on machinery used for public works but not for agricultural use, whereas the risk was the same. In this respect, the standard for Front Loaders fitted to agricultural tractors required a lower level of safety than did the harmonised standard for variable-reach lift trucks, which were machines performing similar functions and presenting similar risks. FRANCE reported that since the French objection had been expressed, WG2 of CEN TC 144 had proposed to develop a new standard for Front Loaders with special equipment, however the work item had not been registered awaiting a Commission decision on the safeguard clause. Following recent discussions, the French mirror group was prepared to accept a device that was active during the raising of the load and during the holding of the load in a raised position, but not during the lowering of the load when the risk was lower. This should make it possible to keep the floating function.

FINLAND supported the safeguard clause. However Finnish research had shown that present safety valves do not work properly in very cold conditions. Requirements for safety valves should take this restriction into account.

The NETHERLANDS had sent a letter to the Commission in September fully supporting the French safeguard clause. The present technology was based on double action cylinders. When these were equipped with safety valves on other types of machinery such as cranes, they functioned correctly in low temperatures.

The UNITED KINGDOM would support the safeguard clause if it were presented to the 98/34/EC Committee, but hoped that agreement could be reached with CEN.

ITALY agreed with FRANCE that the publication of the references of the standard should be accompanied by a warning concerning requirement 4.1.2.6 of Annex I. All hydraulic systems were liable to be exposed to low temperatures.

BELGIUM fully supported FRANCE and noted that the problem of respect for this essential requirement also existed for other types of machinery.
DENMARK agreed that risks associated with some common uses of Front Loaders, such as the lifting of “Big Bags”, had not been taken into account in the standard. DENMARK shared the Finnish concerns with the technical solutions proposed by France, but agreed that amendment of the standard was necessary.

SPAIN and PORTUGAL supported the French position. The problem was linked to the tendency for machinery to become more and more multi-purpose.

SWEDEN agreed that this was a multi-purpose machine. SWEDEN supported the French position providing the technical solutions permitted the floating function which was important for snow clearance for example. The problem of use in low temperatures must also be taken into account.

M. VIGONE considered that both points 4.1.2.6. and 1.3.2. of Annex I of the directive had not been correctly dealt with by the standard.

CEN reported that WG2 of TC 144 had held several meetings on the subject. CEN had replied to the Commission enquiry (see Doc. 2002.23). A questionnaire had been sent to all national TC 144 members with 3 questions: Does the standard provide the appropriate requirements for Front Loaders for normal operation? Does the standard correspond to the state of the art? Is there a need for a new standard to deal with special attachments such as “Big Bags”? CEN TC 144 had refused the French mirror group proposal, but had agreed to start new work on front loaders with special attachments. However the answers given by TC 144 members were different from the positions of the authorities of Member States.

SWEDEN pointed out that the TC enquiry was not public and that the positions of TC members did not necessarily reflect that of the authorities.

The CHAIRMAN concluded that it was clear that all Member States agreed that the standard did not fully satisfy the essential requirements. However it was important to ensure that the specified technical solution did not prevent important functions of the machinery. There were two possibilities: either this opinion would be communicated to the 98/34/EC Committee or the safeguard clause could be suspended if CEN agreed to amend the standard.

CEN preferred the second solution.

FRANCE proposed the following resolution:

The Machinery Working Group requests CEN to amend EN 12525 in order to cover the hazards due to failure of the hydraulic lifting circuit during operations with attachments requiring the presence of any person near the Front Loader whilst working, when the loader is lifting the load, and when the loader is in its raised position. The technical solution should continue to allow the floating function. The new work item should be achieved within 3 years.

If CEN agreed to this request, FRANCE was prepared to suspend the safeguard clause against EN 12525 pending amendment of the standard.

FINLAND proposed to add to the resolution that the technical solution should be sufficiently reliable, including in low temperatures.

With this addition, the French resolution was agreed by the Working Group.

Conclusion:

- The Commission will draft a letter to CEN on the basis of the above French resolution, taking into account the reliability of the specified technical solution.
- If CEN agrees to the proposed course of action, France will suspend the safeguard clause against EN 12525, pending amendment of the standard.
- The Commission will inform the 98/34/EC Committee at its next meeting of the solution proposed by the Machinery Working Group.


The CHAIRMAN reported that this matter had been satisfactorily resolved: the Commission had confirmed the position explained by France in Doc. 2001.31.


The UNITED KINGDOM presenting document 2001.23, reported that climbing frames were supplied to be used for the erection of tower cranes. They could be with several cranes of the same type. In the UNITED KINGDOM, 5 accidents involving the use of such climbing frames had been recorded. In a recent accident in
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London, 3 people had fallen from a climbing frame. The UNITED KINGDOM proposed to treat climbing frames as interchangeable equipment according to the Machinery Directive. ITALY presenting document 2002.16, indicated that when persons were operating on the platform of the climbing frames, they had a risk of falling more than 3 metres. The climbing frames were not necessarily supplied with the tower crane. Investigation of a recent fatal accident in Italy had shown that an old climbing frame was used with a new crane. ITALY considered that climbing frames should be considered as devices for the lifting of persons involving a risk of falling more than 3 metres as listed in Annex IV of the Machinery Directive. 

Mr OREHAM for CEN TC 147 reported that the draft standard relating to tower cranes did not cover climbing frames. The development of a standard on such equipment would require a new work item. AUSTRIA, GERMANY and LUXEMBOURG agreed with ITALY that climbing frames were Annex IV machinery. DENMARK, FINLAND and SWEDEN were of the opinion that a tower crane equipped with a climbing frame was an Annex IV machine. The NETHERLANDS thought that the climbing frame was part of the crane. If supplied separately the procedure of Annex II B could be followed. The TUTB disagreed with this suggestion. FRANCE thought that climbing frames were not interchangeable equipment, but their status was not clear. The question should be considered along with similar examples. ORGALIME asked whether climbing frames were primarily used for lifting persons. BELGIUM considered that climbing frames were machines, but reserved their opinion of whether they came under Annex IV. Several speakers asked whether climbing frames had moving parts. M. OREHAM confirmed that climbing frames always had moving parts and correspond to the definition of machinery. The CHAIRMAN proposed to adopt the second solution described in the Italian document 2002.16.

Conclusion:
Member States, CEN and Notified Bodies are requested to apply the following interpretation:
- Climbing frames are machinery in the sense of Article 1.2. of the Machinery Directive with a secondary function of lifting persons with a risk of falling of more than 3 metres as mentioned in Annex IV A16.
- Concerning conformity assessment procedure, the manufacturer may choose between two solutions. Either the climbing frame can be certified separately, in which case the manufacturer must specify the cranes with which the climbing frame may be used and the safety of the combinations must be checked. Alternatively, the tower crane equipped with a climbing frame can be certified as a whole.


FINLAND recalled that the matter had been discussed in the Machinery Working Group and also in Council and it might not be wise to reopen the subject. The Finnish manufacturer had met difficulties exporting baskets, since there were different national regulations concerning the lifting of persons with equipment not designed for that purpose (see Doc. 2002.17). The Commission had given a mandate to CEN to draft a standard for suspended baskets. Draft standard prEN 14502-1 was being developed by CEN TC 147 and the public enquiry was under way. In the draft standard, suspended baskets were defined as lifting accessories for use with cranes designed for the lifting of persons. However, according to the drawings it was clear that such baskets could be used with any type of crane, since they were simply suspended from the hook. The standard provides advice on safe use of such baskets similar to Finnish national requirements for use of baskets with cranes not designed for the lifting of persons. Adoption of such a standard would create more confusion. The CHAIRMAN stated that the Commission had given an open mandate. CEN may develop such standards as are deemed necessary to support the Machinery Directive. CEN is also free to develop standards for products not covered by EU Directives. Any standard submitted under a Directive is checked by CEN secretariat using the consultants and the Commission decides whether or not to publish the references. FRANCE, presenting Doc. 2002.03, recalled that according to Directive 89/655/EEC as amended, rules for exceptional lifting of persons with equipment not designed for that purpose was covered by national regulations. It was therefore inappropriate for such equipment to be subject to CE marking. France proposed to distinguish
this case from the situation where a manufacturer places on the market interchangeable equipment to be fitted to a machine so that it has the dual purpose of lifting goods and lifting persons. In the latter case, the combination of the machinery and the interchangeable equipment for lifting persons should be certified according to Annex IV of the Machinery Directive.

CEN stated that it was theoretically possible to develop a standard on suspended baskets providing it complied with the requirements of the Machinery Directive. But the baskets concerned by the draft standard can never meet these requirements. CEN policy is that all CEN machinery safety standards should be published in the OJEC. CEN does not want machinery safety standards that do not meet the Machinery Directive. There is no sense in having an EN that must be transposed as a national standard but which cannot be used in several European countries.

Mr OREHAM reported that TC 147 had examined the situations where persons were lifted with cranes. The first was the case of lifts attached to cranes to take the crane driver to the work position. Standardisation of such lifts is for TC 10. The second case is that of moveable drivers’ cabins enabling drivers to choose the height from which they control movements of the crane. This is within the remit of TC 147. The third case relates to certain work situations such as lifting persons to the top of containers on ships or lifting persons from ships to offshore platforms. The standard for suspended baskets was intended to deal with these latter situations.

SPAIN thought there had been general agreement between Member States in Council that suspended baskets that were not part of the machine could not have free movement under the Machinery Directive. Suspended baskets might be used occasionally but they could not replace purpose-built equipment on a daily basis. They did not change the function of the machine but they did increase the risks involved. The reference of the standard could not be published in the OJEU under the Machinery Directive, but the standard might be useful in order to provide specifications for equipment outside the scope of the Directive. Reference to such baskets should also be removed from the Recommendations for Use sheets of the Co-ordination of Notified Bodies.

The UNITED KINGDOM thought that suspended baskets were interchangeable equipment and should be CE marked. Use of such equipment was a matter for national regulations. In the UK, a CE-marked basket could be used with a crane rated for lifting persons. If it was to be used with a crane rated for lifting goods, national regulations would require the crane to be re-assessed. In the case of baskets for use with industrial trucks, the UK thought that alternative, purpose-built equipment was now generally available.

SWEDEN agreed with the draft question and answer proposed by France in Doc. 2003. There is a clear parallel with the case of climbing frames. A suspended basket could not have CE marking without a conformity assessment of the combination of the basket with the lifting machinery. Two community directives were in conflict. Directive 89/655/EEC allowed for exceptional use of lifting machinery outside of its intended use. Equipment was needed for this, but this equipment could not comply with the requirements of the single market legislation.

The NETHERLANDS considered that the draft standard had many shortcomings. If such baskets were to be CE marked and have free movement, they would, for example, have to be suspended by two ropes and have controls in the basket, since those were requirements of part 6 of Annex I of the Machinery Directive. The drawings in the document supplied by the Finnish manufacturer indicated that their basket is fitted with a safety device which might be considered an alternative to double suspension ropes, but there were no controls in the basket. Even if there were double suspension ropes, given the heights involved, twisting of the ropes would create major risks. In fact the baskets at present placed on the market or the baskets envisaged in the draft standard could never satisfy the requirements of the Machinery Directive. The best solution, as agreed in Council, was to consider them outside the scope of the Machinery Directive.

ITALY agreed with the French answer. Suspended baskets for use with cranes should be left to national regulations implementing Directive 89/655/EEC as amended.

SPAIN agreed with France on the need to certify the whole machinery according to the Machinery Directive. The list of cranes given in the Finnish manufacturer’s document showed that the basket could be used with any crane. The Working Group should give a clear message that such suspended baskets were reserved for exceptional use and could not benefit from free movement under the Machinery Directive.

GERMANY considered that the present state of law must be taken into account. Article 137 of the EC Treaty allowed Member States to have more stringent rules than the provisions of Directive 89/655/EEC. National regulations should apply to this equipment until a more satisfactory solution is found through revision of the Machinery Directive.

LUXEMBOURG pointed out that suspended baskets are sold for use with CE-marked lifting machines but also for use with lifting machines placed in service before the machinery directive was applicable.

Mr VIGONE stated that use of baskets suspended from cranes was never to be considered a normal method of working. CE marking on such baskets was against safety at work.
FINLAND asked the Commission to reply to the Finnish manufacturer stating what requirements should be met by a suspended basket to have free movement in the EU and to send a copy of the letter to the Finnish authorities. The CHAIRMAN stated that at the previous meeting it had been agreed that such equipment was interchangeable equipment since it changed the function of the machine. The discussion showed that some Member States disagreed with this interpretation.

If the equipment was interchangeable equipment, it was clearly within the scope of the Machinery Directive and the relevant requirements and conformity assessment procedures of the Directive were applicable. The scope of the directive could not be determined by whether or not particular items of equipment were in compliance with the essential requirements. If there was a risk of falling more than 3 metres, the device was included in Annex IV and should be certified in conjunction with the machinery with which it is to be assembled. Interchangeable equipment that did not meet the essential requirements of the Machinery Directive should not be CE marked and did not benefit from free circulation.

The use of such equipment was subject to the Directive on the use of work equipment, but the placing of the equipment on the market was subject to the Machinery Directive. This created a problem if national regulations permitted use of suspended baskets, which were not in compliance with the requirements of the Machinery Directive.

**Conclusion:**

- As agreed at the last meeting, equipment placed on the market for the purpose of being assembled by the operator himself with a machine intended for lifting goods in order to modify the function of the machine for lifting persons is interchangeable equipment as defined in paragraph 3 of Article 1.2. of Directive 98/37/EC. Such equipment must comply with all the relevant essential requirements of the Directive and be subject to the appropriate conformity assessment procedure, in conjunction with the machine with which it is to be assembled.

- The majority of Member States consider that suspended baskets used with cranes for lifting persons are interchangeable equipment.

12. Objection to the draft standard prEN 13000 on mobile cranes (Docs. 2002.06, 2002.27)

GERMANY, presenting Doc. 2002.06, stated that a frequent cause of accidents involving mobile cranes was unjustified overriding of the load control device. During discussion of the draft standard prEN 13000, experts agreed that the load control device must permit non-dangerous movements of the crane in order to retrieve the load. The problem had already been solved for other types of cranes such as loader cranes. Overriding was necessary for particular operations such as erection, dismantling or overload testing, however GERMANY did not accept the need to override the load control device during normal operation of the crane.

Mr KELP for CEN TC 147 WG 1 presented Doc. 2002.27. He considered that it was difficult to follow the German request. In some critical situations, it was necessary for the operator to be able to override the load control device in order to retrieve the load safely. TC 147 considered that providing an overriding key was less dangerous than leaving the load hanging. In this case, the load indicator continued to provide information on the state of the load. The load control device was set with a safety margin, which tolerates an overload of about 110% of the rated load. This solution was permitted by requirement 1.2.5. of Annex I of the Machinery Directive relating to mode selection.

FRANCE supported the German objection. The draft standard permitted the installation of an override switch within reach of the operator. This was a backward step in relation to the existing French standard, which required that if the load control device was activated, the crane could not be re-used unless the load-limiting device was operational again. The activation of the load control device also triggered signals visible and audible by persons near the crane.

LUXEMBOURG thought that some provision for overriding was necessary. However it might be possible to limit the movements authorised by the override switch within a given safety margin. When activated, the load-limiting device should become operational again automatically after a given time.

Mr OREHAM for CEN TC 147 thought that prEN 13000 represented an advance compared to the present state of the art in several Member States. The draft standard provided for a load indicator which provided visual and audible warnings when the load limit was approached and when the limit was reached. TC 147 was also studying the possibility of equipping cranes with recording devices which would make it possible to establish exactly what had happened following incidents or accidents and thereby discourage misuse.
Mr VIGONE considered that such a recording device might be useful but it was not an answer to the essential requirement concerning load control.

CEN thought that the draft standard represented a higher level of safety than that presently existing in Member States. Preliminary observation 2 of Annex I of the Directive should be taken into account. The standard should go to formal vote immediately, and experience should be gathered on use of the standard to see if it needed improvement.

GERMANY stated that experience showed that overriding the load control device was common practice. Would it not be possible, as LUXEMBOURG had suggested, to limit the possibility of override to a range of say between 100% and 105% of the rated load?

The UNITED KINGDOM thought that hiding the overriding key would not prevent misuse. The UK supported the proposal of a limit to overriding.

Mr KELP thought that establishing such limit would not solve the problem. Firstly, with such a limit, the static overload test could not be carried out. Secondly, failure of the load limiter must not lead to a dangerous situation. If one of the sensors of the load limiter failed, the movements of the crane must stop. In this case, the operator must be able to bring the load to a safe position.

GERMANY thought that the need for a testing mode was a marginal problem. The real problem was to prevent misuse of the overriding switch during normal operation. Germany was prepared to introduce a formal objection if the draft was adopted without change, but thought that a compromise solution was possible.

FRANCE agreed that a clear message should be given to CEN in order to avoid a formal objection.

The CHAIRMAN said that this would be noted in the minutes. The problem might be solved by direct consultation between CEN, the German authorities and other Member States.

**Conclusion:**
- The Working Group requests CEN to examine attentively means of satisfying the objection to prEN 13000 expressed by the German authorities and other Member States on the question of overriding of the load control device during normal use, before the standard is finally adopted.
- Member States are requested to contribute actively to the debate within CEN.

*Question 13 was carried over to the next meeting.*


FRANCE presented Doc. 2002.12. Several fatal accidents had been recorded involving the tipping over of variable-reach trucks. Following safeguard action by Germany, the Commission had given a mandate to CEN for improvement of EN 1726-1 and EN 1459 with regard to driver restraint systems and means of preventing tip-over. However, the only amendments proposed so far concerned the question of driver restraint.

In the case of variable reach trucks covered by EN 1459, the state of the art made it possible to install load/moment control devices to prevent longitudinal tip-over, since such devices are installed by some manufacturers or supplied on request. However the standard did not require a load/moment control device but only a warning device.

Some manufacturers justified non-application of the requirement 4.2.1.4. of Annex I of the Machinery Directive on the basis of the Council Declaration of June 14 1991, however it was clear that the difficulty satisfying requirement 4.2.1.4. referred to in the Declaration concerned mast lift trucks and not variable-reach trucks with telescopic jibs. FRANCE requested the Commission to clarify this and to ask CEN for progress on the mandate.

LUXEMBOURG observed that variable-reach trucks were more and more used as multi-purpose machines, particularly in the construction industry where load control was particularly necessary.

AUSTRIA and the NETHERLANDS also expressed agreement with FRANCE.

**Conclusion:**
- The Commission will write to CEN to recall the terms of mandate M 301.
- The French proposed answer on the Council Declaration of June 14 1991 should be submitted to a formal meeting of the Standing Committee.

*Question 15 was carried over to the next meeting.*

18-19 DECEMBER 2002

The CHAIRMAN informed the Working Group that an English version of the French document had been received and would be placed on CIRCA.

FRANCE, presenting Doc. 2002.18, explained that the draft standard had failed to pass the formal vote in 2000 because of disagreement over the means of providing protection against the risk of contact with moving parts in the dividing area. Experience of accidents had shown that protection by safety distance, as proposed in the present draft, was not effective in the real work situation. France proposed that the Commission investigate with the CEN consultant ways of breaking the present deadlock within CEN TC153.

CEN had not had time to raise the matter with CEN TC 153 and would seek further information.

Mr VIGONE was concerned that guards were often removed and considered that safety distances as defined in EN 294 were safer.

SWEDEN thought that, under real working conditions, it was to be expected that operators would go beyond the safety distances to clear material in the dividing area. Such foreseeable misuse must be taken into account when choosing a mode of protection.

The UNITED KINGDOM agreed that the type of protection to be required should be determined in light of the accident record.

The CHAIRMAN noted the concern expressed by Member States and asked CEN and the Consultants to seek to overcome the present deadlock. Member States could also intervene to make their views known to CEN.

Conclusion:
- The Working Group draws the attention of CEN and the CEN machinery Consultants to the present deadlock on development of prEN 12042, taking into account the concerns expressed by Member States concerning the protection against access to moving parts in the dividing area.
- Member States are also invited to intervene directly.

Questions 17 and 18 were carried over to the next meeting.


SWEDEN presented Doc. 2002.15. The aim was clarify what was covered by the exclusion of “mine winding gear” in Article 1.3. of the Machinery Directive: which “mine lifts” are concerned by this exclusion?

GERMANY recalled that the term “mine winding gear” had been used in 1989 to designate installations in mine shafts travelling at high speed and suspended by a single rope, for which specific safety requirements were necessary. There had been no problem of free circulation, since such equipment was custom-built for a local market. The examples given in the Swedish document were correct.

The NETHERLANDS confirmed the German position.

The UNITED KINGDOM also agreed with GERMANY. It was reasonable to consider that mine rescue elevators were also excluded since they too were specific to the mining industry and built for a national market. The exclusion also covered gear used for shaft sinking, which was subsequently used for winding. On the other hand, standard rack-and-pinion lifts installed in mines, other than those for depths of more than 500m, were covered by the Lifts Directive.

The CHAIRMAN said Council minutes from 1989 would be checked and a reply drafted for a later meeting.

Conclusion:
- The Commission will draft a reply on the scope of the term “mine winding gear” in Article 1.3. of the Machinery Directive.

Due to lack of time, questions 20 to 23 were carried over to the next meeting.

24. Miscellaneous.

Meetings in 2003 were tentatively planned for 2 days at the end of March, at the end of June and mid-October.

NOTE:
Tentative dates of meetings in 2003:
28th March;
17th June (ADCO 18th June);
18-19 DECEMBER 2002

22nd and 23rd October.
### Summary of questions to be followed-up at the next meeting

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MINUTES OF MEETING HELD ON 28TH MARCH 2003

Subject: Working Group on Machinery under the 98/37/EC Committee
Place: Borschette Centre, Brussels
Chairman: M. Eifel
EC Participants: I. Fraser, N. Bain, R. Fraconfini, R. Jenks


The CHAIRMAN welcomed participants and introduced new Commission participants Neil Bain, assistant, Robert Jenks, trainee and Ms Fraconfini, secretary.

The meeting had been reduced to one day due to the lack of availability of meeting rooms. The Commission tried to ensure that Machinery Working Group meetings were given priority.

Docs. 2003.07, 2003.08 and 2003.09, that had been received late, were distributed to participants at the meeting.

The UNITED KINGDOM thought clarification was needed on the conclusion to item 4 in the revised minutes of the meeting held on 1st February 2002. Existing EC type-examination certificates remained valid, whereas the Notified Bodies should take account of the new state of the art when delivering new certificates.

The CHAIRMAN replied that although certificates remain valid and Notified Bodies cannot be ordered to withdraw them, Member States and Notified Bodies were requested to review existing certificates to see if they should be withdrawn in the light of the new state of the art.

The UNITED KINGDOM agreed that the certificates should be reviewed and that some might be withdrawn.

FRANCE suggested that the measures taken by Member States should be reported under the follow-up of the minutes.

Item 5: Coordination of Notified Bodies.

GERMANY did not agree with the term “endorsed” and suggested to use the expression “take note of...”. The CHAIRMAN replied that a clear majority of Member States had agreed to use “endorsed” instead of “approved”.


DENMARK pointed out that Denmark had expressed agreement with the UNITED KINGDOM.

It was agreed to amend the minutes accordingly.

Item 7: Standardisation.

CENELEC indicated that the inclusion of an Annex Z was at the discretion of “the Technical Board” not “the Technical Committees”.

It was agreed to amend the minutes accordingly.

Item 10: Tower crane climbing frames.
28 MARCH 2003

CEN said that the conclusion dealt with the status of climbing frames placed on the market separately and that of cranes supplied with a climbing frame, but did not provide an answer in the case of a crane supplied without a climbing frame that could be used with a climbing frame sold separately.

SWEDEN considered that any machine designed for lifting persons should be certified as such, even if it is supplied without the necessary accessory.

Mr FRASER replied that the case of a crane that could be used with a climbing frame but supplied without was covered by the conclusion on climbing frames sold separately, since the conformity of the climbing frame must be assessed in conjunction with the crane with which it can be used.

Item 11: Baskets for the lifting of persons.
SPAIN had not proposed that the draft standard on suspended baskets should be withdrawn but had stated that such a standard could not be published under the Machinery Directive. The standard might be useful for equipment that was outside the scope of the Machinery Directive.
It was agreed to amend the minutes accordingly.

Item 12: Draft standard prEN 13000 on mobile cranes.
GERMANY recalled that the German position was supported by several other Member States. This should be mentioned in the conclusion.
It was agreed to amend the minutes accordingly.
CEN wished to include a statement that the standard should be published as soon as possible.
The CHAIRMAN replied that this was unnecessary here since it was the case for all mandated standards.

Questions followed up from the meeting of 18/19 December 2002.

Item 2: Minutes of 1.2.02
The revised minutes had been circulated.

Item 2: Draft rules of procedure
The CHAIRMAN said that the aim was to adopt the rules of procedure at the meeting to be held on 17th June 2003.

Item 4: Safeguard clause on EN 693
The CHAIRMAN reported that a letter from the Commission had been sent to CEN expressing the position of the Working Group.
The UNITED KINGDOM confirmed that the safeguard action would be suspended pending the outcome of the discussion with CEN.
CEN reiterated the request for detailed proposals from the UNITED KINGDOM as to what should be amended.
FRANCE asked for the letter to CEN to be communicated to the Member States.
The CHAIRMAN agreed to upload the letters relating to the safeguard clauses in a special folder on CIRCA.

Item 5: Publication of Recommendations for use
The CHAIRMAN said that the publication of Recommendations that had already been endorsed was planned on the public web-site EUROPA. The management of the Recommendations for use was to be discussed under Item 3.

Item 6: Withdrawal of Recommendation on press brakes
The Co-ordination of Notified Bodies reported that the withdrawal of Recommendation VG3/CNB/M/03.163/R/E was indicated in bold type in the minutes of the last meeting. However publication of the valid recommendations on EUROPA would be useful to ensure that all interested parties were informed.
The CHAIRMAN reminded Member States that action on EC type-examination certificates issued on the basis of the withdrawn Recommendation was necessary.

Item 7: Annex ZA
The CHAIRMAN reported that the matter had been discussed at the last meeting of the 98/34/EC Committee. The discussion had been introduced by the Commission and France. The Commission wanted the relationship between the essential health and safety requirements and the specifications of harmonised standards to be
28 MARCH 2003

clarified. The Commission was preparing a horizontal position to be presented to CEN and CENELEC and would report on progress at the next meeting.

Item 7: Standards for machinery in the scope of the Low Voltage Directive
The CHAIRMAN said a document had been provided by CENELEC on the assessment of standards before their references are sent for publication in the OJEU.
CENELEC stated that the same procedure was applied to standards for machinery in the scope of the LVD. CENELEC was examining standards for kitchen machines in the light of concern expressed by Member States regarding hygiene requirements.
The CHAIRMAN informed the Working Group that these standards were followed by Georg HILPERT for the Commission. He encouraged Member States concerned with the problem to follow developments in CENELEC.

Item 8: Safeguard clause on EN 12525: front loaders
The CHAIRMAN reported that a letter had been sent to CEN expressing the position of the Working Group. The correspondence between the Commission and CEN would be made available on CIRCA.
FRANCE agreed with the content of the letter and was awaiting the response from CEN before suspending the safeguard action. FRANCE would not consider it sufficient if the safety valves were only considered optional.
CEN reported that the TC 144 had prepared a draft to be discussed by the relevant working group.

Item 10: Climbing frames
CEN reported that a proposal had been made to include specifications for climbing frames in the ongoing work on the standard for tower cranes.
The Co-ordination of Notified Bodies reported that the question was on the agenda of the next meeting.

Item 12: prEN 13000 on mobile cranes
GERMANY had sent a text to CEN expressing the German authorities’ position. CEN confirmed that the German proposal had been transmitted to the relevant working group. However, the CEN experts considered that to fulfil the detailed requirements proposed by Germany would invalidate the whole standard. Accordingly, the draft standard would be sent for formal vote unchanged.
The CHAIRMAN believed that the discussion at the last meeting had indicated possible solutions to the objection raised by Germany. If the standard was adopted without change it might be subject to a formal objection.

Item 14: Load/moment control on variable reach trucks
The CHAIRMAN reported that the Commission had written to CEN as agreed and that the text of the letter would be made available on CIRCA.
FRANCE asked firstly what conclusions had been drawn by CEN. Secondly, when would the formal meeting of the Committee, mentioned in the conclusion to this item in the minutes, be held?
The CHAIRMAN replied that the meeting was planned during 17th or 18th June.
CEN reported that the competent working group was examining the question of load/moment control for EN 1459 on variable reach trucks. For EN 1726-1 opinions differed. Some manufacturers believed that improvements were technically feasible but would increase costs. They might be ready to meet such costs if effective market surveillance was organised to ensure that their competitors were doing likewise.
FRANCE requested that the question be followed up at the next meeting.

Item 16: Automatic dough dividers
FRANCE asked if there were reactions from other Member States, since the English translation of Doc. 2002.18 had only been made available on CIRCA after the last meeting.
CEN reported that the convenor of the competent working group was examining the problem.

Item 19: Mine winding gear
The CHAIRMAN said that the Commission was still looking for the record of the debate.

3. The Co-ordination of Notified Bodies (Docs. 2002.26, 2003.05)
The COORDINATION OF NOTIFIED BODIES recalled that the meeting held in October 2002 had been reported to the previous Working Group meeting. Discussions were ongoing in the Vertical Groups on organisation and the integration of Notified Bodies from the candidate countries.

A list of Recommendations for use had been available on CIRCA since July 2002 (see Docs. 2002.26 and 2003.05). The Recommendations for use already endorsed should be made public on EUROPA as soon as possible. Concerning the outstanding Recommendations for use, they represented 8 years’ work of the Co-ordination carried out in full view of the Commission and the Member States. It was essential to make this information available to interested parties. This would also ensure the motivation of the Bodies participating in the work. The Co-ordination asked the Commission to proceed with publication as rapidly as possible.

Germany agreed that rapid publication was preferable. However they had not yet had time to examine all the Recommendations.

France thanked the Co-ordination for the updated list and made several detailed comments.
- The series numbered 00 on horizontal questions did not seem to be available on CIRCA;
- Recommendations 01 008, 01 010 and 03 053 were not in Doc.2003.05 but were on CIRCA;
- Recommendations 08 013rev02 and 08 010rev02 were mentioned in Doc.2003.05 but were not available on CIRCA.
- The cancelled Recommendations 01 022 and 03 013 were still on CIRCA.

Concerning the content of the recommendations, France considered that several vertical sheets in fact dealt with horizontal questions. For example, sheet 11 023 concerning the communication of Recommendations to manufacturers. France suggested that such Recommendations be transferred to horizontal sheets.

France requested withdrawal of Recommendation 09 207 which was in contradiction with the position of the Working Group held on the 18th and 19th December 2002 concerning the scope of EC type-examination of interchangeable equipment for lifting persons.

France proposed to clarify the endorsement of the Recommendations communicated to the Working Group either by including a detailed list in the meeting agenda or by means of a document attached to the minutes.

The United Kingdom agreed with France that Recommendation for use 09-207 should be withdrawn.

The UK was concerned with the amount of paper to be looked at. The present system was too flimsy and things would get worse with enlargement. Austria had proposed a way forward. A sub-group could examine the Recommendations and make a coherent proposal to the Working Group.

Denmark shared concerns about the legal status of the Recommendations.

CEN thought that the standardisation organisations were concerned by the recommendations and requested that CEN and CENELEC be placed on the mailing list.

Sweden proposed to follow the procedure agreed at the last meeting of the Working Group.

Spain raised the question of the updating of the list. For example, Doc.2003.05 mentioned Recommendation 03 002 rev 5 1996. This sheet had become 03 002 rev 11 2002.

The COORDINATION OF NOTIFIED BODIES explained that by convention the version of the Recommendation for use given in the list was the version valid at the time of endorsement. These Recommendations for use were subsequently subject to minor improvement and updating, without communication to the Working Group.

The Chairman thought that it could be indicated in the list that the Recommendation endorsed by the Working group had reached a subsequent version.

Germany thought that the representatives of the Commission and the Member States at the meetings of the COORDINATION OF NOTIFIED BODIES could act as a filter. It was not necessary to discuss everything at the Working Group meeting.

The United Kingdom thought that the Austrian proposal went one step further than the presence of observers from the Member States at the meetings of the COORDINATION OF NOTIFIED BODIES. The objective would be to examine the policy implications of the Recommendations and only to discuss the relevant sheets at the Working Group meetings.

Mr. Ummert, CEN Consultant, asked where the Recommendations not yet endorsed could be found.

The Chairman replied that they were available on CIRCA.

France suggested that Member States’ comments should be available on CIRCA. The Chairman replied that they could be uploaded by the Member States themselves.

Germany agreed with the proposed procedure but requested clarification of the legal status of the Recommendations for Use.
The CHAIRMAN replied that at present the Recommendations for Use did not have legal status. The question of providing a stronger legal basis for the work of the Co-ordination of Notified Bodies was a horizontal one that would be discussed in the framework of the Commission Communication on the New Approach.

The UNITED KINGDOM requested that a full list of Recommendations for use be made available including an indication of those that had been withdrawn.

The Co-ordination of Notified Bodies replied that a full list was available. A few Recommendations for Use had been withdrawn either because the question had been dealt with by a harmonised standard or following a decision of the Machinery Working Group.

The CHAIRMAN replied that this question had been discussed for 3 years. Publication of the Recommendations was necessary. There were a large number, but adequate time had been given for the recommendations to be examined. Only one comment had been received from France. The list must be kept up to date and the Co-ordination of Notified Bodies should take due account of decisions taken by the Working Group. The CHAIRMAN proposed to publish the recommendations from “Useful Facts” on EUROPA. They should be checked to ensure that they are still relevant. For the other recommendations, there was no clear record of endorsement by the Working Group. They should therefore be dealt with according to the agreed procedure.

In reply to the Austrian proposal, The CHAIRMAN suggested that the representatives of the Member States designed to attend the meetings of the Co-ordination of Notified Bodies could act as a filter and make proposals to the Working Group.

Conclusion:
- The procedure established at the previous meeting is to be applied.
- The Recommendations for Use already published in “Useful Facts” will be checked for relevance by the Co-ordination of Notified Bodies and then placed on EUROPA.
- Any comments on the other Recommendations for Use must be uploaded by Member States on CIRCA before the end of May 2003. Comments received will be discussed at the meeting of the Machinery Working Group in June 2003. The Recommendations for use will then be placed on EUROPA.
- The observers representing the Member States designed to attend the meetings of the Co-ordination of Notified Bodies should examine the policy implications of new Recommendations and provide guidance to NB-M and the Working Group.

4. Standardisation (Doc. 2003.01)

CENELEC presented Doc. 2003.01 which documented the effort made to ensure compliance with the Machinery Directive. At each stage of the procedure, the consultant was involved. CENELEC asked when the list of references of standards would be published in the OJEU.

The CHAIRMAN replied that a consolidated list of CEN and CENELEC standards was ready and would be published shortly.

CEN reported that a version of the CEN work programme for the machinery sector updated on the 18th March 2003 was available on the CEN website.

FRANCE asked CEN and the Commission to report on the discussion of Annex ZA. The CEN resolution of 20th March 2003 showed progress but did not fully answer the concerns of several standardisation organisations. A table of correspondence between the clauses of the standard and the essential requirements covered was essential to ensure the transparency required by the mandate.

The CHAIRMAN reported that the matter had been discussed at the recent meeting of the CEN machinery nucleus. The Commission was not entirely happy with the CEN resolution and preferred the solution No 1 as proposed by CEN.

CEN thought that it was not possible to satisfy all the requests concerning Annex ZA. CEN agreed that it must be made clear which parts of the standard do not concern the requirements of the Directive. If all the relevant essential requirements of the Directive are dealt with, this could be stated. Any relevant essential requirements not dealt with should be specified. At present this was done in the clause on the scope of the standard. This information could also be provided in the Annex ZA if necessary. However a detailed table of correspondence was not always feasible. Standards were not organised according to the structure of essential requirements but employed a holistic approach. For example, a clause dealing with one part of the machine dealt with all the relevant essential requirements for that part.
ORGALIME said that manufacturers were divided on the question. Manufacturers of electrical equipment have used electrical standards for 25 years without an Annex ZA. In contrast, for the Pressure Equipment Directive, no standard was issued without an Annex ZA. The manufacturer had to establish the link between his risk assessment and the choice of relevant standards. The CHAIRMAN recalled that the Commission was seeking to establish a horizontal position, as mentioned in item 2 of the agenda. The Commission disagreed with several of the arguments put forward by CEN. He thought the existence of a table of correspondence would facilitate the task of manufacturers in fulfilling their legal obligation.

5. Equipment for the assembly of lifts constituted by an electric hoist combined to a lift car top (Doc. 2002.04).

ITALY, presenting Document 2002.04, stated that the question followed a fatal accident that occurred during the installation of a lift. Once the roof of the lift car had been installed, it was used as a work platform for access to the lift-shaft, using a temporarily installed electric hoist. The hoist used was CE marked as machinery for lifting goods. The other elements of the assembly were parts of the unfinished lift. The Lifts Working Group had concluded that an unfinished lift could not be certified under the Lifts Directive. As for application of the Machinery Directive, most of the elements of the equipment would become parts of the lift. Exceptional use of the hoist for lifting persons could be covered by Directive 95/63/EC which referred to national regulations. The exceptional character of the operation was due to the particular structure of the place of work. ITALY had investigated the position of three Notified Bodies. Two had refused to carry out an EC type-examination. One Notified Body carried out an EC type-examination, however the certified equipment used a single rope system which did not appear to be in compliance with the requirements of part 6 of Annex I of the Machinery Directive. The CHAIRMAN recalled that the provisions of Directive 89/655/EEC as amended by Directive 95/63/EC applied to lift installation operations in any case. The question to be answered was whether or not the equipment used was subject to the Machinery Directive. The hoist was clearly machinery. Was the assembly of the hoist with elements of the lift to be considered as machinery?

GERMANY noted that the hoist had CE marking. However the safety of the whole system depended on the safety gear of the lift. It might be possible for the hoist manufacturer to establish a declaration of incorporation when supplying the hoist to a lift installer, but EC type-examination did not seem possible, since it was an ad hoc assembly. The objective must be to define a safe working method, but EC type-examination was not the appropriate means to ensure this. Establishing a safe installation procedure was a matter for the employer on the spot.

FRANCE thought that installation of the lift was a matter for the Lifts Directive and a safe operating mode should be included in the design of the lift.

Mr BIANCHINI for CEN TC 10 thought that a consistent interpretation was needed for several situations. In some cases the roof of the car was used with a temporarily installed hoist. In other cases the car floor was used. In many cases, work was carried out on a unfinished lift with the car roof as a work platform using the definitive lifting mechanism.

SPAIN recognised that Directive 95/63/EC admitted exceptional use for lifting persons of equipment designed for lifting goods. However this was not exceptional use. Work equipment intended for habitual use for the installation of lifts should always meet the requirements of Directive 98/37/EC, including those of chapter 6 of Annex I relating to the lifting of persons, and be subject to EC-type examination and CE marking.

The NETHERLANDS agreed with SPAIN. The assembly of the car roof and the hoist must be a safe machine according to the Machinery Directive. The assembly was used as a work platform for several weeks. The EC type-examination need only be carried out once, as had been done in the NETHERLANDS.

LUXEMBOURG agreed with SPAIN that the assembly of the hoist with the lift car roof was machinery subject to the Machinery Directive.

The UNITED KINGDOM agreed that it was not possible to apply the requirements of the Lifts Directive to an unfinished product. The hoist used was CE marked. However, for the assembly of the hoist with the car roof, there was no problem of free circulation as each case was specific.

FRANCE did not think this possible. It would mean the same equipment would be placed on the market twice, first as machinery and then as a lift.

SWEDEN considered that the hoist must be designed for the purpose for which it was used. But the lift car-roof was not to be considered as part of the machinery: it was the load to be lifted.
BELGIUM pointed out that the hoist could be attached either to the future car roof or to the car sling used as a temporary work platform. The protection against fall of the platform was provided by the safety gear of the lift. The temporary work platform could not therefore be considered as an independent machine. Only Directive 95/63/EC could be applied.

DENMARK agreed with the UNITED KINGDOM and SWEDEN that the assembly of the hoist with elements of the lift under construction could not be covered by the Machinery Directive.

NORWAY thought that the hoist was a machine. Use of the hoist with elements of the unfinished lift was a matter for the Directive on use of work equipment.

Mr FRASER explained that the Lifts Working Group had considered that the conformity of a lift was only certified after installation and final inspection. The requirements of the Lifts Directive could not therefore be applied to an unfinished lift. He thought the situation was analogous to that of operations involving machinery in course of construction in the manufacturer’s plant. Measures must be taken to ensure the safety of the operators, but it was not possible to do so by applying a product safety Directive.

The CHAIRMAN concluded that while Member States did not agree on the issue, it seemed wisest to follow the third solution proposed by Italy in Doc. 2002.04, but other solutions may be legally possible.

Conclusion:
- Safe use of an assembly of equipment including elements of the lift car of an incomplete lift with a separate hoist as an elevating work platform for assembly and installation of a lift is always subject to the national legislation implementing the provisions of Directive 89/655/EEC as amended by Directive 95/63/EC and, in particular, point 3.1.2. of Annex II, being work equipment not specially designed for the purpose of lifting persons but exceptionally used for this purpose.
- It is not possible to submit elements of an incomplete lift to the requirements of Directive 95/16/EC relating to lifts.
- It is problematic to consider an assembly including elements that will become part of a finished lift as machinery subject to Directive 98/37/EC relating to machinery.

6. Safety belts to be installed on industrial trucks under Directive 95/63/EC (Doc. 2002.09)

ITALY reported that some safety belts for industrial trucks had been found without an EC Conformity Declaration. The Italian authorities considered that a safety belt kit placed on the market separately for fitting to an industrial truck was to be considered as a safety component.

The NETHERLANDS supported the Italian position.

The CHAIRMAN noted that no delegation disagreed with this position.

Conclusion:
Safety belt kits sold separately for fitting to industrial trucks are safety components according to Article 1.1. of Directive 98/37/EC.


FRANCE, presenting Document 2002.13, reported that a large number of accidents involving such machines had been recorded. There were various causes, including design faults of the machinery concerned. In particular, the possibility of locking the start control in the “on” position was frequently either a cause of accidents or made the consequences worse.

According to the second indent of essential health and safety requirement 2.2. of Annex I of the Machinery Directive, this type of machinery must be designed to eliminate the risk of continued operation after the operator has released the handles. Only if this requirement is not technically feasible are equivalent measures accepted. However, with the exception of a few kinds of machinery, the standards of the EN 50144 series for electric motor-operated hand-held machines allowed locking of the switch in the “on” position. These standards did not require the same level of safety as the CEN standards for hand-held non-electric power machines.

FRANCE considered that the standards for electrical portable machines were based on an inadequate risk assessment. FRANCE considered that CEN and CENELEC should harmonise the clauses concerning start controls for all standards on portable machinery, otherwise the references of the standards for electric machines
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should be withdrawn from the OJEU or accompanied by a warning that the clauses on the start control did not confer presumption of conformity.

The CHAIRMAN stated that for existing standards, this would require recourse to the safeguard procedure by a Member State or by the Commission.

CENELEC presented Document 2003.07, reminding the group that the EN 50144 series were not recent standards but they had only recently been mandated under the Machinery Directive. The French figures for accidents involving hand-held machinery were surprising. CENELEC had received only a few reports concerning hand-held machines and these did not involve the start controls. The example of the standard for portable chain saws was presented. Safety measures included a device to prevent kickback and a measure to prevent inadvertent start-up which locks the trigger in the “off” position. The start trigger has a red button which locks the control in the “on” position. The lock is automatically released when the trigger is pulled again. This takes account of the reflex of the operator in case of kickback which is to seize the handle.

Experience showed that hold-to-run controls on hand-held tools were often defeated by the operators. For example, a hold-to-run switch on a grinder was liable to be taped in the “on” position. Safe design must take into account such foreseeable misuse. CENELEC invited the French authorities to contribute to the improvement of the standards. The new standards based on the IEC 60745 series were being checked for conformity with the Machinery Directive with the aim of achieving at least as high a level of safety as the EN 50144 series.

FRANCE observed that unlike the standards to which France was objecting, the portable chain saw standard presented by CENELEC was an example of correct application of the essential health and safety requirements of the Machinery Directive. Hand-held machines had increased in speed and power over the years. What was acceptable before might no longer be so. The risk assessment must take into account the lessons of experience.

The NETHERLANDS confirmed that many accidents had occurred involving hand-held electric power tools, including those certified under the Low Voltage Directive and those certified under the Machinery Directive. Germany considered that the question was a complex one. Ergonomic considerations and vibration were linked to the design of controls. It was necessary to distinguish different sizes as well as different types of machines.

The CHAIRMAN replied that these machines were covered by the Machinery Directive, although EHSR 1.5.1. of Annex I of Directive 98/37/EC made the relevant requirements of the Low Voltage Directive applicable for hazards of an electrical nature. CENELEC was now clearly informed of the concerns of FRANCE and other Member States. It was up to Member States to decide what action to pursue. It seemed essential to have better feedback about accidents. Further study might be needed and co-operation in this field between Member States and interested parties would be useful.

Conclusion:
- Co-operation is requested between CENELEC and Member States in order to improve compliance of standards for electric powered hand-held and hand-guided machinery with the essential requirements of the Machinery Directive.
- Member States are requested to investigate and report on the records of accidents involving this type of machinery.

8. a) Security Cases. (Doc. 2002.10)

The UNITED KINGDOM presented the first question raised in Document 2002.10. The question followed several accidents including a fire caused by the pyrotechnic device.

SWEDEN thought that the Machinery Directive was applicable although the main risks were not mechanical.

IRELAND and the NETHERLANDS agreed.

DENMARK disagreed.

LUXEMBOURG observed that the main risk was due to the explosive charge contained in the case.

GERMANY agreed that such case corresponded to the definition of machinery but the risks involved were not those generally associated with machinery.

ITALY pointed out that electro-mechanical locks were very common and they were not considered as machinery.

BELGIUM asked whether the Low Voltage Directive was applicable.

The UNITED KINGDOM replied that the tension used was below the lower voltage limit defining the scope of the Low Voltage Directive.
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The CHAIRMAN concluded that inclusion in the scope of the Machinery Directive did not depend on the risks involved. While it was not necessary to apply the directive to some items corresponding to the definition of machinery given in Article 1 to which none of the essential health and safety requirements were relevant, the accidents reported by the UNITED KINGDOM showed that Security Cases could create serious risks. Essential requirements 1.5.6. and 1.5.7. of Annex I of the Directive dealt with risks of fire and explosion.

Conclusion:
Security cases with an electronic control box, an electro-mechanical lock and a smoke generator are in the scope of Directive 98/37/EC.

b) Tipping equipment for fitting to road lorries.

The UNITED KINGDOM presented the second question raised in Document 2002.10. Tipping gear as such did not have a specific application until it was assembled with the lorry body. LUXEMBOURG agreed: the person who assembled of the tipping gear with the complete machinery on the lorry was responsible for the CE marking. SWEDEN considered that tipping gear did not need an Annex II B declaration since it was not a machine to be incorporated in a machine according to Article 4.2, but simply a machine component or sub-assembly. The UNITED KINGDOM replied that whether the tipping gear was considered as a machine to be incorporated or a component, the important thing to clarify was that it did not bear the CE marking.

Conclusion:
Tipping gear intended to be assembled with a vehicle body on a road vehicle is not subject to CE marking as machinery. It is best considered as a machine component.


CECE presented Document 2003.06. Transport platforms were based on application of a combination of two harmonised standards: EN 12158-1 relating to builders’ hoists and EN 1495 relating to mast climbing work platforms. Following discussion with Commission services, it had been agreed that transport platforms were covered by the Machinery Directive. The initial version of the Document numbered of Document 2000.02 had supported this position, but in revision 1 of Document 2000.20, only permanently installed platforms were covered. CECE proposed to remove the words “permanently installed” from paragraph 4 of Document 2002.20rev1. GERMANY agreed with the proposal to delete “permanently installed”. Builders’ hoists and Transport platforms were of a different nature. The exclusion of construction-site hoists in Article 1.3. of the Machinery Directive had been intended to apply to traditional, high-speed hoists. The UNITED KINGDOM considered that the question was a legal one. Transport platforms correspond to the definition of builders’ hoists by their function in that they proved access to definite levels. All transport platforms seen in the UK had this function. SPAIN was against the deletion of “permanently installed” and agreed with the UK that the category to which a machine belonged was to be determined by its function. FRANCE was against deleting the words “permanently installed”. A construction-site hoist was defined by its function and use, not by the technology used. Some construction-site hoists used the same technology as mast climbing work platforms, but they did not have the same function. A work platform has a single access point and the users remain on the platform. It is not used for transporting persons. FRANCE thought that the last three paragraphs of Document 2000.20rev1 could be removed, wince the correction of paragraph 4 made them unnecessary. DENMARK agreed with the UNITED KINGDOM on the legal issue. Lifting platforms used for transporting persons and goods along vertical guides and serving fixed landings were builders’ hoists according to the definition given in the European harmonised standard EN 12159. Giving such machines another name changed nothing. BELGIUM reported that when Document 2000.20 had been presented, transport platforms certified according to the Machinery Directive had been accepted in Belgium. These platforms had the same function as traditional builders’ hoists but moved more slowly. Belgium had received two EC type-examination certificates for such platforms. Consequently, Belgium supported deleting the words “permanently installed”.

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The NETHERLANDS agreed with DENMARK. The position of GERMANY and BELGIUM ignored the legal argument. The present Machinery Directive lacked certain essential health and safety requirements to deal with the specific risks involved. This was why the proposal to include builders’ hoists in the scope of the revised Directive required the inclusion of new essential requirements in Annex I.

CEN proposed that a group of experts examine the question. CECE stated that transport platforms were a new type of machinery, distinct from builders’ hoists. About 2000 such machines had been placed on the market with EC type-examination certificates issued according to the Machinery Directive and no accidents or incidents had been recorded. CECE’s position had been confirmed by a Court Judgement in France. The French authorities wished to submit transport platforms to national regulations dating from 1913.

FRANCE replied that the French national regulations were indeed longstanding, but they had been regularly updated. The French Court had been asked to settle a commercial dispute between the manufacturer and the distributor of a model of transport platform. This Court had not authority to interpret the Machinery Directive. The EC type-examination certificates presented in France were not relevant since they concerned goods lifts with accessible platforms.

The CHAIRMAN recalled that Document 2000.20 was a draft. The corrections introduced in Document 2000.20rev1 had been agreed following extensive discussion with written contributions from several Member States. The concept of a construction-site hoist mentioned in Article 1.3. of the Machinery Directive did not include any criterion of speed or technology. It was not possible to anticipate the revision of the Machinery Directive. It would be clearly stated in the minutes that Document 2000.20rev1 was the valid document.

Conclusion:

– The valid version of the Commission Document relating to transport platforms is Document 2000.20rev1. According to paragraph 5 of this document, a temporary appliance for lifting persons or persons and goods, serving specific levels of a building under construction, is a construction site hoist that is covered neither by Directive 98/37/EC nor by Directive 95/16/EC. It is subject to national regulations, if any.

– Member States, Notified Bodies and CEN shall ensure that the interpretation outlined in Doc.2000.20rev1 is correctly implemented.

Due to lack of time, questions 10 to 15 were carried over to the next meeting.
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Summary of questions to be followed-up at the next meeting

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| 7           | Hand-held or hand-guided electric powered machines | MS       | Investigate and report on accidents                       |
MINUTES OF MEETING ON 23/24 OCTOBER 2003

Subject: Working Group on Machinery under the 98/37/EC Committee
Place: Borschette Centre, Brussels
Chairman: M. Eifel
EC Participants: M. Spiliopoulou, N. Bain, F. Sacchetti, D. Walker


The CHAIRMAN welcomed the participants, and introduced the new Deputy Head of DG Enterprise Unit G/3, Maria Spiliopoulou. He drew the delegates’ attention to a questionnaire distributed by the management team of CIRCA to survey opinions of frequent and infrequent users. He also requested delegates to provide the latest data on Member States’ contact points in order to update the Commission’s Website.

Agenda

The UNITED KINGDOM wished to present Doc.2003.23 concerning Plate clamps and Steam boilers and Doc.2003.24 concerning visibility on earth moving equipment and EN 907 under “Any other business”. The documents were distributed at the meeting. CEN asked for item 11 to be discussed on the first day to enable Mr Tannhauser to participate. The meeting agreed.

BELGIUM requested to add to the Agenda an item concerning means of access to Tower Cranes – application of points 1.1.2. and 1.6.2. of Annex I (doc. 2003.28). The CHAIRMAN agreed to the discussion of this item under point 16. Doc.2003.28 was distributed at the meeting.

SWEDEN pointed out that Doc.2003.17 was for item 3 not item 5. The CHAIRMAN agreed. The document planned for item 5 had not been realised.

2. Minutes of the meeting held on 28 March 2003 (Docs. 2003.10 / 2003.16)

Item 5: Equipment for the installation of lifts.

SPAIN pointed out that their position on this item had not been fully summarised. SPAIN considered that work equipment specially designed for installation of lifts should always meet requirements of the Machinery Directive, including those of Chapter 6 relating to the lifting of persons, and be subject to EC type-examination and CE marking.

With this correction, the minutes of the meeting held on 28.03.03 were approved.

Item 9: Transport platforms and slow moving construction site hoists.

BELGIUM considered that transport platforms were within the scope of the Machinery Directive on the basis of the first version of document 2000.20. Unlike conventional construction site hoists, transport platforms do not have cabins and travel at a slower speed. EC type-examination certificates had already been issued in at least two cases according to the Machinery Directive.
The CHAIRMAN replied that the question had first been discussed in 1997/98, however no clear decision had been recorded by the Working Group. The question was raised again in 2000 when Doc.2000.02 was discussed. This document contained errors and statements that were rejected by several Member States. These errors had been corrected in Doc.2000.20rev.1, which became the valid document.

CECE stated that there were some 2000 CE-marked transport platforms on the market. There was a need for a clear answer on their status. The conclusion adopted at the last meeting should be reconsidered. This type of machinery would be included in the revised version of the Directive and this should be taken into account. The CECE position developed in Doc.2003.16 was based on a risk analysis and reference to two harmonised standards for equipment covered by the Machinery Directive.

The UNITED KINGDOM had always considered such platforms as builders’ hoists, since they corresponded to the definition of builders’ hoists by their function.

SWEDEN and NORWAY agreed with the UK.

The NETHERLANDS considered that transport platforms were builders’ hoists, moreover special national regulations had been adopted in 1997 to permit them on the Dutch market. Concerning the argument put forward in chapter 3 of Doc.2003.16, the NETHERLANDS pointed out that in order to introduce this type of equipment into the scope of the Machinery Directive, it had been considered necessary to introduce new essential health and safety requirements to cover the specific risks involved.

ITALY agreed that the existing essential health and safety requirements were not sufficient.

FRANCE and DENMARK proposed to confirm the conclusion of the last meeting.

GERMANY thought that slow moving transport platforms without a closed cabin were more like work platforms and could be dealt with under the Machinery Directive. The speed might be used as a criterion.

FINLAND reported that national regulations for construction site hoists were applied to transport platforms.

AUSTRIA was in the same situation as BELGIUM and thought that the Commission document should be revised, taking into account the criteria of low speed and the use of hold-to-run controls.

The CHAIRMAN concluded that the function of a machine should play the main role in deciding whether it was within the scope of the Directive. The Commission had proposed to include construction site hoists in the scope of the new Directive and there seemed to be broad agreement on this. However it was not possible to anticipate this change.

He noted that manufacturers had based their designs on a combination of existing standards developed for other types of machinery. He encouraged Industry to develop a specific standard for transport platforms. The reference of such a standard could not at present be published in the Official Journal. However the existence of a harmonised European standard for transport platforms would facilitate their free circulation. If and when transport platforms were included in the scope of a revised machinery Directive, the harmonised standard would immediately provide presumption of conformity.

CEN agreed that a harmonised standard could provide a transitional solution, providing that no Member State demanded that the standard include an “A-deviation” because of conflicting national regulations.

CECE recalled that standard EN 12159 on construction site hoists had been adopted in 2000 in anticipation of a rapid revision of the Machinery Directive. However the revision was taking longer than expected. CEN TC 98 was now planning work on a new standard for transport platforms.

The CHAIRMAN suggested that the standardisers and Member States should work together to ensure that the standard satisfied existing national requirements.

Conclusion:

- The conclusion to item 9 recorded in the minutes of the meeting on 28th March 2003 was confirmed.
- The Working Group supported the development of an appropriate harmonised standard to facilitate the free circulation of slow moving builders’ hoists known as “transport platforms” according to Article 28 of the EC Treaty and encouraged Member States to ensure that the specifications of such a standard were consistent with their national requirements.

3. Follow up questions from the meeting of 28 March 2003 (Docs. 2003.10 / 2003.14)

a) MEWPs

The CHAIRMAN asked whether any action had been taken with regard to existing EC type-examination certificates for MEWPs taking account of the development of the state of the art following the adoption of standard EN 280.
The NETHERLANDS had written a letter to the Dutch Bodies notified for this type of equipment asking them to withdraw certificates issued for MEWPs without load/moment control devices. The Notified Bodies had adopted a common position at a coordination meeting: they would supply no further certificates based on prEN 280 from a given date, but this decision would not be applied retroactively.

AUSTRIA had contacted their Notified Body which reported that the two certificates previously issued had expired. For existing machines, Austria relied on the safety checks carried out in the course of annual inspections.

The UNITED KINGDOM reported that UK Notified Bodies were reviewing all the certificates that had been issued. The organisation in charge of the surveillance of Notified Bodies in the UK was ensuring that this took place. Industry and the market surveillance authority needed certainty. This case could provide a benchmark for future cases involving development of the state of the art.

SWEDEN had contacted the Accreditation Bodies concerning the general problem of changes in the state of the art illustrated by the MEWPs and Press brakes issues. There was an ongoing dialogue on this question.

FINLAND had two Notified Bodies in this field and was counting on regular contacts and annual audits to deal with the problem.

ITALY would send a letter to the Notified Bodies. A note on the new state of the art had been sent to interested parties and had been communicated to the Commission.

FRANCE reported that the French Notified Bodies had taken account of the position of the French authorities during development of EN 280. As a result, no certificates had been issued that would have to be withdrawn.

The CHAIRMAN considered that this case constituted an important precedent. The Commission recognised that improvement was needed in this area and had made proposals to deal with such issues in the revised Directive.

Conclusion:

- The situation concerning review of EC type-examination certificates for MEWPs should be reviewed at the next meeting in order to draw up a balance sheet of the action taken.

b) Press Brakes

The CHAIRMAN asked for reports on the review of EC type-examination certificates issued on the basis of the Recommendation for Use of the Coordination of Notified Bodies that had been withdrawn.

The NETHERLANDS had taken the same action as for MEWPs. A letter had been sent to the Dutch Notified Body but the reply had not been received yet.

FINLAND reported that some importers of Press brakes into Finland had complained that the decision to withdraw the recommendation had been taken into account in some Member States but not in others. This was unfair to those who had respected the decision.

The UNITED KINGDOM reported that the issue had been discussed at a periodic meeting of the Coordination of UK Notified Bodies at which the authorities were represented. The UK Notified Bodies had agreed to review the certificates issued where necessary.

FRANCE had informed the Coordination of French Notified Bodies that the Recommendation had been withdrawn and that any certificates issued on that basis should be withdrawn.

AUSTRIA had forwarded the information to the Austrian Notified Body in order to ensure that appropriate action was taken.

The CHAIRMAN stressed that the complaint reported by Finland underlined the importance of taking a common position on this issue.

Conclusion:

- The situation concerning review of EC type-examination certificates for Press Brakes should be reviewed at the next meeting in order to draw up a balance sheet of the action taken.

c) Annex ZA

The CHAIRMAN reported that the question of the relationship between the specifications of the harmonised standards and the essential health and safety requirements had been discussed at several meetings of the 98/34/EC committee. Negotiations were going on with the European standardisation organisations to find an acceptable solution. These were managed by Unit G/2 of DG Enterprise who reported that no clear result had yet been reached. He stressed that the issue should be settled at a horizontal level before changes were made at a
sectoral level. He encouraged Member States to express their concerns to their representatives on the 98/34/EC committee. FRANCE asked the Commission for a report on 98/34/EC committee discussion. The French representatives on the Committee had reported that the proposal to accept recommendation H had been ratified. The CHAIRMAN was unsure whether this recommendation had been adopted, but stressed that the Commission was attempting to resolve the issue through negotiations. He expected to be able to report on the agreement at the next meeting.

Mr Riekeles for CEN understood that CEN's proposal had been accepted by DG Enterprise and that this would be taken into account during the revision of the Directive. CEN was satisfied with this outcome. For Cenelec, Mr Vetsuytens stated that a formal reply had been sent to Mr Vardakas. Reference to the ESHRs of the Directive would be made in the foreword to the standards, including mention of any essential requirements not satisfied. Any detailed information on the relationship between the clauses of the standard and the individual ESHRs would be included in a separate document to be drawn up by the Consultant on the initiative of the Cenelec Technical Board. FRANCE thought it was important not to confuse the discussion between the Member States and the Commission within the 98/34/EC committee and the negotiations between the Commission and the European Standardisation Organisations. There had been broad agreement in Council on a proposed wording for article 7 of the revised Directive, based on Recommendation H presented to the 98/34/EC Committee. It was important to know exactly what had been decided by that Committee. The CHAIRMAN replied that nothing would be formally decided before the Commission had reached agreement with the European Standards Organisations. If the outcome of the negotiations was not considered satisfactory for the Machinery Directive, it was still possible to seek a solution through the mandates, as had been done for pressure equipment.

**Conclusion:**
- The Commission services would present the horizontal solution agreed with the European Standardisation Organisations at the next meeting of the Working Group.

d) Safeguard clause on EN 693- hydraulic presses

The letter from the Commission to CEN had been uploaded to CIRCA.

e) Safeguard clause on EN 12525 - front loaders for agricultural tractors

FRANCE had agreed to suspend the safeguard clause to allow CEN to amend the standard. However France had informed CEN that the draft amendment under discussion was not satisfactory (see Doc.2003.27). The amendment limited the technical measures proposed to front loaders explicitly intended for lifting operations. That did not take account of the foreseeable use of front loaders, since they could be used for lifting operations at any moment during use. There was a risk of a 2-speed market with distortion of competition and a lack of safety. It was necessary to clarify the mandate given to CEN. France proposed a meeting between CEN and France to seek a solution, otherwise the safeguard clause would be reopened. Mr Riekeles for CEN had transmitted the French concerns to the Working Group. The draft amendment EN 12525 prA1 had been issued in September 2003 and was available from national standards organisations. The public enquiry was open until February 2004. The comments resolution meeting would then take place and all parties, including national authorities, were invited to take part. The CHAIRMAN urged all parties concerned to co-operate in order to resolve the issue, otherwise the Safeguard Clause would be re-activated.

**Conclusion:**
- CEN would report on the amendment of the standard at the next meeting of the Working Group.

f) Rules of Procedure

The CHAIRMAN informed the Group that this would be dealt with at the next meeting. He recalled that FRANCE had tabled a substantive issue to be discussed by the Standing Committee.

g) Industrial truck standards EN 1726-1 and EN 1459
Mr Tannhauser for CEN TC 150 presented a report on progress on mandate 301 (doc. 2003.17). The mandate included 3 steps:
1. publication of the references of the standards with a restriction,
2. preparation of amendments concerning operator restraint,
3. improvement of specifications for stability.

The amendment of EN 1726-1 on operator restraint had been subject to the UAP procedure and the final version was now available. Work on the amendment to EN 1459 had been delayed due to the lack of a convenor for the Working Group, but this had now been solved and the work had started.

The revision of the industrial truck standards was being carried out in the framework of the Vienna agreement. A series of 24 standards was being drafted by ISO TC 110, SC2 - WG 11. A Committee Draft of Parts 1 to 3 of ISO 3691 would be ready by the end of 2003.

Concerning lateral stability, an analysis of accidents showed that tip-over accounted for only a small proportion of accidents but these were serious and must be prevented. It was not possible simply to add a few degrees of inclination to the existing inclined platform stability tests. In order to prevent tip-over, it was necessary to take measures concerning operator training, the working environment and the driver’s mental load. Concerning the truck itself, it should be possible to improve visibility, ergonomics, the braking system, curve control etc.

Examples of such measures were a rotating seat that improved visibility when reversing and controls that reduced speed automatically according to the turning angle and prevented full speed with the load in an elevated position. Such measures could not yet be generalised. It took several years to develop a new design and test it and the impact on the rate of accidents would thus be slow. CEN TC 150 had taken part in meetings with research experts from France, the UK and Germany. A joint research project was planned but help was needed to finance it.

Improved operator training had a more immediate effect on accidents. This was covered by the use of work equipment Directive, however the level of operator training in the Member States was still very uneven. ITALY questioned whether the third part of mandate 301 had been fulfilled. Research had been mentioned but no safety measures were proposed for inclusion in the standards. While awaiting the development of active systems to prevent tip-over, was it not possible to improve the stability tests to take account of the dynamic effects of the movement of the truck?

FRANCE shared Italy’s concerns. Training was important but it was not a matter for standardisers. Research was useful, but new specifications were needed in the standards. In this respect, the mandate was not yet fulfilled.

The CHAIRMAN stressed that the machinery working group could only deal with the product. Training was outside the remit of the Group. He concluded that CEN should take Member States’ remarks into account. Member States should participate actively in the standardisation process. They should give their agreement only when the standard was deemed to be satisfactory.

**Conclusion:**
- The WG notes that work is ongoing on industrial truck standards.
- CEN is requested to report on technical specifications to improve the stability of industrial trucks.
- Member States are encouraged to follow the process of revision of industrial truck standards at present engaged within ISO.

**h) Mine Winding Gear**

The CHAIRMAN stated that the Commission had provided a written explanation in Doc.2003.14 confirming the response given to the UK at the last meeting.

**Conclusion:**
- The Commission’s explanation in Doc.2003.14 was agreed by the Working Group.

**i) Hand-held or hand-guided electric powered machines**

FRANCE stated that feedback from other Member States and Cenelec would be appreciated. Following discussion with the electrical standardisation organisation in France, several studies had been commissioned. One study concerned an analysis of the accidents that had been recorded involving tools on which the run control
could be blocked in the “on” position. A second study concerned the state of the market and a third study planned to investigate the difficulties met by operators using these tools.

**GERMANY** pointed out that the analysis of accidents that had occurred in Germany could not be broken down to indicate the different causes. One problem concerned the run-down time needed for the machinery to stop after the switch was released.

**Conclusion:**

- **MS would provide information on accidents.**


The **CHAIRMAN** referred to the discussion on this topic under agenda item 2. It had now been reaffirmed that this machinery was outside the scope of the Directive. Notified Bodies must issue no further EC type-examination certificates for this category of machinery. Moreover, previously issued certificates must be withdrawn.

The **UNITED KINGDOM** reported that the subject would be tabled with the UK national coordination of Notified Bodies in order to ensure that certificates were reviewed. He suggested that the same should be done at the Horizontal Committee of NB-Machinery.

The **NETHERLANDS** had been forced by a Judge to implement national legislation on Transport Platforms. This regulation had been notified to the Commission and to the other Member States. **GERMANY** would inform test bodies to ensure that the transport platforms were certified under national legislation.

**NB-MACHINERY** (Mr Jockers) stressed that Notified Bodies needed to give an answer to manufacturers and could not wait five years for a decision as in this case. He agreed to put the question on the agenda of NB-Machinery in December 2003.

The **CHAIRMAN** stressed that Notified Bodies faced with this type of problem should raise the problem with their notifying MS immediately.

**AUSTRIA** stressed that the important thing was that the equipment was tested, whether the test was called EC type-examination or not.


**Mr Jockers** presented a report on the activities of NB-MACHINERY.

The 19th meeting of the Horizontal Committee of Notified Bodies for Machinery had taken place on 16 June 2003.

Concerning Recommendations for Use, no problems were encountered concerning the withdrawal of the Recommendation 03-603 (use of switches).

There was a discussion on withdrawal of EC type-examination certificates in the light of subsequent technological changes. This matter was being discussed in many fora, but remained unresolved. It had been suggested that certificates should have a limited duration of validity.

Eight new recommendations for use had been adopted.

There was also comprehensive discussion on the exchange of information and experience amongst Notified Bodies. It was important that Recommendations were made public since they had provided the basis for issuing EC type-examination certificates. It was decided to review existing Recommendations to check their continued relevance. Many Notified Bodies did not take an active part in the exchange of experience. Member States were requested to ensure the participation of the Bodies they notified.

The next meeting of the NB-MACHINERY was planned for the 11th December 2003.

**a) Participation of Member States in NB-M meetings**

**FRANCE** indicated that the two year mandate for observer Member States would soon expire.

The **CHAIRMAN** requested the current Observers, FRANCE, GERMANY and ITALY, to continue their mandates for a further two years. There were no objections.

**b) Duration of validity of EC type-examination certificates**
23-24 OCTOBER 2003

The UNITED KINGDOM and BELGIUM understood that there was at present no time limit on these certificates. They must, however, be reviewed as required. The CHAIRMAN agreed. The present Directive did not foresee any limit. In the revision of the Directive it had been proposed to limit the validity of certificates.

c) Endorsement and publication of Recommendations for Use

The CHAIRMAN explained the current situation. The Commission had placed on CIRCA Recommendations for use deemed to have “endorsed” status. These are to be published on the EUROPA site in the absence of objections from Member States. So far only SWEDEN and FRANCE had sent comments. The 8 new Recommendations for use had been uploaded to CIRCA with a message asking for any comments to be sent within 3 months. These would be considered to be endorsed if no objections were received. NB-MACHINERY confirmed that the Swedish and French comments would be discussed at their next meeting in December 2003. The list of Recommendations endorsed at this meeting is found in Annex II.

5. CEN & Cenelec progress reports

Mr Riekeles for CEN gave a presentation on progress of standardisation in CEN (see Annex 1) and explained the stages of the standards development procedure.

a) EN ISO 12100

Particular reference was made to the important new A standard EN ISO 12100 - parts 1 and 2, which replaced EN 292 - parts 1 and 2. This international standard, covering the basic concepts and general principles for the design of safe machinery, included improved terminology and a more detailed approach to risk assessment. The standard had been approved by all CEN members. It had also received substantial support from the rest of the world. The USA had an objection on formal grounds that should soon be lifted. EN ISO 12100 provided a basic framework for machinery safety standards being discussed at international level. For example, it was clear that such product standards should only deal with design requirements and information for use, but not with the protective measures to be taken by the user. AUSTRIA pointed out that in Europe, EN ISO 12100 was a harmonised standard supporting the mandatory essential requirements of the Machinery Directive. What status would it have in the other regions of the world? CEN replied that the former EN 292 - part 2 had included the text of the Machinery Directive as an Annex. It had been decided not to include such an Annex in the new standard, since the Directive was now readily available. However all the essential requirements of the Directive are addressed in EN ISO 12100 in designer’s language. There was a discussion going on the framework of the United Nations Economic Committee for Europe regarding the adoption by several countries of a so-called “Model L”. This model included “common regulatory objectives” which were in fact essential requirements under another name. This approach should make it possible to gain support for EN ISO 12100 as “common regulatory objectives” within the World Trade Organisation agreement on Technical Barriers to Trade.

b) EN 1495 – mast climbing work platforms

This standard had been published in the OJEU with a warning. Two countries that had not participated in the work had voted against the amended version of the standard. The UNITED KINGDOM and FRANCE pointed out that Member States could not take part in all standards groups. This did not mean that they did not follow the work and their comments should be addressed.

c) EN 12999 - loader cranes

The voting on the revised version of this standard was soon to be launched under the UAP 4 month voting procedure. This was expected to be approved in February 2004.

d) EN 1501 - refuse collection vehicles
The Working Group was informed that the formal vote on the amendment of EN 1501 would end on 10th November 2003.

e) EN 12417 – machining centres

CEN raised a difficulty encountered during discussion in CEN TC 143 concerning the possible revision of EN 12417. A presentation was made concerning the need for process observation with machining centres. The CHAIRMAN stated that this item had not been on the agenda and would not be discussed at the meeting. Documents should be provided for a discussion at the next meeting.

f) Publication in the OJEU

The UNITED KINGDOM requested clarification on the time lag between the availability of the standard from CEN and the publication of standard references in the Official Journal. The CHAIRMAN described the reasons for the delay between availability of a standard and the publication of the reference in the Official Journal. The Commission had decided to publish only consolidated lists which made it easier to understand the status of standards. The format used by CEN to transfer the references to the Commission required a considerable amount of secretarial work by Commission staff. He hoped that an agreement would be reached between CEN and the Commission to improve the process. A problem had been raised by CEN consultants concerning the status of standards for tools, components and equipment used with machinery. For example, it had been decided not to publish the reference of the standard for metal and woodworking clamps. A debate was required to decide on which standards should be published in the Official Journal.

CEN replied that standards for machinery, partly completed machinery or lifting accessories should clearly be published. The need to publish other standards, such as those defining test methods or providing requirements for components was unclear. They could be considered as “harmonised” when they were referenced in product standards supporting the Machinery Directive. However the Directive itself referred to harmonised standard for noise test codes, for example.

The CHAIRMAN concluded that this question had to be further investigated with the standardisation organisations and that it would be discussed again when a document outlining a proposed policy would have been developed.

Mr Vetsuypens for Cenelec recalled that for the past 5 years, Cenelec had provided consolidated lists of references of machinery standards in the 11 official languages. The 9 additional languages of the new Member States should be ready for 1 May 2004. There is a total of 52 Cenelec harmonised standards for machinery plus amendments.

A request to publish the references of the EN 60745 series (hand-held tools) would be sent to the Commission within the next week. This series, originating from IEC, adopted following the Dresden agreement, combined the requirements concerning mains-operated tools and battery-operated tools previously covered by the EN 50144 series and the EN 50260 series.

For standards developed by IEC, there was a parallel Cenelec enquiry but no parallel vote, however the IEC drafts were all checked by Cenelec to ensure that the ESHR’s of the Directive were fully satisfied.

The CHAIRMAN referred to the consolidated list of standard references published in the Official Journal. Cenelec supplied a list with 5 columns, but the information provided in the 5th column concerning the date of validity of the previous standards was not included in the list published by the Commission. However the Commission added a column indicating the date of first publication of the reference of the standard in the OJ, which was information that was useful to market surveillance authorities.

CEN pointed out that so far CEN had supplied mainly new standards. For revised standards, normally a period of six months was allowed before the previous version of the standard became obsolete. However, in cases where the revision introduced substantial technical changes, longer transition periods might be necessary to enable industry to adapt.

The CHAIRMAN concluded that this matter would be placed on the agenda of the next meeting.

The UNITED KINGDOM stated that an item on “residual risk” for hand-tools would be submitted for discussion at the next meeting and requested comments from Cenelec.

6. a) Machinery on road vehicles (Doc 2002.14)
23-24 OCTOBER 2003

SPAIN raised a question asked by Spanish manufacturers of equipment used for loading and unloading road vehicles. Was such equipment within the scope of the Machinery Directive or was it concerned by the exclusion concerning means of transport? Several types of equipment concerned created risks that were not dealt with by regulations on road vehicles. SPAIN considered that this type of equipment came under the Machinery Directive, following the example of loader cranes and vehicle tail lifts.

The UNITED KINGDOM considered the exclusion concerning means of transport concerned circulation on the public highway. Once a vehicle was stationary and not on the public highway and risks were created that were not covered by road vehicle regulations, the equipment came within the scope of the Machinery Directive.

FRANCE thought that the equipment mentioned by SPAIN was under the Machinery Directive and referred to Q/A 71 which distinguished manually operated and power operated equipment. FRANCE also mentioned the example of compaction systems for refuse collection vehicles which operated when the vehicle was moving on the road and was explicitly included in the Directive and listed in Annex IV. Moreover harmonised machinery standards existed for such equipment.

GERMANY reported that a list of such equipment subject to the Machinery Directive had been established with German manufacturers and was applied without problems.

ITALY recalled that FRANCE had previously made a request to CEN for the development of standards for tippers. Although tippers used the motor of the vehicle as a power source, they included mechanical and hydraulic systems which were subject to the Machinery Directive.

BELGIUM agreed with FRANCE that powered equipment installed on road vehicles was covered by the Machinery Directive.

AUSTRIA questioned whether the manufacturer of the machinery or the installer of the machinery on the vehicle was responsible for the declaration of conformity.

The UNITED KINGDOM considered that if the machinery was self-contained, the manufacturer of the machinery could establish the declaration of conformity. Other equipment should be considered as partially completed machinery to be incorporated into the vehicle, particularly when it was necessary to assess the stability of the total assembly. In that case, the installer should establish the declaration of conformity.

BELGIUM recalled that according to the terms of Article 8.6. of the Directive, the person who assembled the machinery was responsible for the Declaration of conformity.

The CHAIRMAN concluded that comment 93 of the Machinery Guide and Q/A 71 covered this question. There was no doubt that machinery mounted on vehicles was in the scope of the Machinery Directive. This interpretation was shared by the Commission services in charge of road vehicle legislation.

There did not seem to be a general rule for who was responsible for establishing the declaration of conformity. Someone had to take this responsibility: it should be the person best placed to do so. Consideration must be given to this problem during the revision of the Directive.

Conclusion:

- **Machinery mounted on road vehicles is in the scope of the Machinery Directive.**
- **If the conformity of the machinery could be assessed on its own, the declaration of conformity could be established by the manufacturer of the machinery.**
- **If the conformity of the machinery could only be assessed once the machinery was assembled on the vehicle, the declaration of conformity should be established by the assembler.**

b) Machinery that uses gas as fuel (Doc.2002.14)

SPAIN asked for clarification on which directive covered such machinery. The Working Group of the Gas Appliances Directive had considered that, since the Machinery Directive did not satisfactorily cover the hazards involved, industrial machinery using gas as fuel would fall under national regulations. SPAIN considered that the Working Group of the Gas Appliances was not competent to resolve the issue, since machinery using gas a fuel was not in the scope of the Gas Appliances Directive. Directive 98/37/EC contained the necessary requirements to deal with the relevant risks: EHSR 1.5.3. of Annex I dealt with risks due to energy supplies other than electricity, EHSR 1.5.6. dealt with the fire risks, and 1.5.7. dealt with the risk of explosion.

Mr Reikeles for CEN confirmed that the Machinery Directive covered industrial furnaces, insofar as they were machinery, since the Gas Appliances Directive excluded appliances for industrial use. The pipeline up to the machine would fall under national regulations. Publication of harmonised standard EN 746-2 had resolved the differences that had previously existed between the national regulations of Member States.
BELGIUM considered that the Directives to be applied depended on the risk assessment carried out by the manufacturer. The relevant Directives might include Machinery, Gas Appliances, ATEX, EMC or Pressure Equipment.

The CHAIRMAN agreed with BELGIUM.

**Conclusion:**

- Industrial machinery using gas as a fuel is in the scope of the Machinery Directive, which includes essential requirements dealing with the specific risks associated with the use of gas as a fuel.

7. Objection to prEN 13683 - Integrally powered shredders/chippers (Doc.2002.22)

GERMANY explained that there were three main hazard factors on this type of machinery, the inlet, blockages which could lead to opening the shredder, and the discharge chute. If the inlet was too large, it was easy to insert an arm. A reduction in the size of the inlet made the machinery safer, but might also make it more difficult to use. GERMANY wished to establish the appropriate dimensions.

The European Garden Machinery Federation (EGMF) considered that the draft standard was closely based on the existing German standard. Machinery designed according to that standard had been used for several years without problems. Access to the cutting means was interlocked to ensure these were stopped before access was possible. Narrowing the discharge chute would cause more blockages, thereby increasing the need to access the cutting means and increasing the risk. Use of the machine would be severely impaired if the inlets did not enable branches with side-shoots to be put into the machine. The CEN consultant had agreed the current draft standard. The same requirements for mechanical risks would also be included in the Cenelec standard for electrical shredders. There had been no significant accidents reported; in fact many household products had higher residual risks.

FRANCE shared the concerns of GERMANY. The requirements of the Machinery Directive were not being fully respected. Comparisons with household equipment were irrelevant. The fact that no accident had been reported did not obviate the need to improve the standard. The standard should be based on a detailed risk assessment.

The UNITED KINGDOM and ITALY endorsed the views expressed by GERMANY and FRANCE.

AUSTRIA also endorsed previous comments, and added that other considerations, such as the level of noise, should be taken into account.

CEN noted that GERMANY thought the standard was a good one but that amendment was required. The problem could be solved by a clear mandate from the Commission to amend the standard. The standard had been ratified and would be sent to the Commission for publication. It might be possible to publish the references with a warning until the amendment was adopted.

The UNITED KINGDOM felt that it would serve no purpose to publish the reference of a standard with a warning relating to the main risk that the standard was supposed to cover.

The CHAIRMAN concluded that the dimensions given by EN 294 were not applicable to all machinery. However safety distances should be respected as far as possible. In this case, it might be possible to publish the standard with a warning; otherwise CEN could delay the request for publication and try to resolve the issue with the concerned stakeholders. In view of the discussion, this matter should be considered as open and progress would be checked at the next meeting.

8. Spreader beams for lifting containers (Doc 2003.13)

SWEDEN said that spreader beams were designed to lift ISO containers. They could either be separate items or an integral part of machinery. Were they to be considered as machinery, interchangeable equipment or lifting accessories? The problem was, what happened when such equipment was combined with the crane? If a new spreader beam was placed on an old crane, was further certification necessary? The first question was: “Which certification procedure is to be applied for container spreader beams according to the Machinery Directive?”.

The proposed answer to the first question was:

- “A container spreader beam intended to be an integral part of a machine should be accompanied by a declaration according to Annex II B.
Other container spreader beams are placed between the machinery and the load in order to attach it. They are not a part of the machinery itself. The machine can be used together with other kinds of spreader beams or lifting accessories. Such a container spreader beam is a lifting accessory in the sense of the Machinery Directive. The certification procedure for lifting accessories applies.”

The second question was: “When the container spreader beam is first combined with a crane or a truck, shall the combination machinery/spreader beam be regarded as new machinery placed on the market or put into service in the sense of the Machinery Directive?”

To the second question the proposed answer was:

- “If a container spreader beam with a declaration according to annex II B is combined with a basic machine as an integral part of the combination machinery/spreader beam shall be certified together as a machine.
- The combination machinery/lifting accessory is not to be regarded as new machinery placed on the market or put into service.”

The UNITED KINGDOM pointed out that Annex II B applied only to machinery, whereas the spreader beam was not itself machinery but a lifting accessory. AUSTRIA considered that such a spreader beam would fall under the category of “interchangeable equipment”. BELGIUM held the opinion that two possibilities existed. If the spreader beam was permanently installed on a ship, it was excluded. If it was used by onshore companies on board a ship it was covered by the Directive. DENMARK and NORWAY supported the answers proposed by SWEDEN. SPAIN compared the situation to safety components. If the spreader beam was an integral part of a machine, the manufacturer was responsible for the conformity of the complete machine. If it was provided separately, then it was a lifting accessory. This would apply only if the equipment were onshore. ITALY agreed with SWEDEN. A lifting accessory would be in the scope of the Directive and subject to the relevant conformity assessment procedure. If it were necessary to adapt the spreader beam to lifting apparatus, it would require an Annex II B declaration as an element to be integrated into a machine. GERMANY considered that such equipment could either be an integral part of machinery, in which case it was not a machine in its own right, or it could be a lifting accessory. CEN confirmed that a standard for lifting accessories was being developed by CEN TC 147 which covered spreader beams. However certain requirements of the present working document appeared to require the integration of certain controls on the spreader beam with the control system of the crane. POLAND supported the first answer proposed by SWEDEN, although the word “conformity assessment” should be used instead of “certification”, since, in this case, no third party was involved. The CHAIRMAN agreed with POLAND as long as lifting of persons was not involved. The intervention of Notified Bodies would be required if spreader beams included means for lifting persons. SWEDEN, in reply to the UK, thought that spreader beams could be covered by a declaration according to Annex II B as machinery intended to be incorporated into other machinery, since spreader beams contained powered moving parts. In reply to AUSTRIA, SWEDEN did not think spreader beams were interchangeable equipment because they did not change the function of the crane. The CHAIRMAN concluded that the Swedish answers were acceptable, providing spreader beams could be considered as machinery to be incorporated.

Conclusion:

- Subject to correction of the terminology relating to conformity assessment procedures, the answers given in Doc.2003.13 were agreed by the Working Group.
- A revised version of the document should be uploaded to CIRCA.


BELGIUM reported that there had been two similar accidents in BELGIUM and in GERMANY. BELGIUM considered that go-karts should be regarded as in the scope of the Machinery Directive. SWEDEN had always replied to questions on the subject with reference to Comment 94 of the Commission Guide to the Machinery Directive, which clearly stated that motor racing vehicles were excluded. AUSTRIA pointed out that go-karts were used in races but also in amusement parks on special tracks which is where the accidents occurred. There was no retail trade in such go-karts since they were sold directly to amusement park owners. Such go-karts were therefore excluded according to the third indent of Article 1.3. The UNITED KINGDOM also considered karting to be essentially an amusement or recreational activity.
DENMARK reported that the manufacturer of the go-karts involved in the accidents mentioned was a Danish company. The Danish authorities had visited the manufacturer and advised him in writing that this type of go-kart, not intended for professional racing, was within the scope of the Machinery Directive. A copy of the letter had been sent to the Belgian and German authorities. GERMANY believed that it was important to ensure safety, whatever regulations were applicable. Most people in Germany considered that go-karts for use in amusement parks were excluded from the Machinery Directive. The important thing was to reach a common position. FRANCE considered that, like quad-bikes, go-karts could be included in the scope of the Machinery Directive, although the General Product Safety Directive could also be used to ensure safety if the Machinery Directive was not considered applicable. Not all machinery used in fairgrounds or amusement parks was excluded from the Machinery Directive. The exclusion only concerned machinery specially designed for this purpose.

SPAIN, ITALY and DENMARK agreed with FRANCE that the exclusion concerning special machinery for amusement parks was not applicable in this case. BELGIUM pointed out the difference between the amateur and professional use of go-karts. The go-karts concerned were intended for use by ordinary consumers. BELGIUM agreed that if the Machinery Directive was not applicable, the General Product Safety Directive could be used to ensure safety. Belgian legislation on rental also applied, but this did not ensure free circulation of the products. The CHAIRMAN concluded that Comment 94 of the Commission Guide clearly stated that motor racing vehicles were excluded, however this did not apply to machinery designed for use by consumers. Go-karts do not seem to be concerned by the exclusion of special machinery for use in fairgrounds and amusement parks. Comparison with the application of the Directive to golf-carts, quad-bikes and similar machinery supported Belgium’s proposal to consider go-karts as included in the Machinery Directive. The requirements of the motor vehicles directives were not relevant to go-karts.

BELGIUM asked if any standard for go-karts was under development. CEN replied that no proposal had been made under the Machinery Directive, but stakeholders might propose the development of a standard under the GPSD. It should be made clear that any such request should be treated in the framework of the Machinery Directive.

Conclusion:

Go-karts, other than those intended for professional motor racing, are subject to Directive 98/37/EC.

10. Question on prototypes supplied to potential customers (Doc.2003.03)

FRANCE introduced this item, which referred to the second part of Q/A 68. This stipulated that when a machinery manufacturer made a prototype available to a customer or potential customer for a trial period, and when employees of the customer operated the prototype in question, it had to be ensured that the placing on the market of the machinery had officially taken place, so that the onus of liability passed to the customer. FRANCE asked whether this approach applied to Annex IV machinery?

This question was being put to the Working Group because the manufacturer of such a prototype had requested advice regarding a plastics-moulding machine listed in Annex IV. In order to get the design fully approved, the manufacturer had made the machine available for evaluation, during which time the customer’s employees operated it to carry out trial production series. FRANCE believed that the answer to Question 68 should apply here, with the proviso that a third party was carrying out the conformity assessment during development of the prototype.

The UNITED KINGDOM reported that an answer had been given in a similar situation in the UK. The case concerned trials on a prototype that could not be carried out elsewhere than on the customer’s site. The customer was under contract with the manufacturer to carry out the trials on his behalf. The machinery was not considered as placed on the market during the trials. Nevertheless, the user of the machine had to take special precautions under national legislation during the trial period. BELGIUM pointed out that Article 2 could be invoked in the case of demonstrations at trade fairs. However as soon as machinery was physically transferred to the customer and was operated by the customer or his employees, it must be considered as placed on the market.

The CHAIRMAN agreed with BELGIUM. Placing on the market or putting into service did not depend on the existence of a financial transaction. Even products made available free of charge were placed on the market. GERMANY suggested that the Chairman’s view was valid for machinery that was almost complete and only required final adjustments. However, in cases of trials involving prototypes requiring considerable further
development, GERMANY required the intervention of a third party to ensure that the trials could be carried out safely, although CE marking was not concerned.

DENMARK sympathised with this view, but fully supported the statement of the CHAIRMAN.

The UNITED KINGDOM agreed with the CHAIRMAN’s position regarding products made available free of charge. However in most cases, the machinery remained the property of the manufacturer until the customer decided to buy the final product.

The CHAIRMAN agreed that in the case described by the UK, the customer’s employees were working under contract for the manufacturer. In most cases, the machinery under trial was made available to the customer for trials. In the case of machinery subject to manufacturer’s declaration, the EC conformity certificate remained valid and manufacturer could update the technical file. In the case of Annex IV Machinery might be more complicated, but the manufacturer, the potential customer and the Notified Body could foresee a range of permissible modifications.

ORGALIME disagreed from a practical point of view. For example, when a manufacturer developed a rotary press, the print workers were the most qualified people to test the machine and determine the final adjustments. It was not reasonable to expect such a machine under trial to fully conform with all requirements.

SPAIN considered that, since the prototype was not a finished product, the question placed by FRANCE could not be answered with reference to Q/A 68. The situation described by FRANCE related to an unfinished product still under development. It was difficult to expect such an unfinished machine to comply with the requirements of the Machinery Directive. The measures required to ensure that the tests were carried out safely came under Directive 89/655/EEC. In the case of Annex IV machinery, involvement of the Notified Body during the trials was incompatible with the minimum criteria laid down in Annex VII. The Notified Body must not be involved in the development of a product. Its job was to assess the conformity of the finished product.

FRANCE would be unwilling to envisage prolonged trials of machinery solely under regulations based on Directive 89/655/EEC. According to French law, the user remained responsible for the safety of his employees, whatever contract was passed with the manufacturer.

GERMANY thought that national rules based on the Directive on the use of work equipment could be applied on a case by case basis. In Germany too, the employer of the people operating machinery remained responsible for their safety in all cases.

The CHAIRMAN concluded that it seemed impossible to reach a clear decision at this meeting. A very small number of products were concerned. The situation could be dealt with by means of a contract. In the case of Annex IV machinery, the Notified Body should not be involved in the development of the product, but could certify the conformity of the product before and after the modifications made during trials.


The BTS and SWEDEN described the potential risks relating to the design of the swinging pedals, which controlled both motion and speed. This configuration had already caused fatalities.

The support of Member States was requested.

CEN replied that the configuration was quite standard and did not usually vary between trucks.

The NETHERLANDS disagreed. The configuration was different from that of the driver’s personal car, and varied between different models of industrial trucks. This was due to patents held by the various manufacturers. It was now time to think of the future and find a solution to this problem.

ITALY agreed and pointed out that a standard could bring into line the 60% of trucks that were pedal controlled.

BELGIUM referred to standard EN 281, which permitted the same pedal to be used for forward and reverse.

GERMANY questioned whether this configuration would have caused more accidents than another configuration. Member States should also study the other reasons for accidents.

The UNITED KINGDOM would analyse the data on accidents. Operator error should not preclude the responsibility of the manufacturer. A small human error should not result in a fatal accident.

FRANCE pointed out that EHSR 3.3.1. of Annex I of the Directive must be respected. Considering the increased stress and strain on operators, any standard must be far more concise.

CEN confirmed that EN 281 had four different pedal configurations. The second was now considered too dangerous. Therefore in prEN ISO 21281, only three remained.

The NETHERLANDS pointed out that the new standard included the possibility of other configurations.

CEN would appreciate data on accidents from Member States. Some users thought that the type of pedal concerned provided the means to react quickly.
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The CHAIRMAN concluded that CEN should provide a risk assessment. Member States could investigate accident statistics and must participate at standardisation level in order to improve the standard.

Conclusion:

- CEN would provide a risk assessment and MS would investigate accident statistics and be involved in standardisation.


Mr Umbreit, CEN consultant, observed that some countries, folding machines were being treated in the same way as hydraulic press-brakes due to a translation inaccuracy. Press-brakes were classified under Annex IV.9 (“hand-fed presses, including press-brakes”), whilst other folding machines were not. Unfortunately, in many languages, the term “press-brakes” had been translated in too vague a manner. The English, German and Swedish texts were clear, since the terms used did not cover folding machines. Other language versions were not so precise and could be interpreted to include other folding machines. This had resulted in misunderstanding, and certain manufacturers of folding machines were receiving unjustified complaints from market surveillance authorities. Harmonised standard EN 12622 for press-brakes specifically excluded other folding machines. This interpretation was confirmed by the Recommendation for Use 03-086 of the Coordination of Notified Bodies.

FRANCE explained that the French text referred to presses including “plieuses”. The word “plieuses” was an adjective and not a noun. The French text therefore covered presses including “presses plieuses” and this term was the exact equivalent of the English term “press-brakes”.

The CHAIRMAN agreed with FRANCE. This interpretation was confirmed in the Guide written by Mr Van Gheluwe. Referring to the diagrams in Doc.2003.09, he indicated that press-brakes operated along a vertical axis, whereas other folding machines operated around a rotational axis. Member States should check whether the correct interpretation was being applied.

FINLAND reported that there was an error in the Finnish text which referred to folding machinery instead of folding presses, but the authorities had informed interested parties of the correct interpretation of Annex IV and there was no problem in practice.

DENMARK indicated that the wrong term was also used in the Danish version of the Directive, but the correct term had been used when the Directive was implemented into national law.

The NETHERLANDS, ITALY, BELGIUM, GERMANY, SPAIN, said that their texts were not ambiguous – only press-brakes were concerned.

The CHAIRMAN concluded that all Member States agreed on the correct interpretation.

Conclusion:

- The Working Group agrees that Annex IV.9 includes press-brakes and that this term does not cover other types of folding machine that are not presses.

13. EN 14122-4 – protection on fixed ladders (Doc.2003.11)

FRANCE said that standard EN 14122-4 raised a question of principle. Clause 4.3.2 of the standard provided for two types of fall protection on fixed ladders used for access to machinery: the first was the safety cage surrounding the ladder; the second was the installation on the ladder of an anchorage rail for personal protective equipment (PPE). The recourse to PPE as a solution for the design of machinery was contrary to the principles of safety integration defined in point 1.1.2. (b) of Annex I to the Machinery Directive.

It also appeared contrary to point 1.6.2., because the use of PPE constituted a constraint for the people operating the machine and required the user to manage a separate stock of protective equipment. The text of the standard did not correspond to the state of the art. FRANCE considered that it was important that a B-type standard, applying to many different types of machinery, should respect the principles of safety integration.

France had therefore suggested that CEN include a statement in the standard to the effect that the recourse to PPE was not covered by Directive 98/37/EC. So far there had not been a positive response from CEN. That was why FRANCE had written to the Commission. If the issue was not resolved, FRANCE would lodge a formal objection against the standard.

GERMANY insisted that the text of the standard should remain unchanged. The installation of anchorage rails for PPE was a fall-back solution when the use of other means of protection was not possible. Such a situation
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could arise if the safety cage had to be removed during maintenance or if operators had to carry large tools. The B-type standard had to cover all cases, including machinery for which C-type standards did not exist. The condition “where it is not possible” was strong enough to prevent any misinterpretation. 
ITALY agreed with FRANCE that this was a matter of principle. The B-type standards should establish the general rule that ladders on machinery should be provided with integrated means of fall protection. Derogations to this principle should be dealt with in C-type standards for particular types of machinery. This was the case, for example, in the standard dealing with access to the jibs of tower cranes. 
Mr Umbreit, CEN consultant, considered that FRANCE was right that the specification for PPE should not be included in the design requirements of a harmonised standard. Instead, the use of such equipment could be mentioned in the clause relating to information for use. The third step defined in Art.1.1.2 (b) of Annex I included information to the user about any need to provide personal protective equipment. He had proposed in a letter to the Commission that such a change could be considered of an editorial nature and could be applied before the publication of the standard. 
Mr Riekeles for CEN explained that Mr Umbreit’s suggestion had been applied during preparation of the standard for publication. B-standards provided several possible solutions. The use of PPE for fall arrest required the installation on the machinery of a fixed rail. The request to include a specification concerning anchorage rails for PPE came from the occupational, health and safety bodies, not from manufacturers. It had not been possible to adopt the amendment requested by FRANCE, since this was a technical change that could not be made under CEN rules. Moreover, this amendment went against the wishes of other Member States. 
The CHAIRMAN questioned the added value of including a specification concerning PPE for fall arrest. According to the Directive, any requirements for PPE should be given in the instructions for use. When it was impossible to apply the requirements of the Directive, derogations were possible, but such derogation was out of place in a B type standard. It might create a loophole for manufacturers to avoid the integration of protective measures into the machinery. 
GERMANY referred to recital 14 to the Machinery Directive that stated that the essential health and safety requirements must be must be applied with discernment to take account of the state of the art. In this case, machinery should not be designed and constructed in such a way that makes it impossible to install anchorage rails for the use of PPE. 
The NETHERLANDS thought that the installation on ladders of a fixed anchorage rail for the attachment of PPE was a good thing. This enabled the use of PPE during use when necessary, for example when the safety cage had to be removed. The safety cage did not provide total protection against falls. 
The CHAIRMAN observed that if the NETHERLANDS was right, anchorage rails should be provided in addition to safety cages rather than as an alternative to them. 
The UNITED KINGDOM explained that labour inspectors did not always master the principles of safety integration and might prescribe the use of PPE when they saw a ladder without protection. However, for new machinery, recourse to PPE was only appropriate if other solutions were not possible. It was not appropriate for a B-type standard, which should provide a range of generally applicable solutions, to suggest recourse to PPE. 
FRANCE reiterated opposition to the standard as it stood. The condition “where it is not possible to use a cage” was too vague. Any alternative to the use of integrated protective measures could only be dealt with in a C-type standard for a particular type of machinery. Moreover, safe use of PPE for fall arrest required more than just the provision of an anchorage rail. It was also necessary to have the necessary clearance zone below the rail and this was not mentioned in the standard. 
ITALY stated that the aim was not to prevent the recourse to PPE but to improve the wording of the standard in order to avoid encouraging wrong use of this solution. 
SPAIN pointed out that application of the harmonised standard conferred presumption of conformity with the relevant essential requirement of the Directive. The B-standard should only provide solutions that were in conformity with the essential requirements. Any derogation should be dealt with in C-standards. 
DENMARK thought the standard should be issued as it was. 
Mr Riekeles for CEN pointed out the difficulty of the situation. Not all delegates were in favour of the French proposal. FRANCE might make a formal objection if the standard was not changed, but other Member States might make a formal objection if it was changed. The standard had been adopted and CEN could not change its content. He suggested that Member States send their proposals to CEN to improve the wording of the standard so that an amendment to clause 4.3.2 of the standard could be prepared by the WG. 
The CHAIRMAN concluded that, given the positions of Member States and the remarks of the CEN consultant, it would be wise to ask CEN to reconsider the position, in spite of the difficulties this might cause. Whenever possible, CEN should avoid adoption of a standard to which Member States had important objections. Member States were also urged to participate in the standardisation process in order to avoid such problems.
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In this particular case the concerned parties should make proposals to be included in an amendment. Meanwhile, the reference of the standard would not be published in the Official Journal.

**Conclusion:**
- MS would make amendment proposals to the standard EN 14122-4.


SWEDEN thought there was an inconsistency in the conclusion of the meeting on 18/19 December 2002. It had been decided that a climbing frame placed on the market alone was itself Annex IV machinery. Previously we had considered that the crane equipped with a climbing frame could be assessed as Annex IV machinery. However, according to the latest conclusion, if a crane intended for use with a climbing frame was placed on the market separately, it would not be assessed according to Annex IV. This would encourage manufacturers to place the crane and the climbing frame on the market separately to avoid the more costly conformity assessment procedure for the crane.

Mr Schneider for FEM showed a video of a climbing frame used to insert a tower section on a tower crane. When erection of the tower crane was completed, the climbing frame could be used with another crane. Many tower cranes are sold without towers and without climbing frames, because the tower sections were less subject to aging than the operating sections of the crane. Other tower cranes were erected using mobile cranes, without recourse to a climbing frame. A climbing frame had no function when not installed on a crane, nor could it be tested alone. The only moving part of the climbing frame was the piston. The FEM did not consider that a climbing frame was machinery as defined in Article 1.2, nor was it interchangeable equipment since it had no function unless installed on a tower crane. The climbing frame was an accessory with the secondary function of lifting persons with a risk of fall from a vertical height of more than 3 metres. It was therefore subject to Annex IV. The FEM was preparing a recommendation, since there was no European standard for climbing frames. It would take a further 4 months for the document to be completed. The content of the recommendation could later be included in the draft standard for tower cranes, prEN 14439. FEM was afraid that the present uncertainty could dissuade manufacturers from selling new climbing frames, which would oblige users to continue to repair old ones.

The UNITED KINGDOM considered that more consideration should be given to the case of tower cranes sold without a climbing frame. Many of these cranes would never be erected using a climbing frame. However, when a climbing frame was installed on a tower crane, the combination of the two needed to be assessed under Annex IV. Originally, the UK had thought that the climbing frame could be considered as interchangeable equipment adding a new function to the crane, enabling the crane it to raise itself. But whether the climbing frame was considered as interchangeable equipment or as machinery in its own right, the consequences were the same: the assessment to be carried out by the Notified Body concerned the climbing frame together with the range of cranes with which it could be used. The conformity assessment concerned the functions added by the climbing frame and not the other functions of the tower crane, which remained subject to the manufacturer’s declaration of conformity. The EC type-examination certificate concerning the climbing frame should specify the models of crane with which it could be safely used. The UK welcomed the work on a new standard. If the new standard made climbing frames safer than in the past, it might be necessary in the future to take a decision concerning the existing climbing frames. If old, unsafe climbing frames were being kept in service, this should be dealt with under national regulations.

ITALY recalled that climbing frames had been sold separately to companies specialised in the erection of tower cranes. The owner and user of the climbing frame were distinct from the user of the crane. If such climbing frames were obsolete products no longer placed on the market, so well and good. However, if dangerous climbing frames had been placed on the market under the Machinery Directive, the necessary measures must be taken to prevent the risk of falls. Italy recalled that fatal accidents had occurred in Italy, the United Kingdom and Germany.

GERMANY asked Mr Schneider to explain whether special features needed to be present on the crane in order to use a climbing frame, or whether the climbing frame could be used on any crane of the same dimensions. This information was needed to decide how the safety of climbing frames should be assessed.

Mr Schneider replied that there were various options. The tower sections of the crane had to be designed to receive the climbing frame. Some tower sections were designed to receive a climbing frame and some were not. But it was always possible to add extra devices to the tower section to enable a climbing frame to be used.
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The CHAIRMAN resumed that there appeared to be agreement on the interpretation given in the previous meeting and that there was no reason to change it.

Conclusion:
- The conclusion to point 10 in Doc.2002.28 was confirmed.

15. Dough Dividers (Doc.2003.18)

FRANCE reported that the draft standard prEN 12042 dealt with the risk of access to the moving components by means of safety distances. However, information from operators concerning the everyday use of dough dividers showed that in order to gain time, particularly when clearing dough from the divider, safety distances were not sufficient to prevent access. France pointed out that there seemed to be a deadlock in the standardisation group because some participants rejected any alternative to safety distances. Standards for other types of food processing machinery such as mincing machines (EN 12331) included requirements for additional safety devices, such as light barriers, that could also be fitted to dough dividers. France believed there should be an equivalent level of safety on similar types of machinery.

Mr Riekeles for CEN stated that this work had been delayed, but was now being continued in WG 1 of CEN TC 153. It was intended to harmonise, as far as possible, the solutions adopted for similar machinery. Examples of possible solutions were found in standards for filling machines and mincing machines. The solutions included a trip bar or a light barrier installed in a position that took account of safety distances according to EN 294. Another solution was a so-called protective grid. The draft should be issued for a second formal vote in February 2004.

FRANCE was satisfied with the progress reported, but wished to study the solution adopted by WG 1 CEN TC 153 meeting before concluding that the matter had been resolved.

SWEDEN agreed that there had been progress but warned that not all the solutions used on other machinery were satisfactory: the solution of a divided hopper used for filling machines was not acceptable for dough dividers.

The CHAIRMAN concluded that there were positive developments. Further progress would be checked at the next meeting.


a) Plate Clamps

The UK explained that plate clamps were lifting accessories used for lifting metal plates. This equipment could fail to hold the load if it was used with a load that was too light. This had caused several accidents in the UK. Normally, the manufacturers specified both the minimum and the maximum load. The information was provided in the instructions for use, but the UK considered that this was not sufficient and that the minimum load should also be marked on the equipment itself. However, there was no requirement in the Directive for the minimum load to be marked on a lifting accessory. The UK intended to ask manufacturers to mark the minimum load on plate clamps and wished to consult the committee to ensure that such a position would not create legal problems.

SPAIN thought that the need to mark the minimum load in order to ensure safe use of this type of lifting accessory was covered by the 3rd paragraph of EHSR 1.7.3. of Annex I to the Directive.

GERMANY replied that EHSR 1.7.3. did not apply in this case, since it applied to machinery, whereas the requirements for the marking of lifting accessories were listed in EHSR 4.3.2. This appeared to be a problem for standards.

FRANCE questioned whether such equipment satisfied the ESHR’s of the Directive: the residual risk of dropping the load seemed very important. France thought that merely providing information was insufficient, even if the information was marked on the machinery.

Mr Riekeles for CEN replied that CEN TC 147 was developing a standard prEN 13155 for various lifting accessories. It might be possible to include an amendment requiring that the minimum load was marked on plate clamps. CEN would check this matter with TC 147.

The UK agreed with France that the safe use of such lifting accessories depended to a large extent on the training of users. The UK would ask manufacturers to mark the minimum load on plate clamps, and if that was not done, it would be required of users.
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The CHAIRMAN concluded that the UNITED KINGDOM was free to act as indicated. CEN would be asked to report on how the matter could be resolved in the standard.

b) Steam Boilers

The UK raised a problem relating to the exclusion of steam boilers from the Machinery Directive. Did the exclusion relating to steam boilers, tanks and pressure vessels extend to boilers designed to generate warm and hot water under pressure? There were now combination boilers that did not actually boil the water that included pumps and other devices with moving parts. They met the definition of machinery, so the question was whether they came under the Machinery Directive or the Pressure Equipment Directive?

The proposed answer was that boilers intended to generate warm water and hot water under pressure, where the principal hazards were related to pressure rather than machinery, were excluded from the Machinery Directive.

DENMARK agreed with the UK’s proposed answer.

GERMANY needed more time to examine the question, since there was a debate in Germany on whether certain types of equipment were machinery or construction products. Germany agreed with the UK about the boiler itself, but there was a problem when pumps or other devices were added.

SWEDEN tended to interpret exclusions literally and pointed out that this exclusion only applied to steam boilers. It would be difficult to extend the exclusion to equipment not covered by this wording.

The CHAIRMAN concluded that the Commission would consult colleagues working on the Pressure Equipment Directive in order to clarify the borderline between the two Directives, before the next meeting.

c) Visibility from earthmoving equipment – EN 474-1

The UK reported that fitting state of the art rear visibility equipment such as curved mirrors or CCTV, to large mobile machinery was encouraged in the UK. Installation of such equipment had reduced the number of accidents. Both the Machinery Directive and the Directive on the use of work equipment included requirements to install the devices necessary to compensate for the lack of direct vision. However, the series of harmonised standards EN 474 relating to earthmoving equipment made reference to an ISO standard 5006-1, 2 and 3.

Standard ISO 5006-3 defined a test method for checking direct visibility with acceptance criteria admitting large blind spots to the rear of some machines. The UK considered this standard to be defective, since it did not reflect the state of the art and was contrary to ESHR 3.2.1. Both ISO 5006 and EN 474-1 were being revised, but the present draft of revised EN 471-1 still referred to the defective ISO standard. If the committee agreed, the UK proposed to request CEN to ask TC 151 WG 1 to address the issue by specifying the need to fit devices to compensate the lack of direct vision where necessary.

The CHAIRMAN pointed out that when a standard the reference of which was published in the Official Journal, included reference to an ISO standard, the ISO standard became de facto a harmonised standard.

Mr Riekeles for CEN was in full agreement with the UK. Both EN 474 and ISO 5006 were under revision. It had already been decided at a plenary meeting of CEN TC 151 that if the revised ISO 5006 standard provided minimum visibility criteria that were in conformity with the Machinery Directive, EN 474 would still refer to it. If the revised ISO 5006 standard did not contain such acceptable criteria, EN 474 would refer to a new draft European standard - “Earthmoving machinery - operator’s field of view”- that was under development by TC 151. In that case, the formal vote on the revised EN 474 could only be launched when the new draft had been given a prEN number.

The CHAIRMAN concluded that the UK concerns were being addressed. Further information on developments should be given at the next meeting. CEN and the CEN consultants were reminded to be attentive to the implications of references to ISO standards when examining draft standards.

d) Agricultural spray equipment on the back of tractors.

The UK reported that this issue had arisen due to an interpretation by certain manufacturers of clause 4.4.2 of standard EN 907. This clause stated that, “where booms are folded or unfolded, in accordance with the information in the instruction handbook, no part of the boom shall normally exceed a height of 4 metres from the ground”. In the UK there were 11 kV overhead power lines above agricultural land. It was therefore essential that the height of the folded boom did not exceed 4 metres. There were a significant number of fatal accidents when booms came into contact with overhead power lines. Unfortunately the aforementioned clause was being interpreted to mean that the height of 4 metres was obtainable using a special procedure defined in the handbook, whereas the normal control folded the boom to a height exceeding 4 metres. This lead to fatal errors. The UK
thought that, according to the principles of safety integration, the normal control should fold the boom to a safe height, and a special procedure should only be provided to fold the boom to a superior height if necessary. The UK therefore considered that that a reference to the instruction handbook should not be included in this clause of the standard. CEN was requested to issue an amendment to the standard to avoid such misinterpretation. FRANCE agreed on principle with the UK position, but needed to consult experts on agricultural machinery further before reaching a conclusion. Mr Riekeles for CEN agreed to consult the competent TC.

Conclusion:
- The issue would be further discussed at the next meeting when appropriate information from the competent TC in CEN would be available.

e) Mast climbing work platforms – EN 1495 (Doc 2003.26)

The UNITED KINGDOM explained that this point had arisen following discussions in the Working Group on the formal objection from the NETHERLANDS against EN 1495. There was a debate about the minimum gap between the machines and the wall of the building into which a person could fall. An acceptable compromise was reached at 250mm. However, the standard accepted a lower guard rail height of 700mm when the gap was between 250 and 400mm. The UK had national legislation based on European directives specifying guard rail heights for scaffolding and other access equipment that was contrary to this specification of the standard. The UK considered that the standard should have been drafted without stipulating guard rail heights, which were determined by national regulations. This particular requirement was not an attribute of the machinery itself, and the fact that it was stated in a standard was causing problems. Mr Riekeles for CEN recalled that harmonised standards in general required a guard rail at a height of 1100mm. He questioned whether the reference to national regulations was compatible with the free movement of the products. The revised standard included a reference in the clause on instructions for use to the effect that national legislation should be taken into account when determining the guard rails to be used. The CHAIRMAN recalled that the previous discussion had insisted on the possibility to fulfil the national requirements: the standard should provide the technical means of doing so. It might be mentioned in the clause on information for use, but there was a contradiction within the standard if the specification of another clause went against the applicable national legislation. The standard should only give the technical means of placing the guard rail at the required levels, according to the distance from the wall. Precise measurements would inevitably clash with national legislation. The NETHERLANDS recalled that the original objection to the standard did not concern the characteristics of the platform but the distance from the building when it was installed. The Netherlands had proposed that this distance should not be specified in the standard. At the meeting mentioned by CEN, it was the manufacturers who had insisted on including precise measurements in the table included in the clause on instructions for use. SWEDEN thought that it would be better to avoid giving precise values in the standard. It would also be a mistake to base the specification of the standard on the most severe value required by national regulations, since the added protection provided by a high guard rail could be outweighed by the ergonomic difficulties it created when working close to a building. FRANCE agreed with the UK’s position. Directive 2001/45/EC relating to the use of equipment for work at a height, amending Directive 89/655/EEC on the use of work equipment, had been adopted by Council and should be implemented by Member States before July 2004. It came into force in 2005. The harmonised standards for work platforms enable users to comply with the new harmonised community provisions concerning the use of such equipment. The CHAIRMAN concluded that before the references of the revised standard were published in the OJEU it was necessary to ensure that it corresponded to the mandate given to CEN following discussion of the safeguard clause at the 98/34/EC Committee.

Conclusion:
- There would be a follow up of the mandate to CEN to amend EN 1495 following the safeguard clause at the next meeting.

The CHAIRMAN gave a brief progress report on revision of the Machinery Directive.
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The next meeting (including 1 day for ADCO) would be held in the Spring of 2004. Subsequent meetings would be held every four months.

It was agreed to discuss Doc 2003.25 and Doc 2003.28 at the next meeting.
## Summary of questions to be followed-up at the next meeting

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<td>Follow up amendment to EN 1495 following NL safeguard clause</td>
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**Annex I** - CEN presentation  
**Annex II** - Endorsed recommendations for use
12 MAY 2004

EUROPEAN COMMISSION
ENTERPRISE DIRECTORATE-GENERAL

Single Market: regulatory environment, standardisation and New Approach
Mechanical and electrical engineering, and radio and telecom terminal equipment industries

MINUTES OF THE MEETING HELD ON 12th MAY 2004

Subject: Working Group on Machinery under the 98/37/EC Committee
Place: Borschette Centre, Brussels
Chairman: M. Spiliopoulou / M. Eifel
EC Participants: A. Monnoye, I. Fraser

1. Welcome, Introduction, Agenda

The CHAIRMAN welcomed the participants, in particular the representatives of the new Member States following enlargement.

The CHAIRMAN noted that a number of new documents had been tabled:
- Doc. 2004.30 from Cenelec on item 12 of the Agenda,
- Doc 2004.31 on item 13 and 2004.32 on item 20 from Germany,
- Doc. 2004.33 on item 18 from Mr Adorian of FEM/IPAF

The draft agenda was accepted.

2. Minutes of the meeting held on 23/24 October 2003 (Docs. 2003.29)

Item 2: conclusion on transport platforms

SWEDEN disagreed with the use of the term “transport platforms” to designate the subject of the suggested standard. Sweden and Finland preferred “hold-to-run operated builders’ hoists”.

GERMANY and BELGIUM thought that “transport platforms” was the right title.

DENMARK proposed “slow moving builders’ hoists”.

The CHAIRMAN said that the minutes would refer to “slow moving builders’ hoists known as transport platforms”.

Item 3 d) Safeguard clause on EN 693

SWEDEN pointed out that the subject of EN 693 was hydraulic presses (not mechanical presses).

With these two corrections, the minutes of the meeting held on 23-24/10/03 were approved.

3. Follow up of questions from the meeting of 23/24 October 2003 (Table to Doc. 2003.29)

a) Review of EC type-examination certificates for MEWPs

ITALY reported that a circular on the subject had been notified under the 98/34/EC procedure. A report would be given to the ADCO Group on market surveillance of MEWPs in Italy.

The UNITED KINGDOM had discussed the matter with the Notified Bodies. No certificates had so far been withdrawn.

FRANCE had checked with the Notified Bodies. The position of EN 280 with respect to loading control had already been applied before the standard was adopted.

The NETHERLANDS had already reported that existing certificates had been reviewed and some had been withdrawn. The Dutch authorities had received complaints about MEWPs manufactured in France and the UK without loading control.

The CHAIRMAN suggested that this information be communicated to the ADCO Group.

b) Press brakes
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The NETHERLANDS reported that a reply had been received from the Dutch Notified Body. One certificate had been issued on the basis of the cancelled NB-M recommendation. This certificate had been withdrawn and the client had been informed.

FINLAND informed that they had not encountered any more such non-conforming machinery.

c) Annex ZA
Mr Monnoye for DG Enterprise G2 recalled that the CEN BT resolution of 1994 had not been properly applied. The 98/34/EC Committee had approved guidance on Annex ZA in Document 2004.28. This established broad principles, the details being left to the European standardisation organisations.
CEN had produced a document giving 3 alternative formats for the Annex ZA.
CENELEC at first wished to provide information on the relationship between the standard and the Directives in a separate document. This was not acceptable to the Commission. In March 2004, CENELEC adopted a new position accepting to include an informative Annex Z to the standards enumerating the essential health and safety requirements covered, but with no link to the clauses of the standards. This would be applied to new standards from October 2004.
ETSI already provided a detailed correspondence table between the clauses of the standards and the essential requirements covered.
FRANCE considered that considerable progress had been made in the discussion with CEN and CENELEC but thought that the format No 1 proposed by CEN should be used as a general rule.

d) Safeguard clause on EN 12525 - Front loaders
CEN reported that the draft amendment had been subject to an enquiry closed at the end of March 2004. Three Members had voted no, but for contradictory reasons. A comments resolution meeting was to be held in Frankfurt on 23rd June. He urged the Member States with particular concerns such as France, Sweden and Finland, to attend.
FRANCE confirmed that AFNOR and the French authorities would be represented. The French authorities were not satisfied with the method used. There had been no meeting of the Working Group and no contact with France. France also disagreed with the content of the proposed amendment. The safety device to prevent accidental lowering was only an option, to be fitted under the following 2 conditions: when use with lifting accessories was foreseen and when the presence of operators under the load was necessary. Study of the use of front loaders had shown that use for lifting was very frequent. To require the safety device as an option was to allow two levels of safety, which did not create the conditions for fair competition.
The CHAIRMAN recalled that the amendment of the standard was an attempt to resolve the issue raised by the French safeguard action. The report from CEN on the outcome of the June meeting would be discussed at the next meeting of the Machinery Working Group in October 2004.

e) Adoption of rules of procedure for the Machinery Committee
The CHAIRMAN said this had again been postponed for administrative reasons. The Committee should be convened at the next opportunity both to adopt the rules of procedure and to discuss the question of loading control on variable reach trucks submitted by France.

f) Accidents with hand-held electric tools
GERMANY said that information was difficult to gather since accidents were mainly domestic.
FRANCE reported that a study was under way on accidents during both professional and non-professional use. The study would produce qualitative information rather than statistics. A report would be made available. FRANCE was surprised that, following the debate in the Working Group, the references of the problematic standards had been published in the OJEU.
The CHAIRMAN replied that the Commission could only delay publication if the standard was subject to safeguard action or was the object of concerns shared by several Member States on clear grounds.

4) NB-M Recommendations for use
The CHAIRMAN stated that a series of Recommendations had been published on the Commission internet site EUROPA. Others would follow after a check with NB-M that they were still valid.

5) Standards for components
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The CHAIRMAN informed the Group that a discussion on the publication of the references of standards for machinery components had taken place at the CEN Machinery Advisory Nucleus meeting. A policy paper on the issue was being prepared and would be discussed at the next meeting.

7) Garden shredders
CEN reported that standard EN 13683 had been ratified in 2003. CEN had asked TC 144 to prepare an amendment to the standard but the TC was awaiting a request from the Commission. CEN suggested that the Commission write a letter to CEN requesting that the standard be amended to take into account the discussion at the Machinery Working Group.

The CHAIRMAN suggested that if GERMANY had substantial objections to the standard it should use the safeguard procedure. This was possible before the references in the standard were published in the OJEC.

GERMANY replied that a safeguard procedure would indeed be initiated.

CEN asked the Commission if the references of the standard would be published in the OJEC.

The CHAIRMAN replied that the references would be published unless the Commission received a formal objection.

8) Spreader beams
The corrections had been made to Doc. 2003.13.

11) Industrial truck pedals
CEN reported that the standard on pedals was under revision. prEN ISO 21281 had been subject to public enquiry and would be sent for formal vote in the second half of 2004. CEN encouraged Member States to examine the draft. TC 150 had found that 10% of trucks had the contested pedal design, but was not aware of any accidents linked to this design.

SWEDEN observed that it was not necessary to have accident reports to correct a bad design.

The UNITED KINGDOM agreed with Sweden. There was a lack of information on the precise causes of accidents. The design of pedals could be judged according to ergonomic principles.

The CHAIRMAN urged the stakeholders to take action within the CEN/ISO. There would be a follow-up at the next meeting.

13) Fixed ladders: EN 14122-4
FRANCE had made a suggestion to CEN concerning a note in the Annex ZA and the insertion of a warning when the references of the standard were published in the OJEU. No reply had been received.

CEN reported that the standard had been adopted following discussion of the French objections. CEN would ask for the publication of the reference of the standard unless France took safeguard action.

ITALY agreed with the French position.

Mr Umbreit, CEN Consultant, said that he had recommended that a sentence be added to the clause of the standard concerning instructions for use, since information relating to the use of PPE belongs to the third step of the risk reduction process according to the principles of safety integration. This had been accepted.

The CHAIRMAN said the Commission understood FRANCE’s concerns about the inclusion of recourse to PPE in a B-standard for machinery. This aspect would be examined before the reference of the standard was published.

15) Automatic dough dividers: prEN 12042
CEN reported that following a negative assessment by the CEN consultant, a modified draft had been sent for formal vote. The concerns expressed in the Machinery Working Group had been addressed in the new draft.

16 a) Plate clamps: prEN 13155
CEN had received no information on this standard.

16 b) Steam boilers
The CHAIRMAN reported that DG Enterprise Unit G/4 had been consulted. It was confirmed that steam boilers are different from hot water boilers. The Pressure Equipment Directive distinguished 3 categories of equipment. Category 1 covered equipment with a pressure of no more than 500 bars. The PED excluded assemblies subject to the Machinery Directive when they were in Category 1. Hot water boilers were therefore subject to the Machinery Directive.

The UNITED KINGDOM recalled that the question concerned only hot water boilers with integrated pumps.
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The CHAIRMAN agreed that the above conclusion only applied to assemblies corresponding to the definition of machinery.

Conclusion:
*Hot water boilers that correspond to the definition of machinery are subject to Directive 98/37/EC.*

16 c) Visibility from earth-moving machinery
Mr Schmidt, CEN consultant, reported that, following an agreement between the CEN and ISO, a joint working group meeting was planned in June 2004 to prepare a new EN ISO standard. The UNITED KINGDOM said that it appeared that the option of a separate European standard for visibility testing had been rejected. Was the text under discussion a revision of ISO 5006-3?
Mr Schmidt confirmed. The UK doubted whether the proposed EN ISO standard would be satisfactory. The CHAIRMAN said that if the EN ISO standard was satisfactory, EN 474 could refer to it. If not, appropriate specifications for checking visibility would have to be included in EN 474.

16 d) Agricultural spraying booms: EN 907
CEN reported that the standard was to be revised under the Vienna agreement. The revised standard would have the number EN ISO 4254-6. The UK concerns had been discussed at a meeting in March. Some participants thought that the problems raised by the UK mainly concerned old machinery. The UK thought this response was not satisfactory. The UK proposed that when the normal folding control is used, the folded height should be less than 4 metres. If a folded height of more than 4 metres was required, this should require voluntary action on a special control. If the problem was not solved, safeguard action would be envisaged. The CHAIRMAN stressed that every effort should be made to resolve the issue within standardisation.

16 e) Mast climbing work platforms: EN 1495
FRANCE did not agree with the draft amendment. There should be a requirement for the manufacturer to provide a guard-rail which could be adjusted by the user according to the work situation and the national regulations. The NETHERLANDS were not satisfied with the proposal either. The distances prescribed in the standard were not safe. A work platform could only be considered safe without a guard-rail at a distance of no more than 0.2 metres from the building, as was required by B-type standards in similar cases. GERMANY and ITALY agreed with FRANCE that the manufacturer should place machinery on the market with modular protection that could be adjusted according to the conditions of use. SWEDEN and UK were satisfied with the wording of the draft amendment.

4. Report by the Coordination of Notified Bodies (Doc. 2004.04)

Mr Jockers for NB-M reported that the last meeting had been held on 11th December 2003. 21 NBs out of more than 120 NBs had taken part. Several NBs were represented by national co-ordinations. However, for several Member States not a single NB was present. Although it was clear that the Co-ordination had no legal status and its recommendations were not binding on NBs, these recommendations had a certain value, because they represented the common opinion of the involved Notified Bodies and were used – besides standards – as basis for EC-type examination certificates. Therefore it was deemed to be necessary to make them available for all interested parties as quickly as possible.

The CHAIRMAN observed that in the present legal situation, it was up to the Member States to ensure that the Bodies that they notified took account of the Recommendations of NB-M once they had been endorsed by the Working Group. The status of the Coordination of Notified Bodies was under review in the framework of the re-examination of the New Approach.

REC/CNB/01/057: two-hand controls on woodworking machinery
This recommendation had been subject to comments from Member States and therefore subject to the Oral procedure discussion in this WG. SWEDEN had proposed an alternative answer to that proposed by NB-M. SWEDEN favoured a separate control button for low pressure clamping and a type III B or C two-hand control for high pressure clamping and cutting.
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SPAIN agreed with SWEDEN: an independent two-hand control was preferable since it could conserve all the safety features of such a device. The NETHERLANDS, the UK, ITALY and DENMARK also supported SWEDEN.

Mr Jockers replied that the Recommendation would be re-examined in light of the discussion.

FRANCE stated that written comments would be made on the Recommendation CNB/M/08/014 concerning derogation to the application of the harmonised standard EN 1413 on vehicle service lifts.

A list of the Recommendations that have been endorsed by written procedure is annexed to these minutes.


a) Report by CEN
CEN reported that the references of 475 machinery standards had been published in the OJEU. 90 were A or B-type standards. 280 were C-type standards, of which 35 concerned Annex IV machinery. The programme of standardisation for Annex IV machinery had almost been completed. The references of some of the mandated standards would not be published, either because they were guides for the standardisers or because they concerned components. There were some problems concerning the borderline between the scope of Directives, for example, between the Construction Products Directive and the Machinery Directive in the case of standard EN 809 relating to pumps and pump units for liquids. Furthermore the scope of this standard overlapped with that of a CENELEC standard published under the Low Voltage Directive.
Concerning the safeguard clause on EN 1501-1 on refuse collection vehicles and their associated lifting devices, an amendment had been issued by CEN in March. It was hoped that this file was now closed.
The CHAIRMAN stated that DG Enterprise Unit G5 would be consulted on the question of the borderline with the CPD.
FRANCE asked for a progress report on the improvement of requirements for the stability of industrial trucks. CEN agreed to check this and report to the next meeting.
BELGIUM asked if a standard was in preparation for go-karts.
CEN replied that the draft standard on fairground equipment prEN 13814 included a section on go-karts which were under the Machinery Directive.
The CHAIRMAN pointed out that this draft standard covered fairground and amusement park equipment that was not subject to harmonised Community legislation. The Commission had mandated standards for such equipment in order to facilitate its free circulation. The CEN consultant had been asked to check the draft against the mandate before it was sent for formal vote. He invited Member States to check that the standard provided for an adequate level of safety and would enable fairground equipment to comply with national regulations, otherwise the objectives of the standard would not be achieved.

b) Report by CENELEC (Doc. 2004.07)
The titles of CENELEC standards for machinery had been translated into the official languages of all the Member States and would be sent to the Commission.
As announced under item 3 c), an Annex Z would be included in new CENELEC standards for machinery from October 2004.
Concerning problems raised by the UK on vibration of hand-held tools, this was the subject of a CENELEC document, but it also required a discussion between CEN and CENELEC since the question was common to both families of standards (see item 10).
The UNITED KINGDOM thought that CEN and CENELEC could agree as to which ESO developed which standard, but it was not up to the ESOs to decide whether a given type of machinery was covered by the Machinery or LVD Directive.
BELGIUM considered that this question depended on the risk assessment.
The CHAIRMAN pointed out that the history of the two Directives had led to deviations from the strict application of the risk assessment. The Commission had proposed a clear borderline in the revised Directive to reduce the margin of interpretation. While awaiting this improvement, we should try to respect the agreement reached between CEN and CENELEC in 1999.
6. Access to fast mounting tower cranes (Doc. 2003.28)

BELGIUM, presenting Doc. 2003.28, thought it was necessary for fast mounting tower cranes to be equipped with permanent means for access when periodic inspection of key components was necessary. The UNITED KINGDOM was concerned that it might be unreasonable to require permanent means of access unless access was needed for regular maintenance operations. AUSTRIA reported that such cranes were inspected in a dismounted position and that personal protective equipment could be used when necessary. GERMANY reported that a survey had shown that manufacturers did not always provide the necessary means of access. FINLAND thought that more information was needed. The important thing was the maintenance operations foreseen by the manufacturer. If he stated that the crane could be quickly lowered for maintenance or inspection, permanent means of access might not be necessary. SPAIN said that inspections were carried out before such cranes were mounted, or else auxiliary means were used. FRANCE stated that inspections were carried out before use and that standards addressing this issue were currently being developed. CEN quoted clause 5.4.4.1. of the draft standard on tower cranes prEN 14439 that stated that if it was not possible to lower the jib to the ground, a platform must be provided on the trolley. Mr Fraser thought that a general answer was probably not possible. Small tower cranes equipped with their own fast mounting mechanism could better be inspected and maintained in a dismounted position. If this was not possible, permanent means of access should be provided. SWEDEN pointed out that there was also a general standard on access to cranes, EN 13586. The CHAIRMAN proposed to make a provisional conclusion to be confirmed at the next meeting.

Conclusion: The need for permanent means of access for inspection purposes to tower cranes is determined by the design of the crane including the inspection operations foreseen by the manufacturer. If the design allows for quick dismounting and inspection, no permanent means of access would be required. If, on the contrary, such dismounting and inspection is not possible, permanent means of access would be required.

7. Machining centres (Docs. 2003.30 & 2004.27)

Mr Umbreit, CEN consultant, recalled that the current standard EN 12417: 2001 required a hold-to-run device to be used when the machinery was operated without guards, but in certain cases this was not compatible with ergonomic requirements. CEN TC 143 had prepared an amendment with specifications for a new operating mode which had been presented at a meeting in Zurich in February. The UNITED KINGDOM had come to the opinion that, in some cases, the protective measures proposed by TC 143 in Zurich provided better protection than hold-to-run controls. DENMARK had also attended the Zurich meeting and agreed with the proposed solution. GERMANY observed that if an alternative operating mode was not defined, the users would be inclined to defeat the protective measures. FRANCE agreed that the standard should evolve and the solutions proposed in the draft amendment were a considerable improvement on previous suggestions. However the UAP adoption procedure was entirely inappropriate for such an important amendment which should be fully debated. SPAIN agreed that specific working conditions must be taken into account but had doubts on the effectiveness of the proposed solution. Other solutions could be envisaged, such as, for example, the use of indirect vision devices enabling the operator to survey the tool zone from a safe distance. FINLAND pointed out that the mode 3 defined by the current standard already represented a reduction of safety. The mode 4 that had been suggested previously would have been even less safe. The new proposal appeared to be an alternative mode 3, however the proposal needed careful study before acceptance. GERMANY stressed that 50% of machining centres in Europe were in Germany. The situations addressed by the draft amendment were quite common. It was important to find engineered solutions that did not simply rely on the operator protecting himself. The draft amendment could probably be further improved.
The UK had rejected a mode 4, but considered that the proposed alternative mode 3 was better than the current mode 3. It would be costly to implement, which meant that there was no incentive to use it in cases where it was not necessary.

The CHAIRMAN concluded that the draft amendment proposed by TC 143 appeared to provide a potential solution; however, given the complexity of the issue, the UAP procedure did not seem appropriate. TC 143 was asked to take account of the opinions expressed in this meeting.


GERMANY had introduced a warning of a formal objection to prEN 13000. GERMANY considered that it was not acceptable to allow the operator to bridge the load/moment limiter. The operator was not able to appreciate the risk created by this action.

Mr Kelp for CEN TC 147 explained that bridging the limiter was necessary in several cases: in order to carry out an overload test, when the crane got stuck or in case of failure of the limiting device. In order to prevent unjustified use, the bridging control must be placed under lock and key, out of the reach of the operator, and the limiter returned to normal functioning automatically. The load indicator continued to function while the load limiter was bridged.

FRANCE supported GERMANY’s objection to the draft standard.

LUXEMBOURG partially supported GERMANY. It should be made more difficult to override the protective device.

CEN stated that EN 13000 would be issued shortly. There was no possibility to change the standard now. The Commission would have to decide whether or not to publish the reference of the standard in the OJEU.

The CHAIRMAN noted that it was not possible for a Member State to use the procedure set out in Article 6.1 of Directive 98/37/EC before a harmonised standard had been issued. The reference would not be published in the OJEU and the procedure according to Article 6.1 initiated if GERMANY made a formal objection after the standard was issued.


The CHAIRMAN explained that, following a fatal accident in the NETHERLANDS, Commissioner Liikanen had replied to a written question from an MEP about the improvement of safety standards for escalators.

THE NETHERLANDS explained that in fact only a few accidents had occurred. The accident that occurred in 1998 involved a child wearing a rubber rain-coat leaning over the hand-rail. The coat stuck to the hand rail and the child was drawn in. A report on the accident had been sent to CEN by the Dutch authorities and the standard had been improved to prevent such an accident recurring.

Mr Bianchini, for CEN TC 10, explained that the risks associated with hand-rails had been dealt with by two measures: the requirement for a guard and an emergency switch and the definition of the angle of entrance. EN 115 was under revision, with the aim of bringing the structure of the standard into line with the requirements of EN 414. Any safety input or information from accident reports would be taken into account.

GERMANY had surveyed the accidents. There had been an accident in which a child in a department store had been drawn into the mechanism. It was necessary to consider places where children were particularly likely to be present.

FINLAND observed that the vast majority of accidents involved passengers falling down the moving stairs. One accident per year could be attributed to the design of the escalator. One fatal accident had occurred with a child using the escalator alone in a department store.

ITALY had recorded a fatal accident in a railway station during the maintenance of an escalator. The escalator had inadvertently restarted with a step missing and a user had fallen through the gap.

Mr Bianchini said that, following this accident, TC 10 was examining the possibility of detecting missing steps.

The CHAIRMAN asked the Member States to report their experiences to CEN.

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The UNITED KINGDOM reported work on vibration of hand-held tools. The Machinery Directive required a declaration of vibration emission, but the declared value did not necessarily provide an accurate indication of the real exposure of the user. The UK considered that this fact should be indicated according to the requirement to inform the user on residual risk.

CENELEC presented Doc. 2004.06 prepared by TC 61F on vibration requirements in standards on hand-held power tools. The document recognised the need to improve test codes, to provide information on safe use and to provide warnings on residual risk. Some new test codes were already under development. Others were considered suitable. Requirements for information on safe use would be reviewed. This included advice on training and proper maintenance to maintain the level of vibration at the declared level. Concerning the warning on residual risk, a proposed wording had been drafted which could easily be improved if necessary. The warning stated that the level of vibration measured according to standard XXX could be used to compare one tool with another. The measured level might underestimate the real exposure level. The time of use should be taken into account.

The UK agreed that these measures provided a basis for progress.

GERMANY agreed with CENELEC’s proposals. Results obtained in the laboratory could be compared with measurements made in the workplace.

ITALY noted that measurements of vibration exposure in the workplace currently showed a wide discrepancy with the results of laboratory tests. Standards should require full information.

FRANCE observed that with the entry into force of Directive 2002/44/EC on exposure to vibrations, users needed reliable information on emissions in order to choose machinery with as low a level of emission as possible. Test codes should produce results that provided a good estimate of the real exposure level, despite the artificial conditions of measurement. Comparative emission data was needed to establish the state of the art and help users choose machinery with low emissions.

LUXEMBOURG agreed with FRANCE. It was possible to ban machinery with too high a level of vibration emission if other machinery with the same performance and a lower level of vibration emission was available.

The CHAIRMAN concluded that the concept of a warning presented by CENELEC was welcomed by the MDWG and underlined the importance of continuing to develop the product test standards.


FRANCE presented Doc. 2004.09 which was a notice published in the French Official Journal drawing the attention of all interested parties to the conclusions of a comparative study carried out by the French Institute of Occupational Health and Safety on vibration emissions from concrete breakers. The manufacturers of such machinery had developed machinery with lower emissions. The study showed that the state of the art made it possible to limit emissions to below 8 m/s². This result had not been challenged by the manufacturers. However, the existing standards did not give any indication as to the level of vibration reduction that could be achieved. FRANCE hoped that the Commission would give a special mandate to CEN to include the necessary information in standards.

The CHAIRMAN suggested that the standardisation organisations should take account of the French results.

CEN replied that standardisers were willing to go in this direction, but in order to establish comparative data, research was needed and someone had to pay for it. CEN suggested that the question be discussed in the Advisory Nucleus for the machinery sector.

The CHAIRMAN observed that, in this case, the necessary research had been financed by FRANCE.

CENELEC agreed to examine the French proposal. The state of the art might be different for electrical and pneumatic tools.

The CHAIRMAN underlined that the French study had produced uncontested results that could be used by manufacturers and market surveillance authorities in all the Member States. He welcomed the fact that CEN and CENELEC had agreed to examine the possibility of introducing comparative emission data in C-type standards.

21. Miscellaneous

UK suspended safeguard clause on EN 693
The UNITED KINGDOM requested a report from CEN on action taken following the suspension of the UK safeguard clause relating to EN 693 and the letter sent to CEN by the Commission.
12 MAY 2004

The remaining points on the agenda were carried over to the next meeting, planned on 11th and 12th October 2004.
**Summary of questions to be followed-up at the next meeting**

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## RECOMMENDATIONS FOR USE SHEETS (RfUs)
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<td>Hydraulic presses, Mechanical restraint device, Production and Maintenance</td>
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<td>05</td>
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(1) : CNB/M/xx.xxx RERev yy = Coordination of Notified Bodies/Machinery/Numbering of the RfUs
(2) : NBs = Notified Bodies

12 MAY 2004
MINUTES OF THE MEETING HELD ON 11-12 OCTOBER 2004

Subject: Working Group of Committee 98/37/EC concerning Machinery
Place: Albert Borschette Centre, Brussels
Chairman: Mr Martin EIFEL
EC Participants: Mr Ian FRASER, Mr Georg HILPERT, Mr Fabrizio SACCHETTI, Mr Corrado MATTIUZZO, Mr Mario GABRIELLI COSSELLU

1. Welcome

The CHAIRMAN welcomed the participants and presented the Agenda. FINLAND proposed to discuss on relations between the Machinery Directive and other directives with regard to safeguard clauses, addressed in Doc. 2004.48. The CHAIRMAN noted that new documents had been added: Docs. 2004.47 and 2004.50 from Mr Adorian for PAC-IPAF on item 13; Doc. 2004.49 on item 5 from SPAIN, presented at the last ADCO meeting; and Doc. 2004.51 from FRANCE, on item 8.

With these additions, the draft Agenda was accepted.


Mr Jockers for NB-C stated that on 4 October he had sent an e-mail to propose some changes to point 4 of the report about representation of NBs. The CHAIRMAN confirmed that these modifications were accepted and would be included in the minutes.

With this correction, the minutes of the meeting held on 12 May 2004 were approved.


a) Safeguard clause on EN 12525 - Front loaders

Mr Riekeles for CEN presented Doc. 2004.41 with the results of the meeting held on 23 June. This report had been presented to the TC at the end of July and no comments had been received. The document would be examined by CEN members until 1 November and then, after approval by the CEN consultant, would be submitted to final vote. FRANCE said that a formal objection was presented in 2002 and then suspended when CEN made the commitment to review the standard. The first solution proposed by the Working Group was that the safety valve should be optional. This was unacceptable. The second proposal described in the prEN subject to enquiry was better: the safety valve was no longer optional and the operator would be able to de-activate it. However it was not specified that the active position should be the default position. FRANCE agreed that de-activation should be allowed to enable a floating function or to damp vibrations, but the control should be in a position where the operator had full visibility of the loader and it should require positive action of the operator. A simple on/off button would not be acceptable. If the document was approved as such, FRANCE would reactivate the safeguard clause.

Mr Riekeles for CEN reported on the discussions on FRENCH concerns in the CEN working group. The Nordic Countries appeared to disagree with France: an agreement among the Member States was necessary in order for CEN to reach a decision.
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FINLAND observed that safety valves did not work in very cold conditions; a floating system was needed for snow clearance in winter.

ITALY remarked that standards tended to allow bypassing of safety devices too easily, as was shown by the German objection to the standard on mobile cranes.

SWEDEN agreed with FINLAND.

NORWAY in general supported FRANCE but thought that the technical problems raised by Finland must be taken into account.

The NETHERLANDS shared the FRENCH concerns but also recognised the problem raised by Finland concerning cold conditions. Could there be special requirements?

The CHAIRMAN pointed out that the problem raised by Finland existed for safety valves on many other types of machinery. He thought that standards should cover the majority of cases.

Mr Riekeles for CEN stated that the experts would investigate the possibility to have “regional annexes”, even if such provisions might create problems for free circulation in the internal market.

FRANCE said that the question of cold weather had not been raised at the Working Group, but only the need for a floating position and the need to damp vibrations. There were cold regions in France too. Three solutions to the problem of cold were available: switching on the engine some time before use, the use of heating girdles for the hydraulic circuit or the use of cold resistant hydraulic fluid.

The UNITED KINGDOM agreed that specifications dealing with different climatic conditions could give rise to problems for free circulation, but also remarked that it was necessary to consider the need to control the safety valve from the operating position.

The CHAIRMAN concluded that CEN would have to take in account these considerations in order to avoid reactivation of the safeguard clause, especially to ensure that the default safety position of the machine could only be de-activated by a voluntary action of the operator.

b) Rules of procedure

The CHAIRMAN reported that preparation of the rules of procedure of the Committee had not yet been concluded. This topic would be tabled again at a meeting in February 2005.

c) OJEU standard reference publication policy

The CHAIRMAN said that this subject was to be discussed at point 6 of the Agenda.

d) Garden shredders - EN 13683

GERMANY stated that they would submit a formal objection against the standard within four weeks and that the issue could be discussed at the next meeting.

e) Industrial truck pedals

The CHAIRMAN recalled the risk of confusion relating to the forward and reverse functions being on the same pedal, and asked CEN for report on progress.

Mr Riekeles for CEN stated that standard EN ISO 21281 had already been adopted. One configuration of pedals had been removed, but the contested one was still included.

The CHAIRMAN stated that before publication in the OJEU, the Member States should analyse the new standard to check whether it answered their concerns.

AUSTRIA asked for the position of the CEN consultant.

Mr Schmidt, CEN consultant explained that a modification had been made to the EN ISO 21281 standard, but it was not satisfactory; it would take time to change manufacturers’ mind to assume a common “European control” in this kind of machinery.

The CHAIRMAN concluded that the MS clearly wanted to eliminate the option with forward and reverse controls on the same pedal from the standard.

f) Plate clamps

Mr Riekeles for CEN reported that an amendment had been drafted to EN 13155 relating to non-fixed load lifting attachments in order to add to the marking and the instructions information on the maximum and minimum load limit for plate clamps to avoid the risk of fall of the load. The amendment would be adopted under the UAP procedure.

The UNITED KINGDOM thanked CEN for this satisfactory response.

g) Visibility from earth moving machinery
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Mr Steiger for CEN reported on the revision of EN 474. In the revision of the standard, a reference to the revised version of ISO 5006 would incorporate the most recent innovations based on the state-of-art, in order to gain an improvement for safety.

The UNITED KINGDOM welcomed some progress, but was not convinced that it was enough. Previous drafts of ISO 5006 were not adequate on near vision towards the rear for some machinery. If their concerns were not fully met they would object to the revised standard.

Mr Steiger for CEN replied that the standard included requirements for near vision for all machinery in its scope.

The CHAIRMAN suggested that the UK should verify the standard.

h) Agricultural spraying booms

Mr Riekeles for CEN declared that there was no updated report on the revision of EN 907 to answer the UK concerns. The problem was to fix a height limit.

The UNITED KINGDOM underlined that there had been fatal accidents in the UK among farmers using these machines, so they were trying to establish a safe default folding position at 4 m.

BELGIUM pointed out the problem of not having enough standards if the references were not published due to opposition from one Member State.

The CHAIRMAN clarified that, according to the Directive, only a formal objection would hinder the publication of the reference of a standard in the OJEU, provided it was conformity with the mandate to the European Standardisation Organisations. Discussions such as this served to inform the standardisation organisations of the opinions and intentions of the authorities.

Mr Riekeles for CEN would transmit all these considerations to the working group and would report at the next meeting.

i) Pumps - EN 809

The CHAIRMAN stated that it had been agreed with the Unit dealing with the Construction Products Directive (CPD) that the involved TCs should work together in order to address all requirements and state in the Annex Z of the standard which requirements of the respective Directives were covered, as had already been done for the standard on garage doors EN 12978. For the interface with the Low Voltage Directive (LVD), the standardisation organisations should make sure there were not overlaps, in accordance with the agreement reached concerning the borderline.

Mr Riekeles for CEN thought it was a good proposal and quoted another example: the CPD standard EN 12050:2001 on lifting plants for waste water, the Annex Z of which only refers to the CPD but which also deals with the risks of noise and explosion. It was necessary to decide which Directive applied for such safety requirements, taking in account that the MD dealt with these questions in more detail than the CPD. It was not possible to apply two Directives for the same risk. Furthermore, under the CPD, involvement of a Notified Body was mandatory. A specific discussion on these topics was needed in CEN.

The CHAIRMAN asked the CEN TCs to submit detailed proposals to the Commission on these topics in order to find solutions.

BELGIUM remarked that it was fundamental to carry out a good risk assessment to know which Directive to apply, as well as which requirements to address in harmonised standards.

AUSTRIA agreed with CEN on the importance of clear borderlines and pointed to the difficulties relating to market surveillance in such cases. There was a need for guidance from the Commission.

SWEDEN observed that Article 1.4 of the Machinery Directive regulates the borderline: if hazards were dealt with in more detail in other directives, these should be applied. If there were specific mandates under the CPD, the CPD would be the applicable Directive.

The CHAIRMAN concluded that CEN should work on resolving the problem with the TCs and the relevant Commission services. For the manufacturer, the best solution was always for a product to be covered by a standard covering the requirements of all the applicable Directives, but it was CEN’s decision as to which products and requirements a standard should address.

j) Stability of industrial trucks

Mr Riekeles for CEN reported on progress about stability of industrial trucks, with no news from the working group.

Mr Schmidt, CEN consultant reported that this was one part of the revision of EN standards under ISO leadership (draft standards ISO CD 3691, parts 1 to 6). There was much work to be done before this standard could be accepted in the EU as a harmonised standard. In particular, a solution was being sought to deal with...
requirements for driver training. These could be included in the requirements concerning the manufacturer’s instructions, but the standard itself could not cover driver training.

BELGIUM asked for a clarification on the revision of EN standards “under ISO leadership”.

Mr Schmidt, CEN consultant explained that the conversion from EN to EN ISO standards was taking place under the Vienna agreement with the agreement of CEN TC 150.

The UNITED KINGDOM found the globalisation of standards positive, but pointed out that if it would take too long to revise standards under ISO lead there would need to revise the current EN standard.

FRANCE agreed with the UK: there was an open list of unresolved issues for industrial truck standards, including the Commission mandate relating to requirements on stability, problems of visibility, ergonomics (pedals), etc.

Mr Riekeles for CEN understood such concerns but stressed the importance of global standards for an industry manufacturing products for Europe and for outside Europe. Working for global standards could cause some delay, but it would offer greater opportunities to exchange experiences, carry out tests and share costs. For all these reasons, CEN TC 150 had decided to revise these standards at an international level.

The CHAIRMAN stressed that the mandate concerning stability requirements had been issued 4 years ago and there was a limit for how long one could wait for ISO. Considering that there were no significant results, the question would be discussed again at the next meeting.

m) Vibrations by concrete breakers

The CHAIRMAN asked CEN and CENELEC for a report on the possibility of including comparative emission data in C-type standards.

Mr Steiger for CEN said that inclusion of “achievable” noise emission values in the standards had been previously rejected. The position of the Member States was needed.

Mr VETSUYPENS for CENELEC reported that vibration levels for electrical concrete breakers had been examined and they were typically around 18 m/s² compared with the French reference value of 8 m/s². There was obviously a need for further study.

FRANCE stressed that the proposal was based on data collected in France; the emissions of electrical concrete breakers were indeed higher than average, but this was because the necessary protective measures had not been taken; there was no technical obstacle for electrical concrete breakers to reach acceptable emission levels. The need for a solution came from the users subject to the new use legislation and the contribution of all parties was needed. FRANCE would be prepared to participate in a study group on the issue.

The CHAIRMAN pointed out that the conclusion of item 11 at the last meeting implied further studies in the field and said that the issue would be followed up at the next meeting, giving CEN and CENELEC the opportunity to develop their thinking.

The UNITED KINGDOM remarked that vibrations on this type of machinery caused significant damage to health. Users required information on the residual risk in order to respect the new exposure limits.

Mr VETSUYPENS for CENELEC said that the information on residual risks had been agreed at the last meeting. He proposed to create a study group on the issue raised by France and asked if other Member States were willing to participate.

The CHAIRMAN noted the interest of the UK, GERMANY, FRANCE and SWEDEN to participate in the proposed Cenelec study group. The follow up would continue at the next meeting.

n) Safeguard clause on EN 693 - Hydraulic presses

Mr Riekeles for CEN presented a report from the convenor of the WG on the amendment of the standard, following the suspension by the UK of their safeguard clause on EN 693 (Doc. 2004.43). The relevant requirements were common to hydraulic presses, press brakes (EN 12622), mechanical presses (EN 692) and pneumatic presses (EN 13736). Therefore the review of EN 693 should be done in parallel with the review of the other mentioned standards. CEN would present detailed proposals.

Mr Umbreit, CEN consultant, remarked that there was no agreement to abandon two-hand control for small hydraulic presses. He requested the UK to make proposals.

The UNITED KINGDOM was not sure about the progress on this question. The quoted standards dealt with identical risks in different ways and a common solution should be developed.

Mr Fraser for the Commission recalled the conclusion the previous discussions on this question: the UK objection was not supported since the standard did not in fact allow the use of two-hand controls as the sole protective measure preventing access to the tools area. However, this was not expressed clearly in the standard: it was necessary to consider the specifications of three clauses together. The objective of the amendment should be to state clearly, in the clause dealing with protection of the tools area, that two-hand controls alone were not
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sufficient and to specify which other protective measures could be used together with two-hand controls to provide adequate protection.

DENMARK informed that the revision of EN 693 would be delayed due to the ongoing revision of EN 12622 on press brakes, which no longer allows for two-hand controls.

SWEDEN stated that the problem of risks to third persons exists also for standards developed by other TCs, making a more general approach necessary.

The CHAIRMAN thought that CEN TC 143 at least should be able to develop a common approach to deal with similar risks and asked for more information at the next meeting.

o) Automatic dough dividers

Mr Vandegaer, CEN consultant presented doc. 2004.42. He reported that the French objection to the sole use of safety distances to prevent access had been resolved, but that there were now discussions on other issues.

FRANCE was satisfied, but pointed out that the WG still had to fully accept the conclusions of the CEN consultant.

The CHAIRMAN concluded that the result would be checked at the next meeting.


Mr Jockers for NB-M reported on the NB coordination. The last meeting was held on 3 June with 25 NBs out of the existing 180 NBs, including one of the new Member States. Unfortunately not all NBs seemed to be represented at the coordination meetings. The Member States should ensure that all NBs take into account and apply the Recommendations for Use from the coordination.

On RfUs, the comments received from the Member States had been addressed to the relevant vertical groups (VGs) and their responses sent back to the MS. The status was presented in doc. 2004.36, with some comments from SWEDEN, some of them discussed and accepted, others to be discussed as soon as possible.

The question of the validity of EC type examination certificates had been discussed at length and it had become clear that there was a need for a horizontal solution. The Coordination of the NBs would prepare a letter about it.

The next meeting was planned for 9 December.

AUSTRIA suggested that the new rules on validity of EC type-examination certificates in the revised Machinery Directive could be used as a guideline.

The UNITED KINGDOM explained that they ensure appropriate participation of their NBs by holding a preparatory UK NB meeting, the chairman of which is mandated to represent the NBs at NB-M. The chairman reports back to the other NBs. They stressed that RfUs were just “recommendations”, however the NBs were subject to an annual surveillance procedure and the authorities could revoke notifications if necessary.

The CHAIRMAN underlined the importance all NBs being represented and found that the UK system seemed to be a good example to follow. On the validity of EC type examination certificates, he recalled that no limit was specified in the Directive, so the certificates had no time limit. But the NBs should update their certificates in order to take account of the development of the state of the art. The European Parliament had proposed an amendment to the draft revised Directive, supported by the Commission and the Council, to introduce a provision for a request to renew certificates every five years as an extra safeguard to the obligation to keeping up with the state of the art.

On RfUs it was clear that they were not obligatory but they always had to be taken into account.

Aircraft lifting devices

Mr Jockers for NB-M explained that a NB had asked if aircraft lifting devices were to be considered as vehicles servicing lifts according to Annex IV. It had been decided to refer the question to the Machinery Working Group.

The NETHERLANDS pointed out that there had been no intention to include such products in Annex IV of the MD when it was drafted, even if the risks appeared to be the same.

SWEDEN said that the machinery in Annex IV was of another type and that similar risk was not a good criterion. The intention of legislator should be taken into account.

SPAIN requested a translation of the German document (2004.37), but considered that the decision should be based on the text of the Machinery Directive and not on the intentions of the legislator.
ITALY agreed with SPAIN the need for a translation of the German document. The opinions of the Committee had been rather restrictive on machinery in Annex IV, avoiding extension to new machinery based on risk, so aircraft lifting devices should not be considered as Annex IV equipment.

GERMANY thought that these aircraft lifting devices were included in Annex IV: aircraft and trains were vehicles too, and machinery used to lift them during maintenance should be included.

FINLAND said that the vehicle lifting devices, including for aircrafts, were in Annex IV for the risk related to work below the load; there were other examples where risk had been used to evaluate whether lifting equipment should be included in Annex IV.

The CHAIRMAN recalled that, in the terms of Article 1(3) of the Machinery Directive, aircraft were included among vehicles. Since Annex IV referred to “vehicles servicing lifts” there appeared to be a solid legal basis for considering lifts for servicing aircraft as Annex IV machinery.

FRANCE reserved their position until the next meeting, but commented that there was a question on the technology of the lifts: if only part of the aircraft was be lifted, it would be necessary to consider the consequences of a decision which could involve other devices using the same technology, but that were not servicing lifts.

DENMARK and BELGIUM said that aircraft lifting devices might be considered as vehicles servicing lifts, but they had not been so considered up to now. It would be better not to change attitude and thus not to include them in Annex IV.

The UNITED KINGDOM considered that the intention of legislator was the key to the decision. Vehicles servicing lifts in the UK were used to lift the whole vehicle and this was not the case for aircrafts: on the contrary, several lifting devices or jacks would be needed.

Mr Jockers for NB-C pointed out that often the whole aircraft is lifted by a synchronised system of several lifting devices. Indeed the question followed an accident caused a loss of synchronisation. Although this issue had not caused major problems during 10 years of application of the MD, sometimes type-examination certificates were presented in accident investigations. He proposed that the NB which raised the question should present a document in English, in order to further study and discuss the question at the next meeting.

The CHAIRMAN concluded that a decision would be made at the next meeting based on the acquired knowledge and the promised new NB document in English.

b) Recommendations

The CHAIRMAN explained the procedures for endorsement of Recommendations for Use, as well as the current situation on endorsement and publication on EUROPA of RfUs. The use of CIRCA in the Written Procedure, and the Oral Procedure at the meetings, appeared to work well.

Mr Gabrielli Cossellu for EC explained some aspects of the RfUs to be endorsed, referring to Doc. 2004.36 and related documents (comments and answers), as well as the uploading to CIRCA of a group of RfUs to be endorsed under Written Procedure until December 2004 and January 2005.

c) Approval of recommendations

The CHAIRMAN presented the RfUs submitted to Oral Procedure, for which comments were produced:

- CNB/M/01.026/R/E/Rev 4: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had accepted to delete the RfU to issue Rev 5. The WG would wait for this new revision and discuss it at the next meeting.
- CNB/M/01.039/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had accepted to withdraw the RfU.
- CNB/M/01.040/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had accepted to withdraw the RfU.
- CNB/M/01.042/R/E/Rev 3: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had not accepted the comment. SWEDEN withdrew the comment and accepted the RfU that was endorsed by the WG.
- CNB/M/01.045/R/E/Rev 3: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had not accepted to modify the RfU. SWEDEN said that it was difficult to see the difference between saws for wood and the other ones, and asked for explications. Mr Jockers for NB-C had no more explanations. The WG asked VG1 for explanations and would discuss them at a future meeting.
- CNB/M/01.047/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had not accepted the comment. SWEDEN said that the question had no longer any importance because the standard was modified so the RfU should be modified too. The WG would communicate this to VG1 and discuss the new version of the RfU at the next meeting.
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- CNB/M/01.050/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C confirmed that the comment was not fundamental. SWEDEN confirmed that the problem was solved. The WG endorsed the RfU.

- CNB/M/01.056/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had not accepted to delete the RfU. SWEDEN said that it was a very general note considered not adequate: there should be a more technical explication as an answer to the question. Mr Jockers for NB-C said that for this kind of machinery, in other standards there were similar statements based on agreement by NB Coordination. SWEDEN said that it was necessary to explain the value of 1.5 mm in the standard and not in a very general note as was the case. Mr Jockers for NB-C justified the note as being useful for manufacturers, but he would ask for a clear explication from VG1 to be discussed at the next meeting.

- CNB/M/01.057/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG1 had not accepted to modify the RfU. SWEDEN remarked that this topic had already been discussed at last meeting. Mr Jockers for NB-C said that this RfU had been drafted by highly skilled experts from NB Coordination and VG1 had considered the document to be good enough, but if there were comments it would be impossible to publish the RfU, so he would ask for more specific motivations from VG1. The CHAIRMAN said that there were objections also from SPAIN, the UNITED KINGDOM and others, with important concerns to take into account. The WG would discuss the information about the RfU at the next meeting.

- CNB/M/03.004/R/E/Rev 5: comment from SWEDEN. Mr Jockers for NB-C confirmed that the RfU had been withdrawn and replaced by CNB/M/00.250/R/E/Rev 4. MS would verify that the replacement was satisfactory.

- CNB/M/03.023/R/E/Rev 4: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG3 deleted the RfU on March 2003.

- CNB/M/03.034/R/E/Rev 4: comment from SWEDEN. SWEDEN confirmed that they have removed the comment. The WG endorsed the RfU.

- CNB/M/03.053/R/E/Rev 4: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG3 deleted the RfU on September 2003.

- CNB/M/03.090/R/E/Rev 12: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG3 had not dealt with the comment yet. The WG would wait for a reply from VG3 to discuss the RfU at the next meeting.

- CNB/M/03.112/R/E/Rev 6: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG3 had not dealt with the comment yet. The WG would wait for a reply from VG3 to discuss the RfU at the next meeting.

- CNB/M/03.162/R/E/Rev 4: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG3 had not dealt with the comment yet. The WG would wait for a reply from VG3 to discuss the RfU at the next meeting.

- CNB/M/04.041/R/E/Rev 4: comment from SWEDEN. SWEDEN said that they have received a long reply from VG4 but had difficulties to understand it, also considering the comment as a "private opinion".

- CNB/M/04.048/R/E/Rev 2: comment from SWEDEN. SWEDEN did not agree with the VG4 reply and considered that the RfU was not to be endorsed. There would be a response and further discussion at the next meeting.

- CNB/M/04.056/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C declared that there was a reply not transmitted to the WG yet. Discussion would be at the next meeting.

- CNB/M/06.021/R/E/Rev 4: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG6 had not dealt with the comment yet. The WG would wait for a reply from VG6 to discuss the RfU at the next meeting.

- CNB/M/06.034/R/E/Rev 2: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG6 had not dealt with the comment yet. The WG would wait for a reply from VG6 to discuss the RfU at the next meeting.

- CNB/M/09.205/R/E/Rev 7: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG9 had not dealt with the comment yet. The WG would wait for a reply from VG9 to discuss the RfU at the next meeting.

- CNB/M/09.206/R/E/Rev 2: observations from discussions in HC meeting. Mr Jockers for NB-C confirmed that VG9 had not dealt with the observation yet. The WG would wait for a reply from VG9 to discuss the RfU at the next meeting.

- CNB/M/09.207/R/E/Rev 4: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG9 had not dealt with the comment yet. The WG would wait for a reply from VG9 to discuss the RfU at the next meeting.

- CNB/M/09.311/R/E/Rev 4: comment from SWEDEN. Mr Jockers for NB-C confirmed that VG9 had not dealt with the comment yet. The WG would wait for a reply from VG9 to discuss the RfU at the next meeting.

The CHAIRMAN confirmed that all these RfUs were uploaded to CIRCA and available for comments, as well as the most recent ones for the new Written Procedure. At the next meeting more information would be available and the RfUs not yet endorsed would be further discussed.
Mr Vetsuypens for CENELEC presented a progress report on standardisation, about the current situation and corresponding Annexes Z.

AUSTRIA mentioned a problem relating to amendments of EN 50144-1 on hand-held machinery which had not been translated into German; were these standards still valid or had they been replaced by the EN 60745 series?

Mr Vetsuypens for CENELEC said the valid standard could be found by consulting the consolidated list communicated to the Commission. However he would seek more information and prepare a statement for the next meeting.

The CHAIRMAN confirmed that this question could be discussed at the next meeting.

CEN

Mr Riekeles for CEN reported that 540 machinery standards had now been adopted by CEN. Unfortunately there had been serious delays in publishing the references of harmonised standards in the OJEU. After some delay, CEN had sent a list with 44 new references to the Commission in June 2004, only to be returned to CEN due to errors in the list. It was very uncertain when an important standard such as EN ISO 12100 (revised version of EN 292), could be referenced, causing problems for manufacturers wanting to have presumption of conformity from using the new standard EN ISO 12100. An immediate solution should be found.

He further presented an initiative on global harmonisation of Machinery standardisation, as given in Doc 2004.52, where EN ISO 12100 would be the centrepiece giving common regulatory objectives using the WTO as a platform.

The CHAIRMAN agreed with the importance of a policy on global harmonisation of standardisation. The Commission was currently discussing the issue in order to adopt a coordinated approach. Concerning the publication of references in the OJEU, the standardisation organisations had agreed to provide consolidated lists per Directive in all 20 official languages in order for the Commission to be able to make accurate publications following the enlargement of the EU. CENELEC already provided such lists, but CEN had encountered problems when developing such lists and had failed to provide them to date. Therefore the Commission had been unable to publish a new list since the last one published on 20 April 2004, just before the enlargement of the EU on 1st May 2004. CEN had recently met with the Commission in order to try to resolve the issue as rapidly as possible. He emphasized that the Commission attaches great importance to quick publication of correct consolidated lists in all 20 official EU languages in order to ensure transparency and legal certainty on which standards provide presumption of conformity with the Machinery Directive.

The UNITED KINGDOM asked how ISO standards which contained regional “options” would be translated into EN standards; would it be mentioned in the instructions which “option” had been applied to the product in order to inform the users.

The CHAIRMAN remarked that the Commission had given their opinion to CEN that, in order to ensure maximum clarity for the users of standards, there should be no such options in the EN standards. If the ISO standard contained such options, CEN should issue a separate EN standard containing only the “EU-option”.

Mr Riekeles for CEN responded that separate standards were not in the interest of manufacturers and politically not interesting; the aim should be to agree on acceptable standards within ISO, if necessary with “options”, avoiding comments on a perceived “Fortress Europe”.

Mr Vetsuypens for CENELEC said that their long-term policy had been to publish international standards, modified if necessary, as EN standards giving presumption of conformity in a transparent way, in accordance with the Commission line. There was no perception of “Fortress Europe”.

FRANCE commented that Europe was not the only region sometimes perceived as a “fortress”: Japan or the USA often gave the same impression. The only relevant question was how to achieve clarity on the relation between the standard and the Directive via the Annex ZA.

BELGIUM asked for the “added value” of CEN’s approach.

The CHAIRMAN explained that the Commission doubted whether there was any added value: the aim should be to give clear information to the manufacturers on the presumption of conformity with the Directive provided by the standard, avoiding any ambiguity.

The UNITED KINGDOM agreed with FRANCE and recalled that the harmonising directives are based on Article 95 of the Treaty. Valid and complete EN standards are an important tool for promoting the competitiveness of EU industry.

Mr Steiger for CEN underlined the advantages of the European approach and its attractiveness to other regions in the world; the opportunity of extending it should not be lost.
Mr Riekeles for CEN finally remarked that EN ISO standards to be published in the OJEU followed the same procedure as EN standards developed by CEN, including the assessment by the CEN consultant before being submitted to formal vote.

Spain presented Doc. 2004.49, developed as an ADCO document, on conflicting standards for woodworking machinery. The study demonstrated problems relating to standards from CEN and CENELEC which addressed the same type of machinery but led to different safety levels. Such a situation probably occurred due to the unsatisfactory borderline between the MD and LVD together with a lack of cooperation between CEN and CENELEC. Risk assessment should decide the safety level of standards and the standardisation organisations should actively coordinate their work.

Switzerland presented Doc. 2004.49 relating to dishwashing machinery for which two competing standards had been developed. The scopes of the draft standards prEN 50416 from CENELEC and prEN 14957 from CEN were identical, creating problems for stakeholders.

Mr Vetsuypens for CENELEC explained that it had been agreed that CENELEC would deal with MD standards for hand-held and transportable tools (i.e. those that can be moved by one person) and that CEN would deal with the others. Doc. 2004.49 compared standards EN 1870-1 and EN 61029-2-1 which concerned transportable and non-transportable machinery respectively, for which the different requirements could be explained by the different characteristics (e.g. transportability) and dimensions of the machinery.

On the contrary, Doc. 2004.38 raised a real problem of overlapping of standards. CEN and CENELEC could not agree and both had continued to develop their standard on commercial dishwashing machines. The CENELEC standard was at formal vote, had been positively assessed by the CEN consultant and would soon be ready for publication in the OJEU.

The CHAIRMAN stated that the only sensible solution would for the standardisation organisations to agree on how to resolve the issue in order to have only one standard for the machinery in question. The Commission could obviously not publish the references of both standards in the OJEU, and there had to be an agreement before any references would be published.

Mr Riekeles for CEN said that in general CEN and CENELEC secretariats communicated well, but it was not the same at TC and WG level. There could be no standards with overlapping scopes. He suggested that the best standard of the two should be published, and the case would serve as a lesson for the future. The situation was further complicated by the fact that two different consultants followed the two standards.

Mr Vandegaer, CEN consultant confirmed that the consultants had to check that there was no overlap of scope. If it was decided that the CENELEC standard had priority, the CEN standard should be dropped.

Mr Vetsuypens for CENELEC agreed with the CHAIRMAN but remarked that there were only a few cases of overlaps coming from the interpretation of the term “household or similar appliances”. Normally the division of “household” belonging to CENELEC and “industrial” to CEN worked well.

Belgium stressed that the Commission had to decide for which standard to publish the references.

The CHAIRMAN invited the standardisation organisations to resolve the situation and to investigate, discuss and communicate any similar problems.


Mr Vandegaer, CEN consultant presented Doc. 2004.40 - Rules for the citation of Machinery safety standards in the OJEU. References of C-standards should be systematically published in the OJEU ensuring clarity. References of A- and B-standards should be published if they have a direct link to the application of one or more EHSR.

Switzerland argued that a B-standard, such as EN 294 with two alternative tables giving safety distances for “high” and “low” risk, was an excellent guide when drafting C-standards, but it was not suited for achieving presumption of conformity on its own. Similarly, the B-standard dealing with two-hand controls includes several types of controls to be chosen in C-standards.

Mr Vandegaer, CEN consultant replied that the presumption of conformity given by an A- or B-standard was different from that given by a C-standard, as described in Doc. 2004.40. CEN proposed to add a warning to this effect when the references of A- or B-standards were published in the OJEU.

Mr Riekeles for CEN stated that the concept of dividing the publication of references into the three categories of standards and the respective explanation notes were described in chapter 4 of the document.

The UNITED KINGDOM remarked that the revision of the New Approach should be considered.
POLAND asked for explanations on note 3 in chapter 2; could several harmonised standards referenced in the OJEU be combined in order to cover all the applicable EHSRs and provide presumption of conformity?

Mr Riekeles for CEN explained that the note came from Commission guide to the MD (comment 214). Each specific case had to be examined in order to find out if there were appropriate harmonised standards covering all the relevant EHSRs which could be used. If it was the case, the simplified procedure could be used.

AUSTRIA agreed with the UK that this issue should be resolved at horizontal level.

The CHAIRMAN stated that the document addressed issues that had needed resolving for a long time. It was a step in the right direction and with some improvements it would be possible to apply the proposed policy. The Commission would discuss the document with Mr Vandegaer in order to finalise it. Eventually, further discussions with the standardisation organisations would be needed in order to agree on how and when they could provide consolidated lists split into A-, B- and C-standards.

Mr FRASER for the Commission remarked that consistency with the New Approach was important, but that the concept of A-, B- and C-standards was specific to the field of machinery.


The CHAIRMAN introduced the subject saying that, given that machinery standards were starting to be more frequently replaced and that a horizontal New Approach agreement had been reached on the presentation of the references of standards in the OJEU, it would be interesting to hear the opinion of the WG on how to deal with information on the validity of replaced standards which was part of the horizontal agreement. Today, CEN in general withdrew replaced standards 6 months after the date of publication of the new standard (i.e. frequently before the publication of the references in the OJEU) and provided no information on this in the OJEU. CENELEC, on the other hand, had been giving very detailed information about the validity of superseded standards, which had not been presented in the OJEU in the past, due to the need to keep a common presentation format based on the more numerous CEN standards.

Doc. 2009.29 was an extract of the list according to the horizontally agreed format provided by CENELEC. 2004.30 was CENELEC’s position and 2004.39 was CENs position.

Mr Vetsuypens for CENELEC presented the approach outlined in Doc. 2004.30, which gave a transparent presentation on the validity of the presumption of conformity of the standards.

Mr Riekeles for CEN presented Doc. 2004.39 saying that CEN had felt the need to address this issue due to more frequent revision and amendment of standards. The default date for withdrawal of superseded standards was 6 months, but industry sometimes requested up to 3 years. CEN suggested a coordinated minimum transitional period of 1 year and a possibility to extend it to a maximum of 3 years.

ITALY remarked that the presumption of conformity was linked to the publication in the OJEU. The transitional period started with the publication in the OJEU.

The CHAIRMAN stated that, in the context of publication in the OJEU, only the date when the standard no longer provided presumption of conformity was relevant for the users of the standards. The standardisation organisations should indicate these dates in the consolidated lists and withdraw the replaced standards for which the transitional periods have expired. The transitional periods decided by the standardisation organisations should be as short as possible, giving manufacturers time to adapt, but there would be a possibility to extend them if necessary.

FRANCE remarked that it was important to ensure that replaced C-standards with a lower level of safety than the new standard were quickly phased out and that clear information on this was given to the users. The CEN consultants should take part in establishing the transitional periods.

GERMANY said that when defining transitional periods, it would be necessary to take account of the users’ need to adapt.

SPAIN asked why CEN and CENELEC did not simply use the same format without such complications. The CENELEC format had only the date of cessation of the presumption of conformity but lacked the information on the beginning of the presumption of conformity. If such information was added, the information would be complete. The transitional periods needed to be realistic for manufacturers.

The CHAIRMAN recalled that the date of beginning of the presumption of conformity was the first publication in OJEU. Unfortunately a horizontal New Approach decision had been taken to remove such information and it would not be included in the consolidated lists supplied by the standardisation organisations.

Mr Riekeles for CEN said it was regrettable if the first date of publication was no longer included in the publication. Hopefully it was a misunderstanding and it would be possible to add it to the lists.
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The CHAIRMAN suggested that CEN and CENELEC investigate if they could indicate the date of first publication in their consolidated lists for machinery standards. Since the WG appeared to feel the need to retain this information, it would be much simpler to do it at the source database rather than for the Commission to manipulate the lists in 20 languages after having received them.

Mr Vetsuypens for CENELEC said that there was no misunderstanding and that an agreement had been reached to eliminate that date. Furthermore, in general there was no need for shorter transitional periods than 3 years, since old versions of standards did not suddenly become unsafe.

The CHAIRMAN closed the discussion, adding that CEN and CENELEC would soon have to decide on their approaches and submit new consolidated lists, including provisions on transitional periods.


The UNITED KINGDOM presented Doc. 2004.01 and the serious risks related to lack of visibility as required in EHSR 3.2.1 of the MD. There had been several fatal accidents in the UK. Clause 5.9.3 of EN 1459 stated that "the trucks must conform to prEN ISO 13564". They thought that ISO/DIS 13564:1996 did not represent the state-of-art, because the draft standard had moved on, requiring greater visibility. Furthermore, it was wrong to make reference to an early version of a prEN that was subject to major change in a harmonised standard such as EN 1459. The UK proposed to eliminate the reference to prEN ISO 13564 from EN 1459 and asked CEN to establish guidelines about the question of references to draft standards. If necessary the UK would notify a formal objection against the standard.

Mr Belaen for CECE agreed that the reference to the draft standard of 1996 was outdated and explained that Docs. 2004.17 and 2004.45 demonstrated that the 2004 version resolved the problem.

FRANCE agreed with the UK and GERMAN concerns about visibility. Presenting Doc. 2004.51, France added that, for mast trucks, the new drafts of prEN ISO 13564 excluded cabins and protective structures from the visibility test and no account was taken of the vertical elements of the mast. France had ordered a study on mast and variable-reach truck standards to compare the visibility tests according to the prEN ISO 13564 and the analysis of the activities of drivers, including the visibility conditions created by the load.

The UNITED KINGDOM said that the proposal in the new version of prEN ISO 13564 was only an interim solution and that its effectiveness must be studied. They would cooperate with France.

GERMANY agreed with the UK and FRANCE.

The CHAIRMAN concluded that the question would be followed-up at the next meeting.


The UNITED KINGDOM presented Doc. 2004.02, explaining that lifting accessories had been included in Annex I of the MD by an amendment. However, there was no specific requirement to draw up a declaration of conformity according to Annex II, or the technical file as described in Annex V. Some manufacturers did so while others did not. The UK legal interpretation had been that they were not compulsory. The UK requested a clear legal answer at EU level.

GERMANY said that they also found that many manufacturers provided this useful information, whilst others did not. They thought the information should be provided.

SWEDEN recalled the discussion in the Machinery Working Group on 1 February 2002 when it had been decided, on the advice of the legal service of the Commission, that the legislator had intended to include lifting accessories in the scope of the MD and that all relevant requirements should therefore apply. This implied that they should have CE marking, an EC Declaration of Conformity and a technical file. Obviously, they were not subject to the specific requirements on safety components.

FINLAND agreed that the question was unclear and had had a similar experience to the UK and GERMANY when it came to the behaviour of manufacturers of lifting accessories. They thought the technical file was required according to Q/A 83.

FRANCE stated that the implementation of the MD in FRANCE included the same requirements for lifting accessories as for machinery.

POLAND supported the SWEDEN’s interpretation and suggested that the problem would anyway be solved in the new MD.

SPAIN suggested not to go beyond the text of the MD. There was no legal basis to require the EC Declaration of Conformity or the technical file.
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NORWAY agreed with SWEDEN; CE marking implied that there should also be a Declaration of Conformity and a technical file.

ITALY said that, in general, these products had a declaration of conformity even if was not legally compulsory, and the technical file had sometimes been requested for market surveillance purposes. But as there was an official answer from the Commission legal services, SWEDEN’s reasoning should be followed.

Mr Schmidt, CEN consultant thought that it would be a good idea to refer to the EN 13411 series of harmonised standards which covered these products.

Mr Krauser for Orgalime said that the discussions were unnecessary and that the text of the MD, as suggested by SPAIN, should be applied.

BELGIUM said that, as SPAIN had said, from a legal point of view there were no obligations, but from a technical point of view, the manufacturer had to carry out tests and draw up a technical file before affixing the CE marking and placing the product on the market.

DENMARK agreed with SWEDEN and had always applied the MD requiring CE marking, EC Declaration of Conformity and a technical file for lifting accessories.

The CHAIRMAN recalled that the question would be resolved in the revised MD. In Directive 98/37/EC, the CE marking for lifting accessories is required in Annex I, 4.3.2 but there were no indications about the EC Declaration of Conformity or the technical file. The first Guide to the Machinery Directive in 1993 took the position that the EC Declaration of Conformity and the technical file were required, whilst the second Guide from 1999 was not very clear, vaguely stating that “…there is no explicit mention of drawing up a file…” and “It is safe to assume that the legislator has considered only the details appearing on the product…”. Furthermore, as FINLAND stated Q/A 83 gave the clear opinion that the technical file was required. The guidance on interpretation was not fully coherent. As SWEDEN explained, the question whether lifting accessories were in the scope of the MD had been discussed and the conclusion was that the intention of the legislator when amending the MD (91/368/EC) and adding these products to Annex I (although not to Article 1) was that they were in the scope of the MD and that all relevant requirements applied. The incoherence of the amended text seemed to be due to an incomplete amendment of the MD that did not correspond to the apparent intention of the legislator. Given the decision taken in 2002 together with the very good technical and legal arguments, the fact that most Member States require it in their implementation and that many manufacturers provide it, the conclusion was that there should be an EC Declaration of Conformity and a technical file for lifting accessories.

The UNITED KINGDOM agreed and asked for the conclusion to be published in a clear way to avoid the uncertainty due to the contradictions between the Guides.

SPAIN asked if the EC Declaration of Conformity should be made according to part A or B of Annex II.

BELGIUM noted that if the devices were to be incorporated in a machine, II B would apply; II A was for complete machinery.

ITALY observed that II A would apply in this case, as the accessory was complete, since it was placed between the lifting machinery and the load. They asked for the conclusion to be published on EUROPA.

GERMANY questioned the validity of the 1999 Guide and asked when a new one would be available on Internet.

SPAIN underlined the importance of that only agreed opinions be published and reiterated their position that, due to the incoherency and lack of clarity, the text of the MD should be applied to the letter in order to avoid legal problems. The revised MD would resolve the situation.

The CHAIRMAN stated that there appeared to be agreement on the suggested conclusion which would be in included in the minutes of the meeting and later included in an updated guide on EUROPA, which would consolidate all decisions taken in the Machinery WG. The minutes of the meeting were uploaded to the MD CIRCA website and were available for the Member States and stakeholders, but they would not be displayed on EUROPA, where there would be risk of misleading people if read out of context, given their often provisional status.

Conclusion: The requirements of the Machinery Directive as amended to draw up an EC Declaration of Conformity and make available a technical file are applicable to lifting accessories.


FRANCE presented Doc. 2004.15 and argued that they did not agree with the approach of TC 150 WG 11 for dealing with the training of drivers and the design of the work environment in the product standards. Safety measures had to be integrated into the design of the machinery, taking into account the technical possibilities and
the conditions of use. Training requirements are covered by national regulations on safety at the workplace, addressed to employers. If such requirements were dealt with by standards, there would be a risk of confusion or conflict between the regulations and the standards. Information on training to be provided by the manufacturer could be dealt with in the clause on instructions for use.

Mr Riekeles for CEN said that there was a general debate on the relation between Directives based on Article 95 and Article 137 of the EC Treaty. The clauses in question were addressed to manufacturers, on what to say in the instructions for use relating to training. The manufacturer also had to specify the intended use of the machinery by trained people. TC 150 had decided to include guidance on driver training in an informative Annex, since there was no European-wide reference document for such training.

The UNITED KINGDOM agreed with FRANCE that product standards for manufacturers should not deal with training issues, which were covered by other Directives. However, the UK agreed with CEN that, to a limited extent, there could be guidance to manufacturers to on how to specify training to deal with residual risks.

ITALY agreed with the UK and FRANCE, on the risk of confusion between the obligations of manufacturers (to draw up instructions for use) and of the employers (training of the operators depending on the risks). The indications on adequate training provided by CEN were good, but they could not be included in the product standards, since these questions were dealt with in the employment Directives.

GERMANY considered that instructions on training could not be in the normative part of the standard, but to give them in the informative annex would be a good solution.

Mr Fraser for the Commission stated that the difficulties were caused by different approaches to machinery safety between the EU and the international standardisation area; other regions of the world did not make the same distinction between the obligations of the manufacturer and those of the user. He recalled the debate on the revision of EN 292, where an ANSI proposal to add a third part to the standard on operator training had been rejected as incompatible with EU legislation. ISO standards on training could still be used by Member States as references in order to frame their national regulations.

BELGIUM agreed with FRANCE that training could not be part of product standards.

SWEDEN agreed with the UK.

SPAIN said that the standard had to respect the MD without adding anything; according to Annex I, EHSR 1.1.2 b) third indent, the manufacturer had to state if any particular training was necessary, which was related to in EHSR 1.7.4 a) on the instructions for use. Specific training requirements were not part of these EHSRs; they were covered by the minimum employment Directives on health and safety at work implemented at national level. This legal framework must also be respected when applying agreements with the international standardisation organisations.

Mr Riekeles for CEN agreed with Mr Fraser and SPAIN, but international standardisation had different objectives. CEN made standards according to mandates but additional valid requirements could be included in the informative Annex. Annex ZA should clearly indicate which parts of the standard were non-normative and would not give any presumption of conformity with the MD. If such a solution was not possible, CEN could make a separate standard on driver training.

POLAND asked for an exchange between the Commission and the MS on existing national regulations and the possibility of a standard on operator training.

The CHAIRMAN said that a standard on driver training might be useful, but it would be preferable to make a separate standard in order to avoid confusion and conflict. On the question of comparing national regulations and assessing the usefulness of a standard, the request should be addressed to DG Employment and Social Affairs that is responsible for the workplace legislation.

All participants appeared to agree that the principles of safety integration apply and instructions on necessary training are part of it. The repeated message from the Machinery Working Group to CEN TC 150 was that the balance seemed to tip too much in the direction of user training and that more emphasis should be put on safety integration by design measures. Design and manufacturing of the trucks had to be more adapted to the actual users and existing work environments.

11. Committee decision on loading control of variable reach trucks (Doc. 2004.16)

The CHAIRMAN said that this item would be discussed when the Committee meeting had been convened.

The CHAIRMAN said that the representative of TUTB who had tabled this item could not assist at the meeting and had requested to carry it over to the next meeting.


The CHAIRMAN explained that this item dealt with two issues, first the question of market surveillance of MEWPS in ITALY and second, a discussion on the Commission opinion following two Safeguard clause notifications from SWEDEN.

Situation in ITALY
Mr Adorian from PAC who represented FEM and IPAF at this meeting presented Docs. 2004.12, 2004.13 and 2004.33 and explained that a number of MEWP manufacturers still encountered trade barrier problems in ITALY. The manufacturers JLG and GENIE had had their products stopped for not having load control devices on their MEWPS, which according to Italian authorities was required by the MD. The manufacturers had given detailed answers to the queries of Italian authorities but had not received any responses. Other IPAF members had had similar problems in Italy, but there were no problems in other MS. Type-examination certificates had only been withdrawn by Italian NBs. The NBs of the other MS confirmed their certificates. The UK authorities had not asked PAC to consider if any type-examination certificates should be withdrawn. The MEWPS were as safe as when they were designed and received the type-examination certificate. The result was that there was no free market in ITALY for this type of machinery. He demanded that the Italian authorities provide evidence that the machinery in question was not safe, or re-establish the conditions of free circulation. Due to the difficult situation, some manufacturers had decided to no longer supply their products in ITALY.

ITALY protested against the inclusion of this point on the Agenda and Mr Adorian’s allegations, saying that the meeting of the Machinery Working Group was not the appropriate place to discuss such a question. There were other forums to discuss such complaints. Labour Inspectors were responsible for dealing with risks at workplaces brought about by machinery not fulfilling EHSRs when placed on the market and put into service. Italy had presented safeguard clauses on some platforms (uploaded to CIRCA). In some cases, the technical files examined had stated that the EHSRs on load control were simply “not applicable”. When ITALY asked for explanations, there were no adequate responses and the discussions had gone on for two years without being resolved. There were no obstacles to free circulation. The problems like the ones described with the concerned manufacturers and their products occurred at annual checks by the regional officers for health and safety.

FRANCE agreed with ITALY on their declarations and technical analysis. The only reason there had not been any withdrawal of type-examination certificates in FRANCE was that no such certificates had been issued.

The CHAIRMAN replied that the agenda item was there for reasons of transparency and in order to seek, if possible, a harmonised solution. He agreed that there were established legal procedures to deal with formal complaints. The Commission had not received any such complaint to date. The position had been clearly outlined in the letter to Mr Adorian (Doc 2004.25). Furthermore, the Italian position, as outlined in the notification filed under the 98/34/EC procedure, appeared to be fully in line with the position taken earlier by the Machinery Working Group.

He concluded that it did not seem possible to resolve the issue in the Machinery Working Group, and underlined the importance of correctly applying the MD as agreed at a previous MDWG meeting:

- products must be in conformity with the MD,
- the state of the art given by EN 280: 2001 must be attained,
- MS must ensure that only safe and conforming products are place on the market and put into service,
- MS must notify any restrictions to free circulation to the Commission,
- MS must ensure that their NBs withdraw any EC type-examination certificates for products which do not attain the state of the art given by EN 280: 2001,
- Manufacturers may submit a substantiated formal complaint to the Commission if there are unjustified restrictions to free circulation in the EU.

Commission opinion on safeguard clauses from SWEDEN
Mr Adorian for PAC-FEM-IPAF presented Docs. 2004.46 and 2004.50, criticizing the procedure for dealing with a product safeguard clause notification, suggesting it lacked transparency, that the interested parties were not properly consulted and that evidence was not properly discussed; it should be made more “democratic”

Mr Fraser for the Commission replied that the Commission strictly followed the legal procedure set out in Article 7.2 of the MD. The MD did not specify which were the interested parties to be consulted, but the
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Commission asked the manufacturer and, if applicable, the NB to submit their observations in writing and to explain their position in meetings with Commission services if they so wished. The record of such meetings was commonly agreed. There had also been an exchange of information with SWEDEN before the Commission adopted an opinion, which was sent to all MS on 1 July 2004 via their Permanent Representations, according to the procedure. Such administrative procedures were not public, but every interested citizen could consult the documents and there were no “secrets”.

The UNITED KINGDOM thought that the UK authorities should have been considered as an interested party in the matter, due to the importance of one of the manufacturers involved within British industry. Furthermore, there had been a problem of communication between the Commission and the UK national authorities.

The CHAIRMAN replied that the safeguard clause procedure was an administrative one and that the political involvement of the authorities of the Member State where the manufacturer was based was not appropriate and against the spirit of the Internal Market. The machinery in question had in fact been manufactured by an American manufacturer in the U.S.A. and the Commission had held a meeting with representatives of the manufacturer and the UK Notified Body. On communication, the Commission opinion was sent to the Permanent Representations according to the normal procedure agreed within the EU. MS authorities should ensure that they received all relevant information from their Representations.

SWEDEN declared that they, at various occasions, had tried to agree with the manufacturers on design changes to their machinery, but the responses were that their machinery was safe and certified by a NB, so in the end Sweden presented the safeguard clauses.

BELGIUM asked how to implement the Commission’s opinion on the safeguard clauses; should all the MS proceed in a uniform way, or should each MS act on its own? They had contacted the importer of JLG platforms.

The CHAIRMAN replied that the MS must take appropriate measures in order to correctly apply Article 2.1 of the MD on their territories, and that there was no established Community action for the moment. Cooperation was possible within ADCO.

The UNITED KINGDOM reported that they would hold a meeting with Upright on how to upgrade their platforms and that the question would be discussed in the next ADCO meeting chaired by SPAIN.

SWEDEN noted that on page 2 of Doc. 2004.50, Mr Adorian stated that PAC had reissued a type-examination certificate for platforms with slide-bar gates, whilst on page 4 of the same document it was stated that “alternatives available were no more acceptable and imposed a clearly foreseeable risk”. Was it appropriate for a NB to certify a solution which it thought was imposing a clearly foreseeable risk?

Mr Adorian for PAC-IPAF asked for more time to answer the comment of SWEDEN. He needed to consult manufacturers and obtain more information, in order to take action. Slide-bar gates were rather common, and created a hazard for the operator if he did not follow all the procedures and used a cable to tie up the bar. It was a preventable risk, taking into account the state-of-the-art.

The CHAIRMAN said that the comment from SWEDEN was pertinent; the NBs must only issue type-examination certificates in full conformity with the EHSRs of the MD and if some EHSRs were not properly addressed it was necessary to review the certificates. A NB could not certify a platform with the slide-bar solution if they thought it was not in conformity with the EHSRs of the MD. He invited the UK to verify the situation.

The UNITED KINGDOM replied that they would arrange for technical meetings to be sure that all the UK NBs were operating according to the MD.

Mr Fraser for the Commission said that in discussions on the safeguard clause, JLG had stated that slide-bars and swing-bars were not ergonomic solutions and tend to be fixed open by the operators. The Commission had asked SWEDEN for information on alternative solutions and they replied with examples showing there were solutions available on the market that complied with both safety and ergonomic requirements.

Mr Adorian for PAC-IPAF agreed with Mr Fraser. The manufacturers were seriously looking into how to address the safety and ergonomics issue, as well as providing adequate information and training to operators.

The CHAIRMAN concluded by requesting the manufacturers to adapt their products to the requirements of the MD and calling on the MS to take the appropriate actions.

14. Q/A on whether Cover material plant is machinery (Doc. 2004.24)

NORWAY presented Doc. 2004.24, asking whether a cover material plant was to be considered as machinery or not, taking into account its structure and the fact that it had a control system in a separate position.

The UNITED KINGDOM said that for the UK, it would be machinery if it was supplied as a whole by one manufacturer. If it was supplied in separate parts, each separate part could be machinery.
GERMANY said they intended to develop guidelines on such questions in collaboration with the market surveillance authorities of the other Member States.

SWEDEN said that what mattered was the resulting plant, not who installed it. If it functioned as a whole it would be machinery. This plant appeared to be an assembly of machinery.

FINLAND said that it was similar to paper making machinery, for which three MS (FINLAND, GERMANY and AUSTRIA) had drafted guidelines. They agreed with SWEDEN that it was an assembly of machinery.

The NETHERLANDS agreed with SWEDEN, since there was a common control system.

DENMARK agreed with SWEDEN and the NETHERLANDS that it was an assembly of machinery.

FRANCE was less categorical and remarked that machinery had to have a physically continuous production line. It was not machinery, since the control centre was in a separate place.

The UNITED KINGDOM said that considering a plant like this as machinery would have consequences for industry. It would be necessary to reassess the assembly each time part of it was changed. Furthermore, applying the MD to such products did not seem necessary to ensure free circulation.

POLAND agreed with the UK and FRANCE that it would be very difficult to apply market surveillance to such assemblies of machinery and that it would be better to consider it as a plant including several machines.

ITALY said there were many similar cases of assemblies of machinery functioning as a whole with a single control system that were considered to be machinery. If there was a physical separation between parts it would not be machinery, but this case corresponded to the definition of an assembly of machinery.

SPAIN was less sure, but agreed that it had to be examined whether the installation corresponded to the definition in Article 1.2.

The CHAIRMAN said that it was difficult to be categorical and that each case had to be decided on its merits. If the plant corresponded to the very clear definition in Article 1.2, par. 2): “machinery means also an assembly of machines which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole” it was machinery.

### 15. Question on consistency of language in Annex I, 3.4.3 (Doc. 2004.32)

GERMANY presented Doc. 2004.32 on the differences between the English and the German versions of the MD concerning earth-moving machinery, to clarify which kinds of machinery (graders or tractor dozers) were considered in the original drafting.

Mr Steiger for CEN TC 154 said that it seemed to be a translation mistake. EN ISO 6165 had definitions and pictures which could aid.

The UNITED KINGDOM stated that “tractor-dozers” were not in the English dictionary, “Graders” were levellers for terrain, and maybe the mistake was in the English version.

Mr Fraser for the Commission said that Annex I included this list of types of machinery that were previously covered by the “ROPs” Directives. In the revised Directive, the list was no longer necessary because the requirement to install a protective structure was applicable in all cases where there was a risk.

GERMANY suggested that it would be useful for the definitions to have pictures to clearly define each element and to avoid terminological discrepancies.

The CHAIRMAN said that the Commission would verify with the standards and present its findings at the next meeting.

### 16. Sound emission values for machinery (Doc. 2004.44)

FRANCE presented Doc. 2004.44 on reference values for sound emission for woodworking machinery.

POLAND appreciated the initiative and asked to join the project.

FRANCE replied that the project was open to other MS and that they would send the contact data.

GERMANY said that they supported the project and found it very interesting.

ITALY announced a similar study on agricultural machinery, for which they would present the results.

BELGIUM stated that the risk analysis according to the technical file was important and that standards had not contributed.

Mr Riekeles for CEN stated that the only place to present such reference values was in standards. Standardisers had been asked to give indicative values, but they found it difficult to find comparable and reliable data. Manufacturers taking parting in standardisation would not make available the data and someone else had to provide it.
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The CHAIRMAN remarked that the purpose of the project was precisely to make available such data. Why not extend the project to other categories of machinery later?

ITALY agreed that CEN could use the data from the MS. They also offered their collaboration in the research.

GERMANY said that the question of noise emission was very important so reference values should be established for more categories of machinery.

Mr Fraser for the Commission remarked on the importance of using clear terminology and suggested the expression “comparative emission data” from the text of the revised MD.

The CHAIRMAN concluded that it was a useful approach and CEN should make use of the contributions and results from the MS.

17. Miscellaneous

a) Market surveillance and safeguard clauses MD / LVD (Doc. 2004.48)

FINLAND presented Doc. 2004.48 about a question on the demarcation between the Machinery and Low Voltage Directives in some safeguard clauses. FINLAND had presented a safeguard clause for machinery that did not comply with the LVD, but the Commission returned it saying the safeguard clause should have been based on the MD. If machinery was subject to both Directives, how could it be decided on which Directive to present the safeguard clause?

Mr HILPERT for the Commission explained that under the LVD, safeguard clauses were notified to the Commission and to the Member States. According to the Commission’s analysis, 2 of the 3 products concerned by the Finnish measures were subject to the Machinery Directive. FINLAND stated that both Directives applied but this was wrong. According to Article 1.5 of the Machinery Directive, one or other Directive was applied exclusively. In general, there was a common understanding on how to apply this provision, but borderline products had to be solved on a case-by-case basis, taking account of standardisation whenever possible.

(a) Motor generators. There was a CEN standard, EN 12601: 2001, for Reciprocating internal combustion engine driven generating sets. There was a harmonised standard published under the LVD, EN 60034-1: 1998, for Rotating electrical machines - Rating and Performance. There was also a specific standard, EN 60034-22: 1998 for A.C. generators for reciprocating internal combustion engine driven generating sets, but its reference was not published under the LVD.

(b) Compressors. The understanding of the Machinery Working Group was that compressors were under the Machinery Directive, however a harmonised standard for small compressors had been listed under the LVD: EN 60335-2-34:2002 - Household and similar electrical appliances - Safety - Particular requirements for motor compressors.

(c) Winches. Although winches were not yet covered by a harmonised standard, it was clear that they were subject to the Machinery Directive.

The CHAIRMAN added that the intention of the legislator that one of the MD or the LVD should apply was clear, given that all relevant safety objectives of the LVD where incorporated into the MD via essential requirement 1.5.1 in Annex I. He also pointed out that there seemed to be some overlap between the CEN standard for motor generators, EN 12601: 2001, and the CENELEC standard of the EN 60034 series. Furthermore, the CEN standard for compressors, EN 1012-1: 1996 applied to machines with a power of more than 0.5 kW. The notified case fell into this category; however there might be overlap with the scope of the CENELEC standard of the 60335-2 series for household generators. Such problems should be discussed between the standardisation organisations in order to avoid overlap of standards.

BELGIUM and the NETHERLANDS considered that the decision as to which Directive was applicable should be based on the manufacturer’s risk assessment.

SWEDEN welcomed the clear presentation made by the Commission based on Article 1.5 of the Machinery Directive and thought that it should be applied. As in the case of lifting accessories, the intention of the legislator should be taken into account.

SPAIN agreed that no fully satisfactory solution was currently available. One possible solution would be for the LVD to state that the relevant requirements of the Machinery Directive must be satisfied.

FINLAND said that while it was not clear which Directive was applicable to the products subject to the safeguard clauses, the danger of these products was clear.

The UNITED KINGDOM thought that if the product was in a “grey zone” it was best to refer to the Directive mentioned in the manufacturer’s EC declaration of conformity.
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The CHAIRMAN concluded that the decision on which Directive was applicable must be taken by the manufacturer on the basis of his risk assessment, but there would be no fully satisfactory solution prior to the revision of the Machinery Directive. In the meantime, the standardisation organisations had made risk assessments, reflected in the publications of the references of the standards in the OJEU, which provided useful guidance. As manufacturers often declare conformity to both the MD and the LD the pragmatic solution for market surveillance authorities would be to follow the guidance given by the standardisation organisations when there is a standard for the product. When there is no standard, a case by case assessment would have to be made, bearing in mind the likely outcome of the revision of the MD.

b) Mobile cranes

GERMANY announced that a formal objection had been lodged against standard EN 13000 on mobile cranes. This would be discussed at the December meeting of the 98/34/EC Committee.

Mr Riekeles for CEN said that after the last meeting of the Machinery Working Group, CEN had prepared the new Annex ZA excluding the clause 4.3 relating to the load limiter from the presumption of conformity with the Directive. He urged the Commission to take a rapid decision on publication of the reference of the standard.

The CHAIRMAN thought that the Annex ZA should specify which essential health and safety requirement of the Directive was not fulfilled by the standard. He said that the Commission would investigate the situation in light of the changes made to the standard by CEN.

Mr Riekeles for CEN replied that when the reference of the standard was published, it could be accompanied by a note referring to the relevant essential requirement.

c) Meetings in 2005

The CHAIRMAN said the next meeting would be held on 8-9 February 2005 (one day for the meeting of the Machinery Working Group and Committee and one day for the ADCO meeting); two other meetings would be held in June and October. Information would be uploaded to CIRCA.
### RECOMMENDATIONS FOR USE SHEETS (RfUs)
**ENDORSED OCTOBER 2004**

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(3) : CNB/M/xx.xxx RERev yy = Coordination of Notified Bodies/Machinery/Numbering of the RfUs
R: Recommendation for Use E: English version Rev: Revision yy: index of the Revision
(4) : NBs = Notified Bodies
### Summary of questions to be followed-up at the next meeting

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Subject: Working Group of Committee 98/37/EC concerning Machinery
Place: Albert Borschette Centre, Brussels
Chairman: Mr Martin EIFEL
EC Participants: Mr Ian FRASER, Mr Fabrizio SACCHETTI, Mr Corrado MATTIUZZO, Mr Mario GABRIELLI COSSELLI

1. Welcome

The CHAIRMAN welcomed the participants and presented the Agenda.
SWEDEN wished to add their document WG 2005.13 on moving ramps in ski areas to the Agenda.

With this addition, the draft Agenda was accepted.


ITALY asked that item 13 of the report on the situation in Italy should be changed; “not applicable” should be put into quotation marks and it should be specified that the regional officers for health and safety were responsible for annual checks.
SPAIN observed some editorial inconsistencies in the summary of questions to be followed-up.
The CHAIRMAN said that these modifications would be included in the minutes and that a new version would be uploaded to CIRCA.

With these corrections, the minutes of the meeting held on 10-11 October 2004 were approved.


3. a) FR Formal objection against EN 12525 - Front loaders [3. a]
Mr Steiger for CEN reported on the last meeting of TC 44. The formal vote on the standard (project amendment 1) had been suspended, so it would be possible to send further comments. France had provided two different comments that would be discussed at the next meeting.
FRANCE recognised that the draft standard had been improved, as the safety device was no longer optional, but this was not sufficient. In the prEN it was not clear how enabling and disabling of the safety device would function. FRANCE had come up with a new proposal in order to improve the application of the safety device when the machinery was in use, according to the state-of-art.
The CHAIRMAN asked CEN for a new report at the next meeting.

3. b) Rules of procedure [3. b]
The CHAIRMAN confirmed that the Rules of Procedure of the Committee would be discussed and submitted to the formal vote at the Machinery Committee meeting to be held on 9th February.

3. c) Garden shredders - EN 13683 [3. d]
The CHAIRMAN explained that GERMANY had recently submitted a formal objection against the standard EN 13683:2003 and he suggested to have a preliminary discussion at the meeting in order to facilitate the adoption of an opinion of the Working Group at the next meeting in June

GERMANY presented their concerns, as in document WG-2005.14, on three points of the standard:
- the dimensions of the feeding apertures were too large, allowing a hand to pass and come into contact with the 2 cm. cutting blade;
- the dimensions of the discharge chute were also too large and without protection, and made it possible for a hand to come into contact with the cutting blade;
- the lack of effectiveness of guards and protection devices against the risks related to cutting blades and other moving parts.

Taking into account these concerns, new solutions were required especially with respect to the safety of access apertures.

FRANCE shared Germany’s concerns, but added that it would not be easy to find a solution.

Mr Steiger for CEN said that the CEN WG was working on an amendment, but there was no official document yet. He proposed to publish the standard with a warning notice excluding the problematic clauses, as requested by GERMANY.

ITALY was against the publication of standards with warning notices, as they were problematic for manufacturers and market surveillance authorities.

AUSTRIA asked the CEN consultant to explain his opinion on the standard.

The UNITED KINGDOM supported the Italian concerns and underlined that it was meaningless to exclude the most fundamental clauses, as would be the case for this standard.

The CHAIRMAN invited the members of the Working Group to prepare their positions for the next meeting.

Furthermore, a condition for publication of the reference of the standard in the OJEU would be an adequate Annex Z stating which EHSRs of the Directive were not covered by the standard.

3. d) Industrial truck pedals [3. e]

Mr Steiger for CEN reported that TC 150 had finalised prEN 21281 (under ISO lead) on 23 December 2004, but FRANCE still had objections which the CEN WG would analyse.

Mr Boy for TUTB explained that the configuration with control of direction and acceleration in the same pedal did not meet the basic requirements of the Machinery Directive in respect of ergonomic principles and safety. Additionally, this configuration was in contradiction to B-standards from CEN TC 122 as well as to specific paragraphs concerning ergonomic principles and requirements of ISO EN 12100:2003. TUTB would continue working with CEN technical committees in order to solve these problems.

The CHAIRMAN recalled that CEN had already been asked to take into account the Machinery WG concerns in order to avoid a formal objection against the standard. This subject would be followed-up at the next meeting.

3. e) Visibility from earth moving machinery [3. g]

Mr Steiger for CEN reported that, within the revision of the EN 474 series, the formal vote had been suspended in order to incorporate the reference to ISO 5006 in the new version of 24 January 2005 and to discuss it with the stakeholders. The new proposal included visibility at distances of 1m for near vision and 12m around the machinery when operating.

The UNITED KINGDOM appreciated the progress, but they had not yet verified the last version of the text and suggested to discuss the subject again at the next Machinery WG meeting.

The CHAIRMAN agreed to the UNITED KINGDOM suggestion.

3. f) Agricultural spraying booms [3. h]

Mr Steiger for CEN reported that EN 907:1997 was being revised according to the UK concerns.

The UNITED KINGDOM confirmed their satisfaction.

3. g) Stability of industrial trucks [3. l]

Mr Steiger for CEN stated that the CEN WG was preparing a report on this complex issue for the next Machinery WG meeting.

The UNITED KINGDOM asked that CEN speed up the revision and opined that the publication of standard references in the OJEU with warnings should be limited in time. Standards should normally cover all EHSRs. If the references were published with a warning, a strict follow-up of the revision of the standard was needed.

ITALY agreed that a warning notice could be used only for marginal safety problems, not for fundamental ones, otherwise it would create serious difficulties for market surveillance authorities.
FRANCE found that the situation was unsatisfactory. Many accidents were due to design errors and it was surprising that a solution to the problem had not been found yet. The standard should be completed and the problem should not be transferred to the users.

Mr Fraser for the Commission said that the warning notice in the OJEU on the tipping risk had produced one useful result, since manufacturers had equipped their trucks with safety belts or other restraint devices. However measures were also needed to improve the prevention of tipping over.

The CHAIRMAN invited CEN to present a follow-up report at the next meeting.

3. h) Vibrations by concrete breakers

Mr Hoyland for CENELEC reported on the meeting of the Ad-hoc Group Vibration according to the resolutions of the group set out in document WG-2005.12. Resolution 1 agreed to incorporate indicative vibration emission information into standards in the form of an informative annex. Resolution 2 agreed to an indicative level of 8 m/s² for pneumatic breakers, but more data was needed for electric breakers. Resolution 3 stressed the need for more emission data, allowing access to all interested parties. Resolution 4 agreed to include a warning of residual risk in standards.

SWEDEN remarked that in recommendation a) it should be made clearer that indicative vibration emission data was informative, as was the case in Resolution 1.

SPAIN agreed with SWEDEN and proposed to use the term “comparative emission data” as in the revised Machinery Directive.

Mr Hoyland for CENELEC accepted these suggestions.

Mr Steiger for CEN said that uncertainty levels were different for noise compared to vibration emission that could have an uncertainty of up to 100% and that comparisons between machines should consider representative conditions of use. More tests were required to obtain better information and knowledge.

Mr Hoyland for CENELEC agreed with Mr Steiger and said that recommendation a) accepted “in principle” the inclusion of informative and indicative values.

The UNITED KINGDOM would have liked to go further, but acknowledged that it was a good start. More information and improved collaboration between all interested parties was needed.

FRANCE and GERMANY supported the recommendations and resolutions reflected in the document. Adequate test protocols were needed in order to obtain comparative emission data for machinery. Responsibilities for defining measurements and for getting and distributing the data should be defined.

The CHAIRMAN summarised the discussion noting the positive development and the agreement to make the recommendations clearer and invited CEN and CENELEC to quickly collect the necessary data for developing standards with indicative emission levels. Progress would be followed up at the next meeting.

NORWAY asked for the development in the field of whole body vibration.

Mr Steiger for CEN replied that TC 150 and 231, in collaboration with Japan and the USA, were working on this area. They were to produce a technical report. Several sets of data were already available, but there were differences between competent bodies. Comparable data, in accordance with the real use of machinery and working conditions of operators were needed and therefore contributions were welcome.

Mr Hoyland for CENELEC underlined the need to come up with a common approach in this area, involving Member States, competent bodies, manufacturers and users. CENELEC and CEN could come up with a proposal from standardisers for the next Machinery WG.

The CHAIRMAN welcomed the idea of the standardisers and invited the Member States to prepare their opinions.

ITALY reminded the Group about the “Vibrations safety year”, which could bring useful data. ISPESL would make available its data collected in different workplaces and their test methodologies.

FRANCE agreed with ITALY and offered French data, as well as asking if the Bilbao Agency could not contribute.

Mr Mattiuzzo for the Commission mentioned that the Bilbao Agency had declined cooperation in this area in the past.

The CHAIRMAN confirmed that CEN and CENELEC would report on hand-arm and whole body vibration and noise emissions at the next meeting and that the Member States would investigate the possibilities of providing more data.

3. i) UK formal objection against EN 693 - Hydraulic presses

Mr Steiger for CEN reported that TC 143 was discussing the revision in conjunction with revisions of other standards with similar problems. The UNITED KINGDOM had cooperated with the ongoing work. It was
agreed that a two-hand control on its own was inadequate for larger presses and a new requirement would be added to the standard in order to clarify which other safety devices were needed.

The UNITED KINGDOM commented that progress was creeping along. The problem was the definition of larger presses.

Mr Umbreit, CEN consultant stated that the agreement reached in the Working Group was that two-hand controls were not sufficient in some specific operative areas. The work was in progress.

Mr Fraser for the Commission recalled that the current text of the standard already implied that two-hand controls alone were not sufficient and that further protective measures should be used to provide adequate protection, but this was not clearly stated.

The CHAIRMAN said that the Machinery WG was eagerly awaiting progress on this subject at the next meeting.

3. j) Automatic dough dividers - prEN 12042 [3. o]

Mr Vandegaer, CEN consultant had checked the redrafted standard and considered that an acceptable compromise had been found on safety distances. The sole use of safety distances to prevent access to the dividing mechanism had been removed from the standard, with the only exception of the very specific case of automatic machines more than 3 metres high.

FRANCE was satisfied with this solution.

3. k) Aircraft lifting devices [4. a]

Mr Jockers for NB-M presented document 2004.37 providing the additional information that the whole aircraft was lifted by up to 3 hydraulic lifting devices for checking or maintenance operations. Other lifting devices could be used in a manual mode with safety devices against the risk of overturning. Elevation height was up to 2 metres. Incorrect use could cause overturning, even without removing safety devices. The draft standard prEN 12312-19 dealt with this subject (Aircraft ground support equipment - Specific requirements - Part 19: Aircraft jacks, axle jacks and hydraulic tail stanchions).

FRANCE said that the document confirmed their opinion that such aircraft lifting devices were covered by Annex IV of the Machinery Directive, as vehicles servicing lifts. Nevertheless, there was need for further discussion on how to carry out the conformity assessment and on the question of market surveillance.

BELGIUM saw problems related to the concept of “vehicle” in Annex IV.

The UNITED KINGDOM said that to them it did not seem so clear and asked if such aircraft lifting devices could be used only inside hangars and if there were more specific directives than the Machinery Directive?

The CHAIRMAN said that, given the discussion at the last Machinery WG meeting and the confirmation the whole airplane was indeed lifted, it seemed clear that such a synchronised system of lifting devices was covered by Annex IV. Practical aspects relating to market surveillance could be discussed at the next ADCO meeting.

Mr Fraser for the Commission explained that the Machinery Directive in Article 1.3 used the term “vehicles” in such a way as to include aircraft. Lifting devices used together with a mechanism to ensure their synchronised action could be considered as an assembly of machines according to Article 1.2.

SPAIN agreed, but added that they had not considered such machinery to belong to item 15 of Annex IV. The Question/Answer 81 did not clarify the question seemingly more oriented to road vehicles and not to other types of vehicles.

GERMANY confirmed their opinion that aircrafts were considered as vehicles according to the Machinery Directive, and that aircraft lifting devices with a synchronisation system were therefore covered by Annex IV.

ITALY asked for more information concerning the use of single lifting devices and their possible use in conjunction with others in a synchronised system. What was the role of the user with respect to conformity assessment procedures to be carried out by Notified Bodies?

The CHAIRMAN said that a single lifting device which did not lift the whole vehicle could not be considered as a vehicle servicing lift. On the other hand, an assembly of such devices operating in a synchronised system and lifting whole vehicles had to be considered as an assembly of machinery corresponding to item 15 in Annex IV, thus subject to the intervention of a Notified Body. Manufacturers should give specifications on how to combine the lifting devices in a synchronised system and Notified Bodies should check them. Concerning use, Member State’s regulations could cover the correct assembly and operation of the equipment by the user. Questions on practical implementation could be discussed at the next meeting.

Conclusion: An assembly of lifting devices operating in a synchronised system for lifting whole aircraft for inspection or maintenance purposes are to be considered as an assembly of machinery corresponding to item 15. “Vehicles servicing lifts” in Annex IV to Directive 98/37/EC.
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3. l) Approval of Recommendations of Use [4. c)]
The CHAIRMAN said that this subject would be discussed under item 4 of the Agenda.

3. m) Validity of EN 50144 series standards [5.]
Mr Hoyland for CENELEC presented document WG-2005.10 explaining that the EN 50144 series was going to be replaced by the EN 60745 series but some parts had to be kept during a “transitional” period, as well as the certain amendments.
AUSTRIA said that the reply from CENELEC was not clear concerning parts 1 and 2 of the series and the Amendment 2.
Mr Hoyland for CENELEC explained that part 1 dealt with general requirements and part 2 with specific provisions, so part 1 of the “old” standard would be kept until all the specific parts had been replaced.
GERMANY agreed with the reply from CENELEC.
The CHAIRMAN suggested that perhaps the interested parties could analyse the document bilaterally and find solutions. Further follow-up at the next meeting did not seem necessary.

3. n) Overlapping scopes of standards [5.]
Mr Steiger for CEN said that the question of overlapping scopes of standards on saw benches and dishwashing machines was not yet clarified. CEN and CENELEC would discuss in order to find a solution, defining a borderline between the ranges of products covered by each European Standardisation Organisation.
The CHAIRMAN requested that CEN and CENELEC address and established borderlines for all potentially overlapping categories of machinery.
GERMANY asked for a list of products which needed clearer delimitation, taking into account their dimensions and performance (household and industrial products).
Mr Hoyland for CENELEC said that the borderline between CEN and CENELEC for electrical dishwashing machines had already been discussed.
The CHAIRMAN welcomed clarification of such agreements and added that there would be a follow-up of this subject at the next meeting.

3. o) Policy on publication of Machinery standards [6.]
The CHAIRMAN said that COM would discuss the issue with CEN in order to progress before the next meeting.

3. p) Question on EN 1459 variable reach trucks and normative reference to prEN ISO 13564 [8.]
Mr Steiger for CEN reported on the progress of prEN ISO 13564. There were objections from the UNITED KINGDOM and, at ISO level, from the USA, as well as some comments by the Consultant. GERMANY had prepared an alternative proposal based on prEN ISO 5006, including new requirements for 12 meter radius of visibility. A new meeting was planned in February.
Mr Schmidt, CEN Consultant, confirmed that there were problems with prEN ISO 13564 and he was waiting for a reply from the CEN WG.
FRANCE said that their study on mast and variable reach trucks standards had not yet produced results. They would present them at the next meeting.
The UNITED KINGDOM expressed some concerns on the revision of the standard and proposed to report their experiences and investigations at the next meeting.
The CHAIRMAN referred the discussion to the next meeting with new reports from CEN, FRANCE and the UNITED KINGDOM.

3. q) Committee decision on loading control of variable reach trucks (11.)
The CHAIRMAN said that this item would be discussed and decided upon at the Machinery Committee meeting, and that it had been included in the Agenda of the WG meeting (item 7) in order to give all stakeholders a chance to comment, referring to Docs. 2002.12 (French proposal) and 2004.16 (revised proposal), which had already been discussed and agreed upon in the past.
SPAIN pointed out that there was a linguistic difference in the quotation of the declaration to the Council minutes of 14 June 1991 concerning the possibility of neutralising the load limiting device between the English version of the declaration and the English translation of the French document 2004.16.
Mr Schmidt, CEN Consultant agreed with SPAIN.
The NETHERLANDS agreed with document C 2004.02.
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The CHAIRMAN said that the reason for the difference would be examined before the Committee meeting.

3. r) Court cases [12.]
The CHAIRMAN said that this subject would be discussed under item 8 of the Agenda.

3. s) Question on consistency of language in Annex I 3.4.3 [15.]
The CHAIRMAN said that the Commission would present its findings at the next meeting.


a) Report
Mr Jockers for NB-M reported on the activities of NB-M. The last meeting had been held on 9th December 2004 with 25 NB representatives (taking into account different procedures of representation from the Member States). There had been discussions on the present and future use of CIRCA, the activities of the Vertical Groups, the Recommendations for Use, etc. He asked the Commission to make the complete updated list of the Notified Bodies (including the information available on CIRCA, e-mail addresses, etc.) available on the EUROPA website. The next meeting was planned for 9th June 2005.

b) Recommendations
Mr Gabrielli Cossellu for the Commission reported on progress on endorsement and publication of Recommendations for Use, referring to Doc. 2005.07. At the end of January 2005, 50 recently endorsed RfUs had been added to the consolidated list published in EUROPA, and 22 RfUs were submitted to the Oral Procedure.

c) Approval of recommendations
The CHAIRMAN presented the RfUs submitted to the Oral Procedure, for which comments had been communicated:
- CNB/M/00.113/R/E/Rev 03: comment from SWEDEN.
  Mr Jockers for NB-M said that the content of this RfU was substantially the same as the Machinery Directive. The instructions for use could be made available on CD or DVD (not on the Internet), but, for safety instructions, a hardcopy was required; it was an horizontal question, not related only to the Machinery Directive. SWEDEN remarked that the comment referred to the situation when it was not be possible to separate safety instructions from other instructions.
  Mr Umbreit, CEN consultant recalled a solution already adopted: any important information for the safe use of machinery should be given on paper at the workplace; electronic formats were allowed only for other instructions.
  SWEDEN would consider acceptable a rewritten RfU according to this spirit.
  The CHAIRMAN invited Mr Jockers to follow Mr Umbreit’s advice and modify the RfU in such a way that it is clear that the instructions required by Annex I of the Machinery Directive must be supplied on paper and to submit it again to the Oral Procedure at the next meeting.
- CNB/M/01.026/R/E/Rev 05 replaced Rev 04 for which SWEDEN had made a comment. Rev 05 was acceptable to SWEDEN and it was endorsed.
- CNB/M/01.034/R/E/Rev 04: comment from SWEDEN.
  Mr Jockers for NB-M said that this RfU would be re-discussed and amended in order to improve it. The revised RfU would be presented at the next meeting.
- CNB/M/03.036/R/E/Rev 03: comment from SWEDEN.
  Mr Umbreit, CEN consultant and Mr Jockers for NB-M said that the Swedish comments would be incorporated in the harmonised standard EN 12622 and the RfU would be withdrawn.
- CNB/M/09.205/R/E/Rev 07: comment from SWEDEN.
  SPAIN thought that this RfU had already been withdrawn.
  The CHAIRMAN asked Mr Jockers to check this for the next meeting.
- CNB/M/11.031/R/E/Rev 04: comment from SWEDEN.
  Mr Jockers for NB-M said that VG11 would correct the error; when this was done, Rev 05 could be endorsed at the next meeting.
- CNB/M/08.014/R/E/Rev 05: comment from FRANCE.
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Mr Jockers for NB-M said he would provide the reply from VG8.
FRANCE said that the interpretation which derogated from the standard on a fundamental point was unacceptable.
ITALY and the UNITED KINGDOM agreed with FRANCE.
The CHAIRMAN, in the name of the Working Group, invited NB-M to withdraw the RfU, whereafter it would be removed from the consolidated list in EUROPA.
Mr Jockers for NB-M said that the VG8 would contact the Member States who had made comments in order to clearly identify the problem and amend the RfU as soon as possible. He would report at the next meeting.
AUSTRIA agreed with this procedure.
Mr Jockers for NB-M did not have any information on the other RfUs submitted to the Oral Procedure. There would be a Vertical Group meeting in April and he would report at the next Working Group meeting.

Conclusion: Recommendation for Use CNB/M/01.026/R/E/Rev 05 was endorsed at the meeting.

5. CEN / CENELEC Progress report relating to standardisation

Mr Steiger for CEN raised the question of publication of the references of harmonised standards in the OJEU.
The CHAIRMAN and Mr Gabrielli Cossellu for the Commission reported on serious problems with the consolidated lists of references sent by CEN on 21 December 2004, containing a large number of errors such as missing references, erroneous references, orthographic and linguistic errors, missing translations, etc. which made publication in the OJEU impossible. The Commission found the situation difficult and disappointing and hoped that CEN would be in a position to transmit a correct list as soon as possible.
Mr Steiger for CEN said that CEN needed to receive detailed information on such problems in order to find a solution as soon as possible.
The CHAIRMAN replied that the Commission services had carried out a detailed analysis and that the information had been provided to CEN.
AUSTRIA asked about the use of standards not yet published in the OJEU.
The CHAIRMAN clarified that manufacturers could use such standards, but they would not provide any presumption of conformity.

6. Formal objection against EN 13000 (Doc. 2005.09)

The CHAIRMAN explained that GERMANY had notified a formal objection against EN 13000:2004 “Cranes - Mobile cranes”. The purpose was to establish an opinion of the Machinery WG in order to enable the Commission services to draft a Commission decision and, if justified, a mandate to CEN to amend the standard. Such a draft decision and mandate would be submitted to the Committee set up under the 98/34/EC Directive.
GERMANY said that they had been expressing their concerns for 2 years without result, so they lodged a formal objection against standard.
The NETHERLANDS said that in principle GERMANY was right, but it was not clear how a technical solution could be found.
FRANCE supported the German objection. They thought that there were technical solutions. BELGIUM asked why CEN had not taken the EHSR into account; was it intentional?
ITALY remarked that for safety reasons it was sometimes necessary to authorise bridging of the rated capacity limiter in order to “bring back” the load, but they agreed with GERMANY on the necessity to improve protection if the device was bridged. They formally supported the objection, but saw the need for a satisfactory technical solution taking into account real working conditions. The problem was how control the bridging.
The UNITED KINGDOM supported GERMANY and thought that better solutions for controls in certain operating modes were necessary. CEN had not worked enough with this standard and they should quickly revise it.
DENMARK agreed with GERMANY on the need for improvements.
Mr Kraus for VDMA said that the standard was a useful improvement compared to current practice, but an essential requirement of the directive had not been covered due to the state of the art. He considered that is was possible to publish the reference of the standard in the OJEU without a warning but with a remark in the Annex ZA.
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The CHAIRMAN deduced that all the Member States appeared to agree with GERMANY. The remaining question was whether the standard references should be published in the OJEU with a warning or not be published at all. Was CEN prepared to make a quick revision of the standard? FRANCE thought that publishing standards with warnings was not appropriate: standards should cover all the relevant essential requirements of the directives to avoid confusion. ITALY agreed with FRANCE. If such requirements were excluded from the standard manufacturers would ask the Member States for solutions, so it would be better to find a common technical solution at EU level. BELGIUM remarked that a warning notice would be related to added safety and not integrated safety, against the principles of the Directive. They thought that publishing with warnings was better than nothing, but there should be an expiry date for the references in the OJEU.

Mr Steiger for CEN said that CEN was not to blame for the lack of progress, since there was no feasible technical solution at the moment. A warning notice would not be problematic for manufacturers, and CEN would continue the work.

Mr Fraser for the Commission said that it was generally recognised that in mobile cranes there was a need to disable rated capacity limiters for certain specific operations, but that misuse of this possibility had led to a number of accidents. Attempts had been made in the past to specify means of preventing misuse of the bridging device, such as in the former French standard, but these had not proved practicable and were no longer used.

GERMANY replied that technical solutions did exist and that working in overload conditions could cause accidents and was unacceptable. Common standards were needed, otherwise national regulations would apply and manufacturers would have problems with diverging requirements.

Mr Schmidt, CEN Consultant explained that the standard included a requirement for rated capacity limiters to prevent against the risks due to overload, but in specific situations they could be by-passed: it was necessary to take measures against the risks of misuse, according to the state of the art.

The CHAIRMAN noted that all the Member States agreed on the need change the standard in line with available technical solutions. The WG had to adopt a position whether to publish with a warning or not to publish, taking into account the impact this could have on safety and market surveillance activities.

The NETHERLANDS said that it did not make any difference for market surveillance, but publishing with a warning would make it too easy for manufacturers by not making any risk assessment. It would be better not to publish the standard in order to put more pressure on manufacturers and on CEN to do something as soon as possible.

FRANCE said the bridging device should be regulated, including limits on time of operation and accessibility. Standards should not be published if they did not cover a minimum of essential requirements and standardisers should align better with the state-of-the-art to prevent accidents and ensure better health and safety of the operators. FRANCE was against the publication with a warning notice.

The CHAIRMAN said that it was clear that all Member States agreed that the Commission services elaborate a mandate to CEN to amend the standard according to the German concerns and suggested to vote on the question whether to publish the standard with a warning notice or to not publish it.

14 Member States were in favour of publishing the references of EN 13000:2004 in the OJEU with a warning: (AUSTRIA, CZECH REPUBLIC, DENMARK, FINLAND, GERMANY, IRELAND, LATVIA, LUXEMBOURG, NORWAY, POLAND, SPAIN, SWEDEN, SWITZERLAND and the UNITED KINGDOM). 4 Member States were against publishing the references of EN 13000:2004 in the OJEU: (BELGIUM, FRANCE, ITALY and the NETHERLANDS).

The CHAIRMAN noted that the opinion of the Machinery WG was to publish of the reference of EN 13000:2004 with a warning notice, and to submit a mandate to CEN to amend the standard. The contents of the mandate would be discussed with GERMANY, CEN and the other Member States.

Additionally the CHAIRMAN remarked that Annex ZA of EN 13000:2004 stated that “compliance with the normative clauses of this standard except clause 4.2.6.3.2 confers… a presumption of conformity…”. According to the document 35/2004 of the 98/34/EC Committee “Indication of the relationship to essential requirements in harmonised standards (Annex Z)” that was agreed with the ESOs (including CEN), Annex Z shall refer to the EHSRs not properly dealt with in the standard.

Mr Steiger for CEN replied that the option in EN 13000:2004 was allowed according to that document.

The CHAIRMAN said that the Commission and CEN would discuss the question bilaterally.

Conclusion: The Machinery WG position on the notification of the GERMANY formal objection against standard EN 13000:2004 was that the references of the standard should be published only with a warning notice, and that a mandate to amend the standard should be given to CEN.
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7. Committee decision on loading control of variable reach trucks (Docs. 2004.16)

See item 3 p)


Mr Boy for TUTB explained that two cases related to market surveillance on the Machinery Directive in FINLAND, which had been referred to the Court of Justice, had caught the attention of TUTB. One concerned light and cheap vehicle lifts that did not comply with harmonised standards. The question to the Court of Justice concerned the relation between the EHSRs and harmonised standards published in the OJEU. The case was an “alarm bell” for TUTB, since some NBs appeared not to follow the commonly agreed RFUs. TUTB asked NB-M to be vigilant, as well as to assist and cooperate with Member States and manufacturers and the Member States to make sure vehicle lifts were in conformity with all EHSRs.

FINLAND explained that the first case concerned market surveillance on a vehicle servicing lift involving questions on the application of the Machinery Directive and the status of standards, the internal market for goods according to Article 28 of the Treaty and compensation for damages. The second case on market surveillance on presses related to the role of the importer and requirements on him to check safety of the imported machinery.

FRANCE remarked that in the presses-case, FRANCE had made observations and participated in the public hearing, arguing that the importers have some obligations limited to checking formal aspects such as CE marking, declaration of conformity and translation of the instructions for use. ITALY asked whether Article 28 of the Treaty was applicable to the case on the vehicle servicing lifts.

Mr Sacchetti for the Commission responded that it was doubtful whether action by individual officials can be considered as a measure by a public authority within the meaning of Article 28 and then all the other questions in the court case would fall. Since the public hearing in this case had not yet taken place the Commission services were unable to discuss their submission to the Court in detail.

BELGIUM reminded that Article 8(6) of the Machinery Directive is applicable to importers in case the manufacturer has not fulfilled his duties.

Mr Kraus for VDMA was of the opinion that individual liability could be engaged if information was made available before the case was settled. Furthermore, standards are not mandatory and free circulation can be compromised if market surveillance is inconsistent.

The UNITED KINGDOM asked how the Court was likely to act in the press case; would it clarify the respective responsibilities of manufacturers and importers?

Mr Sacchetti for the Commission replied that the Commission services could not answer such a question and that we would have to wait for the opinion of the Advocate General and the ruling of the Court of Justice, which could come this summer. As an indication, the “Blue Guide” (“Guide to the implementation of directives based on the New Approach and the Global Approach”), pages 22-24, state that the manufacturers have the responsibility for complying with the directives, and outlines the specific obligations of other actors, including importers of products from third countries which have more restricted formal responsibilities. The ruling of the Court of Justice very often follows the opinion of the Advocate General.

FRANCE said that the court cases had created a debate in France on the role of whistle-blowers in public administrations.

ITALY underlined the need to clarify the question, which was debated in Italy as well, and to consistently apply the safeguard clause in Article 7 of the Machinery Directive.

SWEDEN remarked that the distribution chain had to be checked in such cases. Furthermore, according to Directive 89/655/EEC the employer always had the responsibility to ensure that his employees do not use unsafe products, regardless of its provenance.

9. Initial proceedings with a view to a formal objection against EN 280, Mobile Elevating Work Platforms (Doc. 2005.05)

The CHAIRMAN asked the members of the WG to prepare their positions on the question raised by SWEDEN for the next meeting, when it would be discussed. Whilst dealing with product safeguard clauses against MEWPS and during the ensuing discussions at the Machinery WG, the Commission services had noticed potential difficulties with the standard.
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Due to lack of time items 10 to 15 were postponed to the next meeting.

Miscellaneous

a) Next meetings
The CHAIRMAN said that the remaining meetings during 2005 were planned on 7-8 June and 11-12 October. Invitations were to be sent via CIRCA.

b) Revision of the Machinery Directive
The CHAIRMAN reported that the Competitiveness Council had adopted a political agreement on 24 September 2004 and that a Council WG had agreed on the renumbering of Annex 1, aligning it as close as possible with Directive 98/37/EC, at a meeting on 13 October. Translation of the text into all 20 languages was foreseen by mid-January. Afterwards the Council lawyer-linguists would check the texts, which would require at least 8 weeks. When the texts are finalised they are submitted to COREPER and then to a Council meeting for adoption of the Common Position, which is transmitted to the European Parliament for its 2nd reading (3+1 months). Depending on the result of the 2nd reading in Parliament, the Council may have to make a 2nd reading (3+1 months), and if diverging positions between the Council and the Parliament persist a conciliation procedure (6 weeks) will be necessary. This means that adoption of the revised Machinery Directive could take place sometime between the end of 2005 and mid-2006, depending on the outcome of the discussions in Parliament and Council.
**Summary of questions to be followed-up at the next meeting**

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MINUTES OF THE MEETING HELD ON 7-8 JUNE 2005

Subject: Working Group of Committee 98/37/EC concerning Machinery
Place: Albert Borschette Centre, Brussels
Chairman: Mr Martin EIFEL (EC ENTR/H5)
EC Participants: Mr Ian FRASER, Mr Corrado MATTIUZZO, Mr Fabrizio SACCHETTI, Mr Mario GABRIELLI COSSELLU (ENTR/H5); Mr Norbert ANSELMANN, Mr Michel JEANSON (ENTR/C2)

1. Welcome

The CHAIRMAN welcomed the participants and presented the Agenda. The Agenda was accepted.

2. Minutes of the meeting of 8 February 2005 (WG 2005.15)

The CHAIRMAN said that the request by Mr Kraus from VDMA to amend his statement on item 6 “Formal objection against EN 13000” to express the opinion that it was possible to publish the standard with a remark in Annex ZA and without any further warning in the OJEU, had been accepted following verification. SWEDEN requested that their comment that the minutes of the meeting of 11-12 October 2004 should be corrected with their statement on RfU CNB/M/04.041/R/E/Rev 4, “to delete the last sentence of their comment” had been forgotten in the minutes of 8 February 2005. SPAIN observed some editorial inconsistencies on page 5, item 3.k), line 10, on page 6, 3.n), “ESO”, on page 7, 3q), lines 5-7, the differences between the French and English versions of the document 2004.16 were related to the neutralisation devices¹, the French version being the correct one and on page 13, 4c), incorrect references to some RfU sheets. The CHAIRMAN clarified that “ESO” stood for “European Standardisation Organisation” (CEN, Cenelec and ETSI). The requested modifications would be included in the minutes and a new version would be uploaded to CIRCA.

With these corrections, the minutes of the meeting held on 8 February 2005 and 11 October 2004 were approved.


3. a) FR Formal objection against EN 12525² - Front loaders

Mr Steiger for CEN said that the TC 144 WG had considered the comments from France and was preparing a new document to be sent to the formal vote. FRANCE confirmed that most parts of their proposal had been included in the draft which they considered acceptable, so they had withdrawn their formal objection. France considered that it was already possible to start a revision of the standard.

¹ “… par un système permettant d’éviter la neutralisation permanente du dispositif…” / “… by a system which enables the device from being permanently neutralised…”.
² EN 12525:2000 Agricultural Machinery - Front loaders - Safety
3. c) Garden shredders - EN 13683

Discussion under agenda item 7.

3. d) Industrial truck pedals

Mr Steiger for CEN reported that the standard EN ISO 21281 had been adopted in February 2005. It included the most recent developments on configuration of industrial truck pedals, reflecting the market situation. It was published without an Annex ZA and it was not foreseen to publish its references under the MD in the OJEU.

Mr Boy for TUTB said that the new EN ISO standard had not changed in relation to the configuration allowing control of direction and acceleration by the same pedal. There were alternative configurations in line with ergonomic and safety principles in the market. He invited CEN TC 150 to coordinate their work with CEN TC 122 to take account of such principles in order to avoid accidents due to inadvertent operation. He also asked whether the new standard was a B- or a C-standard since it contradicted the B-standard on control devices.

The UNITED KINGDOM asked Mr Boy to provide specific information on accident data.

The CHAIRMAN asked if the reference to the ISO standard in EN 1726 was still valid.

Mr Steiger for CEN replied that the EN ISO 21281 was a C-standard and that it reflected technical and market aspects. The contested pedal configuration was very common and it could be problematic and even dangerous to change it. EN 1726-1 was being revised under ISO lead and the new standard would refer to EN ISO 21281.

ITALY stressed that CEN should not take into account only the current market situation but also had to respect the EHSRs of the MD.

The CHAIRMAN asked CEN to provide more detailed information on developments at the next meeting and asked Member States to remain attentive.

3. e) Visibility from earth moving machinery

Mr Steiger for CEN reported that the new EN 474 series, addressing the UK concerns, were to be submitted to the formal vote, after review by the CEN consultant.

The UNITED KINGDOM had examined the latest version of ISO 5006 to which EN 474 referred and were satisfied with the latest version of the text. They agreed to withdraw the question from the Agenda.

3. g) Stability of industrial trucks

Mr Steiger for CEN said that the relevant CEN WG would send a final draft report to the Commission within a month. The report would respond to the mandate, proposing amendments in order to improve stability. Related research programs had been launched by the University of Hamburg, in the UK and in France, developing models for trucks related to speed control and load indicators in operative conditions. INRS in France was studying the role of tyres. Such studies were to be considered by the CEN WG and discussed with the CEN consultant. The studies only related to electrical trucks, since the issue of internal combustion engines trucks would be more difficult. Furthermore, there would be a new draft of EN 1459, including a clause on information for safe use and an informative Annex on driver training.

FRANCE remarked that there were interesting and worrying elements in the information provided by Mr Steiger, especially the recurring reference to user training. They asked for the written report CEN was to send to the Commission to be distributed to all stakeholders.

Mr Boy for TUTB stressed that drivers’ training was not a substitute for safe design measures.

Mr Steiger for CEN replied that CEN was working on design measures to prevent the tipping risk in trucks, but it was a long-term strategy. The effectiveness of the systems available on the market had to be verified and problems relating to manufacturers’ patents had to be resolved. Therefore instructions on safe use and training of users were also important.

The UNITED KINGDOM estimated that CEN/TC 150 – WG 11 was making progress on developing design measures and that effective systems were available on the market.

The CHAIRMAN asked CEN to present a document outlining the situation at the next meeting.

3. h) Vibrations by concrete breakers

Mr Steiger for CEN introduced WG 2005.39 from CEN/TC 255 underlining the need to have comparative measurements obtained in clearly defined operating conditions, which was difficult.
Mr Hoyland for Cenelec recalled the recommendations of the Ad-hoc Group (WG 2005.12), including the agreement on warnings about residual risks when the level of vibrations exceeded 2.5 m/s². The Group also agreed with the principle of establishing indicative emission values, but that would require the collection of reliable data. As a first step, the emission values declared by manufacturers according to agreed test codes could be collected by the authorities. Improved test codes were required, taking into account the link between emission values and probable exposure: a machine with a higher emission could have greater efficiency and thus expose the user for a shorter time.

FRANCE presented document WG 2005.16. FRANCE noted the agreement on the indicative value of 8 m/s² for concrete breakers of all types except for the electric ones. For electric concrete breakers, the French results were based on an unrepresentative sample. If manufacturers provided emission information, MS market surveillance authorities could verify that it corresponded to the real vibration levels of concrete breakers placed on the market. The result of French study should be debated and used in standardisation. Furthermore there was still confusion between measurements of emission and exposure values, making a clear test protocol necessary. The French study indicated a wide range of emissions. There was a common test method for all types of concrete breakers. Manufacturers and standardisers should therefore increase their efforts in this field.

Mr Hoyland for Cenelec said that the INRS results were not sufficient to establish an indicative value for electric concrete breakers.

FRANCE thought that the wide variation in emissions from electric concrete breakers was explained by the failure by certain manufacturers to take appropriate protective measures. BELGIUM considered that standardisation on vibrations had not worked and they agreed with the French proposal to develop and apply comparative data.

The CHAIRMAN suggested that if no significant progress had been made in the 16 years since the adoption of the Machinery Directive, it was now time for action rather than prolonged reflection and the study by INRS could provide a valid starting point.

GERMANY thought that a step-by-step approach was needed, starting with the most dangerous machinery. Mr Hoyland for Cenelec said that significant work was going on, even if there were problems due to the functioning of the market. More information from manufacturers would be useful, as well as improved test codes, but there were no rapid solutions. The cost of research was also an obstacle to progress. He suggested reconvening the Ad-hoc Group to advance progress.

The UNITED KINGDOM agreed with the convocation of the Ad-hoc Group, taking declared emission values as reference and developing common test codes. On financing, joint proposals between the Commission services and the Member States should be developed.

Mr Fraser for the Commission suggested that manufacturers could provide declared emission values through their professional associations, making it possible to compare different machines.

The CHAIRMAN confirmed that the question would be followed-up at the next meeting.

3. i) UK suspended formal objection against EN 6936 - Hydraulic presses

Mr Steiger for CEN reported that CEN/TC 143 was still discussing the revision in conjunction with other standards with similar problems. The UK was due to submit a written proposal but it had been delayed.

The UNITED KINGDOM said that they had sent their written proposal on 6 June and suggested that the issue be further discussed at the next MDWG meeting.

The CHAIRMAN agreed to continue discussions at the next meeting on the basis of a CEN report.

3. k) Aircraft lifting devices

The CHAIRMAN asked for reports on practical implementation relating to conformity assessment and market surveillance, as requested by some Member States at the last meeting.

Mr Vandergaer, CEN consultant thought the intention by the manufacturer to use the devices as a system determined whether they were in Annex IV and NB intervention was needed.

Mr Fraser for the Commission pointed out that if a user assembled such a system himself, he could be considered as the manufacturer. This situation should be distinguished from the case where a user assembled several distinct lifting devices for a single lifting operation.

GERMANY confirmed their agreement with the conclusion reached at the last meeting and suggested practical application should be followed up.

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BELGIUM said that manufacturers generally marketed these devices as a system, providing assembly instructions, so they were in Annex IV. When single spare parts were supplied specific cases of application of Annex IV could be discussed.

ITALY remarked that many different parties were involved in manufacturing, placing on the market and assembly of such devices. Inspection of assembled systems should be carried out national authorities.

The CHAIRMAN concluded that there did not seem to be any need to continue the discussion at the next meeting, but that any problems in application could be discussed at future meetings.

3. n) Overlapping scopes of standards

Mr Vetsuypens for Cenelec said that CEN and Cenelec had analysed the question, however the number of cases were quite limited. The problem was partly caused by the ambiguous borderline between the LVD and the MD established by Article 1.5 of the MD. The overlap problem was also due to the tendency on the market for domestic machinery to get bigger and commercial machinery to become smaller. He suggested publishing both overlapping standards under the MD, since they had equivalent safety levels.

BELGIUM recalled a serious accident with a hedge-cutter, where overlapping standards caused problems for risk assessment and market surveillance. Submitting a safeguard clause in such cases would be difficult to manage.

The UNITED KINGDOM expressed disappointment with the Cenelec position, as the two standards for the same product did not provide equivalent safety levels. Joint work was needed to produce common standards covering domestic, commercial and industrial use.

Mr Joannin for CEN said that it was not easy to find common solutions, but discussions on overlapping standards should continue.

GERMANY pointed out that product migration between sectors of use was a growing tendency. This required cooperation between the ESOs to produce solutions that were practicable for all use situations.

SLOVENIA remarked that standards were voluntary and manufacturers could choose which standard to apply according to their risk assessment.

SPAIN pointed out another case of overlapping involving the B-standards EN 62061, derived from IEC 62061 which was based on a different methodology than the harmonised standard EN 954-1:1996 (being revised as EN ISO 13849-1). SPAIN was against publishing EN 62061 as a harmonised standard under the MD.

The CHAIRMAN proposed that CEN and Cenelec cooperate, establishing a list of “problematic” overlapping standards. MS and other stakeholders were invited to come up with candidates. Eventually, the revised MD should establish a clear borderline between the LVD and the MD. Appropriate follow-up could be assured by setting-up a folder in the Machinery Circa site for the purpose.

Mr Vetsuypens for Cenelec and Mr Joannin and Mr Steiger for CEN agreed with the proposal, and committed to work jointly with their TCs.

ITALY suggested acting in the first stage of standardisation process, the mandate, by avoiding to issue a mandate under the MD if there were already another under the LVD.

BELGIUM supported ITALY, asking for clearer specifications in mandates. About Article 1.5, it would be the manufacturer’s decision, according to his risk assessment.

The CHAIRMAN clarified that the majority of standards were based on general mandates which did not specify in detail which products CEN and Cenelec respectively should cover in their standards. On the other hand both CEN and Cenelec had been mandated to cooperate and establish work-programmes in order to avoid overlapping. He stressed the need to start taking account of the revised MD in unresolved cases.

Conclusion: CEN and Cenelec were to cooperate and establish list of “problematic” overlapping standards to be followed up.

3. o) Policy on publication of Machinery standards

Mr Fraser for the Commission introduced document WG 2005.28 on how to publish and present the references of harmonised standards in the OJEU, divided into three parts for A-, B- and C-type standards.

Mr Vandergaer, CEN consultant agreed with the proposal, but had an editorial remark on the wording of the introduction for A-type standards.

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7 EN 62061:2005 Safety of machinery - Functional safety of safety-related electrical, electronic and programmable electronic control systems
8 EN 954-1:1996 Safety of machinery - Safety-related parts of control systems - Part 1: General principles for design
AUSTRIA agreed with the document but was not certain it was fully compatible with the provisions of the MD regarding the presumption of conformity conferred by harmonised standards.

Mr Joannin for CEN agreed with Mr Vandergaer’s remarks and added that structuring the consolidated list of standard references according to the proposal would require a major effort by CEN. The first task was to establish clear criteria for the publication of standard references.

Mr Hoyland for Cenelec remarked that such classification was only valid for CEN standards. Most Cenelec standards for machinery were product standards. The part 1 of the Cenelec series included a note saying that it did not confer presumption of conformity alone.

AUSTRIA, GERMANY and POLAND agreed with the document and emphasized that it had to be clear that A-standards could not provide presumption of conformity with the MD by themselves.

The CHAIRMAN concluded that the proposal by Mr Vandergaer had been approved at a previous meeting: the COM document provided improved wording. Given the ESOs difficulties to present consolidated lists of standard references, the new structure would not be introduced yet. The ESOs should check the feasibility of providing lists divided into A-, B- and C-standards. Proposals to improve the wording in WG 2005.28, in order to clarify presumption of conformity for the different types of standards, should be sent to the Commission services.

3. p) Question on EN 145910 variable reach trucks and normative reference to prEN ISO 1356411

Mr Steiger for CEN reported that the WG had met in February. Comments had been received during the parallel enquiry. There was a problem with trucks with a capacity greater than 10 tons and further tests were required.

The UNITED KINGDOM had made proposals to ensure that improved visibility aids were provided. There had been some progress but ISO might withdraw funding if discussions did not advance.

FRANCE said that the results of their study of variable reach trucks in real operating conditions were not yet available and suggested to continue the discussion at the next meeting.

The CHAIRMAN agreed to continue discussion at the next meeting.

3. s) Question on consistency of language in Annex I , section 3.4.3 (WG 2005.25)

Mr Fraser for the Commission referred to WG 2005.25 which concluded that there was a terminological mistake in the German version of the Directive. The French term “niveleuse” should be translated by the German term “grader”. However, it did not seem to have great practical consequences.

Mr Steiger for CEN confirmed the correct German term.

The CHAIRMAN concluded that the explanation given in WG 2005.25 was accepted by the MDWG.


Mr Gabrielli Cossellu for the Commission presented the progress of endorsement and publication of RfUs, according to WG-2005.21 and the minutes of the last meeting.

The CHAIRMAN presented the RfUs submitted to the Oral Procedure, for which comments had been communicated:

- 00.113 Rev 03: Mr Jockers for NB-M said that the MD Guide was contradictory to the conclusion of the last MDWG meeting. The CHAIRMAN said that any ambiguities in the Guide should be corrected in the website version. The UNITED KINGDOM supported a pragmatic update of the Guide. Mr Jockers for NB-M pointed out that there were practical problems related to the translation of instructions by manufacturers into the official languages of the country where machinery was placed on the market. The CHAIRMAN stated that the Directive was very clear on the question of which language versions of the instructions that should be provided with the machinery. Mr Jockers for NB-M said that a new version of the RfU would be presented.

- 03.036 Rev 03, 08.014 Rev 05 and 09.205 Rev 07: Mr Jockers for NB-M confirmed that these three RfUs had been withdrawn and could be removed from the list on the website.

- 03.112 Rev 06: Mr Jockers for NB-M asked SWEDEN to clarify their comment.

- 03.090 Rev 12: Mr Jockers for NB-M presented a new version. SWEDEN and DENMARK expressed doubts about the new proposal on adjustment of the bending line. SPAIN suggested taking into account the latest

10 EN 1459:1998 Safety of industrial trucks - Self-propelled variable reach trucks
version of standard EN 12622\(^2\) which included provisions that removed the need for the recommendation. **ITALY** said that Notified Bodies made recommendations when standards were not present, and suggested withdrawing RfUs when the relevant standards had been approved. **The CHAIRMAN** agreed to that the RfU would be withdrawn when the revised standard covered the question. **Mr Jockers for NB-M** clarified that the RfU would be an exception to the standard with an equivalent safety level. **GERMANY** and the **UNITED KINGDOM** remarked that the questions in the RfUs appeared very technical and doubted whether they could be discussed in the MDWG. **The CHAIRMAN** replied that it was being discussed, since there had been comments from MS. **ITALY** thought the system could work provided MS made technical verifications before discussions in the MDWG. **SLOVENIA** supported all the RfUs submitted in order to support NBs active participation in the NB-M. **Mr Umbreit, CEN consultant** said the RfU included an aspect not fully covered by the standard so it provided a useful answer to the problem. **The CHAIRMAN** asked for more detailed explanations for the next meeting.

- 09.305 Rev 05: **ITALY** presented their comments on the RfU, considering that it was contrary to the provisions of EN 280\(^3\), clause 5.6.1. NB-M was would reconsider the RfU for the next meeting.
- 11.031 Rev 04: **Mr Jockers for NB-M** said that the new version would be ready soon.

**Conclusion:** oral procedure endorsement of RfUs was to continue at the next meeting, following review by MS and NB-M.

5. **CEN / Cenelec Progress report relating to standardisation (WG 2005.26)**

**Mr Steiger for CEN** presented the document and described developments since April 2004. He was concerned with the absence of publication of the references of harmonised standards in the OJEU and the lack of contracts for the CEN consultants. **The CHAIRMAN** agreed that the CEN consultants were in a difficult situation, but reported that the standardisation unit in the Commission expected to resolve the situation very soon. On the publication of standard references in the OJEU, the Commission services had not yet received correct consolidated lists from CEN. There had been far too many errors and inaccuracies in the lists that had been submitted. He asked CEN to provide a correct consolidated list to publish in the OJEU as quickly as possible.

**Mr Joannin for CEN** confirmed that there had been problems relating to the translation of references and announced that a new version would be sent to the Commission at the end of July.

**Mr Vetsuypens for Cenelec** reported on their activities, mentioning the problems of overlapping with CEN standards, and announced that there was a new consolidated list of standard references which preferably should be published in the OJEU soon.

**The CHAIRMAN** said that the Commission services would publish the references of 4 new standards submitted by Cenelec. A complete consolidated list would be published when CEN provided a correct list.


**The Chairman** explained that the aim of the discussion was to decide the wording of the draft decision and the mandate which had been agreed in principle at the last MDWG meeting.

**Mr Mattiuzzo for the Commission** presented the draft Commission Decision on the publication of the standard in the OJEU with a warning notice and the draft standardisation mandate to CEN, as agreed at the last meeting.

**GERMANY** agreed with the draft Commission Decision and the draft mandate.

**Mr Oram for CEN TC 147** thought that overloading was not a common cause of accidents and that the standard represented the state of the art. He reported on a plan to fit mobile cranes with a monitoring device that would record all actions taken by the driver. This would deter misuse of the bridging function.

**The CHAIRMAN** recalled that the MDWG had already agreed on the principle of a Decision and a mandate at the meeting held on 8 February and that the current discussion was limited to the wording of these documents.

**Mr Steiger and Mr Joannin for CEN** remarked that a technical solution would not be easy to find and that they needed more specific indications from the interested parties, in particular from GERMANY. A technical meeting

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\(^3\) EN 280:2001 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests
\(^4\) EN 13000:2004 Cranes - Mobile cranes
between CEN and German experts should be held in order to find adequate solutions. The timeframe should be adjusted taking account of the procedure and the technical work required and that 24 months until adoption were needed according to the UAP procedure.

Mr Mattiuzzo for the Commission explained that the draft mandate did not specify the expected result of the amendment or a specific technical solution, but defined the problem to be solved and the time for implementation. It was the job of standardisers to come up with the technical solution.

The CHAIRMAN summarized the discussion by stating that CEN and the interested parties, in particular GERMANY should meet and agree on solutions as soon as possible and that CEN should present a proposal by 30 June 2006 and adopt the standard by 30 June 2007.

AUSTRIA asked why two additional clauses of the standard had been mentioned the draft Commission Decision, although they were not referred to in the German objection.

Mr Mattiuzzo for the Commission said that the draft decision referred to the three clauses 4.2.6.3.1, 4.2.6.3.2 and 4.2.6.3.3, since they were interconnected and could not be considered independently. However, he agreed that it was not necessary to mention these clauses in part 2 of the draft mandate, since it was up to CEN to decide how the standard was amended in order to bring it into conformity with the Directive.

The CHAIRMAN confirmed that the references to these clauses could be removed from part 2 of the draft mandate and took the opportunity to remind CEN that an appropriate Annex ZA stating clearly the relation between the relevant EHSRs of the Directive and the clauses of the standard was a precondition for publishing the references in the OJEU.

Conclusion:
- the agreement on the draft Commission decision was confirmed;
- the MDWG agreed to the draft mandate to CEN, provided that the references to clauses 4.2.6.3.1, 4.2.6.3.2 and 4.2.6.3.3 in the 2nd part of the draft mandate were removed and that the deadlines in the 3rd part were modified to 30 June 2006 for CEN to submit a proposal for revision to the Commission and to 30 June 2007 for CEN to adopt the revised standard and provide the three language versions (EN, FR, DE) together with the correct titles in the other official Community languages.


GERMANY presented their concerns on the standard as expressed in WG 2005.14, with regard to the feeding apertures, the discharge chute, the cutting blades and other moving parts. They asked for the standard to be published with a warning and for a Commission mandate to CEN to amend it.

Mr Steiger for CEN referred to WG 2005.38 which included a proposal submitted by GERMANY to CEN TC 144. He suggested that the mandate to CEN to amend the standard should include the result of the discussions to be held with Germany.

The CHAIRMAN asked for the opinion of the MDWG whether the standard references should be published in the OJEU and, if so, whether there should be a warning as suggested by Germany and a mandate to CEN to amend the standard.

FINLAND mentioned that there was a Cenelec standard with the same problematic requirements.

FRANCE supported the formal objection by GERMANY. There was a risk when the user intervened to unblock the machine. A mandate should be issued to CEN to amend the standard.

AUSTRIA thought that the standard was a good one except for the aspects mentioned by GERMANY and was therefore in favour of publishing the reference with a warning and a mandate to amend the standard.

Mr Huighen, CEN consultant confirmed that the standard did not comply with some requirements of the MD. He was also to give an opinion on the Cenelec standard that referred to the CEN standard.

ITALY stressed their opposition to the publication of standards with warning notices, since it was very problematic for manufacturers and market surveillance authorities alike. If a standard did not comply with the EHSRs, it should not be published in the OJEU.

FRANCE and the UNITED KINGDOM agreed with ITALY.

GERMANY said that they had proposed to publish the standard with a warning notice but they agreed with not publishing it.

The CHAIRMAN asked if MS agreed not to publish the standard references in the OJEU and to mandate CEN to amend the standard. All MS except for AUSTRIA agreed to this procedure.

\(^{15}\) EN 13683:2003 Garden equipment - Integrally powered shredders/chippers - Safety
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FINLAND, although accepting the decision, was concerned that the standard had already been approved by the representatives of Member States during the standardisation process and that the MDWG was again discussing the issue. They thought that was sometimes better to have a defective standard than no standard at all.

The CHAIRMAN replied that such an approach had sometimes been used in the past, but it appeared clear that, in this case, Member States were against the publication.

Mr Mattiuzzo for the Commission remarked on the difference between the adoption of a standard and its publication in the OJEU. Once a standard had been adopted, stakeholders could use it (or parts of it), but an unsatisfactory standard should not give presumption of conformity with the MD.

Mr Steiger for CEN confirmed that national authorities were taking part in standardisation activities and that it would be better to resolve problems there.

The UNITED KINGDOM observed that, given their resources, Member States sometimes could not participate in all such activities, and the MDWG should indeed discuss standards when safety problems arose.

**Conclusion:** the Commission services were to draft a decision not to publish the references of EN 13683:2003 in the OJEU and mandate to CEN to amend the standard. Stakeholders would be consulted on these documents.


FRANCE presented their formal objection, as in WG 2005.18, asking not to publish the references in the OJEU, underlining that the standard did not respect the principles of safety integration of the MD and that the recourse to personal protective equipment (PPE) was not appropriate in a B-type standard.

The UNITED KINGDOM and FINLAND agreed in principle with FRANCE, although they thought that attachment points for PPE could sometimes be acceptable.

ITALY supported FRANCE, stating that a B-standard could not derogate from the safety principles of the MD. Use of PPE could be indicated in a C-standard if necessary.

GERMANY reported that German experts were divided on this issue. Use of PPE was already indicated in some C-standards and could improve safety for certain operations. The standard did give the order of priority for the choice of a means of access. Safety hoops did not provide full protection. PPE could provide full protection against falls, but it had to be used.

Mr Steiger for CEN said that the German debate was similar to that within CEN. The CEN WG thought that safety hoops sometimes did not improve safety and that PPE was the better choice. However he agreed that the standard could be clearer.

BELGIUM supported FRANCE.

Mr Umbreit, CEN-consultant said that he had given a positive assessment to the standard, since it was in line with the principles of safety-integration, and PPE was only foreseen for infrequent access.

SPAIN understood the French position but pointed out that the MD required manufacturers to inform users about residual risks and prescribe the use of PPE if necessary. Chapter 6 of Annex I included a requirement concerning attachment points for PPE when integrated protective measures were not sufficient.

FRANCE underlined that the real problem was not the information to the users about residual risks and the use of PPE but the fact that use of PPE and integrated protective measures were placed at the same level, which was against the principles of safety integration of the MD. Such an approach was not acceptable in a B-type standard.

GERMANY considered that the standard could include both solutions but should give priority to safety hoops.

DENMARK did not strongly oppose the standard providing correct priority was given.

Mr Fraser for the Commission remarked that in certain cases it might not be possible to equip machinery with integrated protection against the risk of falling, but this was not the general situation. B-type standards were intended to provide solutions that could be used across a wide range of machinery and should fully respect the MD. It was wrong for this standard to indicate that PPE provided better protection than safety hoops. Safety hoops do not provide complete protection but they are always in place, whereas the effectiveness of PPE depends on its being worn and correctly used. Furthermore, where there was not enough space to install safety hoops, it was doubtful whether there would be sufficient space for PPE to arrest a fall safely.

The UNITED KINGDOM in principle agreed with Mr Fraser and said that the PPE had to have a lanyard of the self-tightening type.

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The CHAIRMAN asked MS to express whether they supported or not the publication of the standard references in the OJEU in order to be able to establish the opinion of the WG.

In favour of publication (6):
- CZECH REPUBLIC, DENMARK, FINLAND, LATVIA, LITHUANIA and SLOVAKIA.

Against publication (11+3):
- BELGIUM, FRANCE, IRELAND, ITALY, MALTA, the NETHERLANDS, POLAND, SLOVENIA, PORTUGAL, SWEDEN and the UNITED KINGDOM, as well as BULGARIA, NORWAY and TURKEY.

Abstained (3+1):
- AUSTRIA, GERMANY and SPAIN, as well as SWITZERLAND.

Conclusion: the Commission services would draft a decision not to publish the references of EN 14122-4:2003 in the OJEU and mandate to CEN to amend the standard. Stakeholders would be consulted on these documents.


SWEDEN presented WG 2005.05 concerning a problem with the standard which had been noticed during the handling of a product safeguard clause on MEWPs in 2003. There was substantial support for the Swedish concerns from rental companies and other users who estimated that between $\frac{1}{2}$ and $\frac{3}{4}$ of all slide-bars were tied up. The most common work-related injury for this type of equipment was linked to ergonomic deficiencies.

Mr Whiteman for IPAF-FEM presented WG 2005.35 and 40 and stated that industry was concerned and did not condone the practice of tying up slide-bars. He was surprised by the Swedish action, and asked for more time to study the question in CEN TC 98.

The CHAIRMAN informed that also the Commission services had identified a number of problems with standards, of which this was one, when handling safeguard clauses. The Commission services had sent a letter to CEN on these issues which could be uploaded on CIRCA for information.

Mr Fraser for the Commission was surprised by industry’s reaction, since industry itself had remarked on the insufficiency of this type of design earlier. This type of misuse was so foreseeable that even the manufacturers’ own advertising material often showed tied up slide-bars.

The UNITED KINGDOM agreed with Mr Fraser but added that alternative solutions caused other risks. Interlocking the gate had been suggested, but had not yet proved effective. Standardisation should be given more time to resolve the issue.

FRANCE and ITALY supported SWEDEN to have the standard amended as soon as possible.

GERMANY fully agreed with the UNITED KINGDOM.

Mr Fraser for the Commission thought that even if slide-bars were equipped with interlocks to prevent misuse, this would not make them compatible with ergonomic principles. In this respect, they did not comply with the EHSRs of the MD.

FINLAND thought SWEDEN was right, but agreed with other MS that standardisation needed more time to find satisfactory solutions.

Mr Whiteman for IPAF-FEM said that, although no better solution was currently available, he was keen to find a solution to the problem. He recognised that there was some misuse, but industry had started a publicity campaign to counter that and there had not been any accidents. He considered that the slide-bar was the best solution available at the moment due to its simplicity and structural stability.

Mr Boy for TUTB-ETUC suggested that Industry could find inspiration for improving the design according to ergonomic principles from standards like ISO 638518, EN 614-219 and EN 1005-420. He stressed that the absence of accident reports did not imply the absence of risk.

SWEDEN clarified that the conclusions of WG 2005.05 should be considered as suggestions and not final design solutions, but it was clear that warning against misuse was not sufficient.

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17 EN 280:2001 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests
18 ISO 6385:2004 Ergonomic principles in the design of work systems
19 EN 614-2:2000 Safety of machinery - Ergonomic design principles - Part 2: Interactions between the design of machinery and work tasks
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AUSTRIA suggested studying the question in the relevant Vertical Group of NB-M in order to elaborate an RfU.

The CHAIRMAN replied that an RfU would not be useful when a standard exists, but only cause confusion. He recalled that Sweden had not yet made a formal objection, so no decision had to be taken. However, urgent action by CEN was needed in order to find better alternatives and amend the standard, without resorting to the formal objection procedure. The question would be followed-up at the next meeting, with the commitment by CEN and the Industry to go on studying the problem in order to reach a satisfactory solution as soon as possible.


Mr Sacchetti for the Commission reported on developments in the two Finnish cases referred to the European Court of Justice (ECJ):
- C-40/04 on responsibility of importers and distributors: the Advocate General delivered his Opinion on 10th March 2005. This document was available on the ECJ’s website (http://www.curia.eu.int) in different linguistic versions (but not yet in English). His conclusions reflected the position of the Commission that importers and distributors should not assume the same responsibility as the manufacturer and, therefore, cannot be required to verify compliance with the essential health and safety requirements. However, as professional traders, they can be required to verify that the machinery bears the CE marking and is accompanied by the EC declaration of conformity as well as by instructions for use, both of which must be supplied in the language of the Member State where the machine is placed on the market. They can also be required to cooperate with market surveillance authorities. The next step was the judgment of the ECJ, expected in the 2nd semester of 2005: in the vast majority of cases, the ECJ followed the Opinion of the Advocate General.
- C-47/03 on market surveillance: written observations had been submitted by the plaintiff in the main proceedings, Mr Lehtinen, FINLAND, SWEDEN and the NETHERLANDS. At the public hearing on 19 April 2005, the Commission had confirmed its position on the non-applicability of Article 28 of the Treaty in this case. The next procedural step was the opinion of the Advocate General, expected by the end of the year, which meant that the judgement would be delivered in the first half of 2006.

11. Question on lifting cradles (suspended platforms) for access to buildings concerning their classification in the Directive (WG 2005.01)

The UNITED KINGDOM presented WG 2005.21 asking for the opinion of the MDWG.
SWEDEN thought that complete suspended access equipment indeed was covered by the MD and by the harmonised standard EN 1808\(^{21}\). However, the fact that cradles (suspended platforms) were placed on the market separately could cause difficulties. In such cases, a certificate of incorporation should be issued.
FRANCE agreed with SWEDEN that suspended platforms alone were not to be considered machinery.
FRANCE would present a study at the next ADCO meeting.
AUSTRIA supported the UK. Complete suspended access equipment was machinery for lifting persons, but suspended platforms equipped with hoists could also be considered machinery covered by Annex IV for use with a suspension rig already installed on the building.
GERMANY agreed with AUSTRIA that the suspended platforms equipped with its hoists could be placed on the market as machinery subject to Annex IV with instructions for installation.
SWEDEN said that certain suspended platforms such as those designed to be suspended from a simple hook attached to a building, might be considered as machinery on their own right, but for the suspended access equipment shown in the UK document, the suspended platform alone could not be considered as machinery since the gantry (suspension rig) was an integral part of the machinery and should be subject to the same conformity assessment procedure.
BELGIUM thought that the suspended platform should be CE marked and have a declaration of conformity in order not to misuse the Directive.
Mr Fraser for the Commission said the harmonised standard EN 1808 was fine, but in practice the three different elements constituting suspended access equipment, the suspended platform, the hoists and ropes and the suspension rigs, were often placed on the market separately, sometimes by different manufacturers. Users then combined the different elements, which were not necessarily compatible. Such cases caused difficulties, even if a

\(^{21}\) EN 1808:1999 Safety requirements on Suspended Access Equipment - Design calculations, stability criteria, construction - Tests
complete suspended access system had originally been certified under the MD. Perhaps the French study could help to resolve the situation.

The UNITED KINGDOM said that the main risk was related to the fixing of the gantry (suspension rig) to the building, which was outside the scope of the MD. The French study would be important.

The CHAIRMAN said that the market had to take into account. If a suspended platform equipped with hoists was only considered as partly completed machinery, the onus for ensuring the conformity of the final machinery would be transferred to the user. He recalled other cases where equipment integrated into machinery by the user had been considered as machinery in its own right and therefore CE marked. It appeared that this was another such case. The installation of such machinery could be checked under national regulations on use of work equipment. However, part of the answer suggested by the UK to question 1, stating that the cradle (suspended platform) could be considered as interchangeable equipment, seemed to be incorrect, since it was not assembled with machinery in order to change its function and therefore did not correspond to the definition of interchangeable equipment.

FRANCE said that if suspended platforms equipped with hoists were considered as machinery, they should be submitted to CE procedures and the manufacturers should provide very specific instructions for assembly and installation.

The CHAIRMAN suggested the WG 2005.01 could be approved by the MDWG, provided the part of the answer to question 1 stating “If different types of cradle are supplied that can be moved from gantry to gantry they would be considered as interchangeable equipment, but would still need to be CE marked and have a Declaration of conformity issued” was removed. Additionally, he underlined that EHSR 4.2.4 “fitness for purpose” should be taken into account by the manufacturer before such machinery was first put into service.

**Conclusion:** suspended platforms with hoists intended to be used with existing suspension rigs are considered machinery under the MD and the conformity assessment must take account of the interface with the suspension rigs. The manufacturer must give detailed instructions on assembly, installation and use and ensure that EHSR 4.2.4 “fitness for purpose” is fulfilled.

12. Application of CEN and Cenelec standards to washing machines used in the light commercial market (WG 2005.02)

The UNITED KINGDOM presented WG 2005.02, recalling there were different standards for the same products, in this case domestic and “light commercial” washing machines. However the risk assessment, in particular with regard to guard locking for the drum doors, was different. They requested the ESOs to agree on a common approach taking account of EHSR 1.5.1 of the MD and the agreement that all EHSRs of the MD should be taken into account in the standards for machinery covered by the LVD. The MD guide was not very clear on the relation between the MD and the LVD.

The CHAIRMAN agreed with the concerns of the UK and said that the MD Guide needed some improvement in order to clarify that the MD and LVD applied exclusively for the different categories of machinery. However the LVD guide was very clear on the issue.

BELGIUM thought that only the manufacturer could really know which Directive to apply, explaining it in the declaration of conformity.

Mr Huigen, Cenelec consultant said that the standard had to ensure that the risks were covered without any differences of safety level, whether the machinery came under the MD or the LVD. If the Cenelec standard did not include the guard locking mentioned by the UK, it should be added.

SPAIN stressed the need for having the same safety level in LVD and MD standards and that the agreed borderline had to be respected. They had doubts that LVD standards for machinery respected all EHSRs of the MD.

GERMANY said that the manufacturer should take into account both commercial and the domestic use, according to the corresponding standards under MD and LVD. ESOs had to take special caution with this increasing migration of products from one use sector to another.

Mr Vetsuypens for Cenelec thought the problem was caused by EHSR 1.5.1 and the two standards were a consequence of such legal uncertainty. A clear borderline between MD and LVD was needed. They accepted the suggestions from the UK and the CEN-consultant and would report at the next meeting.

Mr Fraser for the Commission said that many small domestic washing machines available on the market were equipped with guard locking to ensure that the guard remained shut until the drum had completely stopped. This was clearly the state of the art and should be reflected in the Cenelec standard.
The CHAIRMAN concluded that the MDWG considered it necessary to revise the Cenelec standard in order to ensure that the same safety level in both standards. Furthermore the borderline between the MD and the LVD should be better clarified in the MD guide.


ITALY presented WG 2005.03 and 17, stating that some standards for agriculture and forestry machinery still caused uncertainty for manufacturers, since they did not cover all the relevant risks. The situation was especially sensitive in ITALY where such machinery was widely used. They requested that CEN amend the standards in question, taking into account the comments provided and the current state of the art, reflecting the most recent improved solutions provided by manufacturers, and then report at the next meeting. FRANCE and GERMANY fully agreed with ITALY. The standards needed improvement regardless of whether they were drafted by CEN or, more and more frequently, by ISO. Mr Steiger for CEN invited ITALY to participate in the standardisation work. ITALY replied that they did participate but their proposals had not been considered in the draft standards to be submitted to vote. The CHAIRMAN agreed to follow-up the question at the next meeting and asked CEN to provide a report.

14. Resolution relating to information to users regarding operator training and machine maintenance and use (WG 2005.04)

FRANCE presented WG 2005.04 which was a resolution adopted by the Strategic Committee 11 “Occupational Safety and Health” of AFNOR. The content of the resolution was similar to that of the French WG 2004.15. It had been adopted in reaction to the draft EN ISO standard on operator training and work environment for industrial trucks. Mr Mattiuzzo for the Commission considered that the subject was relevant in all harmonised product fields, and the standardisation should take account of these ideas and incorporate them into their standards. The CHAIRMAN said that it was an interesting approach to involve standardisation in this area. Training questions were also related to DG Employment but the MDWG could take note and support the contents of the resolution, advising standardisers to cooperate with other stakeholders. Conclusion: the MDWG noted and supported the French resolution.

15. Importance and reasons to limit the period of validity of EC-type examination certificates (WG 2005.06)

Mr Jockers for NB-M presented WG 2005.06 on the period of validity of EC-type examination certificates. The UNITED KINGDOM said that there were many good ideas in the document, already reflected in the draft of the revised MD, but to apply them now could be problematic in the UK due to the lack of a legal basis: they did not have the power to impose the periodic review of certificates. They therefore requested advice from the Legal Service of the Commission. Furthermore, in relation to the revised MD there was a question on when the 5 year validity period would start – would it be from the date of issue of the certificate or from the application date of the new MD? BELGIUM asked why a validity of 5 years had been chosen. Mr Jockers for NB-M replied that they considered 5 years to be a reasonable period, since 10 years was too long. The draft revised MD established such a period. FRANCE said there would not be any problem to apply the proposal in France, and the legal basis could be provided by the revised MD accepting the idea of limiting the validity of certificates. The period of 5 years was the same as that fixed for the periodic revision of standards. The CHAIRMAN thought that a 5 year period was reasonable, keeping in mind that certificates had to be withdrawn anyway as soon as they no longer reflected the state of the art. FINLAND supported the proposal of NB-M and suggested to add a reference to “relevant changes” in the state of the art which would allow revising and/or withdrawing certificates before the validity limit of 5 years.
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SLOVENIA agreed that certificates should be kept up to date, but thought that limiting their validity would create an undue administrative burden on industry. SWEDEN agreed with the 5 year period, but supported Finland’s proposal to add that certificates should be withdrawn if they no longer corresponded to the state of the art. SPAIN considered that when the new MD was implemented, the 5 year period would be fine, but at the moment they could not support the document which did not have a legal basis. On the other hand, they fully agreed with the obligation to follow the state of the art. GERMANY supported the document, although there was no legal basis. In any case, it could be part of the contracts between manufacturers and NBs.

DENMARK supported the proposal and agreed with FINLAND on the idea of “relevant changes”. BELGIUM remarked that the 5 year period was not found anywhere, while there was a 10 year period for keeping the technical file. They abstained from taking a position on the document. Mr Mattuzzo for the Commission reported that a legal interpretation on certification policy and the obligations of Notified Bodies had been issued for the ATEX Directive. It was based on the modules decision and was probably relevant for the MD. The CHAIRMAN concluded that there was a need for further analysis and that the Commission services would check the possibility of a legal interpretation by the MDWG, given the current lack of an explicit legal provision. In the meantime, NB-M was asked to amend WG 2005.06 by including the notion that NBs had to withdraw certificates as soon as they no longer respected the state of the art.

16. Standards dealing with both the CPD and the MD (WG 2005.11)

Mr Steiger for CEN presented WG 2005.11 concerning discussions between CEN sectors dealing with construction products and machinery. The CHAIRMAN stated that the document had been sent to the unit in the Commission dealing with the Construction Products Directive and it was agreed that such problems should be approached on a case-by-case basis. Furthermore, there was a need for more detailed information on each specific case in order to be able to analyse and resolve the issues. ITALY agreed with the CHAIRMAN and asked for examples and more detailed information.

The UNITED KINGDOM mentioned that there had been accidents with automatic industrial motorised fire doors where the CPD applied. SWEDEN and FINLAND thought that the two directives were complementary, according to the contents of CPD and Article 1.4 of MD. The borderline should be defined by mandates and standards. The relationship with the two Directives should be made clear in the Annex ZA. The garage door standard was a good example of correct implementation. GERMANY said that products such as revolving motorised doors, air conditioning devices and similar products could be covered by both directives.

The CHAIRMAN concluded asking CEN to provide more detailed information on specific cases.

17. Moving ramps in ski areas (WG 2005.13)

SWEDEN presented WG 2005.13 and asked for confirmation that such moving ramps were subject to the MD. FINLAND and FRANCE supported the document. France explained that an accident in France had given rise to a 98/34/EC notification of a national regulation that had been drafted without taking the MD into account. However, the product was clearly subject to the MD and standardisers should look into the matter. Mr Fraser for the Commission said that the Commission had made comments on the French draft regulation, pointing out that the MD applied to such products. However, the French and Swedish authorities had identified specific risks linked to outdoor installation and extreme climatic conditions that were not covered by the harmonised standard on passenger conveyors EN 115. He proposed that CEN should either revise the standard EN 11522 or develop a specific standard for such outdoor conveyors in order to address the concerns of France and Sweden. NORWAY, the UNITED KINGDOM, DENMARK, GERMANY supported such an approach.

ITALY thought that standard EN 115 was not appropriate for such installations.

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22 EN 115:1995 Safety rules for the construction and installation of escalators and passenger conveyors
Mr Joannin for CEN said that they would seek the appropriate framework in which to address the issue. The CHAIRMAN concluded that the MDWG agreed and asked CEN to take appropriate action in order to address the risks associated with this type of moving ramps.

Conclusion: outdoor passenger conveyors, such as moving ski ramps, are covered by the MD.

18. Q/A: Are metallic containers lifting accessories? (WG 2005.23)

ITALY presented WG 2005.23, proposing that metallic containers were not lifting accessories. SWEDEN disagreed with ITALY and considered such products as lifting accessories. The UNITED KINGDOM, GERMANY, SPAIN, FRANCE and NORWAY agreed with ITALY, considering that such containers were to be considered as part of the load. POLAND thought both alternatives could be valid, depending on the choice of the manufacturer. Mr Fraser for the Commission said that such containers were not lifting accessories since they were not used to attach the load to the lifting machinery and therefore did not meet the definition. Such containers were either lifted directly, for example, on the hook of a crane or on the forks of a lift truck, or they were lifted with the aid of a lifting accessory such as a sling. The CHAIRMAN concluded that the Italian document was accepted.

Conclusion: containers used for the transport, handling and stockage of goods are not lifting accessories since they are not used to attach the load to the lifting machinery. They are to be considered as part of the load.

19. Implications of globalisation of standardisation (WG 2005.27)

FRANCE introduced WG 2005.27, with regard to some difficulties at EN/ISO level. A legal framework for standardisation, comparable to the MD in the EU, did not exist at international level, so different approaches and options could be used, with a risk of lower safety levels. Standards should represent a high level of safety and the presumption of conformity related to the publication in the OJ would not be acceptable if a standard included options. Mr Alt for CEMA exposed the point of view of Agricultural Machinery manufacturers who were very interested in international standardisation due to the importance of exports to North America and Eastern Europe. Draft standard prEN ISO 4254-123 represented a global consensus, except for the question of interlocking guards. The draft international standard was better than the existing European standard. The recourse to options was a transitional measure, the objective being to reach full agreement at international level. If a separate European standard was adopted, progress towards international consensus would be blocked. The manufacturer’s declaration of conformity should specify which option had been applied. SLOVENIA thought that to provide for different options did not create a problem providing they all satisfied the requirements of the Directive. FRANCE recalled that the basic requirements of prEN ISO 4254-1 on guards were not in conformity with EHSRs 1.3.8 and 3.4.7 of Annex I to the MD – specific requirements for the EU were specified in an Annex. Publication of the references of such a standard would give rise to confusion among manufacturers and would be very problematic for the market surveillance authorities. FRANCE recalled that prEN ISO 4254-1 was a generic standard for agricultural machinery that was referred to in the numerous standards for specific types of agricultural machinery. If the generic standard contained options that were not in conformity with the Directive, the meaning of such references would be unclear. It would be better in such a case to keep a European standard, while continuing to seek agreement at international level. A common policy was needed concerning such standards. Mr Steiger for CEN remarked that the objective of the ESOs was to have common safety requirements to be applied worldwide. CEN had been working to ensure that the ISO approach was relevant to Europe in order to ensure that the standard conferred presumption of conformity with European legislation and facilitated market surveillance. When complete agreement was not possible, the inclusion of options was the next best solution, providing that the standard clearly indicated which option was valid for the EU.

Mr Anselmann for the Commission welcomed the opportunity to discuss this horizontal issue. He said that the Commission encouraged the use of international standards whenever they were adapted to European policy and regulations. However there was a problem when a standard included alternative specifications, one of which was not in conformity with the relevant European Directive. The meaning of a reference to such a standard would not be clear. Manufacturers could claim compliance with the standard without applying the EU option. Manufacturers, users, and national authorities had to know clearly what the application of the relevant standard implied. The Commission was preparing a policy document on this issue after consulting the different services involved and the 98/34/EC Committee. Prudence would be necessary in order to protect European interests while taking into account international demands.

BELGIUM asked for the added value of transposition of ISO standards to EN standards in an open market, with regard to the publication in the OJEU for conferring presumption of conformity.

Mr Fraser for the Commission pointed out that cooperation between the ESOs and international standardisation in the machinery field had achieved important successes. For example, nearly all the European A-type standards for machinery were now international standards. This provided a strong basis for future agreements on product standards. He suggested that CEN should follow the example of Cenelec which had a long history of publication of European standards based on international standards. When additional requirements were required in order to comply with EU legislation, Cenelec included them in a separate European standard.

Mr Vetsuypens for Cenelec recalled that the Dresden agreement was even stricter than the Vienna agreement and was applied without problems. If an IEC standard was not in line with the relevant EU Directives, a separate European standard was issued. CEN consultants had to be involved at an early stage in order to ensure correct application.

FINLAND agreed with the Commission, underlining the positive aspects of EN-ISO cooperation.

The UNITED KINGDOM asked whether “European options” in an EN ISO standard might be regarded as technical barriers to free trade and if MS authorities would be able to ban machinery which designed according to the non-European option.

Mr Anselmann for the Commission replied that WTO/TBT rules did not rule out specific requirements in order to protect legitimate interests such as safety.

FRANCE clarified that they supported the move towards international standardisation, even though this entailed costs that were difficult to sustain by the Member States. However the publication in the OJEU of the references of a standard including options that did not comply with the Directive would introduce confusion. If a manufacturer cited such a reference in his declaration of conformity, it would be difficult to ascertain which option he had applied.

Mr Steiger for CEN remarked that European manufacturers exported to third countries and they needed to know what requirements were applicable in different parts of the world. Adopting a common standard with regional options would be a step towards future convergence. To keep a separate European standard would encourage divergence.

MALTA said that European standards were included in the framework of the New Approach, but in other regions of the world there were different situations. A standard with options such could seriously compromise the New Approach.

ITALY observed that the discussion was considering only few variables, but other aspects including WTO and TBT should be considered in order to have a more complete opinion on the question. The ESOs should represent the best image of the European system and standardisation culture on the global market.

The Chairman concluded that the majority of the members of the MDWG agreed that an ISO standard including options which are not in conformity with the MD ought not to be adopted as a European harmonised standard within the context of the MD. The debate was to continue at the 98/34/EC Committee meeting on 22 June 2005, where standardisers, industry and other interested parties could present their views. He invited members of the MDWG to coordinate their position with their representatives in the 98/34/EC Committee.

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**20. AFNOR appeal against EN ISO 4254-1 agricultural machinery (WG 2005.24)**

FRANCE presented WG 2005.24 and stated that they would make a formal objection if the standard was adopted.

The CHAIRMAN asked CEN to report at the next meeting.

FRANCE asked if jacks supplied with vehicles were covered by the MD. The CHAIRMAN said that the Commission services had checked with the Motor Vehicle unit in DG Enterprise and Industry, which did not have any specific legislation applicable to jacks, so it was concluded that they were within the scope of the MD. The UNITED KINGDOM agreed with this conclusion but added that jacks that were not designed to be used for working beneath the car were not considered as vehicles servicing lifts according to Annex IV.

Conclusion: Jacks supplied with vehicles are within the scope of the MD.

22. Q/A on the scope of MD relating to sunbeds (WG 2005.30)

The UNITED KINGDOM presented WG 2005.30 asking if sunbeds were covered by the MD. The CHAIRMAN recalled that Cenelec had developed standards on sunbeds under the LVD, which had been subject to a Commission opinion and a related request to the Scientific Committee on Consumer Products concerning the effects of ultraviolet radiation on human health. The revised MD might change the situation by incorporating the non-domestic sunbeds, but that would have to be discussed at a later stage.

Conclusion: Sunbeds are covered by the LVD.

23. Q/A on commercial “espresso” type coffee machines (WG 2005.31)

The UNITED KINGDOM presented WG 2005.31 asking if the coffee machines in question are covered by the LVD. Mr Vetsuypens for Cenelec said that there were some standards under LVD such as EN 60335-2-15 (household) and EN 60335-2-77 (commercial) covering such equipment. These standards made appropriate links with the PED. The CHAIRMAN said they were under the LVD, but that the new MD could change the situation concerning the commercial equipment.

Conclusion: Coffee machines covered by standards published under the LVD are covered by the LVD.

24. Planned formal objection against EN 848-3:1999 (WG 2005.32)

The CHAIRMAN said that the Commission had not yet received the official notification from the Permanent Representation of Germany. He asked all stakeholders to prepare the discussion that would be held when the official notification had been received; probably at the next meeting.

The CHAIRMAN closed the meeting, reminding that the next meeting was planned on 11-12 October 2005.

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24 EN 60335-2 Safety of household and similar appliances. Part 2: Particular requirements for kitchen machines
### Summary of questions to be followed-up at the next meeting

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### RECOMMENDATION FOR USE SHEETS (RfUs)
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(5) : CNB/M/xx.xxx RERev yy = Coordination of Notified Bodies/Machinery/Numbering of the RfUs
R: Recommendation for Use E: English version Rev: Revision yy: index of the Revision

(6) : NBs = Notified Bodies
MINUTES OF THE MEETING HELD ON 11-12 OCTOBER 2005

Subject: Working Group of Committee 98/37/EC concerning Machinery
Place: Albert Borschette Centre, Brussels
Chairman: Mr Martin EIFEL (EC ENTR/H5)
EC Participants: Mr Ian FRASER, Mr Corrado MATTIUZZO, Mr Fabrizio SACCHETTI, Mr Mario GABRIELLI COSSELLU (ENTR/H5)

1. Welcome

The CHAIRMAN welcomed the participants and presented the Agenda.
POLAND remarked some editorial inaccuracies at points 2 and 3 (the previous meeting had been held on 7-8 June 2005).
FRANCE mentioned their Doc. WG 2005.69 tabled at item 22.
The CHAIRMAN accepted the remarks and pointed out the new documents from DENMARK (items 20 and 21). Also, the Commission had received the formal objection against EN 14502-125 from FRANCE, so at item 13 the word “planned” should be removed.

With these corrections, the Agenda was accepted.

2. Minutes of the meeting of 7-8 June 2005 (Doc. WG 2005.41)

FRANCE said that they had asked for clarification of item 3 h) (page 3), regarding the test method used in the French study on vibration emissions. The test method was common for all types of concrete breakers – see doc. WG-2005.16.
Mr Steiger for CEN pointed out that at item 3 a) (page 2), the Technical Committee mentioned was “TC 144”, not TC 44.
GERMANY asked for rewriting their second intervention at item 8 (page 10): “GERMANY supported the French opinion to improve the standard with the aim to involve both solutions into the standard with the priority of safety hoops”. Also, at item 7, GERMANY would submit a new proposal amending EN 1368326, after discussion with the German mirror group, but the date had not yet been set for the meeting with CEN.
Mr Joannin for CEN confirmed that CEN TC 144 had been waiting for the result of bilateral discussion with GERMANY before starting the work on the amendment.
The CHAIRMAN said that the requested modifications would be included in the minutes and a new version would be uploaded to CIRCA.

With these corrections, the minutes of the meeting held on 7-8 June 2005 were approved.

3. Follow-up of the questions from the meeting of 7-8 June 2005 (Doc. WG-2005.41 table)

(3. d) Industrial truck pedals
Mr Steiger for CEN reported no further progress since the last meeting. The relevant EN ISO standard had been published but did not confer presumption of conformity. It was up to the TC to decide whether to refer to this

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26 EN 13683:2003 Garden equipment - Integrally powered shredders/chippers - Safety
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standard in product standards. The problem should be discussed when the draft revised truck standards were available.

The CHAIRMAN recalled that if the EN ISO standard was referenced in a harmonised standard, its specifications conferred presumption of conformity. Concerns had been expressed by Member States and TUTB.

Conclusion: to be followed-up at the next meeting.

(3. g) Stability of industrial trucks (Doc. WG 2005.54)

Mr Steiger for CEN presented Doc. WG 2005.54 reporting on TC 150 WG 11 activities during recent years. No definitive results had been reached yet toward the revision of the standard EN 145927. Future results would be addressed to CEN members. Research was being carried out by a body set up by German manufacturers. The only work that had so far been completed concerned load-moment indicators.

The UNITED KINGDOM welcomed the report and the work carried out, but remarked that some of the new safety systems were produced by a specific manufacturer and subject to patents. The UK also asked for clarification on stability of the rear axle of trucks.

Mr Steiger for CEN stressed that standards should include performance related requirements to avoid problems with patents.

FRANCE expressed concern that the only progress in standardisation so far was on operator restraint devices. Solutions to other problems were subject to research. ITALY also criticised the report, requesting CEN to take into account the solutions provided by manufacturers and to go on researching in order to improve the safety level.

Mr Fraser for the Commission remarked that the COM mandate had not been fulfilled, and only slow progress had been made so far. Manufacturers were already placing on the market trucks with a higher level of safety than that specified in the standard. He questioned whether the standard still reflected the state of the art and whether the reference of the current standard could be kept in in the OJEU.

The CHAIRMAN concluded that action should be taken quickly on this issue, in order to answer a very old mandate and to solve the problem. Horizontal questions related to mandates and publication of references in the OJEU would be discussed separately.

Conclusion: to be followed up at the next meeting.

(3. h) Vibrations by concrete breakers (Docs. WG 2005.16, 2005.39)

Mr Hoyland for Cenelec said that a meeting of the Ad-hoc Group with the manufacturers would be held in December 2005 in order to get data and agree on a tri-axial test method that was consistent with the Directive on exposure of workers.

Mr Steiger for CEN stressed the need to clearly define operating conditions during the test and to involve all interested parties.

The UNITED KINGDOM and GERMANY appreciated the progress made but thought that the question should be followed up in order to maintain the momentum.

Conclusion: to be followed up at the next meeting.

(3. i) UK formal objection against EN 69328 - Hydraulic presses

Mr Steiger for CEN reported that TC 143 had discussed the UK proposal and had not accepted it. Another solution had been proposed by a Spain based on a Recommendation for Use of NB-M.

The UNITED KINGDOM said that the compromise proposed was to admit two-hand controls on small presses. The UK was checking the proposed dimensions and would reply soon.

The CHAIRMAN stressed that the standard should be unambiguous on this issue.

Conclusion: A new report on the question to be submitted at the next meeting.

(3. n) Overlapping scopes of standards (Doc. WG 2005.57)

Mr Vetsuypens for Cenelec said that CEN and Cenelec BTs had agreed to re-examine their work programme and to define a clear procedure to avoid overlaps.

The CHAIRMAN asked the ESOs to draft a list of “problematic” standards

Mr Vetsuypens for Cenelec agreed on the proposal and suggested starting with the really critical cases.

27 EN 1459:1998 Safety of industrial trucks - Self-propelled variable reach trucks + prA1 + prAC
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Mr Fraser for the Commission distinguished two kinds of problems: simple overlaps or duplication that created confusion for manufacturers, and standards with different safety levels, such as the standards for washing machines for domestic or industrial use.

GERMANY agreed that there should be no unjustified difference between the safety requirements for similar machines. Germany supported the proposal for a list of overlapping standards in order to follow the revision of the standards and give priority to problem areas.

FRANCE also insisted on the need to have a common CEN/Cenelec list in order to have a systematic instead of a case-by-case approach.

BELGIUM asked whether the reasons for the situation were communication problems or the quality of the mandates.

The CHAIRMAN replied that the mandates issued by the Commission took account of the competencies of the ESOs and the borderline between the Machinery and Low Voltage Directives. The new Machinery Directive would help to clarify the borderline with the LVD and should be taken into account while applying the current Directive.

The UNITED KINGDOM, presenting Doc. WG-2005.57 on CEN/Cenelec standards for food blenders, agreed that different standards could give different solutions, but in this case the safety level was not the same. Manufacturers perceived complying with the LVD as easier than complying with the MD.

Mr Vetsuyens for Cenelec recalled the historical and technical reasons for the current situation. He agreed that standards for similar products should provide the same safety level, but this did not mean that the technical specifications had to be identical. There could be different approaches to safety. He said that the Cenelec consultant would analyse the case described in the UK document.

SWEDEN underlined the importance of having the same safety level, even if there were different standards for similar products. For example, there were two standards for electric and non-electric grinding machines, but they provided the same level of safety. SWEDEN did not agree that CEN and Cenelec should have different approaches to safety. Products for professional and non-professional users needed the same protective measures.

AUSTRIA supported the UK document, except for the notion that the risk associated with “household machines” might be lower.

The UNITED KINGDOM agreed that domestic machines did not have lower risks as such, but there could be a difference, for example if domestic machines were less powerful.

SPAIN supported the concerns expressed by AUSTRIA and SWEDEN, and remarked that standardisation should carry out an appropriate risk assessment in order to reach the same conclusions for the same product, taking into account the different uses as well as the EHSRs of the MD and LVD.

The CHAIRMAN concluded that the ESOs should cooperate to solve problems of overlap in a step-by-step revision process, taking into account the concerns expressed by the Working Group.

Conclusion: A list of problematic overlapping standards to be placed in CIRCA website29 in order to enable Member States and the Commission to monitor the situation.

(3. o) Policy on publication of Machinery standards (Doc. WG 2005.28)

The CHAIRMAN recalled that the Commission had asked for proposals to improve the wording of the Doc. WG 2005.28 at the last meeting. No comments had been received, so a final deadline for sending comments to the Commission services would be fixed at the end of October 2005. After that, the document would be considered endorsed and would be transmitted to CEN.

AUSTRIA recalled their remarks at the last meeting, concerning the effects for manufacturers.

Mr Steiger for CEN also recalled a comment expressed by Mr Vandegaer, CEN consultant, at the last meeting.

Conclusion: comments to be submitted in writing before the end of October 2005.

(3. p) Question on EN 145930 variable reach trucks and normative reference to prEN ISO 1356431

Mr Steiger for CEN said that several questions had been discussed and resolved. The new standard was expected in January 2006.

http://forum.europa.eu.int/Members/irc/enterprise/machdir/library/?l=/standardisation/problematic_overlapping&vm=detailed&sb=Title

EN 1459:1998 Safety of industrial trucks - Self-propelled variable reach trucks

FRANCE said that the report on the study on usability was not ready yet: the conclusions would be presented at the next meeting.

The UNITED KINGDOM asked CEN whether there were changes in the scope of the revised standard with respect to differentiation between industrial trucks and variable reach trucks.

Mr Steiger for CEN replied that he would consult CEN TC 150 and would answer at the next meeting.

Conclusion: FRANCE and CEN to report at the next meeting.

(4) Approval of Recommendations for Use (Lists on CIRCA, doc. WG 2005.45)
To be discussed at item 4 of the Agenda.


The CHAIRMAN introduced two new documents, WG-2005.42 and 56. Mr Steiger for CEN said that CEN TC 98 had accepted to revise the clauses relating to ergonomic access to the work platform, specifying the dimensions of the opening and eliminating the reference to interlocking devices.

SWEDEN welcomed such progress: if a satisfactory solution was agreed, they would not submit a formal objection.

Conclusion: CEN to report on further progress at the next meeting.

(12) Application of CEN and Cenelec standards to washing machines used in the light commercial market (Doc. WG 2005.02)

Mr Vetsuypens for Cenelec reported on the current situation. The consultant had analysed the Cenelec standard, with regard to guard locking, and proposals for improvement had been submitted to TC 61, to be discussed in November 2005: conclusions would be reported at the next meeting.

The UNITED KINGDOM welcomed the progress made.

The CHAIRMAN said that the Commission would revise and update the Guide to the Machinery Directive, in order to better clarify the borderline between the MD and LVD. The Commission proposed to make the revised Guide available only in English and in electronic format on the Machinery webpage. The Member States could translate the Guide into other languages at national level, under copyright permission provided by the Commission.

Mr Fraser for the Commission added that national translations would clearly state their legal status with respect to the reference English version.

SLOVENIA, DENMARK and POLAND supported the Commission’s proposal.

FRANCE, BELGIUM and ITALY disagreed and proposed to translate the amendments to the Guide into at least three languages, English, French and German.

The CHAIRMAN concluded that the Commission services would try to carry out the work as soon as possible and requested the Member States to indicate the sections of the Guide that needed revision.

(13). Standards for Forestry and agricultural machinery (Docs. WG 2005.03, 2005.17, 2005.56)

Mr Joannin for CEN reported on the four standards referred to in Doc. WG-2005.03 submitted by ITALY:
- prEN 14017\textsuperscript{33}: the proposal was currently under vote;
- EN 745\textsuperscript{34} and EN 704\textsuperscript{35}: the revision was being carried out under ISO lead;
- EN 704: revision had started;
- EN 709\textsuperscript{36}: TC 144 would decide in November 2005 whether the standard would be revised or amended.

ITALY said that EN 14017 had been voted and approved in July 2005. ITALY had voted against and was considering a formal objection. ITALY had sent documents to CEN and the Commission outlining several points on which these standards needed improvement, but there had been no indication as to how these points were to

\textsuperscript{32} EN 280:2001 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests
\textsuperscript{33} prEN 14017:2005 Agricultural and forestry machinery - Solid fertilizer distributors - Safety
\textsuperscript{34} EN 745:1999 Agricultural machinery - Rotary mowers and flail-mowers - Safety
\textsuperscript{35} EN 704:1999 Agricultural machinery - Pick-up balers - Safety
\textsuperscript{36} EN 709:1997 Agricultural and forestry machinery - Pedestrian controlled tractors with mounted rotary cultivators, motor hoes, motor hoes with drive wheel(s) - Safety + A1:1999 Machinery for agriculture and forestry - Pedestrian controlled tractors with mounted rotary cultivators, motor hoes, motor hoes with drive wheel(s) - Safety
be taken into account. The current standards for agricultural and forestry machinery did not take account of technical progress and a large number of accidents took place in Italy and Europe.

FRANCE supported the Italian concerns on the CEN report. Mr Steiger for CEN said that Italian proposals had been submitted to TC 144 and he hoped that an Italian representative would attend the meetings to explain them. ITALY said that the position of the authorities was expressed by the Italian delegation from UNI. Mr Joannin for CEN thought that the Italian proposals had been discussed but had not received the support of the majority.

**Conclusion:** CEN to report at the next meeting on the revision of the standards.

(15). Limitation of the period of validity of EC-type examination certificates (Doc. WG 2005.06)

Mr Jockers for NB-M said that the question had not been discussed at the last NB-M meeting. The text could be amended with regard to withdrawal of EC-type examination certificates according to the state of the art, or the “generally accepted safety level”. Discussion would take place at the next meeting. The CHAIRMAN reported that the question had been discussed at inter-service level within the Commission. The conclusion was that limitation of the period of validity of EC-type examination certificates could be decided at national level, but it could not be made mandatory since there was no specific provision for it in the current legislation. However, Notified Bodies had a duty to review certificates as soon as there was a change in the state of the art. FRANCE stressed the need to reach a common position and not to leave the question at national level. The UNITED KINGDOM supported the principle that EC type-examination certificates should be kept under review, however, there was currently no legal basis for imposing a 5-year validity period. Review of certificates meant extra work for Notified Bodies and there should be a “level playing field” so that all of the Bodies had the same obligations. The CHAIRMAN said that the revised MD would clarify the question. In the meanwhile, there was no legal requirement. However, the Machinery Working Group and NB-M could make a recommendation that certificates should be periodically reviewed. BELGIUM thought that a period validity of 10 years would be better, in line with the period for keeping the technical file. The CHAIRMAN replied that a 5-year period would be more reasonable with regard to technical progress and the state of the art: 10 years would be too long and the correlation with the obligation to keep the technical file was not relevant. SLOVENIA stressed that a 5-year period could not be imposed, but such a limitation could be agreed between Notified Bodies and manufacturers. Mr Vigone, CEN OHS rapporteur expressed his concerns about the possible differences between NBs with regard to the practical application of a recommendation to review certificates. The CHAIRMAN said that the 5-year limitation would avoid commercial pressure on the NBs. It could not be a compulsory decision according to current legislation, but it could be a recommendation taking account of the adoption of the revised MD.

**Conclusion:** a recommendation to limit the validity of EC-type examination certificates to a 5-year period and indicating that NBs had to withdraw certificates as soon as they no longer respected the state of the art, would be addressed to the NB-M, to be applied to the new contracts.

(16). Standards dealing with both the CPD and the MD (Doc. WG 2005.11)

Mr Steiger for CEN said that he could not provide further information or specific examples about the question. A document would be prepared and presented at the next meeting. GERMANY and ITALY remarked that there were some cases of uncertainty between the MD and CPD, depending on whether the products were permanently integrated into the construction or not. BELGIUM stated that the two Directives were complementary: the manufacturer should carry out the appropriate risk assessment and act accordingly. The CHAIRMAN reaffirmed that such problems should be settled on a case-by-case basis. More detailed information and specific examples should be provided.

**Conclusion:** to be followed-up at the next meeting.
(17). Moving ramps in ski areas (Doc. WG 2005.13)

Mr Joannin for CEN reported that the issue was under discussion in CEN TC 242, dealing with cableways. Conclusions were expected soon.

Mr Fraser for the Commission said that regardless of the TC drafting standards, it should be clearly stated that passenger conveyors, such as moving ski ramps, were covered by the Machinery Directive and not the Cableways Directive. A good harmonised standard would be the best solution, but meanwhile action could be taken with the risks by applying the EHSRs of the MD.

FRANCE said it was now understood that the Machinery Directive was applicable, but it was important for the standardisation work to move forward quickly in light of accidents.

The CHAIRMAN asked for a progress report at the next meeting.


SWEDEN presented Doc. WG 2005.66, expressing some doubts about the conclusion reached at the last meeting, and asking for the clarification of some definitions. SWEDEN proposed to draft a list of examples to be discussed case-by-case, in order to reach a common understanding on the issue. Sweden was concerned that equipment that was important for safe lifting might be left out.

The CHAIRMAN agreed on the need for a common approach. He suggested that the list suggested by Sweden should include products used at the interface between lifting machinery and the load in order to clarify which of them are to be considered as lifting accessories.

ITALY thought that metallic containers discussed at the last meeting are quite different from those mentioned in the Swedish document. Since August 2005 they had taken action according to the agreed conclusion.

The UNITED KINGDOM confirmed their opinion expressed at the last meeting and considered that a list should be drafted to be applied pragmatically.

The UNITED KINGDOM pointed out that the definition at point 4.1.1.(a) of the Annex I to the MD needed to be clarified.

The CHAIRMAN noted that the definition given French version (reference version for the MD) was not exactly the same as the English version.

Mr Fraser for the Commission recommended against trying to find new definitions, and suggested to identify the main types of devices corresponding to the current definitions. Lifting accessories were accessories of the lifting machinery, in other words, they belonged with the machinery rather than with the load. This distinction was sufficient to settle most cases. It was just as important for safe lifting to have safe containers for the load as to have safe lifting accessories, but only the latter were subject to the Machinery Directive.

LUXEMBOURG thought that containers were lifting accessories for bulk loads.

SWEDEN thought that there could be different interpretations of the expression “in order to attach it” – the attachment could be direct or indirect.

FINLAND, ITALY and GERMANY supported the proposal to draft and publish a list of lifting accessories, including images and clear designations.

Conclusion: SWEDEN and the Commission to prepare a list of examples of the main types of lifting accessory with images (pictures and/or drawings) and the relevant terminology from standards. Member States and other stakeholders could then submit their comments.


The CHAIRMAN mentioned new documents WG-2005.44, 63 and 64, and recalled recent discussions between CEN and the Commission services dealing with standardisation issues, as well as in the 98/34 Committee.

FRANCE introduced WG 2005.44 with a resolution by AFNOR, supporting two principles A/ and B/ on the application of the Vienna agreement.

Mr Steiger for CEN thought that not only the legal point of view should be taken into consideration, but also a political one, in the framework of the ISO “global relevance” policy.

The CHAIRMAN replied that the DG ENTR services supported the principle of global relevance in the interest of the competitiveness of European industry, but was also concerned to preserve the integrity of the New
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Approach. Harmonised standards could be produced in agreement with ISO, but could not include options that did not fulfil the requirements of the MD.

FINLAND said that global standards would facilitate exports by the mechanical engineering industry to third countries: solutions should be sought along the lines of the successful cooperation between Cenelec and IEC.

Mr Vetsuypens for Cenelec thought that a harmonised standard should be very clear, without options, according to the current legal framework. Within IEC, there was a similar discussion about “essential divergences”, but no decision had been taken.

Mr Boy for ETUC stated that it was an important issue for Trade Unions too. At ISO level there were no provisions to ensure the participation of social stakeholders as in Europe.

SLOVAKIA stressed the problems for market surveillance authorities if there were options in standards having the same number and title that did not provide the same safety level or presumption of conformity.

FRANCE recalled the specific example of the agricultural machinery standard prEN ISO 4254-1, with options resulting in different safety levels, one of which was not in conformity with the essential requirements of the MD. If the standard was adopted as such, France would make a formal objection against the publication of its references in the OJEU.

Mr Alt for CEMA recalled his opinion expressed at the last meeting, that options were an adequate transitional measure until full international agreement could be reached.

Mr Fraser for the Commission stressed that most of the A-type standards for machinery had now been adopted as ISO standards. In particular, the fundamental standard EN ISO 12100-1 & 2, was now a global standard, after long discussions with the USA and Japan. The problem was what to do when full agreement was not reached at international level. When a declaration of conformity referred to a harmonised standard, there should be no ambiguity as to which specifications had been applied.

Mr Steiger for CEN stated that the question was still under discussion within CEN. The position of the Commission was known. The CEN BT would take a position in the coming months.

The CHAIRMAN concluded that international agreement was an important objective, but should not lead to damage to the European system.

Conclusion: to be followed up at the next meeting.

(20). AFNOR appeal against prEN ISO 4254-1 agricultural machinery (Doc. WG 2005.24)

Mr Steiger for CEN said that the standard had been submitted to the final vote. A decision would be taken about the publication of the reference of the standard under the global relevance policy.

FRANCE confirmed their opposition to the standard including different options. If the standard was adopted by CEN, its reference should not be published in the OJEU.

Conclusion: CEN to report at the next meeting.

(24). Planned formal objection against EN 848-3:1999 (Doc. WG 2005.32)

To be discussed under item 8.

Information on the revised Machinery Directive

The CHAIRMAN reported on the 2nd reading of the revised Machinery Directive in the European Parliament and on the expected calendar for adoption. Relevant documents were available on the EP website (COD: co-decision).


Mr Jockers for NB-M reported on the last meeting of the Co-ordination of NB-M, with 42 Notified Bodies (21 present and 21 represented) out of 190. The meeting had discussed and approved a number of horizontal and vertical RIU sheets.


40 prEN ISO 4254-1 Agricultural machinery - Safety - Part 1: General requirements (ISO 4254-1:2005) (Final draft: August 2005)
The CHAIRMAN said that he had been present at the meeting and recalled the debate on the transparency of the discussion and endorsement of RfUs, with regard to their publication on the EUROPA website. The NETHERLANDS, SWEDEN and the UNITED KINGDOM agreed on the need for transparency in dealing with the RfUs. GERMANY thought that RfUs should be made available for industry. Vertical sheets did not need to be endorsed.

The CHAIRMAN recalled that the majority of RfUs had been endorsed. To solve the outstanding issues, there was a need for better communication between NB-M and the Machinery WG. He suggested that NB-M should directly contact the Member States that had made comments.

FRANCE reported on experience as an observer to NB-M meetings. The Horizontal Committee should not get involved in technical discussions. More explanation was needed from the Vertical Groups on the background to their recommendations. Many RfUs should be followed by amendments to standards and could then be withdrawn. FRANCE was ready to leave their place as observer in the Horizontal Committee, after completing their period.

SWEDEN and POLAND would consider the possibility of replacing FRANCE.

Mr Gabrielli Cossellu for the Commission presented the progress of endorsement and publication of RfUs, according to the Doc. WG-2005.45 and the minutes of the last meeting.

The CHAIRMAN presented the RfUs submitted to the Oral Procedure, for which comments had been communicated, and Mr Jockers for NB-M updated the information available on these RfUs:

- 00.113 Rev 03: the RfU had been considered no longer useful and would be withdrawn, since it dealt with a horizontal issue to be clarified in the updated Guide.
- 01.034 Rev 04: RfU withdrawn.
- 01.045 Rev 03: a new version was presented on 6 October. SWEDEN confirmed their objections with regards to the brake on the saw blade. The blade was usually made by a different manufacturer than the saw. These machines were used by consumers without special training. Mr Jockers agreed to transmit this comment. The Chairman asked VG1 to contact the Swedish authorities to seek an acceptable solution.
- 01.047 Rev 02: RfU withdrawn.
- 01.056 Rev 02: new version. SWEDEN could not understand why the RfU admitted 1.5mm when the standard required 2mm. FRANCE, the UNITED KINGDOM and other MS supported SWEDEN, considering unacceptable that NBs could accept values lower than those required by the harmonised standard. The Chairman concluded that there was agreement to request that the RfU should be withdrawn. NB-M should contact CEN if they thought there was a problem with the standard.
- 01.057 Rev 02: SWEDEN thought this was a similar case: the RfU allowed a lower level of safety than was set in the standard. The Chairmen said the conclusion was the same as for 01.056.
- 03.059 Rev 04: this RfU had been sent directly to the Oral Procedure by NB-M in order to determine whether the machinery was in Annex IV of the MD. The NETHERLANDS pointed out that the Guide stated that punching machines were not in Annex IV. The RfU should be re-drafted to clarify its content and it would be re-submitted at the next meeting.
- 03.090 Rev 12: to be re-discussed by VG3 at the meeting on 21 November: it would be re-submitted at the next meeting.
- 03.112 Rev 06: SWEDEN accepted the RfU so it was endorsed by the WG.
- 03.162 Rev 04: a new version, Rev 05, was submitted but too late, so it would be discussed at the next meeting.
- 04.041 Rev 04: to be re-discussed by VG3 at the meeting on 21 November, it would be re-submitted at the next meeting.
- 04.048 Rev 02: SWEDEN said that at, as general rule, safe access to the machine should be provided by the manufacturer, and therefore the answer provided was not acceptable. The UNITED KINGDOM thought that the question was a horizontal one of interpretation of the Directive. If the machine was supplied to be used alone, the manufacturer should provide the means of access. If, on the other hand, it was to be integrated into an assembly with a robot feed or loader, the machinery might be subject to a declaration of incorporation and the assembler should ensure that access means were provided. SWEDEN and the UNITED KINGDOM agreed to draft a “question/answer” for the next meeting, as a reply to the VG4 on the interpretation of the MD on the issue.
- 04.056 Rev 02: SWEDEN had not received further information from Mr Gebauer, convenor of VG4. Direct contact would be established.
- 06.021 Rev 04: RfU withdrawn.
5. CEN/Cenelec progress report relating to standardisation (Doc. WG 2005.65)

Mr Steiger for CEN presented the report, mentioning the number of standards and amendments produced. He raised again the absence of publication of the references of new standards in the OJEU. There was particular concern about the delay in publishing the references of EN ISO 12100-1 & 2, since EN 292 had already been withdrawn.

The UNITED KINGDOM said this was a recurring problem and asked for a progress report.

The CHAIRMAN said that the consolidated list of harmonised standards would be published, once certain aspects had been corrected (inadequate format, errors, inaccuracies). For some standards, there were problems relating to the Annex Z that were not in conformity with the format agreed with CEN. A decision would be taken with the Commission standardisation unit on how to deal with this problem. In the meantime, a list of new harmonised standards submitted by Cenelec had been published in August 2005.

FRANCE thought that the references of non-problematic standards should be published.

GERMANY said that this was requested by Industry.

POLAND suggested that standards with inadequate Annex ZAs could be published with a note.

The UNITED KINGDOM wanted an assurance from CEN that the Annex ZAs would be corrected soon.

FRANCE, GERMANY, POLAND, DENMARK, SWEDEN, AUSTRIA and ITALY, as well as Mr Kraus for Orgalime, said that industry was mainly awaiting the publication of C-type standards.

Mr Joannin for CEN said that the problems with the Annexes Z, in “old” standards, would be solved when they were revised after a 5-year period.

ITALY thought that the issue should be referred to the 98/34/EC Committee.

The CHAIRMAN recalled that the problem arose from the inadequacy of the lists supplied by CEN for the Machinery and other Directives. He fully shared the concerns of Member States and Industry and would seek an early solution to deal with the remaining errors.

Mr Steiger asked for information about the delay in establishing new contracts for the CEN consultants.

The CHAIRMAN replied that this was handled by the Commission standardisation unit.

Mr Vetsuypens for Cenelec reported on activity which was mainly revision of existing standards. No new standards had been submitted for publication after August 2005.


Mr Mattiuzzo for the Commission referred to documents WG-2005.47 and 48. They reflected the discussion at the last meeting. The draft Commission decision and the draft mandate to CEN would be submitted to the 98/34/EC Committee for approval and publication.

Conclusion: the MDWG agreed to the draft decision and mandate.


Mr Mattiuzzo for the Commission referred to documents WG 2005.49 and 50. They reflected the discussion at the last meeting. The draft Commission decision and the draft mandate to CEN would be submitted to the 98/34/EC Committee for approval and publication.

Conclusion: the MDWG agreed to the draft decision and mandate.

Footnote:
8. Formal objection against EN 848-3:1999 (Doc. WG 2005.32)

GERMANY explained their objections to standard EN 848-3. This followed a fatal accident in Germany. A previous objection from SWEDEN, also after a fatal accident, had not been supported. Germany considered that the specifications for guarding were insufficient and requesting a specific warning to be published in the OJEU, as well as urgent action to amend the standard.

SWEDEN supported the German formal objection, but would have been happier if the measure had been taken before a further fatal accident.

ITALY said that they were going to upload to CIRCA a study by Italian laboratories on the strength of curtain guards. The specifications of the current standard EN 848-3 did not ensure an adequate safety level. The amended standard should include the necessary tests. However, ITALY did not see the benefit of withdrawing the references of the current standard. Some curtain guards might be inadequate, but this was difficult to determine without agreement on the test method. ITALY thought that the draft revision of the standard, to be submitted to the final vote, would improve the situation.

SWEDEN thought that the acceptance criteria of the proposed test were not sufficient to protect the operator: the frame of the machine itself could resist the projection of a 100g object but the curtain placed directly in front of the operator could only resist a 50g object. SWEDEN considered that the mandate to CEN issued in 2002 remained valid.

FRANCE supported the German formal objection, although similar accidents had not been recorded in France. The problem concerned other standards that should be revised too. As well as the specifications for the guards, the mandate should also mention the need to specify the tools to be used with such machinery.

FINLAND agreed with GERMANY and requested revision of the standard taking into account other standards such as EN 12417 in which solutions had been found.

The UNITED KINGDOM thought that the standard was generally satisfactory, but the problem of curtain guards should be solved.

Mr Fraser for the Commission said that the inclusion of a warning in the OJEU would withdraw the presumption of conformity for curtain guards designed according to the standard. It would then be up to Member States to take appropriate action to protect operators, in light of their assessment of the risk. If certain machines did not fulfill the EHSRs of the MD, restrictions could be place on their sale or use.

The NETHERLAND pointed out that manually fed machines were included in Annex IV. There was a need to ask NBs to review the certificates they had issued.

The CHAIRMAN concluded that the Commission would draft a decision to add a specific warning in the OJEU and would consider the need to issue a complementary mandate to CEN. The points raised by the Machinery Working Group would be reported to the 98/34/EC Committee. The implications for market surveillance could be discussed at the Machinery ADCO.


Mr Sacchetti for the Commission reported on the current situation in the two Finnish cases referred to the European Court of Justice (ECJ):

- C-470/03 on market surveillance (case A.G.M.-COS.MET): the oral judgement would be given on 26 November 2005 and the related document would be available on the ECJ website.
- C-40/04 on responsibility of importers and distributors (Yonemoto case): the judgement had been delivered on 8 September 2005 and the text was available on the ECJ website. The Court findings were limited to importers into one Member State of machinery manufactured in another (properly named “distributors” according to the New Approach): importers/distributors were not be required to ensure that the machinery fulfilled the EHSRs of the directive, but only the existence of the CE marking and of the declaration of conformity. They could also be responsible for translating the instructions and making them available and for cooperating with the market surveillance authorities. The judgment largely reflected the opinion of the Commission. As a consequence, the Finnish Court should apply the principles stated by the ECJ. Finland and perhaps other Member States might have to amend their national implementation measures accordingly. The judgement would also be relevant in the ongoing revision of the New Approach.

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42 EN 848-3:1999 Safety of woodworking machines - One side moulding machines with rotating tool - Part 3: Numerical control (NC) boring machines and routing machines

43 EN 12417:2001 Machine tools - Safety - Machining centres

44 The Court of Justice of the European Communities: http://www.curia.eu.int
The UNITED KINGDOM said that their national legislation appeared to be in line with the judgement, but thought that distributors, who were sometimes assembling machinery, should react in cases of patent non-conformities. The UK also underlined the difference between the first importer of a product manufactured outside the UE, and the further distributors within the UE. AUSTRIA asked for clarification on the duty to cooperate with the market surveillance authorities. What did this imply? Could the distributor be asked to obtain the technical file, for example? Mr Kraus for Orgalime pointed out that manufacturers might be reluctant to communicate technical files to distributors in light of the need for confidentiality. Mr Sacchetti for the Commission replied that the duty to exercise “due diligence” had not been specifically defined by the Court. A basic definition was given in the General Product Safety Directive (GPSD)\(^{45}\). Mr Vigone, CEN OHS rapporteur thought that the judgement had contributed to clarifying the situation, but some doubts about the relationship between the MD and the GPSD remained. The CHAIRMAN explained that the principles set out in the GPSD were inspiring the revision of the New Approach. The Directorate-General for Health and Consumer Protection (DG SANCO), in charge of the GPSD, had elaborated useful guidelines on the relationship between that Directive and New Approach Directives. FINLAND appreciated the Court decision and announced that Finnish national legislation had been changed accordingly. They asked whether Finland could take account of the statement by the Advocate General. Mr Sacchetti for the Commission replied that only the judgement itself had legal validity. SWEDEN asked for further explanation about the consequences for national market surveillance authorities to take action against distributors. Mr Sacchetti for the Commission said the judgement was very recent and further consideration should be given; as a basic orientation, the distributor could be held responsible for ensuring the two-way flow of information between the manufacturer and the user. The CHAIRMAN concluded the discussion and said that further information on the case still pending, C-470/03, would be provided at the next meeting.

10. Question on manually driven work platform (Doc. WG 2005.36)

BELGIUM presented the document about platforms for window cleaning, suggesting that such apparatus could be considered a machine under the MD. The manufacturer did not consider it a machine and had not applied the procedures for CE-marking. The UNITED KINGDOM thought that the platform was not covered by the MD. If only elements of the device itself were lifted manually, it was not lifting machinery, otherwise an extension ladder would be machinery. SWEDEN, the NETHERLANDS, GERMANY, DENMARK and SPAIN agreed with the UK that such a platform was not in the scope of the MD. LUXEMBOURG said that the apparatus could be considered as machine subject to Annex IV of the MD. Further information should be provided. The CHAIRMAN said that similar cases concerning platforms operated by human force, had been already discussed. The Commission would search for clear answers in past WG meeting documents and would report to the next meeting.


The UNITED KINGDOM presented document WG 2005.43. The UK considered that non-integrated work platforms were not subject to the MD. Mr Fraser for the Commission presented the position proposed by the Commission in Doc.WG-2005.46 that was a response to the UK position. The use of non-integrated equipment when machinery designed for lifting goods was exceptionally used for lifting persons was covered by Directive 89/655/EEC as amended \(^{47}\) and by the relevant national legislation, and was not in the scope of the MD. On the other hand, integrated equipment was to be considered as interchangeable equipment intended to be assembled with machinery for the purposes of lifting

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\(^{46}\) See also item 13 “Formal objection against EN 14502-1”

persons was and was therefore under the Machinery Directive. The document also explained the consequences for the conformity assessment.

FINLAND also presented a new document, WG 2005.59. The situation in Finland was similar to that in the UK. Finnish legislation permitted some exceptional use of non-integrated equipment. Finland could live with the Commission’s document, but clarification of the expression “assembled with” was needed.

FRANCE also supported the Commission document and underlined the exceptionality of the use of non-integrated equipment for the purpose of lifting persons with machinery designed for lifting goods. Preference should be given to purpose-built machinery meeting the requirements of the MD.

SPAIN did not think the notion of “integrated” equipment was clear.

The CHAIRMAN explained that “assembled with” was the term used in the definition of interchangeable equipment in the MD. The Commission’s document adopted the distinction made by the UK between “integrated equipment” and “non-integrated equipment” and explained that the first was assembled with the machinery whereas the second was simply lifted by the machinery.

ITALY supported the Commission position.

GERMANY, LUXEMBOURG, AUSTRIA, SWEDEN and NORWAY also agreed with the Commission but proposed to further clarify the term “integrated”.

POLAND thought that the relation between “integrated” and “assembled” was not very clear and suggested to keep “integrated”.

The CHAIRMAN stated that it would be better to use the expression from the Directive - “assembled with” – while adding a short explanation when the expression was first used. He concluded that Doc. WG-2005.46 had been accepted with this drafting amendment: the Commission would re-draft the document taking account of any suggestions.

Conclusion:
The position set out in Doc. WG-2005.46 was agreed by the MDWG with a drafting amendment to explain the term “integrated”. Drafting suggestions on this issue to be sent before the end of October 2005.

12. Position paper from ATEX: Machinery containing an explosive atmosphere, which has no interface to an outside explosive atmosphere (Doc. WG 2005.51)

Mr Mattiuzzo for the Commission presented the document WG 2005.51, a position paper adopted by the ATEX Directive Working Group and included in the new ATEX Guidelines. The paper took a position on whether the notion of “interface to potentially explosive atmospheres” applied to machinery with no interface to an external potential explosive atmosphere but with areas inside the machinery where such an atmosphere could be generated. The conclusion was that areas within the machinery were not to be considered as an interface to potential explosive atmospheres. As a result, the risks concerned were covered by the Machinery Directive. However the electrical equipment for machinery where there was such a risk were subject to the ATEX Directive. It was not appropriate to use the “zone” concept from the “user” Directive 1999/92/EC to areas inside machinery.

The UNITED KINGDOM supported the paper.

IRELAND wondered how manufacturers could carry out a risk analysis without performing a “zone” classification within such equipment.

Mr Mattiuzzo for the Commission replied that application the “zone” concept, which belonged to the worker protection legislation, could give rise to distortions on the market.

LUXEMBOURG mentioned examples of machinery that could create potentially explosive zones in the surrounding area.

Mr Mattiuzzo for the Commission agreed with LUXEMBOURG, but stressed that the paper only dealt with machinery with no interface to such an external potential explosive atmosphere.

The CHAIRMAN said that the paper from the ATEX WG could be further discussed with ATEX experts, in order to address any comment or concerns. If necessary, the issue would be tabled at the next meeting.

13. Formal objection against EN 14502-11 (Doc. WG 2005.52)

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49 See also item 11 “Equipment for lifting persons with machinery designed for lifting goods”
FRANCE presented their document, explaining that the standard was not in conformity with the EHSRs of the Machinery Directive - especially those of chapter 6 of Annex I. They asked not to include the reference of the standard in list of Harmonised Standards under the MD in the OJEU.

GERMANY and the UK had no objection to a standard for this type of equipment, but agreed with FRANCE that it could not be published under the MD.

SPAIN thought this question had been settled under item 11 and agreed with FRANCE. Furthermore, the standard did not comply with the principles of safety integration.

Mr Joannin for CEN pointed out that essential requirement 6.2.1 of Annex I required machinery for lifting persons to have controls on the carrier as a general rule. Exceptions could be admitted for safety reasons. The authors of the standard considered that it was safer for the crane operator to have control over the movements of the suspended basket.

LUXEMBOURG thought suspended baskets might be lifting accessories.

Mr Fraser for the Commission pointed out that the introduction to the English version of the standard described suspended baskets as interchangeable equipment whereas the French version said they were lifting accessories. According to agreed position set out Doc.WG-2005.46, they were neither.

SWEDEN thought the French document raised a more general question problem for harmonised standards for cranes used for lifting persons. CEN TC 147 was developing such standards for machinery such as offshore cranes and bridge and gantry cranes. SWEDEN thought the decision not to publish the reference of EN 14502-1 should rather be based on the failure to satisfy the essential health and safety requirements.

The CHAIRMAN concluded that French objection had received general agreement, in line with the discussion of non-integrated work platforms under item 11.

Conclusion: 
The Commission to prepare a draft decision stating that the reference of the standard should not be published in the OJEU, since non-integrated suspended baskets are not in the scope of the MD. The draft decision to be presented at the next meeting.

14. Concerns on prEN 14017:2005* Agricultural and forestry machinery - Solid fertilizer distributors - Safety (Doc. WG 2005.53)

ITALY confirmed their opposition to the draft standard, referring to Doc. WG-2005.53. A meeting of TC 144 would be held in November 2005 and a report made at the next meeting of the Working Group.

15. ATVs (Doc. WG 2005.55)

The UNITED KINGDOM introduced two questions raised by the Industry on the application of the MD to the All-Terrain Vehicles (ATVs), and proposed their answers.

The CHAIRMAN said that the question had been already raised by FRANCE and the answer was affirmative: ATVs were in the scope of the MD, unless they were road vehicles or tractors, in which case they were subject to the EC type-approval legislation.

SPAIN said that in Spain most ATVs were licensed for road use. The traffic police stopped ATVs circulating on the road if they were not licensed.

FINLAND agreed on considering ATVs as machinery, but their growing diffusion would lead to an increase in accident, for example due to tipping over. A specific standard was needed.

IRELAND supported FINLAND. Better protection against rolling over was necessary.

GERMANY thought that legally ATVs could be considered machinery but that was not fully satisfactory with respect to the different possible uses.

Mr Fraser for the Commission suggested the requirements of the MD could be complemented by national regulations for road use.

Mr Alt for CEMA proposed to clearly differentiate ATVs by categories, according to their use: leisure use, use for work, use on and off roads. Some ATVs had type-approval as tractors.

The UNITED KINGDOM said that the UK’s question had been answered. In the UK, most ATVs were not registered for road use, but might use roads, for example, when going between fields. In other cases, they were transported on trailers for off-road use.
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The CHAIRMAN concluded that the requirements of the MD could be complemented by national regulations for road circulation if necessary.

Conclusion: All Terrain Vehicles (ATVs) for off-road use are in the scope of the Machinery Directive.


The UNITED KINGDOM presented the document, already discussed at the Lifts Directive (LD) ADCO and MD ADCO meetings. The UK considered that by removing door or other parts, a lift could not be converted into a machine, so such goods lifts with accompanying operator were covered by the LD. SPAIN stated that the LD requirements should not be by-passed by such changes. SWEDEN considered that if an installation was used as a lift, the LD should apply. LUXEMBOURG recalled a safeguard clause concerning a similar case. They said that such modified apparatus did not fulfil either the MD or the LD and should not be accepted by Notified Bodies. Mr Fraser for the Commission explained that the Commission’s opinion on the LUXEMBOURG safeguard clause had been misinterpreted by the manufacturer and the Notified Body involved. The Commission had therefore written to the Notified Body pointing out that the Commission’s opinion stated clearly that such lifts were covered by the Lifts Directive. The Member States should ensure that the Notified Bodies took due account of this opinion.

Due to lack of time, the following questions were carried over to the next meeting:

17. Vehicle servicing lifts for Snow mobiles (Doc. WG 2005.60)

18. Concern on standard EN 12215 Paint cabins (Doc. WG 2005.61)

19. MEWPs with more than one rated load (Doc. WG 2005.62)

20. Flap stop as emergency stop (Doc. WG 2005.67)

21. Robotic lawnmowers (Doc. WG 2005.68)
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CONSIDERED AS ENDORSED JUNE-OCTOBER 2005

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(7) : CNB/M/xx.xxx RERev yy = Coordination of Notified Bodies/Machinery/Numbering of the RfUs
R: Recommendation for Use E: English version Rev: Revision yy: index of the Revision
(8) : NBs = Notified Bodies
MINUTES OF THE MEETING OF THE MACHINERY WORKING GROUP
HELD ON 8th JUNE 2006

Subject: Working Group of Committee 98/37/EC concerning Machinery
Place: Albert Borschette Centre, Brussels
Chairman: Mr Martin EIFE (ENTR/H5)
EC Participants: Mr Ian FRASER, Mr Fabrizio SACCHETTI, Mr Mario GABRIELLI COSSELLU, Ms Elzbieta PAPRZYCKA (ENTR/H5)

1. Welcome and approval of the agenda

The CHAIRMAN welcomed the participants and presented the Agenda. He explained that he would be handing over responsibility for the Machinery Directive to Mr Ian FRASER.
CECED asked for a paper about the borderline with the Low Voltage Directive to be tabled.
The CHAIRMAN said the paper could be distributed for discussion at the next meeting.
At the request of Mr Joannin for CEN, the CHAIRMAN tabled points 8, 9 and 10 after point 5.

With these modifications, the Agenda was accepted.

2. Approval of the minutes of the meeting of 11/12 October 2005 (Doc. WG-2006.21)

FRANCE pointed out an error on page 7, item 17: not “import” but “important”.

With this correction, the minutes of the meeting held on 11-12 October 2005 were approved.

3. Follow-up of questions from the meeting of 11/12 October 2005 (Doc. WG-2006.21 - Table in Annex)

(3. d) Industrial truck pedals
Mr Steiger for CEN said no further information was available since the last meeting. The standard had been published in June 2005. It could be used as a reference but was not a harmonised standard.

(3. g) Stability of industrial trucks (Doc. WG 2006.26)
Mr Steiger for CEN presented Doc. WG-2006.26 reporting on CEN/TC150/WG 11 activities. There was information on research projects to improve stability carried out by a European consortium and by INRS in France. First results would be available early in 2008.
FRANCE thought that research projects were interesting but the situation was not satisfactory. The current standards did not represent the state of the art since manufacturers were already proposing devices to improve stability, but as options.
ITALY welcomed the development of systems for improving stability but asked CEN whether new test methods were also being considered.
Mr Steiger said that the devices available on the market concerned only electrical trucks. Research was still needed before the standards could be revised. The standards should both establish performance criteria and appropriate test methods.
The CHAIRMAN concluded that the question would be followed-up at the next meeting.

(3. h) Vibrations by concrete breakers
**8 JUNE 2006**

Mr Hoyland for Cenelec reported that the Ad-hoc Group had met in December 2005. The Group stressed the need to get indicative data using a tri-axial test method. Manufacturers should provide such data.

Mr Fraser urged the manufacturers' associations to explain to their members the importance of cooperating with data collection projects.

(3. i) UK formal objection against EN 69350, Hydraulic presses (Docs. WG-2006.01, WG-2006.22)

The UNITED KINGDOM explained that the issue was to define the dimensional criteria for accepting two-hand controls that only protected the operator. The UK accepted two-hand controls when it was sure that the operator could control the risk for third-parties. A study by the UK Health and Safety Laboratory had shown that a width of 1200mm was desirable for ergonomic reasons but such a width created a risk for third parties, particularly during setting operations. The UK considered that the solution proposed by CEN did not fulfil EHSR 1.1.2, since improved protective devices were available. The UK position was supported by the UK Industry Association. The UK would consider submitting an amended version of the formal objection, but hoped CEN would reconsider the question.

FRANCE supported the UK. The use of two-hand controls alone should be limited since the state of the art for new presses had advanced. Press standards should set out the appropriate protective means for each type of press.

Mr Knapp, Chairman of CEN TC 143, considered that UK objections had been taken into account. It had been decided to distinguish large and small presses. At the meeting held in February 2006, proposals for the limit varied from 600mm to 1500mm. The compromise of 1200mm had been accepted by all representatives except the UK. TC 143 was currently revising standard EN 12622 on hydraulic press brakes to take account of the availability of modern protective devices. The content would then be transferred to EN 693.

Mr Umbreit, CEN consultant, stressed that opto-electronic or laser protective devices were not always practical due to the shape of the work pieces such as, for example, car seats.

DENMARK said that laser protectors and light curtains were very useful, but two-hand controls were not obsolete for small presses.

SWEDEN thought that the updating of press standards should be followed by updating of standards for other equipment using two-hand controls.

The CHAIRMAN asked the UK to report on their decision about the formal objection at the next meeting.

(3. n) Overlapping scopes of standards

Mr Joannin for CEN reported on progress of joint work with Cenelec: there was not yet a definitive list of “problematic” standards.

Mr Vetsuypens for Cenelec said that CEN and Cenelec BTs had agreed to re-examine their work programme and to define a clear procedure to avoid overlaps.

The CHAIRMAN said that the Commission built up a specific folder in CIRCA51 where documents relating to this issue could be consulted.

SPAIN recalled the case of possible overlap between standard EN 954-152 developed by CEN and the new standard EN 6206153 developed by Cenelec relating to safety related parts of control systems. SPAIN thought that the reference of this Cenelec standard should not be published in the OJEU.

The CHAIRMAN recalled that the reference would be published in the OJEU unless a formal objection was introduced.

Mr Fraser for the Commission pointed out that EN 954-1 excluded programmable electronic control systems that were covered by the Cenelec standard, so the overlap was only partial.

SWEDEN considered that the problem of overlap was more important for C-type standards.

The CHAIRMAN concluded that the issue would be followed up at the next meeting.

(3. o) Policy on publication of Machinery standards

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51 “Problematic overlapping standards” folder
   http://forum.europa.eu.int/Members/irc/enterprise/machdir/library/?l=/standardisation/problematic_overlapping&vm=detailed&sb=Title
52 EN 954-1:1996 Safety of machinery - Safety-related parts of control systems - Part 1: General principles for design (This standard has now been revised with the same title and the number EN ISO 13849-1:2006)
53 EN 62061:2005 Safety of machinery - Functional safety of safety-related electrical, electronic and programmable electronic control systems
8 JUNE 2006

The CHAIRMAN said that only a comment from Mr Vandegaer, CEN consultant, had been received. If there were no further comments, it would be integrated in a revised policy paper.

Mr Joannin for CEN said that CEN was not ready to distinguish A, B and C-type standards in the list communicated to the Commission.

The CHAIRMAN said that this could be considered in the future but the document provided clarification of the status of A, B and C-type standards with respect to the presumption of conformity.

FRANCE asked why the reference of standard EN 12312-9 had been published while the standard was subject to a formal objection.

The CHAIRMAN explained that a mistake had been made and it had not been possible to correct it by means of a corrigendum. EN 12312-9 would be discussed at item 9 of the Agenda.

(3, p) EN 1459 - reference to prEN ISO 13564 (Doc. WG-2006.03)

The UNITED KINGDOM presented a paper and slides relating to visibility from variable reach trucks (telehandlers). The problem concerned the height of the forks during the visibility test. The UK authorities had agreed a compromise solution with UK industry in anticipation of a modification of the standards. Variable reach trucks had now been withdrawn from the scope of the draft standard ISO/DIS 13564-1, but clause 5.9.3 of the European harmonised standard EN 1459 referred to a previous draft ISO/DIS 13564:1996. A new work item had been agreed but development of a new standard would take time and an interim solution was needed. The test method could be used but the acceptance criteria need to be redefined. There was a legal problem since EN 1459 conferred a presumption of conformity. The UK requested CEN to withdraw the outdated reference, avoiding the need for a formal objection. This request was supported by UK industry and the FEM.

GERMANY and ITALY supported the UK request.

Mr Steiger for CEN said that he would consult TC 150 and report to the next meeting.

(3, 9) EN 280

Mr Joannin for CEN said that CEN TC 98 and Swedish authorities were currently discussing ergonomic access to the work platform and deletion of the reference to interlocking devices in clause 5.6.3 of EN 280.

SWEDEN said that a written proposal had not yet been made by the TC, but they expected a draft to be submitted to the next meeting to be held in Italy.

The CHAIRMAN confirmed that it would be followed up at the next meeting.

(3, 12) CEN and Cenelec standards for washing machines

Mr Vetsuypens for Cenelec reported on the activity of the Cenelec TC 61 WG. A proposal would be made to modify the scope of the Cenelec standard and to require interlocks with guard-locking to prevent access to moving parts.

Mr Gehrke for CECED thought that IEC might not accept the proposed changes.

The CHAIRMAN stressed that the European harmonised standards must fulfil the EHSRs of the MD and concluded that the issue would be followed up at the next meeting.

(3, 13). Standards for agricultural forestry machinery

Mr Steiger for CEN reported on revision of the standards mentioned by ITALY: for EN 745 and EN 704, TC 144 had started revision according to the Vienna agreement under ISO lead; for EN 709 other aspects should be considered. PrEN 14017 would be discussed under point 14 of the follow-up questions.

Mr Fraser for the Commission said that during discussion of amendment of the tractors legislation, the attention of the Commission had been drawn to the fact that the standard EN 907 did not provide for adequate protection of operators against risks due to hazardous substances.

54 EN 1459:1998 Safety of industrial trucks - Self-propelled variable reach trucks
56 EN 280:2001 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests
57 EN 745:1999 Agricultural machinery - Rotary mowers and flail-mowers - Safety
58 EN 704:1999 Agricultural machinery - Pick-up balers - Safety
59 EN 709:1997 Agricultural and forestry machinery - Pedestrian controlled tractors with mounted rotary cultivators, motor hoes, motor hoes with drive wheel(s) - Safety + A1:1999 Machinery for agriculture and forestry - Pedestrian controlled tractors with mounted rotary cultivators, motor hoes, motor hoes with drive wheel(s) - Safety
60 EN 907:1997 Agricultural and forestry machinery - Sprayers and liquid fertilizer distributors - Safety
ITALY reported that a study had been carried out on protection of operators of agricultural machinery against hazardous substances: they would present it at the next meeting.

FRANCE said that revision of EN 907 was almost complete but the revised draft still did not include adequate provisions for this risk. Technical problems remained to be solved relating to the assessment of the performance of filtering systems.

Mr Alt for CEMA stressed that protection against pesticides was a complex issue. Work was under way on an ISO standard on the assessment of filtering systems. Input from the Member States would be welcome.

(3.15) Limitation of the period of validity of EC-type examination certificates

The CHAIRMAN said that the recommendation to NB-M had not been drafted yet. It would be presented at the next meeting.

(3.16) Standards dealing with both the CPD and the MD

The CHAIRMAN reported that no specific problems had been brought forward. The question would be closed but it could be discussed in future if necessary.

Mr Steiger for CEN added that the CPD was currently under revision, and problems of borderline case with the MD could be discussed in that context.

(3.17) Passenger conveyors in ski areas

Mr Joannin for CEN reported that the issue had been discussed at the TC 242 meeting in November 2005. Further meetings would be held in June and September 2006.

Mr Fraser for the Commission remarked that a financing request had been made by CEN to the Commission based on the mandate for cableways whereas this type of equipment was covered by the Machinery Directive.

Mr Joannin for CEN said that the work item was listed in the CEN database under the Machinery Directive.

(3.18) Lifting accessories (Doc. WG-2006.13)

SWEDEN presented Doc. WG 2006.13 with the list of examples of the main types of lifting accessories. The list should be completed and improved with comments by Member States and stakeholders.

FRANCE and GERMANY considered the list very useful, but stressed the need for further discussion.

GERMANY thought items 5, 6, 8 and 9 were covered by the MD and had reservations about times 19, 20 and 21.

POLAND also welcomed the list, and considered that items to be welded should be considered part of the load.

NORWAY suggested the addition to the list rescue stretchers and cages for lifting welding equipment.

The CHAIRMAN asked Member States to communicate their comments by end July 2006.

(3.19) Implications of globalisation of standardisation (Doc. WG-2006.24)

The CHAIRMAN presented the paper reproducing letters between the European Commission services (7th March 2006) and CEN (15th May 2006).

(3.20) AFNOR appeal against EN ISO 4254-1 agricultural machinery

This point would be discussed at item 10 of the Agenda.

(8) Formal objection against EN 848-3:1999

The CHAIRMAN said that the Commission had drafted a decision to add a specific warning to the reference of the standard in the OJEU that was in course of adoption.

(9) Court cases

Mr Sacchetti for the Commission reported on the cases referred to the European Court of Justice. About the judgement in the “Yonemoto” case C-40/04 on responsibility of importers and distributors, the Commission services would send a letter to Member States asking them to consider whether the judgement implied changes to the national implementation of the Machinery Directive.

The “A.G.M.-COS.MET” case C-470/03, on the liability of Member States with regard to the activities of officials, was still pending: there was no date yet for the judgement of the Court. The conclusions of the Advocate General were available on the ECJ website.

61 The Court of Justice of the European Communities: http://www.curia.eu.int
8 JUNE 2006

(10) Question on a manually driven work platform (Doc. WG-2006.08)

The CHAIRMAN said that a letter had been received from the manufacturer concerned stating that he had decided to apply the Machinery Directive.

Mr Fraser for the Commission suggested that the manufacturer’s decision on his particular product should be accepted, without attempting to deduce a general rule.

(11) Equipment for lifting persons with machinery designed for lifting goods

Mr Fraser for the Commission said a revised document Doc. WG-2005.46rev.1 would be put in circulation in order to receive Member States’ comments by the end of July 2006, in order to publish the final version of the document as soon as possible.

(13) Formal objection against EN 14502-1\(^{62}\) (Doc. WG 2005.52)

The CHAIRMAN said that the draft Commission decision would be presented at the next meeting.

(14) Concerns on prEN 14017:2005\(^{63}\) Agricultural and forestry machinery - Solid fertilizer distributors - Safety

Mr Steiger for CEN reported on a decision by CEN to amend the standard to on the basis of a working document supplied by Italy. The draft should be ready in 2006 and subject to vote in 2008.

4. Adoption of the revised Machinery Directive

The CHAIRMAN informed the Working Group that the revised Machinery Directive had been adopted on 17 May 2006 and would be published in the OJEU on 9 June 2006\(^{64}\); it would enter into force 20 days later, on 29 June 2006. Member States should transpose it in their national legislation in 24 months, by 29 June 2008, to be applied 18 months later, by 29 December 2009 (apart a specific derogation, stated in Article 27, until 29 June 2011).

Member States and other stakeholders were invited to communicate any errors in the linguistic versions with reference to the English reference version. A specific CIRCA folder\(^{65}\) would collect any remarks by the end of July 2006, to make possible corrigenda before implementation.

Mr Fraser for the Commission announced the preparation of a Guide to the new directive. The objective was to produce a more compact Guide to be published on the Internet before the Directive became applicable. The work would be carried out on the basis of voluntary editorial group starting early in 2007: candidatures would be very welcome.

Ms Pagani for ORGALIME welcomed the plan for a guide and proposed that Orgalime could coordinate input from the industry.

Mr Gehrke for CECED wished to contribute to the section on the borderline between the MD and the LVD.

The NETHERLANDS and BELGIUM expressed concern about the lack of a transitional period.

The UK recognised that no provision had been made for a transitional period but pointed out that this was not well understood by the sector and should be clarified.

The CHAIRMAN confirmed that the Directive did not include a provision for a transitional period but pointed out that this was not well understood by the sector and should be clarified.

The CHAIRMAN confirmed that the Directive did not include a provision for a transitional period but was quite a long “adaptation period”. Commission services wanted to send a clear message to manufacturers: “do not wait, start checking your products now”. Products that complied with the new Directive would also comply with the current Directive. All the information related to the new Directive and its implementation would be placed on the Machinery website\(^{66}\) as soon as possible. Specific questions such as those relating to standards, type-examination certificates, EC conformity declarations would be discussed with stakeholders and practical guidance would be given.

GERMANY thought that the date of application of the new MD would be the most problematic period and asked for clear advice to manufacturers.

SPAIN supported the Commission’s point of view, aiming to provide complete information, including the aspects concerning placing on the market and putting into service.

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\(^{62}\) EN 14502-1:2005 Cranes - Equipment for lifting persons - Part 1: Suspended baskets

\(^{63}\) prEN 14017:2005 Agricultural and forestry machinery - Solid fertilizer distributors - Safety


\(^{66}\) Mechanical equipment - Machinery http://ec.europa.eu/enterprise/mechan_equipment/machinery/index.htm
8 JUNE 2006

The CHAIRMAN referred to the “Blue Guide”\(^{67}\) to clarify these practical aspects. ITALY mentioned the discussion on the revision of “New Approach” and asked about future adaptation of the new Directive.

The CHAIRMAN said that a proposal for a legal instrument on the New Approach revision was under preparation. According to the final result, the text might be complementary to the sectoral directives or might require their amendment.

FRANCE, ITALY and Mr Alt for CEMA asked about the revision of the Directive with regard to the exclusion of tractors.

The CHAIRMAN replied that the Commission was working on the amendment of the Tractors type-approval Directives in order to ensure that all risks were covered. Some of the amendments could be adopted by Comitology while others required co-decision. When these amendments had been adopted, the words “for the risks” could be removed from the MD.

Mr Belaen for CECE asked when the lists of harmonised standards would be published supporting the new MD.

The CHAIRMAN explained that updated lists of harmonised standards would be published under the current MD until 2009. A new list under Directive 2006/42/EC that would be applicable from the 29 December 2009.

5. Environmental requirements for pesticide application equipment

The CHAIRMAN reported on the preparation by DG Environment of a proposal on use of pesticides. The draft proposal included requirements for pesticide application equipment. DG Enterprise and Industry had suggested that such requirements could be better regulated according to the “New Approach” and could be integrated into the MD. On the other hand, requirements on maintenance, periodic inspection and operator training could not be included in the MD.

FRANCE supported the Commission’s idea but stressed that reliance on the New Approach required a high level of protection in standards.

The UNITED KINGDOM asked for more information on the issue.

The CHAIRMAN explained that the relevant documents had not yet been made public.

Mr Alt for CEMA expressed the support of manufacturers for the idea of dealing with environmental and health and safety aspects within the same legal framework.

The CHAIRMAN would report on progress at future meetings.

Due to lack of time, the following questions were carried over to the next meeting:


7. Progress report on standardisation (Doc. WG-2006.25)

8. Formal objection against EN 12215\(^ {68}\) and EN 13355\(^ {69}\) - Paint booths and combined paint booths (Docs. WG-2006.10, WG-2006.11)

FRANCE presented Doc. WG-2006.10 relating to standards on paint booths. The objection concerned the minimum air velocity of the ventilation system with respect to the requirement 1.5.13 “Emission of dust, gases etc.” of Annex I to the MD. France considered the air velocity required by the standards was insufficient to ensure adequate protection of operators against toxic substances.

GERMANY presented Doc. WG-2006-11 expressing disagreement with FRANCE. An increase in air velocity could lead to an increase in the exposure of operators and a waste of energy and materials. Use of PPE was necessary to provide adequate protection against the most toxic substances.

FRANCE supported the technical feasibility of the value they proposed; during 15 years experience in France there had been no report of excessive costs or waste of materials. FRANCE would make available a scientific publication from INRS on this issue. FRANCE did not deny the need for PPE and operator training, but maintained that integrated protective measures should have priority.

\(^{67}\) Guide to the Implementation of Directives Based on New Approach and Global Approach (“Blue Guide”)

\(^{68}\) EN 12215:2004 Coating plants - Spray booths for application of organic liquid coating materials - Safety requirements

\(^{69}\) EN 13355:2004 Coating plants - Combined booths - Safety requirements
8 JUNE 2006

Mr Steiger for CEN reported that the issue had been subject to a long debate in CEN. Only SWITZERLAND had voted against the standard on the grounds that the minimum air velocity was too high. Mr Fraser for the Commission said, that faced with such a disagreement between experts, it was difficult to reach a decision. He asked FRANCE and GERMANY to provide information about the technical studies on which their positions were based. The Commission services would analyse these elements and report to the next meeting. If necessary, a special meeting would be held to discuss the issue.


FRANCE presented Doc. WG-2006.12. The formal objection was based on the lack of specifications in the standard for protection against the risk of falling from a height. FRANCE had observed many non-compliant machines on the market and had recorded a number of serious accidents.

Mr Jackson for CEN TC 274 made a presentation on aircraft loading equipment. The equipment had to be designed in light of the particular working environment. The design of guard rails must take account of the shape and dimensions of the aircraft. He reported that the CEN WG had agreed to improve the standard, taking as a basis the EN 14122 standards on permanent means of access to machinery.

The UNITED KINGDOM and ITALY agreed with FRANCE that the standard should be improved.

Mr Fraser for the Commission remarked that the risk of falling from a height was one of the main risks associated with this type of equipment. The standard should therefore provide design criteria for the means of protection against these risks in order to deal with the particular constraints described by Mr Jackson.

AUSTRIA pointed out that aircraft loaders on which operators were lifted were Annex IV machinery and suggested that the Notified Bodies should be informed.

The CHAIRMAN concluded that the Commission services would draft a decision according to French comments, as well as a mandate to CEN. The question would be reported to the 98/34/EC Committee. The Notified Bodies would also be informed.

Due to lack of time, the following questions were carried over to the next meeting:

10. Formal objection against EN ISO 4254-1:2005 - Agricultural machinery - General requirements (Doc. WG-2006.05)

11. Vehicle servicing lifts for Snow mobiles (Doc. WG 2005.60)

12. MEWPs with more than one rated load (Docs. WG-2005.62, WG-2006.16, WG-2006.17)

13. Flap stop as emergency stop (Doc. WG-2005.67)

14. Robotic lawnmowers (Doc. WG-2005.68)

15. Standardisation of pre-cast concrete elements (Doc. WG-2006.09)

16. Refuse collection vehicles - Footboard riding on refuse collection vehicles (Docs. WG-2006.15, WG-2006.02)

17. Link spans for access to ships (Doc. WG-2006.04)

18. Loader cranes equipped with working baskets (Doc. WG-2006.07)


The CHAIRMAN said that these questions would be studied and asked Member States to provide written comments, in order to clear a certain number of them from oral discussion in the next Agenda.

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70 EN 12312-9:2005 Aircraft ground support equipment - Specific requirements - Part 9: Container/Pallet loaders
71 prEN ISO 4254-1 Agricultural machinery - Safety - Part 1: General requirements (ISO 4254-1:2005) (Final draft: August 2005)
8 JUNE 2006

The CHAIRMAN closed the meeting.
### Summary of questions to be followed-up at the next meeting

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RECOMMENDATION FOR USE SHEETS (RfUs)
CONSIDERED AS ENDORSED NOVEMBER 2005 - MAY 2006

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(9) : CNB/M/xx.xxx RERev yy = Coordination of Notified Bodies/Machinery/Numbering of the RfUs
R: Recommendation for Use E: English version Rev: Revision yy: index of the Revision
(10) : NBs = Notified Bodies
Subject: Machinery Working Group
Place: Albert Borschette Centre, Brussels
Chairman: Mr Ian FRASER (ENTR/H5)
EC Participants: Mr Mario GABRIELLI COSSELLU (ENTR/H5)

1. Welcome and approval of the agenda

The CHAIRMAN welcomed the participants. The Agenda was approved.

2. Approval of the minutes of the meeting of 8th June 2006 (Doc. WG-2006.28)

FRANCE pointed out that under item 1, the enquiry about the CECED paper had been made by CECED, not by FRANCE.
SPAIN indicated that on page 3, item the standard that SPAIN thought should not be published in the OJEU was EN 62061:2005 - Safety of machinery - Functional safety of safety-related electrical, electronic and programmable electronic control systems.
The CHAIRMAN agreed to correct the minutes on these points.

With these corrections, the minutes of the meeting held on 8th June 2006 were approved.

3. Follow-up of questions from the meeting of 8th June 2006 (Doc. WG-2006.28 - Table in Annex)

a) Stability of industrial trucks
CEN reported that two research projects were under way. A work item on an enhanced dynamic stability test based on the research would be approved at the next plenary meeting of CEN TC 150.

b) Vibration by concrete breakers
Mr Hoyland for Cenelec reported that manufacturers had agreed to provide data. A study to compare measurements carried out by manufacturers and independent measurements carried out in the workplace should be ready by March 2007.
FRANCE asked what test code had been used.
Mr Hoyland replied that the reference test code was EN 60745-2-6 - Hand-held motor-operated electric tools - Safety - Part 2-6: Particular requirements for hammers.

c) UK formal objection against EN 693 – Hydraulic presses
The UK reported that a meeting had been held with the Chairman of CEN TC 143, Mr Knapp to seek a solution. The discussion was currently about technical means of restricting operation of presses with two-hand controls to one person. The result of this discussion would be reported to the next meeting.

d) Overlapping scopes of standards
CEN and Cenelec reported that an examination of standards indicated that there were not many overlaps.
AUSTRIA, the UK and SPAIN considered that a list of overlapping standards was still needed.

e) Policy on publication of Machinery standards
The Commission had not yet revised the policy paper.
f) EN 1419 – visibility
Discussed under item 7.

g) EN 280
Mr Joannin for CEN reported on the October meeting of CEN TC 98. A proposal from the UNITED KINGDOM had been proposed to solve the question raised by SWEDEN. SWEDEN reported that the CEN Working Group wished to keep slide-bars as a means of access to work platforms. Work was in progress to define ergonomic criteria for slide-bars in order to avoid the tendency to fix them in the raised position.

h) Standards for washing machines
Mr Gargantini, Chairman of Cenelec TC 61, reported that a proposed amendment to require interlocks with guard-locking to prevent access to moving parts on domestic washing machines would be submitted to IEC. If the amendment was accepted by the IEC, this would avoid the need to introduce distinct specifications in the European standard.

i) Standards for forestry and agricultural machinery
Mr Steiger for CEN reported on the revision of the standards EN 74572, EN 70473 and EN 70974, taking into consideration proposals from ITALY.

j) Limitation of the validity of EC type-examination certificates
The CHAIRMAN said that the Commission had not yet drafted the letter to NB-M

l) Lifting accessories
The CHAIRMAN reported that written comments on Doc.WG-2006.13 had been received from Denmark, Finland, France, Italy, the Netherlands, Spain, Sweden and Norway. Since these comments showed areas of disagreement, further discussion was necessary. The document and the comments would be re-discussed at the next meeting.

m) Formal objection against EN 848-3: 1999
The CHAIRMAN reported that the Commission decision relating to this formal objection had been published in the OJEU N° L 291, p.35 on 21st October 2006. SWEDEN recalled that the Commission had issued mandate N° M311 to take account of Swedish comments. The Swedish concerns had not yet been answered. The draft revised standard was still inadequate. The plastic curtains did not provide the same level of protection that was expected of other types of guards. Furthermore, ageing and wear was not taken into account. If the revised standard was adopted as it stood, Sweden would be against its publication in the OJEU. FRANCE shared Sweden’s concerns. The revised standard should also include provisions for recognition of correct tools, since accidents were often due to use of inappropriate tools. Machines should be fitted with means to prevent the ejection of tools, not just to protect the operator from ejected fragments. ITALY pointed out that the use of flexible screens was common to several categories of machines. The standards concerned should define the necessary tests to ensure that the protection provided by such screens was adequate. The CHAIRMAN recalled that the Commission Decision withdrew the presumption of conformity from the relevant clause of the standard, however the existing mandate was still valid. The Commission would have to decide whether or not the proposed amendment fulfilled the mandate.

n) Lifting persons with machinery designed for lifting goods
The CHAIRMAN said that further drafting suggestions for Doc.2005.46rev1 had been received from Spain and Norway. A second revised version would be circulated for approval at the next meeting.

a) Formal objection against EN 14502-1: suspended baskets
The CHAIRMAN confirmed that the references of this standard would not be published since the product concerned was not in the scope of the Machinery Directive. The references of the standard had been included by

72 EN 745:1999 Agricultural machinery - Rotary mowers and flail-mowers - Safety
73 EN 704:1999 Agricultural machinery - Pick-up balers - Safety
74 EN 709:1997 Agricultural and forestry machinery - Pedestrian controlled tractors with mounted rotary cultivators, motor hoes, motor hoes with drive wheel(s) - Safety + A1:1999 Machinery for agriculture and forestry - Pedestrian controlled tractors with mounted rotary cultivators, motor hoes, motor hoes with drive wheel(s) - Safety
error in the list published in the OJEU on 31 December 2005. A corrigendum had been published to correct this error. The Commission had sent a letter to CEN to explain this. This letter would be made available on CIRCA.

**p) EN 14017 – Solid fertiliser distributors**

CEN reported that a draft amendment to improve the specifications relating to protection against unintentional contact with distributing components would soon be subject to enquiry.

**q) Environmental requirements for pesticide application equipment**

The CHAIRMAN reported that the Commission proposal for a Directive establishing a framework for Community action to achieve a sustainable use of pesticides, adopted on 12th July 2006 (COM-2006 373 final) was now available on the DG Environment website. In this context, the Commission had made a commitment to propose a separate Directive amending the Machinery Directive to cover the environmental requirements for the placing on the market of pesticide application equipment. This proposal would be drafted in 2007, with the objective of application at the same date as Directive 2006/42/EC. The work would be facilitated by the fact that there were already harmonised standards for the environmental protection specifications for several types of equipment.

**r) Formal objection against EN 12215 and EN 13355**

GERMANY presented the results of a study and a video on the effects of increasing the air flow velocity as proposed by France. The study indicated that the increase in velocity tended to increase the spraying time and thus increase energy and paint consumption without improving the protection of the operator. Germany also noted that the studies presented by France were based on the measurement of the air flow velocity in an occupied booth, whereas the values in the European standard were based on measurements in an empty booth.

FRANCE registered a first reaction to the German documents: It appeared that the velocities shown in the video were in fact higher than those proposed by France. France was also surprised by the systematic use of PPE. While it was true that the values proposed by France were close to those set out in the European standard for booths used for painting vehicles, this was not the case for booths used for painting smaller objects. Furthermore, the French measurement method only took into account the vertical component of the air flow which was the component affecting the protection of the operator, whereas the European standard measured all components. France was also surprised that the operator in the video was working with his head below the source of emission, since it was recommended to work with the head always above the source of emission. France would provide a written comment on the German position.

The UK said that there were problems with the correct use of spray booths that could perhaps be discussed in MACHEX. Foreseeable misuse should also be taken into account in the standard.

The CHAIRMAN concluded that the documents provided by Germany and France would be made available in a special folder on CIRCA. The Commission planned to hold a meeting of experts to discuss the issues raised by France. All Member States would be invited to take part if they wished to contribute to the discussion.

**s) Formal objection against EN 12312-9**

The CHAIRMAN reported that the draft Commission Decision to publish the reference of the standard with a warning relating to clause 5.6 would be submitted to the meeting of the 98/34/EC Committee to be held on 20th November 2006.

**t) Formal objection against EN ISO 4254-1 Agricultural machinery**

Discussed under item 6.

4. **Coordination of Notified Bodies**

Mr Jockers for NB-M reported that the Horizontal Committee had met on 23rd June 2006. 24 Bodies out of a total of 101 had attended. About half of the Member States were represented.

There had been a discussion of the Swedish document WG-2006.06 relating to means of access to machinery. The next meeting would be held on 4th December 2006.

**Recommendations for use**

75 “Sustainable Use of Pesticides” (DG ENV): [http://ec.europa.eu/environment/ppps/home.htm](http://ec.europa.eu/environment/ppps/home.htm)

76 EN 12215:2004 Coating plants - Spray booths for application of organic liquid coating materials - Safety requirements

77 EN 13355:2004 Coating plants - Combined booths - Safety requirements

78 EN 12312-9:2005 Aircraft ground support equipment - Specific requirements - Part 9: Container/Pallet loaders
Mr Mario Gabrielli Cossellu for the Commission introduced Doc. WG-2006.23 with the “state of play” of Recommendation for Use sheets, the latest update on the EUROPA website and the RFUs submitted to the Oral Procedure, available on CIRCA.

The CHAIRMAN opened the discussion on each of the RFUs submitted to the Oral Procedure.

CNB/M/01.045/R/E/Rev 03

SWEDEN had been in contact with the Chairman of VG1 Mr Kohler and was awaiting further clarification. To be discussed at the next meeting.

CNB/M/03.059/R/E/Rev 05

Mr Jockers for NB-M confirmed that a new version was ready, including the correction.

With this correction, the RFU was endorsed.

Revision 13 was available on CIRCA.

SWEDEN considered that this Recommendation was in contradiction with EHSR 1.6.1.

Mr Jockers asked Sweden to contact VG3. To be discussed at the next meeting.

CNB/M/03.162/R/E/Rev 04

Revision 5 was available. Sweden had not had time to examine it. To be discussed at the next meeting.

CNB/M/04.041/R/E/Rev 04 and CNB/M/04.056/R/E/Rev 02

Mr Jockers presented the new version of these RFUs, after bilateral discussion with SWEDEN. SWEDEN confirmed that they accepted these versions.

These two RFUs were endorsed.

CNB/M/04.048/R/E/Rev 02

SWEDEN referred to Doc.WG-2006.06. The manufacturer of the machine was responsible for ensuring conformity with all of the relevant EHSRs. If certain of these requirements could only be satisfied in the user’s premises, the manufacturer could certify the conformity after installation, but he could not delegate his responsibility to the user.

IRELAND pointed out that the answer was not drafted in relation to the question. The answer should be preceded by the word “No”.

The CHAIRMAN suggested that the word “permissible” should be used instead of “possible”.

SWEDEN agreed to redraft the document in light of the discussion.

CNB/M/06.034/R/E/Rev 02

To be discussed at the next meeting.

CNB/M/09.206/R/E/Rev 02

This Recommendation had been submitted to the MDWG by the Horizontal Committee since it dealt with a difficult problem relating to application of the Machinery Directive.

FRANCE was in favour of the Recommendation and suggested to discuss it under item 15 of the agenda.

The CHAIRMAN agreed.

CNB/M/09.207/R/E/Rev 04

SWEDEN and FRANCE stressed that the compatibility of the work platform with the basic machine should be part of the EC type-examination in line with Doc.WG.2005.46rev1.

The CHAIRMAN suggested that this document should be used as guidance by the NBs once it had been finally approved.

CNB/M/09.305/R/E/Rev 05

ITALY referred to Docs.WG-2006.19 and 20 and urged NB-M to withdraw this Recommendation which was in contradiction with the EHSRs of chapter 6 of Annex I of the Machinery Directive.

FRANCE and the UK suggested that the Recommendation be withdrawn and that the question of the conditions for manual levelling of the platform be discussed during the revision of standard EN 280.

Mr Jockers said the Recommendation would be withdrawn if that was the wish of the MDWG.

CNB/M/12.014/R/E/Rev 04

To be discussed at the next meeting.


Mr Steiger presented the CEN progress report.

AUSTRIA asked about the consequences of the transition to the new Directive. Was it foreseen to include 2 Annex Zs?

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80 http://forum.europa.eu.int/Members/irc/enterprise/machdir/library/?=recommendations/02oralsproceduresconside&vm=detailed&sb=Title
Mr Steiger replied that a pragmatic solution should be found.

Mr Vetsopens for Cenelec stressed that more frequent publication of the references of harmonised standards was needed. Concerning adaptation to the new Machinery Directive, Cenelec’s main concern was the interpretation and practical consequences of the exclusion of household appliances intended for domestic use. A paper had been prepared by Cenelec TC 61 for the LVD Working Group. When this document had been improved, it would be presented to the MDWG.

Draft Mandate for Directive 2006/42/EC (Doc.WG-2006.44)

The CHAIRMAN presented the draft mandate to the ESOs concerning the adaptation of standards to the new Directive. It would be submitted to the meeting of the 98/34/EC Committee to be held on 20th November 2006. Some standards would require technical adaptation to the revised EHSRs and others would only require a formal update in order to refer to the new Directive.

FRANCE was in general agreement with the terms of the mandate, but had communicated some written proposals for improvement relating to the content of the Annex ZA, the importance of the revised EHSRs relating to ergonomic principles and emissions, the participation of users and the role of the consultants.

AUSTRIA asked about the status of the documents that were being prepared to assist the checking of standards against the new EHSRs.

CECE suggested to change the word “review” to “adapt”.

Mr Boy for ETUC welcomed the French suggestions. The need for a new risk assessment might imply the revision of certain standards. The adaptation to the new Directive should be used as an opportunity to ensure that C-standards covered all the relevant EHSRs.

CEN stressed that the role of consultants and the format of Annex Z were subject to horizontal agreements with the Commission. Concerning the participation of users, according to Article 5 of the Machinery Directive, it was for Member States to take the necessary measures.

The CHAIRMAN replied that the French suggestions would be taken into account. The Commission did not wish to repeat provisions that were already subject to agreements with the ESOs, however it would be useful to refer to these agreements. In reply to AUSTRIA, he stated that the documents being prepared by CEN to help TCs to check standards were very useful and would be of interest to other stakeholders. When these documents were finalised, they could be made available on EUROPA.

6. **Formal objection to EN ISO 4254-1** (Doc.WG-2006.05).

FRANCE recalled the grounds for the formal objection. France’s objections to the original standard were maintained. However, since the formal objection had been lodged, it had been decided to remove the options relating to guarding from the EN ISO. The requirements for guarding needed to comply with the machinery would be transferred to an ISO Technical specification that would be the subject of a separate European standard. Concerning the subject of the fixing of the PTO guard, an amendment had been drafted, but France thought the text remained ambiguous.

Mr Alt for CEN TC 144 reported that, in June 2006, the relevant ISO TC had launched three projects in order to take into consideration the French remarks. Part 1 had been published for comments by April 2007. He was surprised at the doubts expressed by France, since the text of the draft amendment that had been published to deal with the PTO guards was based exactly on the wording proposed by France.

The CHAIRMAN stated that the references of EN ISO 4254-1 would not be published in the OJEU in line with the policy not to publish references of international standards that included options certain of which were not conformity with the Directive. He urged all parties concerned to seek a satisfactory solution that would enable the references of an amended standard to be published as soon as possible.

7. **Formal objection against EN 1459** (Docs.WG-2006.39 and WG-2006.41)

The UK explained that the issue at stake was the reference to the draft ISO standard ISO DIS 13564 - Powered industrial trucks -- Test methods for verification of visibility -- Part 1: Sit-on and stand-on operator trucks up to and including 10 t capacity, which was no longer relevant for variable reach trucks. The UK wanted to remove the presumption of conformity for the specifications of EN 1459 relating to visibility. Doc.WG-2006.41 set out a

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81 prEN ISO 4254-1 Agricultural machinery - Safety - Part 1: General requirements (ISO 4254-1:2005) (Final draft: August 2005)

82 EN 1459:1998 Safety of industrial trucks - Self-propelled variable reach trucks
proposed interim solution for checking visibility based on the conditions of use generally met on site and existing test standards.

Mr Steiger for CEN reported that the CEN TC 150 plenary meeting would decide on a work item for checking visibility for variable reach trucks based on standard ISO 5006:2006 - Earth-moving machinery - Operator's field of view - Test method and performance criteria. There was a problem with some aids to visibility that could create new risks. Further investigation was needed.

AUSTRIA thought it was premature to sustain the formal objection while the standard was being modified.

UK said that Austria’s approach might have been valid two years ago, but now a stronger incentive was needed to put the standard right.

AUSTRIA concurred with this argument, stating that the clauses of the standard should be specified.

FRANCE and GERMANY supported the UK position.

The CHAIRMAN concluded that a Decision would be drafted in line with the UK objection and submitted to the 98/34/EC Committee. If progress on improvement of the standard led the UK to withdraw the objection, the draft Decision could be put aside.

8. Formal objection against EN 28662-2[^83], EN 28662-5[^84], EN 8662-14[^85]and EN 792-4[^86] (Docs. WG-2006.40 and WG-2006.45)

The UK explained that the formal objection had been lodged because the test codes for pneumatic hand-tools were inadequate. The single-axis test method did not provide values that were consistent with the user’s obligations according to the Physical Agents Directive 2002/44/EC on the exposure of workers to vibration, it did not correspond to the state of the art and was not consistent with the relevant B-standards. In addition, the standard setting out the general requirements for such tools did not provide for the necessary information to be given to the user on the residual risks due to vibration and the fact that exposure in the workplace could differ from the value declared by the manufacturer. The formal objection was based on EHSRs 1.7.2. and 1.7.4.a).

Mr Steiger for CEN reported that CEN TC 231 – Mechanical vibration and shock - had decided in October 2006 to cooperate with ISO TC 118 - Compressors and pneumatic tools, machines and equipment in order to revise the standards of this family, based on the experience of Cenelec TC 61F.

FRANCE shared the UK concerns on the prevention of occupational illness due to exposure to vibration from hand-tools and thought the new B-standard EN ISO 20643:2005 - Mechanical vibration - Hand-held and hand-guided machinery - Principles for evaluation of vibration emission - provided a good basis for developing test codes for C-standards. However France thought the withdrawal of the references of the current standards could be counter-productive.

Mr Vigone, CEN OHS Rapporteur, reported that tests on hand-held tools showed that in real working conditions the vibration levels could be 3 or 4 times the level measured in the laboratory. He thought that a revision of the standards mentioned by the UK was urgent.

SWEDEN agreed with the technical and medical arguments of the UK, but thought that it was not necessary to withdraw the current test codes while awaiting revision of the standards.

ITALY, GERMANY and AUSTRIA agreed with the UK that urgent revision of the standards was necessary.

The CHAIRMAN noted the general agreement on the need to revise the standards and asked if the UK was ready to suspend the formal objection in light of the information given by CEN.

The UK agreed, providing CEN fixed a rapid timeframe for revision of the standards.

The CHAIRMAN concluded it was agreed that the current test codes were out of date. He noted that the UK formal objection was suspended and asked CEN to report to the next meeting on the timetable for revision of the standards concerned.


FINLAND explained that, while servicing lifts for snowmobiles fulfilled the same function as servicing lifts for vehicles and presented the same risks, they were not explicitly mentioned in the scope of the harmonised

[^86]: EN 792-4:2000 Hand-held non-electric power tools - Safety requirements - Part 4: Non-rotary percussive power tools
standard EN 1493. Finland recalled previous decisions to consider servicing lifts for motorcycles as vehicles servicing lifts; and proposed to consider servicing lifts for snowmobiles in the same way.

The CHAIRMAN noted general agreement with the answer proposed by Finland.

**Conclusion:**

*Servicing lifts for snowmobiles are to be considered as vehicles servicing lifts according to item 15 of Annex IV to Directive 98/37/EC.*


ITALY presented the proposed answer set out in Doc. WG-2006.17. DENMARK and FRANCE agreed with the answer proposed by Italy. SWEDEN said the issue at stake was not clear. BELGIUM asked whether the harmonised standard EN 280 complied with the relevant essential health and safety requirement. FINLAND suggested consulting the Vertical Group 9 of NB-M. CEN thought that the platforms described by Italy did not comply with the harmonised standard. ITALY recalled that they had been seeking this clarification for two years. Clarification of the issue was needed in the framework of revision of EN 280. The CHAIRMAN said that it was difficult for the Working Group to adopt a position on the issue and asked Italy to make a further attempt to clarify the relationship between the platforms concerned and the specifications of EN 280. The Commission would then try to formulate a conclusion.

11. **Standardisation of pre-cast concrete elements (Doc.WG-2006.09)**

GERMANY presented the request for a standardisation mandate for these anchorage elements, as they were not covered by EN 13155. DENMARK suggested postponing the question until the conclusion of the discussion on the list of lifting accessories in Doc.WG-2006.13. SWEDEN pointed out that in a previous discussion it had been decided that these elements were to be treated as lifting accessories. DENMARK wished to put the previous decision into question, but would follow the opinion of the Working Group. FRANCE agreed with Sweden on the classification of these elements, but agreed to deal with the matter in the context of the discussion of Doc.WG-2006.13. BELGIUM agreed with France. The CHAIRMAN pointed out that there was no need for a new mandate. CEN could develop a work item under the existing mandate. The German proposal would be discussed together with Doc.WG-2006.13.

12. **Refuse collection vehicles (Docs.WG-2006.15 and WG-2006.02)**

FRANCE presented document WG-2006.15 suggesting to amend the answer to exempt automatic systems. The UK and DENMARK agreed with this suggestion providing the systems were fully automatic. The CHAIRMAN noted that there was no disagreement with the amended French proposal providing the criteria for automatic systems was defined. FRANCE agreed reformulate the answer while clarifying what was to be considered “fully automatic”.

The UK presented Doc.WG-2006.02. Experience in the UK had shown that it was possible phase out the practice of riding on footboards which was always dangerous. If other Member States agree with this position, it would be possible to remove the reference to footboards from the harmonised standard EN 1501 when it was revised since they no longer represented the state of the art. The NETHERLANDS considered that the speed restriction when footboards were used was satisfactory. GERMANY thought that the design of footboards and their safety devices had improved and recent experience was satisfactory. Frequently entering and leaving the front cab also created a risk, for example, of slipping. There was also a need for improvement in the design of the cabs. FRANCE shared the UK concerns about footboards. A recent series of controls in France of 50 machines had revealed 3 models with an automatic gearbox which could travel in reverse when the footboard was occupied,
contrary to the specifications of EN 1501. However, despite the disadvantages of footboards, France thought that their suppression might lead to new risks due to, for example, operators riding on other parts of the vehicle.

**The CHAIRMAN** concluded that the European harmonised standard had to cater for the different working practices that were permitted in the Member States. If the UK ban on footboard riding was followed by the other Member States, the specifications in the standard for safe use of footboards would no longer be necessary, but until such time they should remain.

13. **Link spans for access to ships**

The UK presented Doc.WG-2006.04.

**SPAIN** did not understand question 2.

**SWEDEN** thought that linkspans with operating positions on the equipment did have a lifting function.

**DENMARK** supported the UK answer for linkspans with a range of movement of more than 3-metres.

The CHAIRMAN recalled that in the similar case of passenger boarding bridges for aircraft, it had been agreed that powered bridges with operating positions on the bridge were Annex IV machinery. He agreed with Denmark’s remark, while adding that the criteria to take into account were both the range of movement and the risk of falling from a height of more than 3 metres.

**Conclusion:**

*Powered linkspans for ships are in the scope of Directive 98/37/EC. If the control position is on the moving section of the linkspan and if the range of movement is more than 3 metres or if there is a risk of falling from a vertical height of more than 3 metres, such machinery is to be considered as a device for the lifting of persons involving a risk of falling from a vertical height of more than three metres according to Annex IV A.16 of the Directive.*

Due to lack of time, the following questions were carried over to the next meeting:

14. **Loader cranes equipped with working baskets**

15. **Conformity assessment of temporary suspended work platforms**

16. **Vacuum lifting aids**

17. **Ladder hoists in windmills**

18. **Uncertainty of measurement**

19. **Quads, motorised scooters, karts**

20. **Mini-loaders**

21. **Access to moving transmission parts**

22. **Comments on EN 13524 and EN 690**
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(11) : CNB/M/xx.xxx RERev yy = Coordination of Notified Bodies/Machinery/Numbering of the RfUs
R: Recommendation for Use E: English version Rev: Revision yy: index of the Revision

(12) : NBs = Notified Bodies
MINUTES OF THE MEETING OF THE MACHINERY WORKING GROUP
HELD ON 14th and 15th MARCH 2007

Subject: Machinery Working Group
Place: Albert Borschette Centre, Brussels
Chairman: Mr Ian FRASER (ENTR/I4)
EC Participants: Mr Mario GABRIELLI COSSELLU, Mr Előd Ajtony DUDAS (ENTR/I4)

1. Welcome and approval of the agenda

The CHAIRMAN welcomed the participants. He pointed out that item 16 of the Agenda covered the same subject as item 11.

With this correction, the agenda was approved.

2. Approval of the minutes of the meeting of 7th November 2006 (Doc. WG-2006.47)

SWEDEN pointed that under item 4 it was reported that SWEDEN had not had time to examine the new version of CNB/M/06.034/R/E/Rev02. In fact, no new version of this recommendation had been submitted.

The CHAIRMAN agreed to delete this sentence.

With this correction, the minutes of the meeting held on 7th November 2006 were approved.

3. Follow-up of questions from the meeting of 7th November 2006 (Doc. WG-2006.47 - Table in Annex)

(a) Stability of industrial trucks

Mr Steiger for CEN said no new information was available on the progress of the research projects further to Doc.WG-2007.09.

The CHAIRMAN asked CEN to update this information at the next meeting.

(b) UK formal objection against EN 693 – Hydraulic presses

The UK reported that the discussion had been delayed due to the change of Chairman of TC 143. Further information should be available at the next meeting.

(c) Overlapping scopes of standards

The CHAIRMAN reported that a draft list had been drawn up by Cenelec. He hoped there would soon be a meeting between CEN and Cenelec, in the framework of the Commission mandate for Directive 2006/42/EC, in order to update the agreement on the sharing of tasks and address issues of overlapping standards.

(d) Policy on publication of Machinery standards

The Commission had not yet revised the policy paper.

(e) Revision of EN 280

The question was carried over to the next meeting.

(f) Standards for washing machines

Mr Gargantini, Chairman of Cenelec TC 61, reported that the draft amendment to require interlocks with guard-locking to prevent access to moving parts on domestic washing machines had been finalised and would be submitted to the IEC meeting to be held in May 2007.
(g) Limitation of the validity of EC type-examination certificates

The CHAIRMAN said that the Commission had not yet drafted the letter to NB-M. He suggested that the question of limited validity for type-examination certificates could be linked with the need to review existing certificates in light of Directive 2006/42/EC. A draft would be prepared for the next meeting.

(h) Lifting accessories

Discussed under item 22.

(i) Formal objection against EN 848-3

Discussed under item 20.

(j) Lifting persons with machinery designed for lifting goods (Doc.WG-2005.46rev2)

The CHAIRMAN reported that Doc.WG-2005.46 had been revised to take account of suggestions from Spain, Norway and certain Notified Bodies. In section 1, the sentence relating to conformity assessment was more precise. In section 2, a clarification was introduced relating to platforms lifted on the forks of lift trucks.

DENMARK thought it should be made clear in section 1 that the combination of the lifting machinery and the interchangeable equipment was subject to EC type-examination or must comply with standard EN 280. The CHAIRMAN replied that the conformity assessment should cover the conformity of the assembly of the lifting machinery and the interchangeable equipment and must include the necessary examinations and tests. For example, stability tests should be carried out on the final assembly. This was easier to apply in the case where a manufacturer of a lifting machine provided interchangeable equipment for lifting persons. However, the wording of this section had to allow for the case where the manufacturer of the interchangeable equipment and the manufacturer of the lifting machinery were not the same. In that case, the conformity assessment concerned the interchangeable equipment, but the conformity of the interchangeable equipment must be checked together with the machine or machines with which it could be assembled. As for EN 280, it could be applied but was not mandatory and should not therefore be mentioned in this document.

The NETHERLANDS considered that if a work platform was assembled with a fork lift truck, it became a MEWP.

The UK pointed out that non-integrated equipment did not change the function of the lifting machinery. Exceptional use of such equipment came under use of work equipment regulations. In the UK, such exceptional use was allowed in certain circumstances, although attempts were being made to reduce such exceptional use.

The CHAIRMAN replied that non-integrated equipment was covered by section 2 of the document which had already been agreed.

SWEDEN pointed out the title of the document was misleading, since, in the case described in section 1, the assembly of the lifting machinery and the interchangeable equipment became machinery intended for lifting persons.

SPAIN agreed with SWEDEN that the title was misleading. The Commission’s explanation was clearer than the document.

FINLAND thought that the expression “assembled with” in section 1 required further explanation. The instructions drawn up by the manufacturer of interchangeable equipment must specify the lifting machinery with which the equipment was compatible.

The CHAIRMAN concluded that section 2 of the document was clear, but the title and the wording of section 1 still required improvement to avoid misunderstanding. A new version would be submitted to the next meeting.

(k) Formal objection against EN 14502-1: suspended baskets (Doc.WG-2006.48)

The CHAIRMAN said that a letter had been sent to CEN to clarify the status of this standard.

Mr Steiger for CEN reported that it had been agreed to delete the Annex Z. France had made a request for an “A deviation” to take account of French national regulations.

(l) EN 14017 – Solid fertiliser distributors87

CEN reported that a draft amendment had been prepared taking full account of the suggestions made by Italy.

ITALY confirmed that the draft amendment provided a satisfactory solution to the issues raised.

(m) Formal objection against EN 1221588 and EN 1335589

The CHAIRMAN reported that written contributions had been received from France, Germany, the UK and Switzerland. The documents were available in the relevant folder on CIRCA. A meeting had been held on 19th

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87 EN 14017:2005 Agricultural and forestry machinery - Solid fertilizer distributors - Safety
88 EN 12215:2004 Coating plants - Spray booths for application of organic liquid coating materials - Safety requirements
89 EN 13355:2004 Coating plants - Combined booths - Safety requirements
February 2007 at which experts from France, Germany, Austria, and the UK had presented their views. The meeting had confirmed the disagreement between the French and German experts on the question of the minimum air-flow velocity. However the discussion had shown up some weaknesses in the standards that needed to be dealt with. A summary report of the meeting had been drawn up and would be put on CIRCA after approval by the participants.

The UK considered that it was important to indicate the clearance time, i.e. the time by the ventilation system to clear the mist of paint from the booth. Studies in the UK showed that operators tended to remove their respiratory protective equipment before the mist had cleared. The UK also thought that spray booths should be maintained under constant negative pressure and this should be monitored, since it had also been shown that employees other than painters were exposed.

GERMANY considered that operators could not be fully protected by the ventilation system and that the use of booths must be combined with the use of PPE. The choice of PPE must be made by the employer in light of the substance used and the application method. The air-flow velocities given in the standards were adequate, but the reference to the use of PPE needed to be clarified. This could be the subject of an amendment to the standard.

AUSTRIA was concerned that the requirement for integrated fire extinguishers in EN 13355 was too onerous for small enterprises and might discourage them from acquiring spray booths.

FRANCE thought that the meeting of experts had confirmed the diversity of approaches to the use of paint spray booths which led to different expectations as to their performance. France considered that the use of PPE was necessary in certain cases but that, in general, operators should be protected by the ventilation system. In this respect, the discussion had shown a lack of design requirements in the standards to ensure a uniform air-flow and also a lack of means to avoid the operator being obliged to hold the spray gun above his head. The fundamental objective of the standards was to ensure that the concentration of contaminants in the spray booth was reduced below the exposure limit. In order to fulfil this objective, the air velocity was the most important parameter.

The CHAIRMAN said that the Commission’s report on the meeting of experts and further documents would be circulated following the meeting.

(n) Formal objection against EN 12312-9
The CHAIRMAN reported that the Commission Decision withdrawing the presumption of conformity for the clause dealing with the risk of falling from a height was in course of adoption.

(o) Access to machinery
The CHAIRMAN reported that Sweden had provide a revised version of Doc. WG-2006.06rev1 and concluded that this question and answer was now agreed.

(p) Standards for household appliances
Mr Gargantini for Cenelec TC 61 reported that a draft document had been discussed with the LVD Working Party and revised version had been approved at the meeting of TC 61 in November 2006. At that meeting, a group of experts was established to analyse the technical consequences. The Group had held meetings in January and February and third would take place at the end of March. The document could be communicated to the Machinery Working Group for information.

(q) Mandate for Directive 2006/42/EC
The CHAIRMAN reported that the amended mandate had been approved by the 98/34/EC Committee and communicated to CEN and Cenelec. It had been published in English, French and German on EUROPA.

(r) Formal objection against EN ISO 4254-1
The CHAIRMAN reported that the Commission Decision not to publish the reference of this standard was still under preparation.

(s) Formal objection against EN 1459
The CHAIRMAN reported that the Commission decision was still under preparation.

(t) Test codes for pneumatic hand-tools.
Mr Steiger for CEN said the WG had agreed to revise the standards concerned at the same time as they were adapted to the new Machinery Directive.

The CHAIRMAN asked CEN to give more precise information on the timetable for the revision, since this had been requested by the UK as a condition of suspending the formal objection.

(u) MEWPs with more than one rated load.
The CHAIRMAN said that the Commission had attempted to draft a conclusion to the question raised by Italy. The Working Group could give an opinion on the application of the essential requirements of the Machinery Directive but not on the interpretation of the harmonised standard. ITALY thought the Commission’s draft did not fully answer the question. The problem concerned platforms with limited dimensions on which the operator could select the mode of operation for one person or for two persons. Italy recalled that the platform involved in the original accident was a small one with position control but no load or moment control. Italy thought this design did not comply the relevant requirement of standard EN 280. FRANCE thought that the answer must be more precise as to the means. For example, the selection switch should be on the chassis and not on the work platform. The CHAIRMAN thought the essential point was that it should be impossible for two persons to use such a platform in a position in which it was only safe with one person. The standard provided technical means for fulfilling this objective, but the answer should avoid going into technical detail. He asked the Member States to consider the draft answer and propose amendments if necessary.

(v) Refuse collection vehicles
The CHAIRMAN reported that France had provided a revised version of Doc. WG-2006.15. M. Steiger for CEN had received a comment from the relevant Working Group describing how the problem raised by France had been dealt with in the standard. He proposed to forward this comment to France for consideration. FRANCE agreed to examine these comments.

4. Loader cranes equipped with working baskets (Docs.WG-2006.07, WG-2006.32)
The CHAIRMAN noted that the question was answered by Doc.WG-2005.46rev2. He suggested that when this document had been finalised, it could be referred to.

FRANCE had made a report to the Madrid ADCO meeting in September 2005 on a study made by INRS on the use of temporary suspended work platforms (TSPs). France had been asked to make a proposal concerning the placing on the market of such platforms and their components, taking into account the results of the study. This type of machine, as defined in standard EN 180890, is installed temporarily on buildings and dismounted after each period of use. TSPs comprise 3 main elements: a modular work platform, lifting hoists and a suspension rig.

Users may buy a complete system but may also replace one of the elements of the system. The lifetime of a work platform is about 5 years, whereas the hoists can last for 20 years if properly maintained. There is a risk if incompatible elements are assembled together.

In practice, separate elements are placed on the market with a declaration of incorporation. This meant that the user became the manufacturer, which was not a realistic solution.

France was making a proposal for the placing on the market of systems and the placing on the market of separate elements. The manufacturer should apply for an EC type-examination for a complete system. France considered that separate elements should not be subject to an EC Declaration of conformity or a Declaration of incorporation. However, in order to enable the user to choose compatible replacement elements, they should be sold with assembly instructions and bear an identification marking in line with Clause 31.2 of standard EN 1808.

LUXEMBOURG agreed that complete systems should be subject to EC type-examination, but it should also be possible to place elements on the market separately. Some of these elements were made by specialist manufacturers and could have applications for cranes or lifts as well as for suspended work platforms. The person carrying out the assembly must check that the element is appropriate.

The UK pointed out that there were two sorts of work platform. If platform included its own lifting mechanism, it was a machine. On the other hand, a work platform without a hoist was a spare part and not subject to the MD as such. Only equivalent spare parts should be used. In practice, the safe use of the equipment was ensured by application of regulations on use of work equipment.

FINLAND was unsure about the practical application of the French proposal. Suspended work platforms were often supplied by rental companies that had a stock of elements that were assembled on site. Finland thought that the safety of such assemblies was a matter for regulations on the use of work equipment.

90 EN 1808:1999 Safety requirements on Suspended Access Equipment - Design calculations, Stability criteria, Construction - Tests
FRANCE agreed that the rental sector was an important part of the market and intended to discuss the issue with the sector if the French proposal was agreed.

GERMANY agreed with France that suspended platforms for temporary use were Annex IV machines. But it Germany thought it might be possible to place separate elements on the market with a Declaration of incorporation – this left the user to check the final assembly. It was necessary to distinguish the case where the manufacturer of a complete TSP covered by an EC Declaration of conformity sold an element separately and the case where another manufacturer placed on the market a separate element for a TSP.

The CHAIRMAN replied that in the latter case, the user would be considered as the manufacturer according to Article 8.6 of the Machinery Directive.

FRANCE agreed with this interpretation: the French proposal aimed to avoid the situation where the user became a manufacturer.

SWEDEN generally supported France’s proposal relating to placing on the market. If the user assembled separate components, he had to check that they were compatible.

The NETHERLANDS agreed with France and Sweden and suggested that the conclusion be published on EUROPA.

The CHAIRMAN agreed that the conclusion, once agreed, could be published in the planned list of recent questions and answers.

Conclusion:
Temporary suspended platforms (TSPs) comprising a work platform, hoists and a suspension rig, are Annex IV machines. The manufacturer of a TSP shall therefore carry out the required conformity assessment procedure for a complete TSP. Replacement elements for TSPs are not interchangeable equipment since they do not change the function of the original machinery, nor are they machinery to be incorporated. They are to be considered as components or spare parts. The user who acquires a replacement element is responsible for checking its compatibility with the other elements of the TSP. This is subject to regulations on use of work equipment.

The user should refer to the original instructions for the TSP. However, in order to facilitate the check on the compatibility of replacement elements for TSPs, it is recommended that elements of TSPs placed on the market separately be accompanied by assembly instructions and bear a marking giving the information essential for safe assembly.

6. Vacuum lifting aids (Doc.WG-2006.29)

The UK presented the draft question and answer. Vacuum lifting aids were devices used to hold flat objects such as panes of glass. The device met the definition of machinery, but was powered by directly applied human effort. It was not for lifting loads because the objects were lifted by the operator, not by the device. It was not a lifting accessory since it was not placed between machinery and a load. The conclusion was that such devices were not subject to the Machinery Directive.

LUXEMBOURG thought the device met the definition of machinery but failed to comply with the essential requirements of the Machinery Directive, due to the lack of means to monitor the vacuum.

GERMANY agreed with the UK analysis.

DENMARK had already discussed the matter and reached the same conclusion as the UK.

The CHAIRMAN suggested that it would be clearer to refer to “Vacuum holding aids” or “Vacuum grips”, since the term “lifting aids” could give rise to a confusion with lifting accessories.

Conclusion:
Vacuum holding aids (grips) used for manual handling of flat objects such as panes of glass powered by directly applied human effort are excluded from the scope of the Machinery Directive according to the first indent of Article 1.3. (They are not used for lifting or lowering loads since the objects held by means of the device are lifted or lowered by the operator, not by the device; they are not lifting accessories since they are not placed between lifting machinery and a load).

7. Ladder hoists in windmills (Doc. WG-2006.31)

BELGIUM explained that the devices concerned were used to help the operator climb the vertical ladder in the windmill without actually lifting him. There were two questions: was such a device in the scope of the Machinery Directive and if so, was it Annex IV machinery?
GERMANY reported that such devices were often used in Germany and were considered useful. The device was a machine because it included a powered hoist fixed to the windmill, but it was not a machine for lifting persons according to Annex IV, since the person himself still had to climb the ladder. Germany had noted a lack of information from the manufacturers about the need to use personal protective equipment with the device to protect against the risk of falling from a height.

The CHAIRMAN noted general agreement with the position explained by Germany.

Conclusion:
Powered hoists installed in windmills to help operators climb vertical ladders are in the scope of the Machinery Directive, however they are not considered as devices for the lifting of persons according to Annex IV. 16, since the user is not lifted by the device. The manufacturer’s instructions for such devices should include information about the equipment needed to protect against the residual risk of falling from a height.

8. Uncertainty of measurement (Doc.WG-2006.37)

FRANCE presented the resolution that had been adopted by the Strategic Orientation Committee of the French Standardisation Organisation AFNOR. Standards frequently failed to indicate the uncertainty of the measurement associated with test results. France thought that the inclusion of this information should be a condition of positive assessment of harmonised standards by consultants. The issued should also be clarified in the context of evaluation of Notified Bodies.

SPAIN agreed with the French document.
The UK thought that it was necessary to distinguish the uncertainty linked to the measurement and the uncertainty linked to the conditions of use. Industry was seeking confirmation that manufacturers could only deal with the uncertainty linked to the measurement itself. This should be clarified in the new Guide.

Mr Steiger for CEN reported that the AFNOR resolution had been discussed within CEN. The problem was different for small machinery produced in large series and for large machinery where the conditions of assembly on site affected the conditions of measurement.
The CHAIRMAN concluded that in order to fulfil the obligations of the new Machinery Directive relating to the declaration of noise and vibration emissions, manufacturers would need guidance, in particular from standards.


FRANCE said that, following the Commission letter to Member States on mini-motorbikes, there was a need to clarify the status of several types of off-road vehicles. Decisions regarding off-road quads and go-karts had been taken at previous meetings. It was now possible to generalise this conclusion to all 2, 3 or 4-wheeled vehicles that were not subject to EC type-approval Directives.

Mr Compagne for ACEM (European Motorcycle Manufacturers’ Association) made a presentation (Doc.WG-2007.27). Off-road motorcycles had been produced for many years, mainly for the European and US market. Motocross racing was regulated by international, European and national level federations, including technical requirements for the machines. Directive 2002/24/EC excluded vehicles for off-road use.
There had been recent massive imports of mini-motorbikes into Europe at very low cost and correspondingly low quality level. Distribution of these products took place outside the traditional motorcycle dealer system. Products manufactured by ACEM members had not been associated with the safety problems that had been noted by the Member States with respect to low cost mini-motorbikes.
The main concern of ACEM was the legal uncertainty created by the Commission letter, since it had previously been considered that off-road motorcycles were excluded from the Machinery Directive. The industry had understood the decision concerning quads as applying to utility quads used in agriculture but not to quads for leisure use. ACEM considered that the lack of CE-marking according to the MD did not mean that off-road motorcycles were not safe. It might be possible to distinguish motocross products from mini-motorbikes using objective criteria, but these might change over time. Otherwise, the distinction would depend on the common sense of the market surveillance authorities.

ACEM supported the explicit inclusion of off-road motorcycles, other than those intended for competition, in the scope of the revised Machinery Directive. The objective was to establish a European Standard, but a CEN Workshop agreement might provide a provisional solution.

SPAIN had sent a letter relating mainly to mini-motorbikes from China that posed multiple risks for users. Motocross motorcycles were a different category. The texts were not always completely clear. Spain thought that the Machinery Directive applied to any machine that met the definition of machinery and that was not excluded.
Specific standards were needed to apply the Directive correctly, particularly since motocross vehicles had a high level of residual risk associated with the activity.

**ITALY** reported that 20,000 mini-motorbikes from China had been impounded. This action was giving rise to pressure from importers to release the products. A specific meeting on mini-motorbikes was needed. Italy doubted whether any mini-motorbikes could be safe.

**BELGIUM** said that road vehicles could be distinguished from off-road vehicles by the insurance, registration and type-approval obligations. There was a question of the definition of competition. Belgium stressed the need for a harmonised standard for go-karts. Several European manufacturers were awaiting clarification.

**SWEDEN** thought that the technical aspect of the safety of the products was a matter for the Machinery Directive, whereas safe use was a matter for national regulations. In Sweden, there were not many places where mini-vehicles could be used legally.

**The UK** recalled that it had been considered that vehicles intended for competition were excluded from the current Machinery Directive, but the legal basis for this interpretation was unsure. The argument given in the Commission Guide was wrong, since it implied the exclusion of vehicles such as go-karts. Vehicles intended for competition were explicitly excluded from the scope of the new Machinery Directive, but guidance was needed on the interpretation of this exclusion. The UK reported that certain go-karts had been presented as fairground equipment.

**FINLAND** agreed with the answer given in the French document. If vehicles were not exclusively designed for competition and were sold for leisure use, they were not excluded from the MD. Ms Hegarty for ATVEA (European Association of All-terrain Vehicles) said that her association had not had time to consider the issues raised. She hoped that any comments could be discussed later.

**LUXEMBOURG** agreed with Belgium and the UK that the notion of competition needed to be clarified.

**FRANCE** recalled that the previous decision relating to quads had not made any distinction between quads for agricultural and leisure use. Since 1998, a number of quads had been licensed for road use. Some had type-approvals as tractors, as 4-wheeled vehicles or according to national specifications. This gave rise to some confusion which should be clarified by the new MD.

The French Customs had identified several mini motocross vehicles. In some cases the importers claimed the machines were for competition. It was urgent to clarify this issue. A standard would be useful, but immediate decisions had to be made on the conformity of products. It was difficult to assess conformity of such products with the MD. For example, should the chain be fully protected or was partial protection sufficient? Agreement between test laboratories on acceptance criteria was needed.

**ITALY** had also received claims that imported machines were intended for competition, but it was clear that they would be sold for leisure use. A consistent approach was needed to avoid stocks of non-compliant products being transferred from one Member State to another.

**The CHAIRMAN** said that it was necessary to distinguish the situation under the current directive from the situation under the new Directive. The general rule was that off-road vehicles were subject to the Machinery Directive. This was the basis of the previous decisions on quads and go-karts. The clarification given by the Commission on mini-motorbikes followed the same reasoning. Since mini-motorbikes were not covered by the Toys Directive or by the EC type-approval Directive, they were subject to the MD. While it was more difficult to apply the essential requirements of the MD without a harmonised standard, the Commission had tried to summarise the information received from several Member States on the technical aspects and this information could be used as a basis for market surveillance action.

Concerning the exclusion of vehicles intended for competition, this was not mentioned in the current MD. However, the Commission Guides had stated that the exclusion of road vehicles should be interpreted as excluding vehicles designed for competition. This position should be maintained for the sake of consistency, even if was not based on solid legal grounds.

In the new MD, vehicles exclusively intended for competition were explicitly excluded, and guidance was needed on how to interpret this exclusion. As a first approximation, it could be stated that vehicles exclusively intended for competition were those subject to the rules of racing associations. A vehicle sold for leisure use that could be used for informal competition was not subject to the exclusion.

The **CHAIRMAN** recalled that, in the past, clear guidance had not been given to the motorcycle industry concerning the scope of the Machinery Directive and suggested that Member States should take this into account when dealing with particular cases.

**The CHAIRMAN** concluded that the Commission would draft a summary of the conclusion that could be approved at the next meeting.

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FRANCE presented Doc.WG-2006.42 (See French presentation: Doc.WG-2007.28). France had been involved in discussions with ride-on lawnmower manufacturers following a market surveillance project. Most of the issues had been resolved, however the outstanding disagreement with manufacturers concerned access to moving transmission parts on the lawnmowers with the cutting means under the machine. The manufacturers concerned considered that it was only necessary to prevent access by the operator from the driving position. Access remained possible for third persons such as children or for the operator if he left the driving position. The risk assessment showed that the probability of injury due to contact with the transmission parts was lower than for the cutting means. The severity of the possible injury was variable but there was sometimes a risk of serious injury. The Machinery Directive accepted that full protection of working parts was not always possible, but required complete protection for transmission parts. France considered that the harmonised standard EN 83691 took into account the protection of persons other than the operator, including children. France believed that the state of the art made it possible to prevent access to moving transmission parts without creating additional risks.

Mr Tetteroo and Mr Van Doorslaer for EGMF presented Doc.WG-2007.06 (see EGMF Presentation Doc.WG-2007.31). Ride-on lawnmowers were provided with warning and pictograms to keep bystanders away. The industry had no knowledge of accidents to bystanders due to contact with transmission parts. Manufacturers were concerned that complete guarding would lead to fire risks and that guards would be removed for cleaning and not replaced.

If the Machinery Working Group thought that bystander access should be prevented, CEN should be asked to revise the standard. The industry was ready to support such a revision, providing there was sufficient time to adapt products.

ITALY reported that Italian manufacturers had confirmed that preventing access to moving transmission parts was the state of the art. Italy supported the position of France.

GERMANY also supported France. The MD did not allow exposed belts and pulleys. The protection of third persons, including children, was important. There was a need to revise the standard.

The UK agreed with the basic principle stated in the French document. However, they considered that the risk due to contact with moving transmission parts was secondary compared with the risks due to contact with the cutting means and due to ejected objects, and so it was very important to keep third persons away from such lawnmowers when they were working or when the cutting parts were rotating. The UK agreed that all moving parts accessible from the driving seat must always be fully guarded but guarding of other parts of the drive train was not always required. However, this was only acceptable if a seat switch was fitted and the UK was concerned about the level of safety integrity of the seat switch. Guarding was also necessary for any parts that continued to move after the operator left the driving position and/or after the rotating blades were stopped.

The NETHERLANDS agreed with the UK. The risk of contact with transmission belts was a secondary issue. Transmission belts were stopped by the seat switch and guarding could give rise to fire risks. Means of transmission other than belts might be safer.

ITALY replied that belts stopped when the driver left his seat on some machines, but, for other machines, this was not the case.

SWEDEN agreed with the UK. There were significant risks for bystanders, but a balance must be found between guarding and practicality. Manufacturers should find means of guarding that were compatible with use, otherwise guards would be removed. The standard needed revision, particularly to improve the protection against the ejection of objects.

POLAND agreed that bystanders must be protected and suggested to take into account standard EN 74592.

FRANCE reported that, on most of the ride-on lawnmowers inspected in France, the seat switch only stopped the cutting means while the transmission parts continued to move. France was surprised at the request to revise the standard to deal with the guarding of moving transmission parts since the standard already required such guarding. France thought the standard should be applied.

Mr Boy for ETUI-REHS pointed out that, according to standard EN 1050 on risk assessment, lack of knowledge about accidents was not to be a taken as an indication of low risk. The knowledge of accidents depended on the recording of accident data and, for consumer products, this was often inadequate. The fact that guards could create new risks or be removed indicated that safeguarding might not be an adequate solution – manufacturers should therefore seek inherent safety measures.

Mr Tetteroo agreed that protection of bystanders required new designs: this was why the industry needed time.

The CHAIRMAN summarised the discussion. Standard EN 836 did not exclude the protection of persons other than the operator. Indeed, the clause relating to moving transmission parts explicitly referred to the requirements of a B-standard EN 29493 relating to the protection of children. However, up to now, the industry had not understood or applied the standard in this way. On most machines on the market, access to the moving transmission parts was prevented from the driving position but remained partially accessible to the operator or

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91 EN 836:1997 Garden equipment - Powered lawnmowers - Safety
92 EN 745:1999 Agricultural machinery - Rotary mowers and flail-mowers - Safety
93 EN 294:1992 Safety of machinery - Safety distance to prevent danger zones being reached by the upper limbs
other persons beside the machine. The MD required such access to be prevented. The question was whether this requirement could be fully satisfied according to the state of the art. The Commission understood that the industry agreed to improve the protection of bystanders but was awaiting a clear message from the Machinery Working Group before investing in new designs.

After further discussion, the following conclusion was drafted and agreed.

**Conclusion:**

*In accordance with EHSRs 1.1.1, 1.3.7 and 1.3.8 and preliminary remark 2 of Annex I to Directive 98/37/EC, the moving transmission parts of ride-on lawn mowers must be made inaccessible to persons, including operators and other exposed persons (bystanders), as far as possible taking into account the state of the art. Access to these moving parts shall be prevented by integrated safety measures.*

### 11. Comments on EN 13524\(^4\) and EN 690\(^5\) (Doc. WG-2006.38).

**ITALY** presented Doc. WG-2006.38 relating two types of machine for highway maintenance and agriculture. The problem with standard EN 13524 concerned the risk of injury to operators or other persons due to the ejection of objects. Italy thought that the test for the means to prevent the ejection of objects was not representative of the real use situation, since it was carried out over a horizontal surface. In this respect, the standard was not as stringent as standards for agricultural machinery such as EN 745. The manufacturer’s instructions for use stated that bystanders should be kept 80 metres away, which would imply complete closure of roads.

With respect to EN 690, the problem concerned the risk of accidental contact with the rotating parts on rear spreaders during cleaning operations. These standards should be revised in order to bring them in line with the state of the art.

**Mr Steiger for CEN** thought there was a need to find a compromise between functionality and safety. Mowing machines required space below the cutting means in order to cut the grass. It was not possible to prevent access to the spreading means of manure spreaders otherwise they could not spread manure. Some of the uses of the highway maintenance machine shown in the Italian presentation were not intended by the manufacturer of the machine. The problems raised by Italy would be examined when the standards were checked against the new MD.

**ITALY** replied that the photos showing the uses of highway maintenance machinery were taken from the manufacturer’s brochure and maintenance manual.

**DENMARK** and **FRANCE** agreed with Italy that revision of the standards was necessary.

**GERMANY** reported that KAN was carrying out a study on the safety of agricultural machinery and appealed to Member States that had input to contact KAN.

**The CHAIRMAN** asked Member States to forward any relevant information to CEN and asked CEN to transmit the Italian concerns to the TCs concerned and to report back to the next meeting.

### 12. Coordination of Notified Bodies

**Mr Jockers for NB-M** reported that the 26th meeting of the Horizontal Committee had met on 4th December 2006. 27 Bodies attended from 14 countries, including Switzerland.

There had been a discussion of the new MD, in particular with respect to Annex X, and it had been decided to set up a new Vertical Group, that would meet on 4th May, to draw up recommendations on the application of Annex X. This work would be important for the Member States preparing the notification of bodies for this procedure.

There had been a discussion of accreditation based on the responses to a questionnaire.

The next meeting would be held on 12th June 2007.

**Recommendations for use**

**Mr Gabrielli Cossellu for the Commission** introduced Doc. WG-2007.15 with the state of play of Recommendation for Use sheets in March 2007, the latest update on the EUROPA website\(^6\) and the RfUs submitted to the Oral Procedure, available on CIRCA\(^7\).

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\(^4\) EN 13524:2003 *Highway maintenance machines - Safety requirements*

\(^5\) EN 690:1994 *Agricultural machinery - Manure spreaders - Safety*


\(^7\) [http://forum.europa.eu.int/Member/sirc/enterprise/machdir/library/?l=/recommendations/02oralsproceduresconsider&vm=detailed&sh=Title](http://forum.europa.eu.int/Member/sirc/enterprise/machdir/library/?l=/recommendations/02oralsproceduresconsider&vm=detailed&sh=Title)
14-15 MARCH 2007

A written procedure had been launched for 4 RfUs and comments had been received.

**CNB/M/01.045/R/E/Rev 03**
**SWEDEN** had been present at the meeting of the HC and had understood that VG 1 would review the Recommendation.

**Mr Jockers** confirmed this, adding that there were different opinions in the VG 1 on this issue.

**CNB/M/01.063/R/E/Rev 03**
**CNB/M/01.066/R/E/Rev 03**
**CNB/M/01.068/R/E/Rev 02**

**Mr Jockers** had asked Mr Kohler to answer the questions raised.

**CNB/M/01.069/R/E/Rev 02**

**Mr Jockers** there had been an editorial error that would be corrected.

**SWEDEN** thought that this example showed that the system for endorsement of the RfU was not working in a satisfactory way. The procedure was becoming a dialogue between Sweden and NB-M, which was not the objective. The RfUs had an important impact as official interpretations of the Directive and should be checked carefully.

**The CHAIRMAN** said that an alternative solution might be needed. It was clear that most of the Member States did not give the necessary time to checking the RfUs. Maybe the RfUs could be checked by a small group of Member States between meetings of the Machinery Working Group.

**CNB/M/03.090/R/E/Rev 12**
**SWEDEN** had explained the issue in Doc.WG-2007.05. Sweden thought that designs requiring access to manual back gauges through the danger zone did not correspond to the state of the art for press brakes and could not be considered to comply with the requirements of the MD. According to the convenor of VG 3, only the “cheap and simple” machines were fitted with manual back gauges.

**The UK** had consulted press brake experts who fully agreed with the Swedish position.

**DENMARK** also supported the Swedish comment.

**The CHAIRMAN** invited the VG 3 to reconsider this RfU.

**CNB/M/03.162/R/E/Rev 04**

**Mr Jockers** reported the next meeting of the VG3 would be held in March and the comments would be considered.

**CNB/M/04.048/R/E/Rev 02**

**The CHAIRMAN** reported that Sweden had drafted a revised version of WG-Doc.2006.06rev1 that had been agreed by the Working Group under item 3 of the agenda. He concluded that this RfU was no longer necessary.

**Mr Jockers** agreed.

**CNB/M/06.034/R/E/Rev 02**

**Mr Jockers** reported that a new version had been drafted

**CNB/M/09.206/R/E/Rev 02**

**Mr Jockers** recalled that this subject had been discussed under item 5 of the agenda.

**The CHAIRMAN** thought there was general support for the position taken in the RfU so the RfU could be considered as endorsed, but he suggested it should be reviewed when the conclusion to the discussion of the French document under item 5 had been agreed.

**CNB/M/09.207/R/E/Rev 04**

**The CHAIRMAN** renewed his suggestion that the position given in Doc.WG.2005.46 should be used as guidance by the NBs once it had been finally corrected and approved.

**CNB/M/12.014/R/E/Rev 04**

**Mr Jockers** reported that the Chairman of VG 12 had agreed to withdraw this RfU.

### 13. Report on standardisation (Doc.WG-2007.01)

**Mr Steiger** presented the CEN progress report. 65 standards were ready for citation in the OJEU. The most recent publication was in August 2006. CEN TCs were eager to see the result of their work reflected in more rapid citation in the OJEU.

**Mr Gabrielli Cossellu** said that, since 1 January 2007, the list of references of harmonised standards had to be published in 22 languages. The latest list from CEN included the titles in 22 languages, but Cenelec had not yet provided titles in Bulgarian and Romanian. As a result, the CEN list would be published first and a complete list would follow.

**Mr Steiger** reported on the development by CEN, in cooperation with the Commission, of documents to assist TCs to check machinery standards against Annex I of the new MD. A working group had been set up to coordinate the work linked to the Commission mandate and a timetable for the work had been adopted by CEN BT.
GERMANY pointed out that certain means of transport that were not subject to EC type-approval (with a speed of less than 25 kph) would be in the scope of the new MD.

Mr Steiger said that the discussion on off-road vehicles had revealed a new field for standardisation, but it was for stakeholders to make the necessary proposals.

The UK stressed the new emphasis put on ergonomic principles in section 1.1.6 of Annex I.

Mr Steiger replied that this was highlighted in the CEN supporting documents and recalled that good B-standards were available on this aspect.

DENMARK asked if a higher priority would be given to standards for Annex IV machinery.

Mr Steiger recalled that CEN was a decentralised structure with 40 TCs. TCs with standards for Annex IV machinery should take this into account.

FRANCE thought that the adaptation of standards to the new Directive was an opportunity to make progress on ergonomics and the prevention of risks due to emissions and to clarify the Annex Z. It was also an opportunity to clarify the status of certain standards, such as standards for windmills, for example.

GERMANY asked whether CEN had a timetable for the adaptation of standards and whether this document could be provided to the Machinery Working Group for information. What would happen if the adapted standard were not ready on time?

Mr Steiger replied that a detailed timetable had been established, based on a count down from the date given in the Commission mandate for the final report. The document could be provided to the Working Group via CIRCA. He said that CEN’s objective was to adapt the standards on time, but if the work was not finished on time, there could be a period with no harmonised standard for the new Directive.

Mr Joannin added that the dates given in the timetable were the “latest possible dates” permitting to complete the procedures before June 2009. They were not deadlines and TCs might submit texts at later dates.

BELGIUM asked what percentage of machinery standards were EN ISO standards?

Mr Steiger replied that the proportion was about 10-20%. The real challenge was for EN ISO C-standards. In case of difficulty on reaching agreement within ISO, it would be possible to exclude new requirements in the Annex Z.

The UK suggested to improve feedback from the standardisation organisations on the follow-up of formal objections.

Mr Steiger replied that CEN TCs made every effort to provide information. The difficulty arose when a satisfactory technical solution was not yet available.


GERMANY presented the above documents. This machinery was mainly used in recycling plants. A large number of hazards were present and several serious accidents had occurred. Germany was asking for a harmonised standard to be developed.

SWEDEN had doubts about the transponder systems in shoes shown in the German documents. NB-M was discussing a Recommendation for Use on transponders used as safety components. Such devices were more like PPE than integrated protective measures, since the device was only effective if the operator was wearing it.

The UK reported that transponders were used on offshore oil rigs, but they were not appropriate as an integrated protective measure for machinery. They could be used in the positive mode, to prevent use of a machine by unauthorised persons.

Mr Steiger for CEN said that there was not yet a specific TC for such products. The request for a work item should be forwarded to CEN by one of the national standardisation organisations.

The CHAIRMAN suggested that the German authorities discuss the issue with DIN.

15. Industrial trucks used in very narrow aisles (Doc.WG-2007.21)

GERMANY presented a document underlining the need for a specific standard. The main risk was due to the lack of space between the truck and the racks and the lack of visibility from the driving position. The standards for industrial trucks EN 1726, parts 1 and 2 and the draft standards prEN ISO 3691, parts 1 and 3 excluded the protection of persons in narrow aisles from the scope or they contain no requirements. Germany asked the Commission to draw up a mandate to CEN.

The NETHERLANDS was surprised to learn that this risk was not covered by existing truck standards and supported the German proposal if there was such gap in standardisation.

The UK agreed with Germany, but underlined that there was a need for requirements for the design of the truck itself and for the site of use.
FRANCE shared Germany’s concern and agreed with the UK that the design requirements should be consistent with regulations on the use of work equipment 89/655/EEC and the design of the workplace.

The CHAIRMAN said that, as a general rule, mandates for specific standards were not needed since the existing mandates were open. A standard could include both requirements for the design of the machinery and requirements for the site of use. The requirements relating to the site could be included in an informative annex, or could be excluded from the Annex Z. He asked CEN to discuss the issue with TC 150 and report to the next meeting. If necessary, the Commission would write to CEN.

Mr Joannin reminded the Member States that the best way to initiate standardisation work was through a proposal from a national standardisation organisation.


The CHAIRMAN pointed out a translation error in the English version of the French document which was crucial the understanding of the issue. The term “flèche” should be translated as “boom” or “main boom” and the term “balancier” as “arm” or “dipper arm”.

FRANCE presented Docs.WG-2007.11 and WG-2007.12. The standards both concerned machinery with excavators. The problem concerned the lack of devices to prevent the fall of the load in case of failure in the hydraulic circuit when the excavator was used for lifting loads. The standards required safety valves on the cylinder of the main boom but not on the dipper arm. In France, safety valves had previously been required on both cylinders when earth-moving equipment was used for lifting loads.

SWEDEN agreed with the action proposed by France. Sweden had had requirements for such safety devices before the MD came into force. Sweden had recently issued regulations on the use of lifting equipment according to which, if the load had to be guided by an operator, good control of the load must be ensured. Sweden considered that, in general, earth-moving machinery was not appropriate for this purpose and fatal accidents had been recorded. Sweden did not agree with the statement in the French document that the use of earth-moving equipment for lifting objects was good practice.

FINLAND agreed with Sweden that the use of earth-moving equipment for lifting objects was dangerous. Finland thought that the current state of the art was higher than the standard and that most machines were equipped with non-return valves.

The UK had examined accidents over 5 years and concluded that they were not due to failure of the lifting mechanism but due to inappropriate use. Earth-moving equipment was often used to lift pipe elements during pipe-laying operations. During such operations, people should not be under the load. There was a risk if the dipper arm was not in a vertical position. The UK agreed with Sweden that the main problem was poor control of the movement of the load. The standard should also deal with the necessary information to be given in the instructions.

The NETHERLANDS generally supported the French proposal. Non-return valves should be required when the intended use of the machine included lifting loads, not otherwise.

GERMANY did not think that non-return valves on the dipper arm were necessary. The reliability of hydraulic systems had considerably improved over the last 10 years, and Germany was considering extending the period for periodic inspection.

The CHAIRMAN pointed out that the relevant clauses of the standard only applied to machines intended for use for the purpose of goods handling (lifting loads).

Mr Steiger for CEN asked for further time to respond to the French formal objection. He pointed out that the relevant provisions in the new version of the standards were the same as in the original version.

FRANCE said that the public authorities had taken part in the standardisation work and had made proposals on the issue. With respect to the remarks by Sweden and Finland on the use of earth-moving equipment for lifting objects, both the standard and the manufacturers placing machines on the market foresaw such use. In France, it was considered that the use of a single machine for both digging and lifting objects could reduce the risk linked to the circulation of several machines on site and also reduce the cost. France considered that fitting both the main boom and the dipper arm with non-return valves was the state of the art and was possible for a reasonable cost.

Mr Belaen for CECE promised to provide further information on the state of the art and the cost aspects for the next meeting.

The CHAIRMAN said that Member States could subject certain uses of machinery to restrictions. However, the harmonised standards should give specifications to deal with uses of the machinery that were foreseen by the manufacturers and permitted in several Member States, even if this type of use was subject to restrictions in other Member States. He concluded that the issue would be re-examined at the next meeting, following the reply by CEN and the comments of industry.
17. Formal objection against EN 500-4\(^9\) (Docs.WG-2007.02, WG-2007.03)

**FRANCE** considered that the standardisers had failed to carry out an adequate risk assessment for compactors. The formal objection was based on three grounds:

- **The lack of requirements and tests to ensure stability.** This problem was particularly acute for ride-on compactors with narrow cylinders (less than 1m wide). There had been several accidents where such machines had tipped over. An INRS study had shown that tip-over was possible due to the slope created by a normal curb.
- **Inadequate requirements for braking, particularly for pneumatic-tyre rollers used on steep slopes**, since the brakes were tested on a horizontal plane. Accidents had occurred due to loss of control of such machines on slopes.
- **The lack of requirements for preventing movement of the machine in the absence of the driver.** The general requirements given in EN 500-1 were not relevant for compactors without a cab.

In addition, France objected to the fact that a modification had been made to the standard after the formal vote exempting vibratory plates from the requirement for an emergency stop.

**France** thought that the reference of the standard should not be published in the OJEU and that CEN should be mandated to revise the standard.

**The UK** agreed that the requirement for braking of the rubber-tyre rollers needed improvement. As for the question of movement when the driver was not on the driving seat, this required a seat switch. The narrow rollers were needed for work on footpaths and it was necessary to examine whether the stability could be improved while still allowing this work to be carried out. The UK agreed with France that the standard should be re-examined.

**Mr Steiger** said that CEN would provide a response to the issues raised by France at the next meeting. He asked for further information about the accidents in France.

**Mr Belaen for CECE** also asked for time to study the INRS report on stability. He agreed that the braking requirements for rubber-tyre rollers needed improvement. On the prevention of unintended movement, he pointed out that there were 2 clauses dealing with this subject in EN 500-1. CECE thought that clause 5.6.2.1 in conjunction with clause 5.7.1 dealt with the issue in a satisfactory way.

**The CHAIRMAN** thought the reference to “interlocking systems” in clause 5.6.2.1 meant that machines without a cab should have a seat-switch or similar interlocking system to prevent movement of the machine if the driver was not on his seat.

**The UK** agreed with this reading of clause 5.6.2.1 of EN 500-1, although the practical implications needed to be clarified. Clause 5.7.1 dealt with the neutral start function which was another issue.

**The CHAIRMAN** asked CEN to clarify the exact meaning of clause 5.6.2.1 of EN 500-1 since it appeared that this requirement answered one of France’s concerns.

18. Referral of EN 1726-1\(^9\) and EN 1459\(^10\) (Doc.WG-2007.13)

**FRANCE** proposed that the wording of the warning in the OJEU should be changed in light of the amendments that had been made to the standards to deal with driver restraint.

**The CHAIRMAN** noted general agreement with the French proposal. He observed that there was not a clearly established procedure for withdrawing or modifying warnings in the OJEU. The standardisation unit would be consulted to discuss whether a new Commission decision was necessary.


**The CHAIRMAN** explained that this had been listed as a formal objection, but the standard had not yet been submitted to the Commission for publication in the OJEU. The Swedish document should therefore be taken as a comment on the standard.

**SWEDEN** recalled that this standard was the revised version of EN 848-3: 1999 that had been subject to a formal objection from Sweden. At that time, the reference of the standard had remained in the OJEU and a

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98 EN 500-4:2006 Mobile road construction machinery - Safety - Part 4: Specific requirements for compaction machines
99 EN 1726-1:1998 Safety of industrial trucks - Self-propelled trucks up to and including 10 000 kg capacity and industrial tractors with a drawbar pull up to and including 20 000 N - Part 1: General requirements
100 EN 1459:1998 Safety of industrial trucks - Self-propelled variable reach trucks
101 EN 848-3:2007 Safety of woodworking machines - One side moulding machines with rotating tools - Part 3: Numerically controlled (NC) boring and routing machines
mandate was given to CEN to amend the standard. Germany had also made a formal objection to the standard and it was then agreed to insert a warning in the OJEU. Sweden considered that the mandate had still not been fulfilled. Both Sweden and Germany had voted against the revised standard. Sweden thought that the reference of the revised standard should not be published.

ITALY had taken part in the revision of the standard, taking account of research carried out in Germany. The revised standard included several improvements relating to the flexible curtains and to the means of reducing the risk of ejection of tool parts. The accidents that had occurred in Sweden and Germany concerned machines that did not fully comply with the 1999 standard. Italy was in favour of publication of the reference of the revised standard.

GERMANY supported Sweden's position since the German concerns had not been answered. The research carried out in Germany indicated that PVC material did not provide adequate protection.

DENMARK supported the Swedish position.

FRANCE had approved the standard with strong reservations. France agreed that progress on the protection of operators had been slow, but was not sure that it was possible to replace flexible guards with rigid guards since they left fewer unprotected places. Work on improvement of the standard should continue, both to improve the guards and to ensure that only appropriate tools could be used with the machine.

FINLAND agreed with Sweden and Germany that the safety level of these machines was lower than that of machines with similar risks, such as those used for working metal.

The UK suggested that better cooperation was needed between the TCs dealing with woodworking and metalworking machines.

Mr Joannin for CEN reported that TC 142 did not think there were any alternative solutions available.

SWEDEN thought that very few improvements had been made in the revised standard. The balance between integrated protective measures and instructions for use was wrong. The response to the Commission's mandate had been too slow. Sweden was convinced that alternative solutions were available in other fields and there should be a new mandate to find an integrated solution.

The CHAIRMAN concluded that although there was not yet a formal decision, there was a clear message to CEN that the standard still required improvement. He asked CEN to respond to the Swedish document at the next meeting.

21. Formal objection to EN 1870-17(102) (Doc. WG-2007.14)

FRANCE explained that the objection to this standard was based on the risks due to the effects of vibrations and shocks that could cause the saw blade to come loose. Preventing this risk implied requirements on the mounting of the blade on the drive shaft. A critical parameter is the ratio between the diameter of the flanges of the shaft and the diameter of the blade. The state of the art is a ratio of 1/4. The standard admitted a ratio of 1/6 which increased the risk for operators. A ratio of 1/6 could be accepted for automatic saws but not for manually operated saws.

GERMANY considered that the reason for choosing the ratio was not safety but quality of cut. The ratio of 1/4 was chosen to ensure a high quality of cut but, for rough cuts, a ratio of 1/6 was sufficient. Safety was more affected by the blade itself and the design of the teeth.

Mr Huigen, CEN Consultant had given a positive opinion on the standard since he had no information indicating that the ratio fixed by the standard was wrong.

Mr Joannin said that the CEN TC had not yet responded to the French objection.

FRANCE proposed to provide further explanations on the safety issue involved.

The CHAIRMAN concluded that although there was not yet a formal decision, there was a clear message to CEN that the standard still required improvement. He asked CEN to respond to the Swedish document at the next meeting.


The CHAIRMAN summarised the comments that had been received on the Swedish draft WG-2006.13. He noted that there was full agreement on a number of items that did not require further discussions:

There was agreement that items 1, 2 and 3 were lifting accessories.

There was agreement that items 10 to 18 were lifting accessories.

There was agreement that items 21 and 24 were not lifting accessories.

There was agreement that items 27, 28 and 29 were not lifting accessories.

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102 EN 1870-17:2007 Safety of woodworking machines - Circular sawing machines - Part 17: Manual horizontal cutting cross-cut sawing machines with one saw unit (manual radial arm saws)
SPAIN pointed out that agreement on items 13, 17 and 18 was qualified by notes. Spain thought that container spreaders were not lifting accessories if their mechanism was linked to that of the lifting machinery. The same applied to lifting magnets and vacuum lifters.

The CHAIRMAN pointed out that on item 13, the Swedish document was in line with the position already agreed in Doc.2003.13rev1. On items 17 and 18, the Swedish draft referred to the scope of the harmonised standard EN 13155103 which applied to “non-fixed load lifting attachments”.

The UK thought there was a need to interpret the terms “not attached to the machinery”. The important thing was to agree on a uniform interpretation.

GERMANY supported the objective of a uniform interpretation that was easy to understand.

The CHAIRMAN proposed to discuss the category of equipment integrated into the load. He recalled the previous decision on item 7, lifting anchors, and proposed to remain consistent with this decision.

The NETHERLANDS thought that the agreement concerned the anchor itself but not the tool.

DENMARK considered that items 5 to 9 should not be covered by the MD. In order to be logic, the previous decision on item 7 should be changed. The reason for the Danish position was that these items were usually placed on the load by the manufacturer of the load.

GERMANY could understand the Danish approach, but the Working Group had moved in the other direction. The same reasoning applied to items 4 and 5. Such items were explicitly included in the definition of lifting accessories given in the new MD. It was important that the manufacturer gave adequate instructions for integration of the devices.

FINLAND had the same opinion as Denmark. The safety of items 4 to 9 depended on the fixing on the load. It would be better not to include them in the MD, even if this meant going back on a previous decision.

SWEDEN thought that the discussion came too late, since the change made to the new Directive had been based on the decision taken in Doc.2000.21rev1.

LUXEMBOURG thought items 7 and 8 could be subject to the CPD.

The UK thought that it was common for the safety of machinery to depend on correct installation. For items 4 to 9, there were important requirements for safe installation that should be specified by the manufacturer. The UK thought that, for the sake of consistency, items 4 to 9 should be considered as lifting accessories when placed on the market separately. However, a steel plate would not be considered as a lifting accessory if it was cut and welded to a load by the manufacturer of the load.

SPAIN agreed with the UK on items 4 to 9 when placed on the market separately. This clarification should be added.

The CHAIRMAN proposed to accept the UK proposal on items 4 to 9, in the interest of consistency and to avoid a change of policy when the new MD became applicable. He thought that, once it was clear that these items were in the scope of the Directive, a harmonised standard could be developed to define the technical specifications including the information to be supplied by the manufacturer.

ITALY and FRANCE agreed with the UK proposal.

FINLAND could accept the UK proposal providing it was clear that it only applied to accessories placed separately on the market and that items manufactured for own use were not concerned.

DENMARK did not agree with the UK proposal but could live with it in the interest of uniform application.

The CHAIRMAN thanked Member States for their constructive attitude and concluded that the conclusion on items 4 to 9 would be recorded in the minutes.

**Conclusion:**

Items 4 to 9 listed in Doc.WG-2006.13 are to be considered as lifting accessories when they are placed separately on the market. If such items are manufactured and integrated into the load by the manufacturer of the load, they are not considered as lifting accessories but as part of the load.

The CHAIRMAN then introduced the discussion of load containers. Certain Member States considered that all equipment intended to contain a bulk load should be considered as part of the load. The Swedish proposal was to consider such containers as lifting accessories when they were used specifically for lifting and not also used for storage or transportation of the load.

FRANCE considered that load containers were not placed between the machinery and the load and were therefore to be considered as part of the load. Foundry crane ladles were indeed subject to a harmonised standard but as machinery, not as lifting accessories.

ITALY thought items 19 to 25 should not be considered as lifting accessories, in order to be consistent with the previous decision set out in Doc.WG-2005.41. In Italy, this type of equipment had been the subject of a circular notified under the 98/34/EC procedure that had not been subject to any objections from the Member States.

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103 EN 13155:2003 Cranes - Safety - Non-fixed load lifting attachments
The CHAIRMAN pointed out that the Swedish proposal was not to consider all containers as lifting accessories but only those specifically designed for lifting. For example, concrete buckets were not used for storing or transporting concrete but only for lifting it. The same logic applied to re-useable big-bags. He asked whether this approach was an acceptable compromise.

The UK thought this compromise was workable. The UK thought that if cargo nets were considered as lifting accessories then big-bags that were re-useable for lifting purposes should also be included.

SPAIN thought that whether or not equipment was re-useable was not relevant. Spain agreed with France that containers were not lifting accessories.

GERMANY said that both single use and re-useable big-bags were subject to standards. Opinions in Germany were divided on how to deal with big-bags. There was a problem with goods imported from third countries in big-bags. Germany thought that containers intended for goods handling and storage should not be considered as lifting accessories.

FINLAND said that it was important to distinguish lifting accessories from packaging. Finland thought that if the main purpose of a product was packaging, it should not be subject to the MD.

The CHAIRMAN said there were good arguments on both sides. There was agreement that equipment mainly intended for packaging goods or material was not a lifting accessory, even if it could be used for lifting. However there was still a disagreement on whether containers specifically designed for lifting such as concrete buckets, cargo nets or debris buckets, were to be considered as lifting accessories. He said that this issue would be further discussed at a later meeting.


The CHAIRMAN reported that the main reason for updating the Guide to the Low Voltage Directive was that the Directive and its amendments had been consolidated with a new number 2006/95/EC. The Commission had decided to take the opportunity to update the section of the Guide dealing with the borderline between the LVD and the MD.

GERMANY and the NETHERLANDS agreed with the proposed text.

SPAIN and the UK expressed doubts about the passage on page 19 relating to electrical garden machinery and power tools.

The CHAIRMAN said that two essential terms had been explained in this section of the Guide: “household” and “domestic”. The term “household” referred to certain functions, whereas “domestic” referred to the intended place of use. Garden machinery and power tools were not considered as household appliances. They were covered by the current MD and would continue to be covered by the new MD.

GERMANY thought that the terms of the explanation of household equipment were well understood by the industry. The main concern of industry was who decided whether a product was intended for domestic use and that question was clearly answered in the Guide.

24. Road safety requirements for mobile machinery

The CHAIRMAN reported that the European Parliament had introduced amendments to the draft recast of the Framework Directive for the approval of motor vehicles and their trailers to enable mobile machinery to undergo EC type-approval as road vehicles. This could be a means of harmonising road safety requirements for mobile machinery, providing there was no overlap with the Machinery Directive. However, there was a difficulty with the wording of the exclusion of vehicles in Article 1.2 (e) of the new MD, since vehicles subject to the EC type-approval Directive were excluded from the scope.

Mr Belaen for CECE said that the Construction equipment industry was against the inclusion of mobile machinery in the scope of the vehicles type-approval Directive. The industry was in favour of harmonisation of road safety requirements for mobile machinery by means of a specific New Approach Directive. The industry was already contributing to the development of a draft standard prEN 15573104 for the road circulation of earth-moving machinery.

SPAIN enquired about the purpose of the recast of the type-approval legislation. Mobile machinery the circulated on the road was always subject to both the MD and to road safety legislation.

LUXEMBOURG thought that both Directives could apply.

The CHAIRMAN agreed with Spain that mobile machinery used on the road was subject to both the MD and to road safety regulations, however the road safety regulations were currently not harmonised at Community level.

104 prEN 15573 Earth-moving machinery - Requirements for use on the road
He also agreed with Luxembourg that both Directives could apply, however this should not result in unintended exclusion of mobile machinery from the Machinery Directive.

**The CHAIRMAN** announced that the next meeting of the Machinery Working Group was planned for 27 June 2007, to be followed on 28 June by a meeting of the Machinery ADCO Group under the Chairmanship of the Netherlands. The third meeting of the Machinery Working Group was planned for 14-15 November 2007.

He appealed for a Member State to volunteer to take over the Chairmanship of the Machinery ADCO Group from the Netherlands.

He also announced a public Workshop on the new Machinery Directive to be on 29\textsuperscript{th} May in Brussels.
### Summary of questions to be followed-up at the next meeting

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Subject: Machinery Working Group
Place: Albert Borschette Centre, Brussels
Chairman: Mr Ian FRASER (ENTR/I4)
EC Participants: Mr Mario GABRIELLI COSSELLU, Mr Előd Ajtony DUDÁS (ENTR/I4)

1. Welcome and approval of the agenda

The CHAIRMAN welcomed the participants. He indicated that under item 3(u) a late document would be distributed during the meeting.

NORWAY wished to raise a question under item 14, any other business.
FRANCE had a point to raise on EN 14910, either under item 14 or item 7.

The CHAIRMAN agreed to take the point under item 7.
SLOVAKIA had a request to the WG under 3(j) concerning concrete buckets with a lifting platform attached.

The CHAIRMAN agreed.

With these corrections, the agenda was approved.

2. Approval of the minutes of the meeting of 14/15 May 2007 (Doc. WG-2007.33)

GERMANY pointed out that under item 20 they had expressed the opinion that “PVC material did not provide better protection”.

The UK mentioned that under item 10 the sentence ending “due to ejected objects” should be linked to the following sentence stressing the importance of keeping bystanders away. The UK had stated that it was necessary to guard all moving parts accessible from the seat and therefore the reliability of the seat switch was critical.

The CHAIRMAN asked the UK to reformulate this paragraph.
ACEM said that under item 9, the CHAIRMAN had recalled that the motorcycle industry had not received clear guidance concerning the scope of the Machinery Directive for off-road vehicles in the past and had called upon the Member States to take this fact into account. ACEM asked the CHAIRMAN to record this remark in the minutes.

The CHAIRMAN agreed to insert these three corrections in the minutes.

With these corrections, the minutes of the meeting held on 14/15 May 2006 were approved.

3. Follow-up of questions from the meeting of 14/15 March 2007

(a) Stability of industrial trucks

The CHAIRMAN recalled that a new report had been received from CEN TC 150 circulated as Document WG-2007.41.

Mr Steiger for CEN reported that the WG of CEN TC 150 had a new convenor. The WG had met twice since the last meeting of the Machinery Working Group to work on development of a dynamic stability test based on the results of research.

(b) UK formal objection against EN 693 – Hydraulic presses

The UK reported that a possible compromise solution had been rejected as explained in the CEN document. Following discussion with Mr Knapp, the UK agreed to two-hand controls on presses where there was a
guarantee that only one person was operating the press. Following the EHSR 1.1.2, there should be some means preventing misuse. The opening of the press could be up to 1.2 m but access to the press must be restricted to one person. The proposal in the CEN paper was not going in that direction since it envisaged use of the press by two people, presumably each with a two-hand control. The UK would reformulate the formal objection unless an agreement could be reached within a reasonable time.

Mr Umbreit, CEN Consultant said that the TC WG now had a new convenor, Mr Müller-Welt. It might be possible to clarify the means used to fulfil the UK request for restricted access and reach an agreed solution. FRANCE supported the UK position. FRANCE had participated in the proposed compromise and did not understand the refusal by the standardisation group.

The CHAIRMAN pointed out that Mr Knapp’s document envisaged further discussion. At the next meeting either there would be a new compromise or the UK would reactivate its formal objection.

(c) Policy on publication of Machinery standards

The CHAIRMAN said that the Commission had not yet revised the policy paper but would try to work on it after the meeting.

(d) Revision of EN 280

Mr Joannin for CEN reported that a draft had been drawn up by a task force. One or two meetings were foreseen before the CEN enquiry could be launched, but there seemed to be agreement on the draft. The question was carried over to the next meeting to follow progress.

(e) Standards for washing machines

Mr Gargantini, Chairman of Cenelec TC 61, reported that the draft amendment had been discussed by the IEC and partially agreed but one of the main items relating to the braking system had not been agreed. There was a need to evaluate the outcome of the meeting at the next Cenelec TC meeting on 20 July 2007 with the CEN Consultant. It was important to try to avoid divergences between European and International standards, but it might be necessary to have additional requirements for Europe in this case. The question was carried over to the next meeting to follow progress.

(f) Limitation of the validity of EC type-examination certificates (Doc. WG-2007.44)

The CHAIRMAN said that the Commission had drafted a letter to NB-M concerning the validity of EC type-examination certificate. The letter pointed out that the Directive did not foresee a limit to the validity for EC type-examination certificates. Nevertheless in the discussions on problems and application of the Machinery Directive and further during drafting the new Machinery Directive it was considered that a limit to the period of validity was necessary. This is mainly due to the fact that the requirement of manufacturers to inform the NB of changes made to the model of machinery concerned by the certificate was not well applied. So in the new Machinery Directive this information requirement was still there but in addition to that there was a “back-up” requirement that EC type-examination certificates should be reviewed every five years. The Commission had already prepared some guidance on this in the FAQ published on EUROPA. The existing certificates would have to be reviewed in the light of the requirements new Machinery Directive. The Commission encouraged manufacturers and NBs not to wait till with this last moment. The five-year period would then be counted from the day the certificate had been reviewed. This would avoid a situation where many EC type-examination certificates would cease to be valid at the same time.

AUSTRIA was in favour of the document, but requested that, on the basis of the new Machinery Directive, there was a need to issue a new EC type-examination certificate and not just an Annex to the current certificate.

The CHAIRMAN replied that up to now, the Commission had never stated what form the EC type-examination certificate should take. For the moment he suggested to leave the issue open.

SWEDEN emphasized that if there was a significant change in the state-of-art during the five-year period then it could be necessary to withdraw that certificate before the five-year period had elapsed. This should be noted in the document.

The CHAIRMAN replied that this was covered in the draft letter as the requirements of the new Directive were quoted. It was pointed out that the manufacturer still had the obligation to inform the NB on any changes to the model. In addition, two new obligations were mentioned: (1) the NB to inform the manufacturer in case of major changes in the state of the art and to withdraw the certificate if it was no longer valid and (2) the manufacturer to seek a review of the certificate every five years.

FINLAND suggested to add that the new certificate issued for products placed on the market before December 2009 should refer to the current Machinery Directive as well as to the new Machinery Directive.

The CHAIRMAN agreed to make this addition to the draft.
SWITZERLAND supported the proposed document but had understood that the Notified Bodies can only extend their scope when the national legislation is published transposing the new Machinery Directive. So did this apply to this particular point as well?

The CHAIRMAN replied that if the type of machinery concerned was within the scope of the notification of the NB then they could act as of today. But of course they could not give a certificate for a type of machinery not covered by their notification. In that case, they would have to wait until the Member States had notified them or extended the scope of their notification. This would probably not be possible until the new Directive had been transposed into national law, for that type of machinery.

DENMARK considered that a Notified Body could not issue a certificate according to the new Machinery Directive until the national authorities had appointed the body according to that Directive.

The CHAIRMAN concluded the draft letter would be improved in the light of the comments. The revised document be tabled at the next meeting.

(g) Equipment for lifting persons

The CHAIRMAN reported that main change in the document was in the title, clearly distinguishing interchangeable equipment for lifting persons which modified the function of the machine for lifting persons from equipment for exceptional use with machinery intended for lifting goods. The first section of the document dealing with conformity assessment procedure for interchangeable equipment had been further clarified.

SPAIN raised concerns over section 1 of the document. In the case of interchangeable equipment for lifting persons, we agree that the whole assembly must comply with the essential health and safety requirements, including those of part 6. But what about the original machinery? If it was modified to comply with part 6 of Annex 1, surely it became machinery for lifting persons.

The CHAIRMAN replied that the title of the document and section 1 had been modified to clarify this issue: the interchangeable equipment covered by section 1 of the document was in fact designed to be assembled with lifting machinery which could be used either for lifting goods or, with the interchangeable equipment, for lifting persons. For example, manufacturers were placing on the market variable reach trucks that were intended for lifting goods but that could be used, together with interchangeable equipment, for lifting persons. For such machinery, either EN 280 was applied or an EC-type examination was being carried out for the combination of the truck and the interchangeable equipment. The same approach was being adopted by manufacturers of loader cranes.

The UK confirmed that one manufacturer was marketing two types of telehandlers: one that could be used with interchangeable equipment for lifting persons and another that could only be used for lifting goods.

ITALY asked what should be done about inappropriate CE-marking according to section 2 of the document.

The CHAIRMAN said there were cases of inappropriate CE-marking and EC-type examination certificates for the type of equipment described in section 2 of the document. Once the document had been approved, the Member States should take the appropriate action on these cases. There had been a safeguard clause notification from Italy concerning such equipment and the Commission would write to Italy about this case.

Conclusion:

Document WG-2005.46rev3 – “Interchangeable equipment for lifting persons and equipment used with machinery designed for lifting goods for the purpose of lifting persons” was approved.

SLOVAKIA gave a presentation on concrete buckets with a lifting platform attached. Serious injuries had been caused by this kind of the equipment and the Slovak Labour Inspectorate had asked if such equipment should be CE-marked. The Slovak authorities in charge of the Machinery Directive considered that the equipment was not subject to the Machinery Directive.

The CHAIRMAN thought that such a work platform attached to a concrete bucket came under section 2 of the document and therefore should not have CE-marking nor an EC-type examination certificate. However it was also necessary to consider the ongoing discussion on lifting accessories.

DENMARK agreed that this kind of equipment did not come under the scope of the Machinery Directive.

The UK had seen use of such devices lifted from tower cranes in other Member States. However there was a dilemma if the concrete bucket was a lifting accessory. The equipment shown by Slovakia did not seem to be intended for exceptional use but rather for routine use which was not permitted under the use of work equipment Directive.

FRANCE thought such equipment was covered by section 2 of the document but there would be confusion if concrete bucket had CE-marking as a lifting accessory. France was against inclusion of concrete buckets as lifting accessories.

ITALY supported FRANCE. Exceptional use should be assessed in light of the possibility of controlling the risks of fall from a height.
The CHAIRMAN said that, regardless of whether or not concrete buckets were lifting accessories, a lifting platform attached to a concrete bucket was not interchangeable equipment for assembly with a tower crane. The question of whether exceptional use of such equipment with a tower crane could be permitted was a matter for application of national regulations implementing the use of work equipment Directive. The equipment shown by Slovakia seemed badly designed and it was doubtful whether such equipment could be safely used with a tower crane given the lack of fine control of movements. He suggested that this question could be discussed in the MACHEX Group.

(h) Formal objection against EN 12215\(^{105}\) and EN 13355\(^{106}\)

FRANCE presented document WG-2007.38 summarizing the arguments in favour of a decision not to publish the references of the standards concerned in the OJEU. It was nevertheless important to underline that these standards had gaps meaning that for people using machinery compliant with the technical specifications of these standards it would be very difficult to comply with the national legislation on health and safety deriving from European social Directives. That was the reason for asking not to publish the references in the OJEU. FRANCE also asked the Commission to issue a mandate to CEN to revise these standards. The collective protection of operators needed to be improved and appropriate provisions should be included on the use of PPE. FRANCE was ready carry out tests together with Germany and the UK and any other Member States wishing to participate in order to measure the effectiveness of paint spray booths at different air velocities. The results might help to improve the standards.

Mr Steiger for CEN said that an Ad-hoc group meeting had been formed to attempt to take account of the French comments. The Chairman was French and the Secretary was convenor of the German Mirror Group. A first discussion had been held, but the standardisers needed to know the opinion of the Commission. The CHAIRMAN said that the French objection was based on the premise – that was shared by the standards concerned – that ventilated paint spray booths could protect operators sufficiently against exposure to toxic substances and enable employers and operators to respect the exposure limits. The experts from Germany and the UK considered that even the best spray booths could not fully protect operators against the risk of occupational asthma due to exposure to isocyanates. The scientific literature seemed to support the view expressed by the German and British experts. It therefore appeared that the premise of the French position was not founded.

However, during the discussion, the Commission considered that several weaknesses of the standards had been revealed. The standard did not contain clear design requirements in order to optimize the ventilation system, there was a lack of requirements to maintain and monitor positive pressure in the booth in order to protect people outside the booth, there was no requirement to measure and indicate the clearance time and the requirements relating to the use of PPE were not clear.

In light of these elements, the Commission proposed not to publish the references of the standard in the OJEU and to issue a mandate to CEN to improve the standards on these aspects. A Commission Decision would be drafted along these lines. The Commission welcomed the French proposal to carry out measurements in common with Germany, the UK and other interested parties with a view to improving knowledge on the performance and effectiveness of spray booths installed in the different Member States.

UK reported that the HSE was willing to cooperate on new tests with France as suggested.

GERMANY also expressed a positive reaction to the French proposal for common tests and would pass the information on to the experts concerned.

(i) Formal objection against EN 12312-9

The CHAIRMAN reported that the Commission Decision had been drafted and translated and now had to be submitted to the 98/34/EC Committee.

(j) Standards for household appliances

The CHAIRMAN had been informed that the Cenelec document was still being discussed. The Commission was to participate in a meeting with Cenelec and the Consultant in July to discuss the document As soon as the document was finalised it would be tabled at the Machinery Working Group meeting.

(k) Formal objection against EN ISO 4254-1

The CHAIRMAN reported that the Commission Decision had been drafted but not yet translated.

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\(^{105}\) EN 12215:2004 Coating plants - Spray booths for application of organic liquid coating materials - Safety requirements

\(^{106}\) EN 13355:2004 Coating plants - Combined booths - Safety requirements
FRANCE had accepted the proposed amendment to EN ISO 4254-1 in the interest of finding a compromise solution. However FRANCE did not think the solution adopted should be generalised in other cases, since it made life difficult for users of the standards.

FRANCE also pointed out that EN ISO 4254-1 parts 5 and 7, that had just been adopted by ISO and CEN, both referred to the unamended version of EN ISO 4254-1. FRANCE had asked ISO to suspend publication of those standards so that reference could be made to the amended version, to avoid further formal objections. ISO had accepted that already but CEN had not replied so far.

Mr Steiger for CEN replied that the standards were being developed under ISO lead according to the Vienna agreement so CEN would follow the decision made by ISO.

(l) Formal objection against EN 1459

The CHAIRMAN reported that the Commission decision had not yet been submitted to the 98/34/EC committee.

The UK emphasised that he would like to receive comments from the other Member States on Annex II to document WG-2007.41 on the solutions to be adopted while awaiting amendment of the standard. There was a need for a test method for checking visibility that would be representative of the situation when loading or unloading lorries i.e. with the boom at 1.2 m from the ground. The vision aids required to pass such a test might be impractical during fast movement but could be used to ensure the absence of obstacles before moving off.

The CHAIRMAN recalled that since the presumption of conformity on visibility would no longer be conferred by the application of the standard, Member States could determine what they considered adequate visibility. But it would be preferable to have agreement on the issue. He asked the Member States to investigate the issue and respond to the UK request before the next Machinery Working Group meeting.

(m) Test codes for pneumatic hand-tools

Mr Steiger for CEN reported that he had received information from CEN TC 231 in charge of general standards on mechanical vibration that was responsible for the EN 28662107 series. These standards were developed by ISO (with the number ISO 8662) under the Vienna agreement. At a meeting in April 2007, it had been agreed that the relevant parts of the standard (2, 5 and 14) would be revised. As for the time-frame, the draft standard DIS/prEN would be ready in December 2007, the FDIS in February 2009 and publication was planned in December 2009.

He had also received a response from CEN TC 255 dealing with hand-held non-electric tools. Standards EN 792108 parts 3, 4 and 6 were to be revised with the following target dates: DIS December 2008, FDIS in June 2009 and publication in December 2009.

The CHAIRMAN recalled that the UK had agreed to suspend the formal objection provided that the necessary revisions were undertaken within a reasonable time. He asked to UK to examine the planned dates and report a decision at the next meeting.

(n) MEWPs with more than one rated load

The CHAIRMAN said that the conclusion proposed at the last meeting was summarised in Document WG-2007.48. The Working Group could not be expected to take a position on the detailed interpretation of a harmonised standard. Nevertheless in the case explained by ITALY, the principles at stake were reasonably clear.

ITALY thought the conclusion drafted by the Commission acceptable for the management of the current standard, but when drawing up the new version of EN 280, it would be necessary to clarify the specifications for MEWPs with more than one working load in light of this conclusion.

The UK agreed with the conclusion proposed by the Commission. It should not be possible for a second person to use the platform outside the safe working envelope. Manufacturers consulted in the UK had indicated that when the machine was set for one-man operation, a moment control device was automatically activated which prevented the platform reaching an unsafe position.

The CHAIRMAN said that several means could be used to prevent use of the platform in unsafe positions. The important thing was that the standard did not dispense small machines from having such means when the MEWP had more than one working load.

Conclusion:
In order to comply with EHSRs 1.3.1 and 4.1.2.1 of Annex I to Directive 98/37/EC relating to stability and 4.2.1.4 and 6.1.3 relating to loading control, mobile elevating work platforms with more than one maximum working load (rated load), such that the work platform can reach a larger working envelope with 1 person than with 2 persons, must be equipped with means to prevent the work platform reaching the extreme...

107 Hand-held portable power tools - Measurement of vibrations at the handle
108 Hand-held non-electric power tools - Safety requirements
positions of the working envelope intended for 1 person when there are 2 persons on the platform. Technical means to ensure this are given in clause 5.4.1.7 of standard EN 280:2001.

(a) Refuse collection vehicles

M. Steiger for CEN said that comments had been communicated to FRANCE during the previous meeting. FRANCE reported that the comments of WG 2 of CEN TC 183 concerned the specifications of EN 1501 relating to closed compaction systems. The standard specifies that a system can be considered as a closed system if the minimum distances to prevent access are respected. Otherwise the system is considered as an open system. The standard prohibits an automatic compaction system for an open system. The WG 2 comments implied that only open systems would be in Annex IV. FRANCE thinks that this is mistake. The Document proposed by FRANCE was an interpretation of the notion of manual loading. FRANCE asked CEN to present its arguments to the Machinery Working Group in writing.

Mr Steiger agreed to make this request to TC 183.

(p) Off-road vehicles

The CHAIRMAN said that the conclusion of the discussion on off-road vehicles had been summarised in Doc.WG-2007-42. AUSTRIA pointed out that certain products were given type-approval for road use in certain Member States and not in others. ITALY thought that the Document was fine. However, more discussion was needed to identify the products concerned. FRANCE generally agreed with the draft conclusion but was concerned about the parenthesis in the third paragraph concerning vehicles designed for competition. The problem was to identify the technical rules of racing associations. Most vehicles sold to the public were probably sold for leisure purposes not for competition. This criterion should be made more precise.

The UK supported the French comments. There was also a problem with vehicles that were licensed for the road. The approval of a vehicle for road use did not necessarily cover all the risks. The UK mentioned a buggy that could be approved for road use that had rolled over. It was not equipped with a ROPS.

BELGIUM thought better coordination was needed with the transport authorities to clarify the exclusion of vehicles for competition.

SWEDEN also supported the French comments. It was necessary to specify what was meant by the technical rules of motor racing associations. It was not for private associations to determine the scope of Community legislation.

AUSTRIA thought that vehicles for competition could not be sold on the open market since a racing licence was required.

ITALY thought that it was not clear in practice whether certain products were really for competition or not. Many of the mini-motorbikes imported into Italy were claimed to be for competition.

DENMARK had enquired into this matter. Mini-motorbikes for competition were at least 10 times more expensive than mini-motorbikes sold to the general public. DENMARK also pointed out that the current Machinery Directive excluded means of transport for road use. Other machines, such as ride-on lawnmowers could be approved for road use but were not thereby excluded from the scope of the Machinery Directive.

ACEM reported that the industry had taken the initiative to start standardisation work for off-road vehicles. A new CEN Technical Committee would be set up to cover two, three and four wheel off-road vehicles, including motorcycles, quads, karts, snowmobiles, ATVs, golf-carts etc. There was no limit as to the size of the vehicles concerned. The work would start at the end of the year. In the meanwhile, the motorcycle industry had already prepared a working draft. ACEM had also contacted the International Motorcycle Racing Federation FIM in order to clarify the technical rules for vehicles designed for competition.

The CHAIRMAN said that the draft conclusion did not answer every question. It clarified the legal situation on the basis of the current texts. There were still practical problems to be solved by the market surveillance authorities.

He agreed to improve the section of the draft that referred to vehicles for competition. This was based on an interpretation of the current Directive. However, motor vehicles exclusively intended for competition had been explicitly excluded from the new Machinery Directive because they were subject to other technical rules. We were awaiting clarification from the racing associations as to exactly which technical rules could be referred to. This information could then be examined to see if it was adequate. Clear guidance on this exclusion should be provided in the Guide to the new Machinery Directive.

Concerning the problem raised by the UK, it could not be assumed that the requirements for road use were more stringent that those of the Machinery Directive. In some cases, vehicles were approved and licensed for road use that would not comply with the essential health and safety requirements of the Machinery Directive. The case
cited by the UK appeared to be an example. However, even if this was regrettable, the problem could not be solved within the framework of the Machinery Directive.

(g) Italian concerns on highway maintenance machines and manure spreaders
Mr Steiger for CEN reported that the Italian concerns relating to EN 13524 Highway maintenance machines would be considered in the context of adaptation of the standard to the new Machinery Directive.
Mr Joannin reported that CEN TC 144 did not agree to work on amendment of EN 690 without a proposal. It was further stated that the machine shown in the illustration of the Italian document was an obsolete model that did not comply with the standard.
The Chairman recalled that CEN had been asked to respond to the substance of the Italian document on both standards and asked CEN to report to the next meeting.

(r) Channel baling presses
GERMANY reported that DIN had yet to forward a proposal to CEN.

(s) Trucks for narrow aisles
Mr Joannin for CEN reported that the German document had been submitted to the TC. The response was that similar proposals had been made on this subject before but had not been taken up due to lack of experts. However it appeared that the previous proposals concerned the floor.
GERMANY recalled that the issue concerned was the risk of collision with people on foot.
The UK pointed out that there was a need for requirements both for the machine itself and for the place of use.
The CHAIRMAN said the question would be carried over to the next meeting.

(t) Formal objection against EN 474-4 and 5
Mr Hartdegen from the BG Bau in Germany for CEN TC 151 presented the types of machinery concerned. He stressed that hydraulic hoses were subject to a safety factor of 4 and their quality and reliability had considerably improved. Accidents due to hose failure were rare. Safety valves were fitted to the cylinders on the main boom which was where the effect of the load was most important.
GERMANY asked whether there had been accidents due to failure of the hydraulic cylinders on the main boom or the dipper arm.
Mr Hartdegen replied that the German data did not distinguish between failure of the main boom and failure of the dipper arm.
FRANCE pointed out that since the Machinery Directive had been applicable, the machinery had been placed on the market with safety valves on both the main boom and the dipper arm. This showed that the standard did not correspond to the state of the art.
SWEDEN thought that it was inadvisable to focus on accident data. There could be incidents that did not necessarily result in accidents.
The UK pointed out that smaller excavators with a capacity of less than 1000 kg did not have check valves on either the main boom or the dipper arm, however no accidents had been recorded in the UK due to hydraulic failure. When excavators were used for pipe laying, the main boom was subject to higher loads than the dipper arm. The extra unit cost of fitting check valves to the dipper arm was low; but the total cost of fitting such valves to all the machines concerned did not seem to be justified by the risk involved. On the other hand, if an excavator was used as a crane, the fitting of check valves to both the main boom and the dipper arm was necessary.
ITALY thought excavators were frequently used for various lifting operations. In that case, the EHSRs relating to lifting operations were applicable. There should not be more stringent requirements for cranes than for excavators used as cranes. This would be unsatisfactory from a safety point of view and from a market point of view.
GERMANY agreed with the UK that the requirements for the hydraulic hoses provided a sufficient level of safety for the dipper arms.
DENMARK said that, in general, excavators were not designed to be used as cranes but could be used for object handling or pipe laying. In Denmark, if objects were lifted less than 1 m with no persons nearby, this was not considered as crane work. If excavators were used for lifting objects higher than 1m, they were treated in the same way as cranes.
FINLAND had the same reading of the Machinery Directive as Italy. If the manufacturers of excavators specified in the instructions that the machinery could be used for lifting loads, the requirements of part 4 of Annex I were applicable.
FRANCE pointed out that excavators were frequently placed on the market as multi-functional machinery, as was shown not just by the instructions but also by the sales literature. The standard should reflect this.

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109 EN 474-4:2006 Earth-moving machinery - Safety - Part 4: Requirements for backhoe loaders
110 EN 474-5:2006 Earth-moving machinery - Safety - Part 5: Requirements for hydraulic excavators
IRELAND currently required check valves on both boom cylinders and dipper arms for excavators used as cranes. SWEDEN pointed out that excavators were fitted with a device to protect the hydraulic system in case of overload. There had been accidents during lifting operations when this device had caused the load to drop. This was why Sweden thought earth moving equipment should never be used for lifting with persons near the load. Mr Hartdegen did not have any data on such incidents. He considered that the check valve on the main boom would act before the safety valve on the hydraulic cylinder. The CHAIRMAN thought that object handling application of an excavator needed to be clarified. He thought the standard made a confusion between two requirements of part 4 of Annex I. The requirement for loading control set out in section 4.2.1.4 was subject to the condition of a capacity or more than 1000 kg. However the requirement to prevent fall of the load in case of failure of the power supply set out in section 4.1.2.6 (c) was not subject to any condition relating to lifting capacity. Check valves, referred to in the standard as boom lowering control devices, were intended to comply with the latter requirement. There was therefore no reason to restrict this specification to machines with a capacity below 1000 kg. He asked the Member States to examine the state of the art and prepare an opinion on the French formal objection for the next meeting. Mr Belaen for CECE thought that the risk assessment showed that the safety factor for hydraulic hoses was adequate to prevent the risk.

(a) Formal objection against EN 500-4111
The CHAIRMAN recalled that at the previous meeting, there had been agreement that the requirements for the braking systems of pneumatic compaction machines needed improvement. With respect to the prevention of uncontrolled travelling, there was a need to clarify the meaning of clause 5.6.2.6 of EN 500-1 that was applicable to compaction machines – did this clause require interlocking systems, such as seat switches, on machines without closed cabs? Mr Hartdegen for CEN replied that clause 5.6.2.6 of EN 500-1 gave a list of measures that could be used to prevent unintended travelling: doors, windows, guards or interlocking systems. If it was not possible to fit doors windows or guards to prevent this risk, interlocking devices such as seat switches must be fitted. FRANCE said that if the meaning of this clause was clear, the French objection on this count could be lifted. Mr Hartdegen for CEN showed diagrams indicating that narrow compaction machines were intrinsically stable enough. There was no need for a specific stability test. Mr Steiger for CEN thought that the conditions of examined in the French study were not representative of the normal use of the machines which did not include turning at high speed. The UK thought that the risk situation for narrow ride-on compactors was driving off curbs where dynamic factors were important. In the UK, curbs were typically 15 cm high and could be higher during road construction. The French study showed that a critical height for stability was 20 cm. This should be taken into account by an appropriate stability test. The CHAIRMAN recalled that France had produced evidence, annexed to the formal objection, relating to the stability of ride-on compactors less than 1m wide. FRANCE wished to know the reason why a specification had been added to the standard after the formal vote dispensing vibratory plates from the requirement for emergency stop controls. Mr Hartdegen replied that vibratory plates did not require emergency stop controls since they were pedestrian controlled machines with hold-to-run controls for the travelling function. The CHAIRMAN concluded that the Commission would draft a decision based on the discussion.

(v) Warning for EN 1726-1 and EN 1459
The CHAIRMAN said that the standardisation unit was still to be consulted.

Mr Goguel for CEN TC 142 recalled that Sweden had made a formal objection in 1999 to the standard and Germany had made another objection in 2005 following a review of the standard. The new objection from Sweden to the new version of the standard was based on essentially the same grounds and followed fatal accidents in Sweden and Germany. In Sweden a tool had broken up. In Germany a tool had been ejected. Standard 843-3 required that tools used with the machine should comply with standard EN 847-1113. In both accidents, the tools did not comply with these standards. Nevertheless, following the Swedish objection, efforts had been made to control the speed of tools and breaking features of tools. Requirements and a test method had

111 EN 500-4:2006 Mobile road construction machinery - Safety - Part 4: Specific requirements for compaction machines
112 EN 843-3:2007 Safety of woodworking machines - One side moulding machines with rotating tools - Part 3: Numerically controlled (NC) boring and routing machines
113 EN 847-1:2005 Tools for woodworking - Safety requirements - Part 1: Milling tools, circular saw blades
been developed for PVC curtains. Comparisons with other types of machinery, for example used for metal working. Wood working machines had a much shorter work cycle.

**SWEDEN** had made two formal objections both to the previous and the revised version of the standard. SWEDEN thought that the revised standard was not adequate. More should be done with the respect to guarding according to the principles of safety integration. The choice of tools was the task of the user. There could be faults in the tools or in the workpiece that could not be perceived by the operator. SWEDEN did not agree that short cycles were an argument for lower safety. **GERMANY** had followed the revision of the standard closely and supported the Swedish position. There was a need to find a durable solution. A research project was being carried out in Stuttgart with participation of manufacturers. The tests showed that PVC curtains were not adequate. Other materials such as coated aramid textile were being investigated. They appeared to provide better protection and would enable the test mass to be increased to 100g. Germany could present the results at the next meeting.

**FRANCE** thought that improvements had been made to the standard since the original formal objection, but further improvement was needed. According to the principles of safety integration, it was important to prevent the ejection or break-up of tools and not just to protect against projections. In particular, systems for automatic recognition of tools.

Mr **Goguel** welcomed the research results in Germany and would examine them with a view to their inclusion in the standard. With respect to the FRENCH comments, the TC was not aware of systems for tool recognition that could be included in the standard. **ITALY** agreed with FRANCE. It should not be forgotten that the PVC curtains were designed to protect against fragments of the workpiece but could not protect against the ejection of tools. Research carried out in Italy showed that PVC curtains could resist the ejection of a few grams. It was important to improve the prevention of ejection of tools.

The **CHAIRMAN** concluded that the research reported by Germany gave a perspective for improving the standard with respect to the performance of the flexible guards. The prevention of the ejection of tools seemed to require more study. The Commission would have to decide whether to publish the references of the standard with a restriction on the clauses concerned or await the improvements before publishing the references.

\[(x)\] **Formal objection to EN 1870-17\(^{1/4}\)**

Mr **Goguel** for **CEN TC 142** said he was surprised by the French formal objection. France had taken part in the development of the standard and had not raised objections. The problem of vibrations had not been considered as a significant risk for this type of machine. As for all woodworking machines, the manufacturer must specify the blades that could be safely used with the machine. The blades must comply with EN 847-1. Concerning the requirements relating to the mounting of the saw blades, the ratio of the diameter of the flanges to the diameter of the saw blade depended on the type of machine. Mr Goguel said the French remarks would be submitted to the meeting of the TC to be held in September 2007 so that the standard could be corrected if necessary.

The **CHAIRMAN** asked France to clarify the risk involved.

**FRANCE** said that the ratio of the diameter of the flange to the diameter of the blade affected the reliability of the mounting of the blade. Inadequate mounting could induce vibration of the blade leading to break-up or ejection of the blade. It was true that France had not raised the objection during the standardisation work, but this was because the change to the current ratio had been made late in the day and no explanation had been given. France had consulted manufacturers and none were in favour of a reduction of the ratio. Reducing the ration to 1/6 was a step backwards compared with the current state of the art.

Mr **Goguel** reported that the ratio had been changed from 1/4 to 1/5 and then to 1/6 following comments from Germany.

The **CHAIRMAN** asked Mr Goguel to report to the next meeting on the outcome of the discussion in TC 142.

\[(y)\] **Lifting accessories.**

The **CHAIRMAN** explained the modifications that had been made to the original document proposed by Sweden. Items 4 to 9 agreed at the last meeting had been included, together with a footnote to say that these items were lifting accessories when they were independently placed on the market.

For items 10 to 18 on which there was agreement, another note had been added indicating that these items were lifting accessories when they were not part of the lifting machinery. The descriptions of the different items had been improved in line with the definitions given in harmonised standards.

The item relating to balancers had been deleted because the old question and answer was mistaken. Balancers were not intended for use with lifting machinery but were devices for placing and holding a tool or an object in a given position. They were usually attached to a fixed element such as a beam.

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\(^{1/4}\) EN 1870-17:2007 Safety of woodworking machines - Circular sawing machines - Part 17: Manual horizontal cutting cross-cut sawing machines with one saw unit (manual radial arm saws)
The unresolved items concerned load containers used for lifting. These included item 19 - cargo lift nets, item 20 - reusable big-bags, item 22 - foundry crane ladles, item 23 - concrete buckets and item 25 - debris buckets. With respect to foundry crane ladles, the Swedish document referred to harmonised standard EN 1247. This standard did not specify whether ladles were to be considered as lifting accessories or as machinery in their own right. Some ladles were powered while others were manually operated. If manually operated ladles were not considered as lifting accessories, they would not be in the scope of the Machinery Directive.

**SWEDEN** noted that concrete buckets and foundry ladles were specifically designed to be used with cranes. Their sole purpose was to enable the crane to lift loads at the workplace and they could not be used as containers anywhere else. That was why Sweden considered they were lifting accessories. The same logic applied to cargo lift nets.

**IRELAND** thought the most consistent solution was to consider everything down to the hook as the lifting machinery, the chain or shackle arrangement placed on the hook was the lifting accessory and what went below that was the load. Other containers were work equipment that was outside the scope of the Machinery Directive and could be subject to the necessary checks as such. To consider big bags as lifting accessories would create difficulties for international trade.

**DENMARK** agreed with Sweden on concrete buckets and foundry crane ladles.

**THE UK** thought pragmatic compromise was needed. The best solution was to vote and abide by the decision in the interest of consistency.

**FRANCE** thought that load containers should not be considered as lifting accessories. Foundry crane ladles were under the Machinery Directive as part of the machine.

**BELGIUM** thought that the main concern should be the safety of users.

**SPAIN** agreed with the French position: containers should be considered as part of the load. The use of work equipment regulations could be applied to ensure that containers were safe.

**GERMANY** agreed with the UK that a clear solution was needed one way or the other.

The **CHAIRMAN** organised a ‘tour de table’ of the Member States and observers on whether or not items 19, 20, 22, 23 and 25 were to be considered as lifting accessories:

<table>
<thead>
<tr>
<th>Yes - lifting accessories (10)</th>
<th>No - not lifting accessories (14 + 2)</th>
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<tbody>
<tr>
<td>Austria</td>
<td>Denmark</td>
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The **CHAIRMAN** said that the majority opinion was that these items were not to be considered as lifting accessories. Document WG-2006.13rev1 would be completed accordingly. He hoped this position would be applied by all.

(2) **Recast of Vehicles type-approval Directive**

The **CHAIRMAN** reported that since the last meeting, the European Parliament had completed its second reading of the recast vehicles type-approval Directive. A compromise had been agreed on amendment 10 relating to Article 1 (3) (c) that foresaw optional EC type-approval for mobile machinery. This provision would only apply to the extent that these vehicles fulfil the requirements of the EC type-approval Directive and without prejudice to the application of the Machinery Directive. This implied that EC type-approval would only be

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115 EN 1247:2004 Foundry machinery - Safety requirements for ladles, pouring equipment, centrifugal casting machines, continuous and semi continuous casting machines

possible for mobile machinery that was similar to road vehicles, such as, for example, certain mobile cranes, and that the EC type-approval Directive would only deal with road circulation requirements. It remained to be seen whether this formulation would solve the problem of the borderline between the two Directives.

4. **Miniloaders (Doc.WG-2006.36)**

The UK reported that miniloaders were compact machines with the operator standing on the back. Some were tracked, others were wheeled. The operators stand on the back of the machine. There were several makes. Certain machines did not have a separate braking system, but braking was provided by the hydrostatic drive system. They were not fitted with a ROPS. The UK was asked about ROPS and braking. The machines tended to creep when stationary. In case of failure of the drive system, wheeled loaders could run away. The UK considered that such machines should not be fitted with a ROPS since the driver could not be maintained within the structure and such a structure could increase the risk. The UK also considered that such a machine should have secondary and parking brakes. This was the state of the art, since some manufacturers provided secondary and parking brakes.

**FRANCE** agreed with the answers proposed by the UK. France also showed photos of compact machines were used in the agricultural sector, in particular for winemaking. A tracked machine could be used with various kinds of interchangeable equipment. France asked if other Member States had experience with such machinery. **GERMANY** agreed with the UK on both points.

The CHAIRMAN noted that the machines shown by France were not miniloaders.

**Conclusion:**
*Miniloaders with stand-on operators should not be fitted with ROPS as the driver cannot be contained inside the protective structure and may be at risk of being crushed by the ROPS as well as by the machine itself. Such machines should be fitted with secondary and parking brakes (that can be provided by a combined system) to meet EHSR 3.3.3. The state of the art is set by harmonised standard EN ISO 3450.*

5. **Fall protection and slip resistance on tail-lifts - EN 1756-1** ([Doc.WG-2007.25](#))

The UK reported that the current standard only required hand rails where there was a risk of falling from a height of more than 2 metres. A study of accidents in the UK from 2001 to 2005 had shown over 4000 accidents involving tail lifts. 16% involved a fall from a height of less than 2 metres, usually between 1 and 2 metres. In addition, about 20% involved goods falling from the platform and 13% involved people slipping on the platform. It appeared that hand rails and improved slip resistance could prevent or mitigate many such accidents. The UK thought the standard should address the risk of protection against falls from more than 1 metre.

The CHAIRMAN pointed out that this risk was explicitly covered by EHSR 1.5.15. He asked CEN to transmit to the TC concerned a request that this requirement should be covered by the standards for tail lifts.

Mr Steiger for CEN said that TC 98 was aware of the problem and would start work on this subject when the current amendment dealing with other subjects was ready for publication, towards the end of 2007.

6. **Report on the Coordination of Notified Bodies**

This item was carried over to the next meeting.

7. **Report on standardisation**

Mr Joannin for CEN reported that 642 European standards had been issued, including 595 by CEN, in addition to 72 amendments. 24 new standards were awaiting citation in the OJEU. The revision of the Machinery Directive was a major challenge for the CEN system. The guidance documents and timetable had been made available. CEN TCs were currently determining the action to be taken on their standards. They were due to report to CMC by end August. A meeting had been held to foster consistent interpretation by the CEN Consultants of the requirements of the new Machinery Directive. A first plenary of meeting of CEN TC 213 had discussed a standard for cartridge operated hand-held tools. An ad hoc group had been established by TC 114 to review the body of A-type standards. The system of A, B and C-type standards gave rise to a problem of cross references. Priority was given to updating A and B-type standards.

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117 EN 1756-1 Tail lifts - Platform lifts for mounting on wheeled vehicles - Safety requirements - Part 1: Tail lifts for goods
AUSTRIA said new standards were still being proposed without an Annex ZA. There was also a problem with certain published standards with bad German versions. CEN was not reacting to comments made by the Austrian standardisation organisation.

Mr Joannin confirmed that all machinery standards would require a new Annex Z. Concerning the German version of standards, this was prepared by DIN. He was not aware of comments from the Austrian standardisation organisation on deficient German versions. If such comments were made, the translations could be sent back to DIN for correction.

Mr Gabrielli Cossellu for the Commission reported that the last list of harmonised standards for machinery had been published in the OJEU in May 2007, but only CEN standards were included. For Cenelec standards, the Commission was still awaiting the translation of the titles into 22 languages that was mandatory since 1st January 2007. The previous list published in August 2006 remained valid for Cenelec standards. This situation should be resolved since the new publication would be based on lists to be sent by CEN and Cenelec in July 2007.

FRANCE had concerns about EN 14910 on powered lawn trimmers. With respect to risks due to thrown objects and access to the cutting means and moving parts, the standard only dealt with the protection of operators and not third parties, on grounds of the low level of energy involved. An expert study had been ordered in France to investigate the risk for third persons. France requested the Commission not to publish the references of the standard while awaiting the results of the study.

The CHAIRMAN said that the Commission could refrain from publishing the reference of the standard providing France provided substantive arguments by the next meeting. He asked CEN to transmit the French concerns to CEN TC 144.

FRANCE stated that the French delegation to TC 144 had already expressed these concerns.

8. ADV Visibility (Doc. WG-2007.35)

The UK informed the Working Group that in the compromise agreed by the UK with respect to EN 474-1 and standard ISO 5006 relating to the measurement of visibility, the value of 1 m high and 1 m out had been agreed for most machines. However, for very large machines, it was accepted that these values could not be achieved. For articulated dumpers, the values agreed were < 25 T: 1.5 high and 1.5 m out; > 25 T: 1.5 m high and 2.5 m out. This was considered to be best that could be achieved at the time. The area to the front of the machine was the main concern.

Recent design developments seemed to make it possible to improve the visibility to the front. If this was confirmed, the UK would request a tightening of the visibility measurement requirements through an urgent revision of the CEN standard.


FRANCE informed the Working Group of concerns relating to EN ISO 11161 on integrated manufacturing systems that incorporate two or more interconnected machines for specific applications. France was particularly concerned with the content of Annex D of the standard relating to an additional operational mode for temporary observation of the automatic process. Annex D foresaw reliance on operational procedures instead of technical protective means for temporary observation of the process. Although Annex D was described as informative, it was referenced in several clauses in the standard, for example in clauses 5.1.2 and 8.6.1. There was a risk that application of this standard could give rise to a lower level of safety than that required by certain C-type standards. France requested the Commission not to publish the references of the standard and to ask CEN to re-examine this aspect of the standard, particularly light of EHSR 1.5.1 of the new Machinery Directive.

The CHAIRMAN asked members of the Working Group to consider the French remarks and prepare positions for the next meeting. He also asked CEN to respond to the French remarks.

The following items were carried over to the next meeting:

10. Revision of EN 1570 – Lifting tables
11. Application of the new MD to stair and home lifts
13. Quick hitches for excavators.

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118 EN 14910:2007 Garden equipment - Walk-behind combustion engine powered trimmers - Safety
119 EN 11167:2007 Safety of machinery - Integrated manufacturing systems - Basic requirements
## Summary of questions to be followed up at the next meeting

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<td>3 (v)</td>
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MINUTES OF THE MEETING OF THE MACHINERY WORKING GROUP
HELD ON 18th-19th DECEMBER 2007

Subject: Machinery Working Group
Place: Jean Monnet Building, Luxemburg
Chairman: Mr Ian FRASER (ENTR/I4)
EC Participants: Ms Katri TYTYKOSKI (ENTR/I4)

1. Welcome and approval of the agenda

The CHAIRMAN welcomed the participants. He explained that ROMANIA had decided to withdraw item 15 from the agenda, since this matter was more appropriate for the ADCO Group.

With this modification, the agenda was approved.

2. Approval of the minutes of the meeting of 27th June 2007 (Doc. WG-2007.50)

SWEDEN indicated that under item 3 (o), page 7, the relevant CEN TC was TC 183. Under items 3 (w) and (x) on pages 11 and 12, the relevant CEN TC was TC 142.

The CHAIRMAN agreed to correct these errors.

With these corrections, the minutes of the meeting held on 27 June 2007 were approved.

3. Follow-up of questions from the meeting of 27 June 2007

(b) UK formal objection against EN 693 (Doc. WG-2007.34)

The UK had attended a meeting of WG 1 of CEN TC 143 and agreed on a compromise wording.

Mr Steiger for CEN confirmed that the compromise proposal would be submitted to the next meeting of TC 143.

(c) Policy on publication of Machinery standards

The CHAIRMAN said that the Commission had not yet done its homework on this item.

(d) Revision of EN 280

Mr Joannin for CEN reported that WG1 of CEN TC 98 had met on 21/22 November 2007 to deal with revision of EN 280. Most of the outstanding points were cleared. Some issues raised by the task force set up to lead the revision work, such as requirements for load sensing systems for scissor lifts with platform extensions, remained to be discussed. These would be dealt with in January 2008. The final document would be distributed to the WG for approval before being sent for public enquiry.

The CHAIRMAN concluded that this item would be removed from the list of follow-up points. Member States were invited to examine the final version of the revised prEN 280 as soon as it was available.

(e) Standards for washing machines

Mr Gargantini for CENELEC TC 61 reported that the European modification to the IEC standard was being prepared since, at the meeting held in June 2007, the IEC working group had not fully accepted the European proposal. The European version should be ready early in 2008.

The CHAIRMAN concluded that in view of the progress, this item would be removed from the list of follow-up points. Member States were invited to examine the draft European version of the standard.
18-19 DECEMBER 2007

(f) Period of validity of EC-type examination certificates
The CHAIRMAN said that the revised Doc. WG-2007.44 was not yet ready.

(h) Formal objection against EN 12215[120] and EN 13355[121] - Paint booths and combined paint booths
The CHAIRMAN reported that the Commission had to draft its Decision on this formal objection. There had been a proposal to organise common tests on the effectiveness of ventilation systems. A document had been received from FRANCE proposing a protocol for such tests. The document was available in the special CIRCA folder on the French formal objection. The CHAIRMAN asked all Member States to examine the proposal and see whether their national research bodies could respond.
FRANCE explained that the proposal had been made by the occupational health and safety institute INRS with the aim of obtaining comparable data for improving the requirements of the standards. Many aspects of the proposal were open for discussion. France asked other Member States to transmit the proposal to their experts.
GERMANY said that the document had already been given to German experts who would provide their response at a later meeting.
The UK also agreed to respond, while recalling that the UK had other concerns besides the speed of the air-flow. The CHAIRMAN said that, if necessary, the Commission could host a further meeting of experts to discuss the organisation of common tests.

(i) Formal objection against EN 12312-9 - Container pallet loaders for aircraft
The CHAIRMAN reported that the Commission Decision had to be submitted to the 98/34/EC Committee.

(j) Standards for household appliances
See item 4.

(k) Formal objection against EN ISO 4254-1 - Agricultural machinery - General requirements
The CHAIRMAN reported that the Commission Decision had to be submitted to the 98/34/EC Committee.
FRANCE commented on the draft amendment to the standard that was under preparation. On one of the two issues raised in the formal objection, the wording suggested by the ISO working group was ambiguous and could give rise to misunderstanding on the part of manufacturers and market surveillance authorities.
The CHAIRMAN suggested that, if France wished to discuss the adequacy of the proposed amendment, the text of the draft should be provided so that members of the Working Group could follow the debate.

(l) Formal objection against EN 1459
The CHAIRMAN reported that the Commission Decision had to be submitted to the 98/34/EC Committee.

(m) Test codes for pneumatic hand-tools
The UK said that experts had noted progress and suggested to report to the next meeting.
The CHAIRMAN agreed, but also asked the UK to adopt a position on the formal objection.

(o) Refuse collection vehicles (Doc. WG-2006.15rev1)
Mr Steiger said that CEN had responded on 23 November 2007 but the document had not been circulated on CIRCA. The main response was that CEN wished to harmonise the terminology in Doc.WG-2006.15rev1 with the terminology used in the Machinery Directive itself and in standard EN 1501 and proposed to find more consistent criteria for deciding whether or not machines were subject to Annex IV of the Directive.
The CHAIRMAN said the document would be found and uploaded on CIRCA to be discussed at the next meeting. It was important to reach an agreed conclusion on this issue.

(p) Off-road vehicles (Doc.WG-2007.42)
The CHAIRMAN recalled that several delegations had requested clarification of what was meant by vehicles intended for competition. The document WG-2007.42 had not yet been revised. Discussions had taken place with the motorcycle manufacturers ACEM and with the international motorcycle racing federation FIM.
AUSTRIA said there was an urgent need for clarification, since some manufacturers were invoking competition in order to avoid applying the Machinery Directive.
Mr Compagne for ACEM reported that the industry association and its members had drawn up an industry standard that had been circulated on CIRCA and was publicly available. This was a first technical reference document for off-road motorcycles. Secondly, standardisation work in this field would start later in December 2007 with the first meeting of the new CEN TC 354 and the working group on motorcycles. Thirdly, the cooperation with the FIM had developed with a view to establishing a public list of motorcycles, ATVs and

[121] EN 13355:2004 Coating plants - Combined booths - Safety requirements
snowmobiles that were registered for competition in order to enable all interested parties to check whether a given model was really intended for this purpose.

The CHAIRMAN said that the status of the Industry standard had been clarified in the introduction to the document, following discussions with the Commission. Member States and other interested parties could use the information given in the document as they saw fit.

Mr Chatterton Ross for FIM said his Federation had worked with industry for many years. The revised Machinery Directive excluded vehicles designed exclusively for competition. In order to assist enforcement and enable the racing world to benefit from this exemption, the FIM was compiling an exhaustive list of such machines, the accuracy of information provided by manufacturers would be checked and the register would be made available on the FIM Internet site.

AUSTRIA asked if the list was already available.

Mr Chatterton Ross replied that the dedicated Internet page was ready and the information was currently being collected.

ITALY asked if the manufacturers of racing vehicles were obliged to register their products and if any document attesting the registration accompanied the vehicles.

Mr Chatterton Ross replied that manufacturers provided written information to the FIM that was checked against the machines that had actually been used for racing and that complied with the FIM technical rules. The register could then be used to check whether a given shipment of machines was really designed for racing.

AUSTRIA doubted whether registration in the list was sufficient. The question was whether racing machines were supplied to people who had appropriate training and protective equipment. Could racing machines to be sold to anyone?

Mr Chatterton Ross replied that professional racers purchased racing machines from specialist sales outlets. Anyone could buy such a machine and use it on private land, but such a vehicle could not be used on the public roads.

The CHAIRMAN recalled that the issue had arisen due to the arrival on the market of large numbers of cheap, poor quality and often non-compliant machines. Some manufacturers or importers had claimed their products were intended for competition. Market surveillance authorities needed criteria for judging whether such claims were true. The register proposed by ACEM and FIM would provide an Internet tool for this purpose. Controlling the use of off-road machines, including racing machines, was a different issue and a matter for national authorities. As soon as the list was available, the Commission would circulate the references of the relevant Internet page.

The UK thought there was a need for legal advice in order to draw up a watertight interpretation in the Guide to the new Machinery Directive.

The CHAIRMAN agreed that it might not appear fully legally satisfactory to base an interpretation of the exclusion on the rules of private associations, but he thought it was not possible to do otherwise. He agreed that clear guidance was needed and reported that ACEM had made a suggestion for the wording of the relevant section of the Guide that would be considered by the Editorial Group.

(q) EN 13524 Highway maintenance machines, EN 690 Manure spreaders (Doc. WG-2006.38)

Mr Steiger for CEN reported that a meeting of WG 16 of TC 151 in charge of the standard for highway maintenance machinery had been held in July 2007. The Italian authorities were represented at the meeting. The TC confirmed that revision of the standard would be undertaken, taking account of the Italian concerns. A further meeting had been held in December 2007 but details were not yet available.

ITALY asked about progress on EN 690 within CEN TC 144.

Mr Joannin for CEN reported that the Italian concerns had been discussed in a plenary meeting of TC 144. It was difficult to respond due to a lack of experts. The Italian delegation had agreed to submit a draft amendment and a new call for experts had been launched.

(r) Channel baling presses (Doc. WG-2007.18, 19, 20)

GERMANY reported that the proposal of the German authorities was being examined by DIN.

(s) Trucks for narrow aisles (Doc. WG-2007.21)

Mr Steiger for CEN recalled that, in 2005, TC 150 had rejected a previous proposal for a work item on this subject. He suggested that the German delegation should resubmit the proposal with their new arguments.

(t) Formal objection against EN 474-4\textsuperscript{122} & 5\textsuperscript{123} (Doc. WG-2007.67)

Mr Belaen for CECE said that the necessary requirement relating to the strength of hydraulic hoses was missing in EN 474-5. CEN TC 151 had agreed to amend the standard to remedy this. A survey had been carried

\textsuperscript{122} EN 474-4:2006 Earth-moving machinery - Safety - Part 4: Requirements for backhoe loaders
\textsuperscript{123} EN 474-5:2006 Earth-moving machinery - Safety - Part 5: Requirements for hydraulic excavators
out by TC 151 on national requirements for safety valves on the dipper arm. The responses showed that they were required in 3 Member States and not required in 11.

**FRANCE** stated that the accident prevention bodies in France recommended the installation of safety valves on both the main boom and the dipper arm. France did not understand why the risk of failure of the main boom was taken into account and not the equivalent risk for the dipper arm. France considered that EHSR 4.1.2.6 (c) of Annex I should be respected. Excavators were sold as multi-function machines. This could be confirmed by examining the manufacturers’ commercial literature and Web sites.

**The UK** observed that the risk depended on the type of use. When excavators were used for lifting pipes into trenches, the dipper arm was usually vertical and there was thus no risk due to the failure of the hydraulic cylinder on the dipper arm. However, if excavators were used for lifting loads with the dipper arm in a horizontal position, the risk was the same as for the main boom. Given the improved reliability of the hydraulic systems, it was questionable whether safety valves were necessary on either the main boom or the dipper arm. However, the UK was in favour of maintaining the requirement for safety valves on the main boom while carrying out further study of the issue. A balance between the risk and the cost of the protective measure should be taken into account.

**ITALY** agreed with FRANCE that, if machines were placed on the market for multiple functions, they should satisfy the requirements that were applicable for each function. Thus, if excavators were sold for lifting operations, the requirements of part 4 of Annex I were applicable. Safety valves were intended to prevent accidental fall of the load and should not be confused with overload control devices.

**The NETHERLANDS** had consulted the labour inspectorate, who accepted the absence of safety valves on the dipper arm. However, there was undoubtedly a risk if the dipper arm was in a horizontal position. The NETHERLANDS agreed that the standard should be improved.

**IRELAND** did not accept that the absence of accident reports proved that safety valves were not necessary. This argument could be applied to other kinds of hydraulic lifting machinery, such as hydraulic lifts, on which safety valves were considered indispensable.

**FINLAND** was surprised at the terms of the CECE survey, since the design of lifting machinery was not subject to national regulations. FINLAND considered that excavators were frequently used for lifting operations and the manufacturer’s instructions usually included instructions for such operations.

**LUXEMBOURG** agreed with FINLAND that the requirement for safety valves was not a national requirement but a requirement of the Machinery Directive.

Mr Steiger for CEN said that the TC 151 survey was based on national requirements on the use of work equipment. In certain Member States, excavators without safety valves on the dipper arm could be placed on the market but could not be used. This situation was unsatisfactory from the point of view of the internal market.

**BELGIUM** required that earth moving equipment be fitted with safety valves on both the boom and the digger arm when used for lifting operations, on the basis of the use of work equipment regulations.

**The CHAIRMAN** concluded that a Commission Decision would be drafted in light of the comments made.

(u) **Formal objection against EN 500-4**[124] (Doc. WG-2007.68)

Mr Belaen for CECE reported that there was agreement to improve the braking requirements. It was also agreed that the requirements to prevent uncontrolled movement were included in EN 500-1.

**FRANCE** accepted the explanations on unintended movement, but was not satisfied with the explanations relating to stability. The accident record and requests from users and equipment rental companies indicated a need to improve the intrinsic stability of these machines, taking dynamic factors into account.

**The CHAIRMAN** said that a draft Decision would be prepared in light of the discussion.

(v) **Warning for EN 1726-1 and EN 1459**

The CHAIRMAN said that this question had still to be examined by Commission services.

(w) **Formal objection against EN 848-3:2007**[125] (Doc. WG-2007.52)

**GERMANY** said that research results indicated that flexible guards made of aramid material could resist an ejected mass 4 to 5 times higher than the test mass used in the standard.

**SWEDEN** reported that CEN had finally decided not to submit the reference of the standard for publication in the OJEU and to amend the standard in order to improve the requirements for flexible guards.

**ITALY** thought that the research on new materials indicated the need for a complete review of the protection requirements.

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[124] EN 500-4:2006 Mobile road construction machinery - Safety - Part 4: Specific requirements for compaction machines

[125] EN 848-3:2007 Safety of woodworking machines - One side moulding machines with rotating tools - Part 3: Numerically controlled (NC) boring and routing machines
Mr Joannin for CEN confirmed that CEN TC 142 had adopted a resolution asking WG 5 to prepare an amendment to EN 848-3, in particular, to clause 5.3.7.1.4.1 and to Annex C, taking into account all available studies and research. The subject would be discussed at a WG meeting early in 2008.

(x) Formal objection to EN 1870-17

Mr Joannin for CEN reported that TC 142 had adopted a resolution asking WG 4 to evaluate the French comments with a view to providing an amendment if necessary. The WG would meet at the end of January 2008. The CHAIRMAN asked FRANCE to consider withdrawal of the formal objection in light of the response of CEN TC 142. FRANCE would await the outcome of the discussion, but if the last minute change to the standard was withdrawn, FRANCE would be able to withdraw the formal objection.

(y) Lifting accessories (Doc. WG-2006.13rev2)

The CHAIRMAN recalled the majority opinion expressed at the last meeting of the Working Group on load containers. The Document had been revised accordingly. SWEDEN asked about item 22 in the document: foundry crane ladles. Was it sure that only the motorised ladles were subject to the MD? The CHAIRMAN was not sure. Motorised foundry crane ladles were machinery in their own right. Manually operated ladles, if they were neither considered as lifting machinery nor as lifting accessories, appeared to be excluded. This was the reasoning behind the revised document. SWEDEN explained that, up to now, manually operated foundry crane ladles had been considered as lifting accessories in SWEDEN and, as such, were subject to periodic checks. SWEDEN needed clarification on the implications of the new interpretation. The UK suggested to apply the majority position in the interest of consistency. It should be possible to ensure the safety of such devices by other means. The NETHERLANDS agreed with the UK. A manually operated foundry crane ladle was very similar to the following item in the document: the manually operated concrete bucket. It would be best to apply a consistent position. SPAIN agreed that manually operated foundry crane ladles and concrete buckets should be dealt with under regulations on the use of work equipment. On the other hand, motorised foundry crane ladles and concrete buckets were subject to the MD. The CHAIRMAN concluded that the revised document was consistent and in line with the majority opinion. Concerning the need for periodic inspection, he thought that this could be ensured in the framework of national regulations on the use of work equipment, although this might require changes to those regulations in some Member States. The revised document would be published on EUROPA so that other documents could refer to it, in particular, the new Guide. The CHAIRMAN thought this document would be very useful and thanked SWEDEN in particular for having proposed the document and for their important contribution to the work.

(z) Recast Vehicles type-approval Directive (OJEU L 263/1, 9.10.2007)

The CHAIRMAN invited delegations to examine the text of the recast Directive and, in particular, the provision in Article 2 (3) relating to optional individual or EC type approval for mobile machinery. It remained be seen whether the terms of this provision still created a problem for the borderline with Directive 2006/42/EC.

7. French concerns on EN 14910 - powered lawn trimmers

FRANCE considered that the standard did not adequately cover the risk due to the projection of objects and the cutting risk. FRANCE was planning a study to establish the level of risk involved, but it appeared the products concerned were not yet available on the market. FRANCE would report progress to a later meeting.


FRANCE did not contest the need to provide a means for temporary observation of the process, but was concerned about the implications of Annex D of the standard. Although Annex D was presented as informative, clause 8.6.1 of the standard relating to protective measures when safeguards are suspended, referred to Annex D for the solutions to be applied. There was thus a risk that purely organisational measures would be adopted instead of technical protective measures for temporary process observation. At the request of Mr Steiger for CEN, it was agreed to postpone discussion of this item until the next meeting.

126 EN 1870-17:2007 Safety of woodworking machines - Circular sawing machines - Part 17: Manual horizontal cutting cross-cut sawing machines with one saw unit (manual radial arm saws)

127 EN 14910:2007 Garden equipment - Walk-behind combustion engine powered trimmers - Safety
4. Standards for household appliances (Doc. WG-2007.55)

Mr Gargantini for CENELEC presented Doc.WG-2007.55. The objective of the document was to determine the attribution of the standards developed by CENELEC TC 61 to the MD, to the LVD or to both Directives, taking account of the interpretation of the borderline given in the Guide to the LVD and the draft Guide to the new MD. The objective was to provide a reliable indication of the Directive applicable, while conserving the existing strong link with international standardisation.

Mr Alt for CEMA asked if CENELEC would no longer develop standards for products that were not subject to the LVD.

The CHAIRMAN replied that it was important to distinguish the question of the borderline between the MD and the LVD, which was a legal question, from the question of the division of work on machinery standards between CEN and CENELEC, which was based on an agreement between the two ESOs. CENELEC would continue to develop standards for the MD, on the basis of their existing agreement with CEN.

SPAIN thought that some references were missing from the CENELEC table. SPAIN also thought it would be useful to indicate why a certain standards were listed under both the LVD and the MD. There was also a potential source of conflict if the Directive applicable depended on the statement of the manufacturer as to the intended use.

Mr Vetsuypens for CENELEC replied that the references mentioned by SPAIN were not included in the table because the standards concerned were developed by CENELEC TC 61 F. All of the TC 61 F standards came under the MD. A progress report on the adaptation of these standards had been communicated to the Commission.

The CHAIRMAN agreed to circulate the TC 61 F Document.

He explained that a given product could not be subject to both Directives. But a standard might have in its scope some LVD products and some MD products. He mentioned the example of standard EN 60335-2-8 that applied to domestic hair clippers and shavers subject to the LVD and also to clippers for sheep shearing that were for professional use and were subject to the MD.

Mr Gargantini indicated the other case: some standards applied mainly to electrical appliances that were purely static, that were not machines and thus subject to the LVD, but also covered some appliances incorporating lifting devices that were subject to the MD.

SWEDEN said there had previously been misunderstanding about the relationship between the MD and the LVD, but it was now clear that we should apply one Directive or the other to a given product. However the way the table was presented could still give the impression that both Directives were applicable to the same product.

The CHAIRMAN stressed that the table was not a guide but a CENELEC working document for adaptation of standards to the new borderline. The borderline itself should be fully explained in the Guide.

AUSTRIA suggested that if standards covered both LVD and MD products, it would be clearer to separate them into two parts. The titles of certain standards could also be modified.

Mr Gargantini replied that the scope and titles of some standards would be clarified. All references to industrial use would be deleted. Most of the standards would apply only to household appliances for domestic use, but some also covered appliances for commercial use that came under the MD.

CECED supported the CENELEC proposals and stressed the importance of conserving the link between European and International standards that enabled manufacturers to develop products for the international market.

FRANCE was concerned that some CENELEC standards for electrical garden machinery did not provide for the same level of safety as the CEN standards for similar machinery with other power sources.

Mr Vetsuypens thought that this concern was unjustified and mentioned the example of the CENELEC standard for lawn mowers which, for stability and mechanical risks, simply referred to the specifications of the equivalent CEN standard.

Mr Gargantini then presented Doc.WG-2007.56 which aimed to clarify the status of the standards relating to electrically powered gates, doors and windows.

Four subassemblies were considered:

1. Motors; 2. Motors plus electrical controls; 3. Kits comprising the motor and controls plus the mechanical transmission elements; 4. The complete product comprising the motor, controls, and transmission elements plus the powered gate, door or window. Products (1) and (2) were subject to the LVD and covered by CENELEC standards. Products (3) and (4) were subject to the MD and were covered by CEN standards. Product (4) was also subject to the CPD. The standards included the necessary cross references.

The CHAIRMAN thought the document was consistent with previous decisions of the Machinery Working Group but was more complete.

LUXEMBOURG thought that the existing kits were partly completed machinery.
The CHAIRMAN recalled the previous discussion of kits: it had been decided not to consider kits as partially completed machinery since the consumer would then have to take responsibility for the conformity of the final product. They were considered as machines. The motors and electrical control systems were considered as electrical equipment for machinery subject to the LVD.

The UK asked whether the explanation given in document WG-2007.56 was consistent with the table of TC 61 standards.

Mr Gargantini replied that the CENELEC standards for drives applied only to motors and their electrical controls. However, the scope and terminology of these standards needed to be checked to ensure that this was made clear.

The NETHERLANDS agreed with the document, but thought that it should be stated that only electrical motors were concerned.

The CHAIRMAN asked Member States to check the document in order to approve it at the next meeting.

5. Revision of EN 1570 – Lifting tables (Doc. WG-2007.61)

FRANCE presented Doc.WG-2007.61 on revision of EN 1570128. The current standard provided a good definition of lifting tables which ensured that they could be easily distinguished from other machinery. However, in the draft revised standard, there was a new definition of such machinery. There were also some exclusions, e.g. mobile and static work platforms, and permanently and temporarily installed lifting tables serving levels of a building for lifting persons with a vertical speed exceeding 0.15 m/s. With regard to this new definition and exclusions, the standard could be interpreted as applying to slow moving lifts in general. FRANCE stressed that this extension of the scope was excessive and there was also a risk of overlapping standards. The standard would not completely deal with particular hazards due to the lifting of persons, especially regarding machinery serving fixed landings, and might be too complicated for manufacturers of ordinary lifting tables. FRANCE asked the WG to review the draft to ensure that the definition of a lifting table remained closely linked to its principle function, and noted that it might be a good idea to create a specific standard for static elevating work platforms.

Mr Piggot for CEN TC 98 WG 2 reported that the original standard was written to give conformity with Directive 98/37/EC. PrEN 1570 was intended to give conformity with Directive 2006/42/EC which required landing protection to be provided. The current limit of travel speed to 0.15 m/s refers to the exclusion from the Lifts Directive. As work platforms tend to be designed for specific applications, usually as part of a larger machine, where landing protection as required by Directive 2006/42/EC was not possible, it had been agreed to exclude them from prEN 1570. PrEN 1570 recognised the particular hazards due to lifting of persons and serving fixed landings. Especially it should be remembered that lifting tables had slow speed, were equipped with hold-to-run controls and were designed to be operated by trained persons. The proposal to keep the same definition as in EN 1570:1998 was not possible due to the requirements of Directive 2006/42/EC.

LUXEMBOURG asked what was the real difference between EN 81-41 and prEN 1570. Their scope seemed to be the same. These platforms were also often installed in private residences or in public buildings. Who would decide what was installed where?

The NETHERLANDS agreed with LUXEMBOURG and noted that in the revised standard it was stated that only trained persons were allowed to operate the machine. Normally, foreseeable misuse should be prevented by design, not by training of the personnel. This might cause problems when trying to get the standard harmonised. The best solution would be to restrict the scope of EN 1570 to transport of goods only.

BELGIUM concurred with LUXEMBOURG and recalled that the original standard was intended to apply only to machines for industrial purposes and not to lifting platforms installed in private dwellings. The revision might lead to major difficulties.

Mr Piggot replied that the scope EN 1570 excluded lifting platforms for use by disabled persons, which came under EN 81-41.

FRANCE reported that some manufacturers of lifting tables wished to use their technology in new applications. For example, lifting tables were being installed in large shops. However if different applications were covered by the same standard, there would be confusion and the safety level of lifting tables would not be improved.

SPAIN concurred with LUXEMBOURG, FRANCE and BELGIUM, and stressed that manufacturers should consider incorrect use. It would be better to limit the scope of the standard to lifting goods.

The CHAIRMAN concluded that the main problem was the overlapping scope of standards and a transfer of products from one field of use to another. As to the control of installation in public or private buildings, the regulations which were applicable when installing lifting devices in buildings were the national building regulations. The Chairman asked Mr Piggot to send his explanation in writing to the Commission so that it could be uploaded on CIRCA, and asked CEN to report back on this issue at the next meeting.

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128 EN 1570:1998 Safety requirements for lifting tables
6. **Application of the new MD to Stair and home lifts (Doc.WG-2007.47)**

The **UK** presented Doc.WG-2007.47 on stair and home lifts. Authoritative guidance is urgently needed on 2006/42/EC because without such guidance based on detailed knowledge of the need and use of such lifts, rigid application of the relevant EHSRs could lead to problems for the placing on the market of safe machines. The UK was working in a subgroup on draft guidance for Part 4 and 6 of Annex I.

**AUSTRIA** recalled that the new requirements relating to machinery serving fixed landings should be taken into account by standardisation under the mandate for Directive 2006/42/EC. The status of the standards should be clearly indicated in the Annex Z.

**SPAIN** considered that a clear distinction should be made between different types of devices and asked what progress had been made by the CEN consultant on the relevant draft standards.

Mr Marchetti for EPSA explained that two standards had been prepared: prEN 81-40 for stair lifts and prEN 81-41 for vertical lifting platforms. The CEN consultant for these standards had indicated that the drafts were in conflict with the new MD. The problems identified by the consultant had now been solved, and the draft standards were now in compliance with both the current and the new MD. At the moment the standards were at formal vote stage. He agreed with the UK that clear guidance was needed and EPSA would like to participate in the drafting.

**The CHAIRMAN** stressed that the Guide under preparation was not a substitute for standardisation which was the main forum where problems of practical application of the ESHRs to particular kinds of machine should be settled.


The **UK** presented Doc.WG-2007.36 on the interpretation of the word “machinery” in the new MD. In Annex I, there is a new clause in section 4.1.3, which states that “The static and dynamic tests referred to in section 4.1.2.3 must be performed on all lifting machinery ready to be put into service.” The question was whether ‘lifting machinery’ was meant in the broad or strict sense. If it was meant in the broad sense, then it would include lifting accessories and the majority of harmonised standards for lifting accessories would no longer comply without extensive revision. Moreover, the tests referred to in section 4.1.2.3 were not appropriate for lifting accessories. The UK view was that the reference to ‘lifting machinery’ in Annex 4.1.3 related to machinery in the strict sense and therefore the requirement to conduct static and dynamic tests did not apply to lifting accessories.

**The CHAIRMAN** introduced the Commission’s reply provided in Doc.WG-2007.43. After giving the reply, the relevant part of the Guide had been drafted (comments on Articles 1 and 2) including explanations of the two senses in which the term ‘machinery’ was used in the MD. Appropriate explanations would also be given in the comments on Annex I. The last but one paragraph of Doc.WG-2007.43 should be deleted, since it had been pointed out that the requirements applicable to lifting machinery might also apply to interchangeable equipment.

8. **Quick hitches for excavators (Doc. WG-2007.37)**

The **UK** presented Doc. WG-2007.37 on semi-automatic quick hitches for excavators. The problem with these hitches was that, in many cases, the operator was reluctant to leave the cab to fit the safety pin or might not realise that a pin was needed, since fully automatic and semi-automatic hitches looked very similar. If the safety pin was not inserted, a single failure would cause the bucket to drop because there was no secondary protection system. This had resulted in a number of serious injuries and fatalities in the UK and in other countries in recent years. The relevant standard (EN 474 – 1, Appendix B) did not address the hazard due to failure to insert the safety pin. The UK asked the Working Group to support a request to CEN TC 151 to immediately address this issue so as to ensure that it was not possible to operate the excavator without the safety pin in position.

Mr Belaen for CECE agreed that standards should take into account the risks related to semi-automatic quick hitches. He stressed that there were many types of mechanisms available and therefore there was a lot of work to do for the standardizers. The wordings in the revised standards should be carefully considered to ensure that designs that no longer conformed to the state of the art were excluded while other types which were adequately safe were not excluded. It should also be reflected in the standards that risks were different depending on the size of the machinery.
Mr Steiger for CEN agreed that the relevant standard did not include specifications for the semi-automatic hitches mentioned by the UK. The standard only considered fully manual and fully automatic hitches. This topic would be discussed in more detail at the next meeting of the relevant WG. AUSTRIA asked whether the problem related to the design of the machinery and if the manufacturers involved had agreed to resolve the problem voluntarily. The accidents seemed to be related to the use of such machinery. The UK replied that it would be useful to discuss this in the MACHEX group as well. In the immediate, the UK was advising users to use only fully automatic or fully manual quick hitches.

The CHAIRMAN asked CEN and Industry to provide feedback to the next meeting on progress. The risk identified by the UK was serious and the matter was urgent. The best solution would be to deal with matter in the framework of the adaptation of the earthmoving machinery standards to the new MD. As for existing machinery, the problem could only be solved by action with respect to the users at national level. The ADCO and MACHEX groups could be used to exchange information between Member States.

ITALY presented Doc.WG-2007.62 on safety of telehandlers equipped with a work platform and noted that the problem was similar to that presented by the UK. Two accidents had occurred in Italy due to incorrect attachment of a working platform to the machine, which, in both cases, required the operator to leave the cab and insert a locking pin. The specifications of EN 1459 were not adequate. The non-conformity concerned almost all manufacturers of telehandlers, therefore Italy wished to deal with this urgently and requested the Commission to give a specific mandate to CEN TC 150 to amend EN 1459 so as to prevent human error in the locking of the attachments.

SPAIN, the UK, SWEDEN and FRANCE shared the Italian concerns. FRANCE and AUSTRIA suggested action by NB-M. The CHAIRMAN concluded that, since interchangeable equipment for lifting persons was subject to Annex IV conformity assessment procedures, NB-M was asked to draft an appropriate recommendation which could be applied while awaiting improvement of the standard. CEN was also be asked to address the problem and provide feedback to the next meeting.

Mr Jacques agreed to submit the question to NB-M, VG 9.

9. **Lifting function of a vehicle chassis (Doc. WG-2007.51)**

GERMANY presented Doc. WG-2007.51 on the application of the MD to air suspension systems used in trucks and trailers to lift or lower the vehicle chassis. The suggested conclusion was that, due to the characteristics of this system and the hazards related to the lifting and lowering of a vehicle chassis, such a function was subject to the MD.

The CHAIRMAN asked if anybody disagreed with this conclusion. AUSTRIA asked who manufactured and installed such systems. GERMANY replied that simple systems were provided by the truck manufacturers but more complex systems for semi-trailers were provided by specialist manufacturers. ITALY asked whether the system was integrated into the vehicle’s suspension system or not. FRANCE agreed with the conclusion if it was clear that these systems were machinery mounted on the vehicle and not just a part of the vehicle itself.

Mr Kraus for Orgalime shared the concern expressed by ITALY and FRANCE. It was important to consider whether or not the system was an integral part of the vehicle, in which case it would be covered by the EC type approval of the vehicle. More information was needed. SPAIN pointed out that the system described by GERMANY was analogous to other systems described in Doc.2002.14 that had been discussed at the meeting on 23/24 October 2003. The conclusion was that the MD applied to machinery mounted on vehicles and to the interface with the vehicle. SPAIN suggested handling this issue in the Guide.

The CHAIRMAN concluded that the Commission would check the conclusion of the previous discussion. GERMANY was asked to provide more information about the manufacturers of such systems in order to better understand how these systems were placed on the market. However, the legislation applicable did not depend on the manufacturer. The question of the borderline between the vehicles legislation and the MD would be examined with the colleagues dealing with the vehicles legislation. The CHAIRMAN asked Member States to prepare a position on the issue for the next meeting.


The CHAIRMAN presented Doc. WG-2007.57 on application of the MD and the PED to tyre compressors on motor vehicles. The reply given by the Commission indicated that the products concerned were subject to the
MD but not to the PED. The questioner had asked for a conformation of the reply by the Machinery Working Group. The CHAIRMAN asked whether anyone disagreed with or wanted to comment on the Commission’s answer.

The UK noted that the Commission disagreed with the questioner on the reasons why these compressors were excluded from the PED.

The CHAIRMAN concluded that there was no disagreement the fact that such compressors were subject to the MD, but the reason for not applying the PED should be clarified.

**Conclusion:**

Electrically powered compressors supplied with a motor vehicle as part of the tyre repair kit are in the scope of the Machinery Directives 98/37/EC and 2006/42/EC. If the product PS.V is less than 25, they are not in the scope of the Pressure Equipment Directive 97/23/EC, since Article 1, paragraph 3.6 of that Directive excludes equipment classified as no higher than category I that is covered by the Machinery Directive.


Mr Jacques, newly elected Chairman of the Coordination of Notified Bodies, reported on the activity of the NB-M. At the last meeting, there had been a full day’s discussion on Annex X and Module H. Many NBs had experience of Module H in the lifts and pressure equipment sectors. The first output of two meetings of the new Vertical Group 13 chaired by Mr Reinhart was discussed at the meeting of the Horizontal Committee of NB-M. Mr Jacques described briefly the items discussed.

AUSTRIA asked whether the NB-M would deal with point 9.3. of Annex IX, i.e. the 5-year validity period of EC-type examination certificates.

Mr Jacques replied that this issue would be discussed at the meeting in June.

FRANCE wished to exchange views with the other MS on the criteria for assessing notifying bodies for the new procedure. Several different reference standards seemed to be available.

The CHAIRMAN recalled that in the new MD, Article 14 (7) foresaw cooperation between the MS and the Commission on the assessment of NBs. He invited the MS to make suggestions on how to organise the exchange of experience and ideas. This could be discussed in a specific meeting under the new Directive, or a discussion could be organised in this WG.

Mr Jacques responded that a Working Group of EA was working on this issue. At least 5 alternative reference standards had been identified. The Group would make proposals on the accreditation and notification criteria of Notified Bodies to be considered by the SOGS Group. More information could be found on the Commission’s website.

The CHAIRMAN said that it was very positive that a series of important questions concerning the interpretation and application of Annex X were being discussed well in advance. The resulting recommendations should be endorsed by this WG with a view to a uniform approach to this new conformity assessment procedure.

The CHAIRMAN explained that the current state of play on the RfUs was given in Doc. WG-2007.71. Three recommendations had been uploaded on CIRCA for consideration until 3 March 2008. If no comments were received, they would be considered as endorsed.

The CHAIRMAN thought that it had become difficult to resolve the issues raised by the RfUs in the Working Group. He suggested organising a subgroup to go through the backlog and make suggestions for progress.

SWEDEN noted that they had been active in commenting on the RfUs, and thought that SWEDEN could participate in such a subgroup.

GERMANY agreed that setting up a subgroup was a good idea, and promised to seek an expert who could take part.

The UK agreed and promised to consider joining.

The CHAIRMAN recalled there was a team of representatives of MS to follow the work of NB-M. The present members of this team were SWEDEN, POLAND and GERMANY.

AUSTRIA said that due to the close cooperation between the NBs and the authorities in Austria, there was no real need for the WG to deal with the topic.

Mr Jacques suggested that the whole dossier should be cleaned up, but it was up to the MS to do this.

The CHAIRMAN thought that a pragmatic approach should be found. He suggested to circulate a proposed date and place for a meeting, and asked for volunteers to join a subgroup. The first task would be to deal with the unresolved files and the second, to formulate a proposal for a better method of working between the MD WG and the NB-M in future.

Publication of references of harmonised standards

Mr Steiger for CEN presented the report Doc.WG-2007.72 on standardisation. The major part of the report dealt with the adaptation of the existing standards to the new MD. The majority of standards will be adapted by a simple amendment procedure, 118 standards would be subject to technical amendments and 80 standards would undergo a revision. EN ISO 12100 and EN 953 would be published as draft standards in January 2008. TCs would then be able to make references to these draft standards in their C-type standards.

**AUSTRIA** reported that the Austrian Standardisation Institute had protested against the procedure used for the adaptation of certain harmonised standards. Such standards were not only relevant for the manufacturers but also for the market surveillance authorities. For the authorities, the Annex Z was vital.

**The CHAIRMAN** asked **AUSTRIA** to provide a written explanation of the problem so that it could be investigated in more detail. He recalled that the content of Annex Z had been agreed between the Commission and CEN three years ago. Different formulas of Annex Z were possible for different kinds of standards. It appeared that many current standards still had an Annex Z that did not comply with the agreement. In such cases, it was not sufficient to copy the existing Annex Z while changing the number of the Directive. The new Annex Z should comply with the agreed rules. CEN management centre and CEN consultants should look at this aspect carefully since, in the coming years, the Annex Z will play an important role, especially during the transition to the new MD. It might be necessary to recall the terms of the agreement on Annex Z so that the TCs remember the rules when adapting the standards.

Mr Steiger explained that some TCs had decided to adapt only what is strictly necessary and to dealing with other issues in future revisions. This was one of the options open to the TCs, but, in that case, the Annex Z must identify any requirements that were not covered. It was clear that CEN consultants must check that the Annex Zs had been correctly formulated.

**The CHAIRMAN** concluded that everybody agreed on the principle, but more attention should be paid to practical application.


**GERMANY** presented Doc.WG-2007.60 on the formal objection to EN 13001-2:2004. GERMANY was concerned that the strength calculations with respect to dynamic loads made the safety of the crane depend on the action of the operator.

**The CHAIRMAN** understood that GERMANY objected to the fact the value for vibration integrated into the strength calculation did not take account of the most unfavourable situation due to foreseeable misuse.

Mr Steiger for CEN reported that there had already been discussions in Germany and agreement had been reached. He would report on the situation at the next meeting.

**GERMANY** presented Doc.WG-2007.59 on the formal objection to EN 14985:2007. GERMANY was mainly concerned that the important aspects of the safety of operators and maintenance and inspection staff depended on instructions, warnings and operator training rather than technical protective measures, contrary to the principles of safety integration.

**The UK** thought CEN should respond to the GERMANY comments.

**FRANCE** fully agreed with the German objections. Before the German document had been submitted, FRANCE was preparing an objection along the same lines. FRANCE was also concerned about the stability of these machines.

**The NETHERLANDS** had studied the document and considered that CEN should take GERMANY’s objections into account.

**The CHAIRMAN** asked CEN and the Member States to respond to the German formal objections at the next meeting.


It was agreed to discuss this item at the next meeting.

16. **Status of stairlifts (Doc. WG-2007.64)**
The UK presented Doc. WG-2007.64 on the status of stairlifts. The question had been raised whether lifts specifically aimed at persons with impaired mobility were in the scope of the Medical Devices Directive 93/42/EEC as devices designed to “alleviate and compensate for impaired mobility due to injury or handicap”. The answer suggested by the UK was that such lifts were not subject to the MDD.

Mr Marchetti for EPSA agreed with the UK conclusion. The same doubts existed in other countries. It was true that the scope of the MDD was rather vague and could theoretically be extended to lifts, vehicles and so on.

SWEDEN agreed with the answer given by the UK.

SPAIN mentioned two harmonised standards, EN 12183 and EN 12184, on manually and electrically driven wheelchairs and scooters, the references of which had been published in the OJEU C 277 of 15 November 2006. The references of these standards were no longer included in the list published in OJEU C 186 on 9 August 2007.129

The CHAIRMAN concluded that the Commission agreed with the UK conclusion but thought that the reasons given in Doc.WG-2007.64 were not helpful, since it would be easy to draw the opposite conclusion using the same reasoning. Stairlifts and platform lifts were subject to the MD and they were explicitly mentioned in the standardisation mandate given to the ESOs following the amendment to the MD on lifting of persons. This interpretation was agreed by the Commission service in charge of the MDD. On the other hand, wheelchairs (which could be carried by some stairlifts or platform lifts) were in the scope of the MDD.

Conclusion:
Stairlifts and platform lifts for use by people with reduced mobility are in the scope of the Machinery Directive. They are not in the scope of the Medical Devices Directive.


The UK presented Doc.WG-2007.65 on the status of balancers.

SWEDEN expressed doubts about the answer relating to spring balancers.

LUXEMBOURG thought that balancers suspended from an articulated arm could be considered as lifting machinery.

The CHAIRMAN agreed with the UK conclusion but the reasoning on spring balancers needed to be reformulated: they were subject to the MD, but not because they are used for lifting, but because they use a source of energy other than directly applied manual effort to counter-balance the weight of the held object.

Conclusion:
Balancers which use a source of energy other than directly applied manual effort to counter-balance the weight of an object in order to hold it in a raised position, such as electrical, compressed air or spring powered balancers, are subject to the Machinery Directive.

19. Draft proposal for an amendment to Directive 2006/42/EC on pesticide application equipment (Doc. WG-2007.54)

Ms Tytykoski for the Commission presented Doc.WG-2007.54. Following to the discussions that have taken place in the Commission with the DG Environment and discussions with the representatives of sprayer manufacturers, some changes had been made to the first draft proposal that was uploaded on CIRCA. In the modified draft proposal, pesticide application accessories are no longer mentioned as separate products. Consequently, there was no need to modify the scope of the Directive (Article 1). The definition of pesticide application equipment included in Article 2 (g), had been deleted as unnecessary. The necessary explanations could be given in the Guide. In order to be more consistent with the terminology used in part 2 of Annex 1, the term ‘machinery for pesticide application’ was used instead of ‘pesticide application equipment’.

The CHAIRMAN stressed that these changes made the proposal even simpler. He also mentioned the status of so-called "knapsack sprayers". The Commission considered that this equipment was in the scope of the Machinery Directive since it used a source of energy other than directly applied manual effort (i.e. pressure). Some of the manufacturers seemed to share this view, but not all. This equipment must be covered by the proposal and therefore its status needed to be clarified.

LUXEMBURG agreed that it was a good idea to introduce such requirements, but wondered why only pesticides were considered. There were many kinds of hazardous substances in machinery which might damage the environment. These should also be taken into account. As to the pressure risk, if the pressure in a pesticide

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129 The references of EN 12183 and EN 12184 were withdrawn from the list published in the OJEU at the request of CEN due to the identification of errors in the standards that had to be corrected.
container was high enough, the Pressure Equipment Directive became applicable. Thus instead of amending the MD, these requirements could be included in the Pressure Equipment Directive.

**FRANCE** was generally in favour of the draft proposal. Modifying the scope did not seem necessary since almost all pesticide application equipment was already in the scope of the MD. FRANCE was of the opinion that manually operated “knapsack sprayers” and spraying equipment mounted on helicopters and airplanes were covered by the Directive. It did not seem necessary to add accessories in the scope. Requirements for nozzles and filters could rather be covered by standards. FRANCE wished to know whether the intention was to extend application of the new requirements to machines used for sowing pesticide coated seeds. FRANCE was also considering whether machinery for pesticide application should be added to Annex IV of the Directive for the environmental protection requirements. The European standards which cover the environmental risks should be harmonised under the Machinery Directive.

**SWEDEN** asked whether the inclusion of protection of the environment in the draft definition of essential health and safety requirements implied that the proposal was a large extension of the scope of the Directive.

The **UK** shared SWEDEN’s concerns and asked whether the Commission was going to produce a new impact assessment specifically regarding the Machinery Directive.

**AUSTRIA** suggested examining whether it would be possible to add these requirements to the Eco-design Directive 2005/32/EC.

**GERMANY** shared the concerns expressed by SWEDEN and UK about possible unintended extension of the scope of the Directive.

**SPAIN** noted that there were already two specific directives relating to machinery and dealing with the protection of the environment and wondered if there had been a change in the legislative policy of the Commission. Spain was rather sceptical whether it was a good idea to introduce the word ‘environment’ into the Directive. In any case, the objective of the proposed amendment should be made perfectly clear in order keep the implications under control.

Mr Alt for **CEMA** reported that sprayer manufacturers were strongly in favour of the draft proposal, including the modifications described in the presentation, and that they appreciated the initiative taken by the Commission. At the moment, in some Member States, there were national environmental requirements which meant that there were barriers to free trade in this area. The Machinery Directive was already applicable to machinery for pesticide application and therefore CEMA strongly supported the inclusion of the environmental requirements in the Machinery Directive. It would be easy for sprayer manufacturers to integrate these additional aspects using the existing certification procedures.

The **NETHERLANDS** stressed that only requirements based on Article 95 of the Treaty could be added to the Machinery Directive.

**ITALY** expressed concern on the potential impact of the modification of the Article 4. In addition to pesticides, other emissions from machinery might cause harm to the environment and would also have to be considered.

**FINLAND** thought that, in principle, it was a good idea to include all requirements in the same legal framework, although the wording should be carefully chosen in order to make it clear that the environmental requirements were applicable only to machinery for pesticide application. If the word ‘environment’ was introduced in Annex I - General Principle 1 as proposed, all manufacturers should take into account damage to the environment when estimating the risks. For the sake of clarity, the environmental requirements could be moved from section 2.4. to a new part 7 of Annex I.

Mr Kraus for **Orgalime** shared UK’s and Finland’s concerns. As for the legal basis of the proposal, Article 95 was considered to be appropriate. It would not be welcomed by Orgalime if machinery for pesticide application were included in Annex IV of the Directive.

The **CHAIRMAN** explained that in the draft proposal, the use of the expression “where appropriate” was intended to ensure that the MD would only cover environmental protection where specific EHSRs dealt with hazards for the environment. In this proposal, this would only be the case for machinery for pesticide application. The reasoning was analogous to the protection of domestic animals and property: the expression “where appropriate, domestic animals or property” had not created any confusion so far. The scope of the environmental protection requirements could be explained in more detail in the recitals and in the Guide.

Regarding the legal basis of the proposal, it was based exclusively on Article 95 of the EC Treaty.

On the choice of legal instrument, the CHAIRMAN explained that it was not proposed to include the new requirements in the Eco-design Directive 2005/32/EC because the products concerned did not meet the relevant criteria of volume of trade. As for the Pressure Equipment Directive, it only dealt with the pressure risk.

The Impact Assessment of the Framework Directive on Sustainable Use of Pesticides covered possible impacts of the proposed amendment sufficiently, because the original idea was to include the environmental requirements for new pesticide application equipment in that Directive.

The Commission would not propose to add machinery for pesticide application to Annex IV for the environmental protection requirements. An important part of the rationale for the proposal was that the same
conformity assessment procedure should be applied for the environmental protection requirements as for the other essential health and safety requirements.

The CHAIRMAN stated that the new draft would be uploaded on CIRCA soon after the meeting and invited the Member States to communicate their comments on the draft in writing by 18 January 2008 at the latest.


The CHAIRMAN introduced Doc. WG-2007.53. The Guide was being drafted in sections. This first draft section of the Guide concerned the recitals and the Articles 1 and 2, and it had been discussed in two meetings of the Editorial Group. Some representatives of Industry had suggested that sections of the Guide could be published as soon as possible, once they have been generally agreed and approved by the Working Group. The idea was interesting, and it would seem reasonable to make the Guide available with a warning that the document was not the final version.

Mr ALT for CEMA asked whether it would be possible in section § 53 (agricultural and forestry tractors) to indicate the risks which were not covered by the Tractors Directives in order to identify the risks for which the MD would be applicable.

The CHAIRMAN replied that some amendments to the Tractors Directive had already been approved or were being developed. A few issues were still to be resolved. When the final version of the Guide was published, section § 53 would be updated to take account of the latest developments.

Mr Kraus for ORGALIME stressed that it was important for the Industry to have individual sections of the Guide published. The information already contained in the drafts was firm enough for companies to use it at the present stage.

FRANCE thought that the drafts of the Guide were already fairly public and suggested that the status of the drafts should not be changed at this stage.

AUSTRIA concurred with France and thought that publishing sections of the draft Guide could have unwanted effects.

The CHAIRMAN concluded that a status could be given to the Guide within the Working Group. When the content was agreed, the watermark “Draft” could be removed, but the section would not actually be published until the Guide was complete. This would not prevent the Member States from using the guidance when implementing the Directive or Industry from taking account of the content. The delegations were asked to express their comments or suggestions for improvement of the first section of the draft Guide in writing by 29 February 2008 at the latest.

20. **Any other business**

The CHAIRMAN presented a problem concerning small saw benches. The relevant harmonised standard required that the rundown time of the blade should be no more than 10 s. In order to achieve this, several manufacturers used an electrical braking system. This had been discussed in the WG. At that time, it was considered that such systems were acceptable, since the risk of a simultaneous need to stop the machine and a power cut was low. Now, there was a query about the risk with small transportable machines of the operator cutting the power supply voluntarily by removing the plug, for example, before changing the blade. According to several woodworking machinery experts, this risk had not been considered. The Member States were asked to give their opinion on this at the next meeting.

*Meetings in 2008*

The CHAIRMAN announced the following planned meeting dates for 2008 (to be confirmed):

- Machinery Working Group: 12/13 March; 5/6 June; 19/20 November.
- Machinery ADCO Group: 19/20 June (Slovenia); 15/16 October (Trondheim, Norway).
- MACHEX: 5/6 March.
## Summary of questions to be followed up at the next meeting

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12-13 MARCH 2008

EUROPEAN COMMISSION
ENTERPRISE and INDUSTRY DIRECTORATE-GENERAL
New Approach Industries, Tourism and CSR
Mechanical, Electrical and Telecom Equipment

MINUTES OF THE MEETING OF THE MACHINERY WORKING GROUP
HELD ON 12TH and 13TH MARCH 2008

Subject: Machinery Working Group
Place: Charlemagne Building and Centre de Conférences Albert Borschette, Brussels
Chairman: Mr Ian FRASER (ENTR/I4)
EC Participants: Mr Joaquin CALVO BASARAN, Mr Mario GABRIELLI COSSELLU, Mr Előd Ajtony DUDAS, Ms Katri TYTYKOSKI (ENTR/I4)

1. **Welcome and approval of the agenda**

The CHAIRMAN welcomed the participants. He introduced Mr Joaquin CALVO BASARAN who had just taken over as Deputy Head of Unit I/4 and who would exercise overall responsibility for the mechanical engineering sector.

The CHAIRMAN indicated that the correct number of the document for item 3 (4) was WG-2007.56. The document with comments from Romania should be numbered WG-2008.12.

The agenda was approved.

2. **Approval of the minutes of the meeting of 18/19 December 2007 (Doc. WG-2007.75)**

SWEDEN indicated that under item 3 (d), page 2, the revised version of standard EN 280 was subject to public enquiry and not to formal vote.

CENELEC pointed out that, under item 4, page 9, the reference should be to Doc.WG-2007.56, as in the table of follow-up points.

The CHAIRMAN agreed to correct these errors.

SPAIN questioned the formulation “CEN and CEN consultants” in item 12, page 14.

The CHAIRMAN replied that the intention was to refer to CEN management and CEN consultants. This would be made clear in the corrected version.

With the agreed corrections, the minutes of the meeting held on 18/19 December 2007 were approved.

The CHAIRMAN stated that following the example of the Lifts Working Group, in the interest of transparency, the approved minutes of the Machinery Working Group would be made publicly available on the Commission’s Website EUROPA. A consolidated version of the minutes from 1997 would also be made available.

3. **Follow-up of questions from the meeting of 18/19 December 2007**

   (1) **UK formal objection against EN 693**

The CHAIRMAN explained that the UK had been asked to take a position with respect to the formal objection on the basis of the compromise proposal made by TC 143.

The UK reported that a compromise had been agreed, but there was still a formal vote to take place. Since the agreement was reached, by the next meeting of the WG the issue would be closed.

Mr Joannin for CEN confirmed that a compromise had been reached within the TC, but the UK representative in the WG had promised to come back with their official position by the middle of March.

The CHAIRMAN asked CEN and the UK report on the issue in the next meeting and concluded that the item would then hopefully be closed on the basis of the compromise.

   (2) **Policy on publication of Machinery standards**
The CHAIRMAN reported that the policy paper had not yet been revised. He suggested that the part of the document on the clarification of the role of the A, B and C-type standards could be incorporated in the draft Guide when commenting on Article 7 relating to harmonised standards.

AUSTRIA asked if the Commission could distinguish the A, B and C-type standards in the list published in the OJEU.

Mr GABRIELLI COSSELLU for the Commission reported that the Commission was developing a new informatics tool to facilitate the publication of the lists of harmonised standards. The tool would be used by the European Standardisation Organisations and the Commission services. The tool was currently in a testing phase, and in the future it might also be used for presenting the standards according to the different types.

The CHAIRMAN concluded that the means of distinguishing between the three types in the lists of harmonised standards published in the OJEU would be examined with CEN.

(3) Period of validity of EC-type examination certificates

The CHAIRMAN reported that the revised letter to NB-M was not yet ready.

(4) Formal objection against EN 12215 and EN 13355 - Paint booths and combined paint booths

The CHAIRMAN reported that the Commission had not yet formulated its Decision on this formal objection.

(5) Formal objection against EN 12312-9 - Container pallet loaders for aircraft

The CHAIRMAN reported that the Commission had formulated a Decision and sent it to the Secretariat of the 98/34/EC Committee for consultation. The members would have a delay of 4 weeks to make comments. The text would also be made available on CIRCA for the Machinery WG.

(6) Formal objection against EN ISO 4254-1 - Agricultural machinery - General requirements

The CHAIRMAN reported that the Decision had been drafted but it still needed to be submitted to the 98/34/EC Committee.

GERMANY drew the attention of the Working Group to the publication of a study by KAN on standards for agricultural machinery.130

(7) Formal objection against EN 1459

The CHAIRMAN reported that the Commission Decision had not yet been drafted.

(8) Test codes for pneumatic hand-tools

The UK said that a final decision had not yet been made. The UK would report to the next meeting.

(9) Refuse collection vehicles

The CHAIRMAN said that after the last meeting, a reply from CEN TC 183 had been uploaded as Doc. WG-2008.06.

FRANCE said that the concept of automatic loading device needed to be better defined. If a loading device did not meet all the criteria necessary to be considered as an automatic device, it should be considered a manual device and the trucks fitted with the device would come under Annex IV.

The CEN TC 183 approach was based on the risk for the operator using a given device. This was interesting, but did not provide a response to the criterion given in item 13 of Annex IV. TC 183 seemed to agree that all rear-loaded refuse collection trucks were to be considered as manually loaded. FRANCE agreed with TC 183 that RCVs with an automatic front loading device were not manually loaded. As for RCVs with an automatic lateral loading device with a single operator, FRANCE could also agree with the TC’s conclusions.

The CHAIRMAN asked if anyone disagreed with the French reply given in Doc. WG-2006.15rev1.

Mr Kraus for Orgalime noted that the type of compaction device and the risks involved for the user had to be taken into account.

The CHAIRMAN stressed that the question was not about the protective measures needed for the different kinds of loading system. The question addressed was which trucks were covered by Annex IV and which were not. France’s response was based on a broad interpretation of “manually loaded”. In other words, if there was a possibility that a loading system could be used manually, it should be considered as a manual loading system.

AUSTRIA pointed out that if the harmonised standard covered all the risks involved, there was no need for an EC type-examination even for Annex IV machinery.

SWEDEN thought we should consider the intentions of the legislator. New loading systems were available that did not exist when the Directive had been adopted. SWEDEN thought the interpretation proposed by FRANCE

was too broad and represented an unjustified extension of the scope of Annex IV. The problem could be solved by drawing up a table of different systems that were available and indicating whether they came under Annex IV or not.

**FRANCE** pointed out that there had been no change in the terms of Annex IV – only the numbering had changed. FRANCE was aware that new designs were available and practical market surveillance had shown that clarification was needed to resolve the current disagreements between Notified Bodies. In reply to SWEDEN, FRANCE was willing to envisage modifications to its proposal, but proposals should be made quickly.

The **CHAIRMAN** in conclusion, invited the Member States and, in particular SWEDEN, to formulate a proposal for classification of the different loading systems available, as suggested.

(10) **Off-road vehicles**

**Mr Campagne for ACEM** reported that a new Web page on the site of the International Motorcycle Federation (FIM) had recently been opened presenting competition motorcycles. The motorcycles registered on the FIM webpage were vehicles regularly engaged in competitions under the supervision of the international federation and its affiliates. Three manufacturers had started their registration and the others would follow.

Concerning standardisation, he reported that WG 1 of TC 354 planned to provide the first draft standard on powered two- and three-wheeled vehicles for comments by mid 2008. WG 2 had been set up for ATVs and a request had been made to set up a WG for go-karts.

ACEM had drafted a definition of competition motorcycles that could be part of the Guide, and asked whether this draft was acceptable.

The **CHAIRMAN** recalled that the objective was to have an online tool where interested parties, especially market surveillance authorities, could check whether a given motorcycle was identified as a competition motorcycle and thus excluded from the scope of the new MD. He noted that the database needed to be completed in order to be effective and the work was still in progress.

The development of a standard for go-karts was welcome, since this had been a problem area for application of the MD for many years. He recalled that one of standards for fairground equipment included specifications for go-karts. These specifications should be taken into account by the new WG.

**AUSTRIA** thought that the list that was prepared did not ensure that the vehicles in question were only sold to trained and licensed racing drivers. It should be made clear that competition motorcycles were not offered to general public.

The **CHAIRMAN** pointed out that the draft text provided by ACEM had not yet been discussed in the Editorial Group. From the point of view of placing on the market, it was not possible to say that a particular type of machinery should only be sold to a particular category of persons.

**DENMARK** pointed out that the MD excluded vehicles that were exclusively intended for competition. If vehicles were also made available for consumers, they could not be considered as intended exclusively for competition purposes.

**BELGIUM** thought that it was important to decide whether the problem should be tackled in the national level with national regulations or in the context of harmonisation.

The **CHAIRMAN** concluded that an explanation of ‘motor vehicles intended exclusively for competition’ would be given in the Guide. However, it would be up to the enforcement authorities to judge on particular cases. ACEM and the FIM had provided a tool which would help to solve a large number of cases. There was no Community provision that could ensure that these products would only be sold to trained and licensed drivers. If there was a need for any restrictions on the use of such vehicles, they could only be adopted at a national level.

**AUSTRIA** asked what had happened to the document on off-road vehicles drafted by the Commission.

The **CHAIRMAN** explained that the document addressed the situation under the current MD. It had been agreed that there was need for clarification concerning the concept of vehicles intended for competition. At the moment the best way to discuss the issues was with respect to the new Guide. The definition proposed by ACEM would be discussed in the Editorial Group. The document could then be modified in the light of the discussion..

(11) **EN 13524** - Highway maintenance machines, and **EN 690** - Manure spreaders

**Mr Joannin for CEN** reported that regarding EN 13524, the WG 16 of TC 151 had held a meeting in December 2007 where the Italian concerns had been discussed. The WG was revising the standard. The next meeting was scheduled in Frankfurt in April.

Regarding EN 690, the Italian proposal for revision of the standard was under TC enquiry until April 2008.

The **CHAIRMAN** asked CEN to report on progress at the next meeting.

(12) **Channel baling presses**
GERMANY reported that a proposal for a standard was under way in DIN. There was some input from FRANCE and the UK. In the second half of 2008, there would be a DIN proposal to CEN incorporating the work of the UK and French experts. The UK confirmed that a joint approach was under way. The CHAIRMAN concluded that a report on progress would be taken at the next meeting.

(13) Trucks for narrow isles

GERMANY explained that a proposal had been previously submitted to CEN and had been rejected. The CHAIRMAN suggested that, if GERMANY had new arguments to support the request for a work item, the proposal should be sent to CEN with a request to reopen the issue.

(14) Formal objection against EN 474-4 & 5 (Doc. WG-2008.02)
Mr Drees for CEN said that the position of CEN on the need for check valves on hydraulic of the dipper arm was founded on the absence of accident reports.
Mr De Lombaert for CECE said that the industry was concerned with safety but underlined that 100% protection was not possible and a certain residual risk had to be accepted. The absence of accident records from Europe and North America supported CECE’s position in favour of the current standard, although further research on hose reliability would be useful.
FRANCE stressed that the standards concerned covered a wide range of equipment. It was possible that the risk was not significant for larger machines used, for example, in quarries, but the risk was more important for smaller machines used for road repair work, where operators were often close to the load. The instructions for such machines often clearly indicated that they could be used for lifting loads. Machines with check valves on both the boom and the dipper arms were available on many markets in Europe, Asia and the US.
The UK considered that the risk was not significant for excavators used for normal construction work. However a check valve on the dipper arm might be necessary if the equipment was used, for example, for loading a vehicle. The UK also stressed that when considering the state of the art, the cost should be considered as well as the technical feasibility.
ITALY thought that if an EHSR of the Directive was applicable and technical solutions were available to comply with the EHSR, those solutions should be adopted in the harmonised standards.
SWEDEN thought that if excavators were designed for lifting operations, all the EHSRs of Part 4 of Annex I were applicable.
DENMARK supported the French and Italian views. In Denmark, lifting operations were not allowed on excavators without check valves on both boom and dipper arm.
The CHAIRMAN said that the Commission would now have to formulate a Decision.

(15) Formal objection against EN 500-4131 (Doc. WG 2007.68)
Mr Drees for CEN went through the points raised by FRANCE in Doc.WG-2007.02 and explained how the standard would be improved. CEN TC 151 had decided to develop technical amendments to Part 4 of the standard within the framework of adaptation to Directive 2006/42/EC. With respect to stability, a test would be included in the standard and extra information would be required in the instructions concerning the stability of the machine relating to the permissible slope, the tipping angle and driving conditions. With respect to the braking system, Annex A would be deleted and instead a reference to EN ISO 3450132 would be included in clause 5.7.3.1. With respect to the risk of uncontrolled movement, it had been agreed that this risk was covered by EN 500-1133 clauses 5.6.2.4 and 5.6.2.6.
FRANCE welcomed the work of TC 151, but noted that, as the CEN document had not been provided in advance, the possible withdrawal of the formal objection would be examined after the meeting in light of the details of the proposed amendments.
The CHAIRMAN said that the presentation of CEN would be uploaded on CIRCA. Member States, especially FRANCE, were asked to examine its content carefully. The issue would be further discussed at the next meeting.

(16) Warning for EN 1726-1 and EN 1459
The CHAIRMAN said there still was no legal clarity on the question of how to deal with the modification of a warning in the OJEU.

(17) Comments on EN 843-3:2007

131 EN 500-4: October 2006 Mobile road construction machinery - Safety - Part 4: Specific requirements for compaction machines
133 EN 500-1: October 2006 Mobile road construction machinery - Safety - Part 1: Common requirements
GERMANY said that the results of the research project had been reported at the last WG meeting and that the relevant documents would be forwarded to TC 142. Since then GERMANY had no news about progress.

Mr Joannin for CEN reported that TC 142 was preparing a UAP amendment to EN 843-3. The Convenor considered that the amendment fully covered the objections of GERMANY and SWEDEN, and partially the concerns of FRANCE noting that the recognition of tools and unbalanced control would be considered in the next revision of the standard.

The CHAIRMAN concluded the item would be carried to the next meeting.

(18) Formal objection to EN 1870-17

Mr Joannin for CEN reported that an amendment prepared by TC 142 was intended to cover the objections of FRANCE.

The CHAIRMAN asked FRANCE, to check whether the proposed amendment provided a satisfactory solution.

(19) Lifting accessories

Mr Gabrielli Cossellu for the Commission reported that the document on lifting accessories had recently been published on EUROPA, indicating that the explanations remained valid for the new MD.

(20) French concerns on EN 14910 - powered lawn trimmers

FRANCE said that the planned study had been suspended until powered lawn trimmers designed according to the standard arrived on the French market. The study would only resume if such products were found. The item could be removed from the agenda.

(21) German comments on French concerns on EN ISO 11161 – Integrated manufacturing systems (Doc. WG-2008.09)

GERMANY presented document WG-2008.09 giving the German position on the French concerns on EN ISO 11161 and explained why they did not agree on all the points raised by FRANCE. GERMANY agreed that specifications for process observation modes should be included in C-type standards. However, GERMANY considered that the standard was necessary and its reference could be published in the OJEU.

The CHAIRMAN asked GERMANY whether the error referred to in the second paragraph of their document, the reference to Annex D in clause 7.1, was found in the standard or in the French document. GERMANY replied that the error was in the standard.

The CHAIRMAN concluded that the item would be kept on the agenda and CEN would be asked to report.

(22) Adaptation of CENELEC standards to 2006/42/EC (Doc. WG-2008.08)

The CHAIRMAN explained that after the last meeting, the report by TC 61 F had been uploaded to CIRCA. CENELEC had sent an updated document dated February 2007, and the revised document had now been uploaded to CIRCA.
Mr Vetsuypens for CENELEC explained that in the Annex of the document included an action plan for the adaptation process of the standards to the new MD.

AUSTRIA asked for more information about the ‘conflict’ mentioned in the document.

The CHAIRMAN said this would be discussed under item 5.

(23) Powered gates, doors and windows

The CHAIRMAN said that the essential content of the document was summarised in the table which distinguished the four products concerned, indicating whether they were covered by CEN or CENELEC standards and whether they came under the MD or the LVD. Member States were asked to approve the document so that CENELEC could proceed with the necessary adaptation of the standards.

SWEDEN pointed out that it had been decided that drive system kits were machinery in their own right. On the other hand, the new MD drive systems were part of the definition of partly completed machinery. The term “drive system kit” should be changed in order to avoid confusion.

Mr Vetsuypens for CENELEC proposed that the term in question could be changed to “drive unit kit”.

SPAIN said that the terminology of the new MD should be taken into account.

The CHAIRMAN agreed with SWEDEN that use of the term “drive system” in the CENELEC document contradicted the previous decision that the kits were to be considered as machinery in their own right, in order to avoid making consumers responsible for the conformity of the final product. He suggested that the wording could be changed to “kits comprising the motor, the controls and the transmission elements” without giving it a specific name.

The CHAIRMAN concluded that, with this amendment, the document was accepted by the WG. He invited CENELEC to amend the document accordingly and to proceed with the adaptation of the scope and the titles of their standards to fit the explanations given in the document.

(24) Revision of EN 1570 – Lifting tables (Doc. WG-2008.03)

Mr Piggot for CEN TC 98 presented Doc. WG-2008.03 on the revision of EN 1570. This was a response to FRANCE’s concerns expressed at the previous WG meeting. The existing standard covered tables travelling up to 3 m when serving variable landings or 2 m when serving fixed landings. It did not provide for protection against falls from landings at any height nor protection against falling from the platform below 2 m. It required only minimal protection of the travel zone. It considered transport of persons associated with goods but not use by passengers.

According to Directive 2006/42/EC, lifts with a travel speed of less than 0.15 m/s are excluded from the Lifts Directive and are thus subject to the MD. Sections 4.1.2.8.4 and 4.1.2.8.5 of Annex I to the MD require protection against the risks of falling from the platform and from landings.

Mr Piggot showed examples of lifting tables for which the proposed new standard required improved protection on the platform, around the travel zone, below the platform and on landings wherever there was a risk. If adequate protection was provided, there was no longer any reason to restrict the travel height. The special static work platforms mentioned by FRANCE would not be covered by the standard, but they would thus be subject to EC type-examination according to Annex IV.

He presented a comparison of standards EN 81-1/2 on lifts subject to the LD, EN 81-41 on platform lifts, prEN 1570 on lifting tables, EN 81-31 on accessible goods-only lifts and EN 1495 on mast climbing work platforms, indicating that there was no overlap of their scope.

Mr Piggot suggested organising an ad-hoc meeting with FRANCE and with the two TCs concerned to examine the issues relating to the scope of the standards.

FRANCE was happy with the improvements relating to the risk of falling from the platform or from landings and the risk of crushing in the travel zone. However, the draft revised standard was not clear concerning the transport of persons, which was why FRANCE had brought the matter to the WG. FRANCE thought that the extension of the scope of the standard did not result from the new MD but from a choice of the standardisers. The current standard only covered the lifting of persons associated with the goods being lifted, whereas the revised standard extended the scope to the transport of persons to fixed landings. FRANCE agreed that it was necessary to organise a meeting in order to clearly define the scope of the standard.

The UK pointed out the MD referred to machinery serving fixed landings. This was generally understood as referring to machinery serving only fixed landings. There was also machinery that could raise a platform to variable levels, but which also stopped at fixed landings for the purpose of loading and unloading. This particular draft standard aimed to deal with that case, whereas platform lifts or accessible goods only lifts served only fixed landings.

SWEDEN was disappointed that the question had not been discussed by TC 10 in December. There was a grey area in the field of lift applications that TC 10 had not yet addressed. The proposed revision of EN 1570 aimed to

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134 EN 1570:1998 Safety requirements for lifting tables
fill one of the gaps. However SWEDEN thought that there should be a more coherent approach and the same level of safety, regardless of the standard applied. Closer cooperation between TC 10 and TC 98 was needed.

The CHAIRMAN concluded that Mr Piggot’s proposal to organise an ad-hoc meeting was welcomed by all members of the Working Group. The organisers of the meeting were asked to contact all Member States so that all interested parties could contribute. The Chairman asked Mr Piggot to send the latest version of his presentation so that it could be uploaded to CIRCA after the meeting. The issued would be followed up at the next meeting.

(25) Semi-automatic quick hitches for excavators (Doc. WG-2007.37)

Mr Dress for CEN reported that an ad hoc group including representatives of the HSE, UNACOMA and the BGBau, had been set up to prepare an amendment to Annex B of the relevant standard to be submitted to the WG of CEN TC 151.

The UK said that a formal objection was being forwarded to the Commission, however it might be overtaken by the amendment of the standard. The UK welcomed the proposal to amend the standard but was concerned that the WG was opposed to the use of the UAP procedure and wanted to include this item in the general revision of the standards. The UK considered that amendment of the relevant standards was urgent in light of the serious accidents that had occurred.

The CHAIRMAN asked CEN to report to the next meeting on urgent amendment of the standards.

(26) Attachment of interchangeable work platforms on telehandlers (Doc. WG-2007.62)

ITALY recalled that the Commission services had indicated to a manufacturer that standard EN 280 did not deal with the attachment of interchangeable work platforms and did not therefore confer a presumption of conformity with the EHSR 6.4.1. ITALY considered that when an interchangeable work platform was added to a lifting arm, appropriate means should be fitted to ensure that the platform was locked in place.

The CHAIRMAN said that it had been agreed that specifications were needed in the appropriate standard (which might be the standard for telehandlers or the standard for MEWPs) and that, in the meantime, the NBs had been asked to formulate a RfU. Since no information was available from NB-M, the item would be taken at the next meeting. Market surveillance authorities could take appropriate action if attachments for interchangeable work platforms were not safe enough.

(27) Lifting function of a vehicle chassis

The CHAIRMAN said that the item would be carried to the next meeting. GERMANY had provided a list of German suppliers of this type of equipment. The reference of the Spanish document on similar equipment was given in the minutes of the last meeting.

(28) Procedure for endorsement of RfUs

The CHAIRMAN reported that at the last meeting it had been agreed that a subgroup would be set up to go through the backlog and make suggestions for progress. The subgroup had not been established yet. He asked Member States to consider how such a subgroup could be set up.

(29) Formal objection to EN 13001-2\(^{135}\) (Docs. WG-2007.60, WG-2008.19)

GERMANY, presenting Doc.WG-2008.19, explained that the strength calculations set out in the standard depended on several variables, one of which is the hoist speed of the crane. In several cases, the value to be taken into account depended on the mode of operation chosen by the operator. As a result, a manufacturer could design a lighter crane with reduced strength on the hypothesis that a given mode of operation was followed by the operator. The safety of the crane would thus be dependent on the behaviour of the operator, contrary to the principles of safety integration. The CEN WG had already agreed to correct the formula, but the standard had nevertheless been adopted without change.

Mr Joannin for CEN confirmed that the WG had agreed to change the standard, but this required a technical amendment and not just a corrigendum.

The CHAIRMAN asked CEN to provide the text of the modification that had been agreed.

(30) Formal objection to EN 14985\(^{136}\) (Docs. WG-2007.59, WG-2008.05, WG-2008.16)

GERMANY, presenting Doc.WG-2008.16, explained the grounds for the formal objection and replied to the observations made by CEN TC 147 in Doc.WG-2008.05. The GERMANY objections related to the definition of the operating environment of the crane, inadequate means of access to maintenance and inspection points, the recourse to PPE as a means of protection, the lack of precise conditions for the safe operation of the manual

\(^{135}\)EN 13001-2:2004 Cranes - General design - Part 2: Load actions

\(^{136}\)EN 14985:2007 Cranes - Slewing jib cranes
release of the brake, inadequate provisions for the reliability of safety-related parts of the control system and the restricted reference to standard EN 60204-32 for the safety of the electrical equipment of the crane.

With respect to the performance level for the safety related parts of the control system, GERMANY showed a risk assessment graph demonstrating that the performance level should be (e) or at least (d), rather than (c) as indicated in the standard.

The CHAIRMAN thought that section 1.6.2 of Annex I relating to access to maintenance points should also be taken into account.

SWEDEN pointed out that there was a horizontal standard for access to cranes, EN 13586, which dealt with cases of infrequent access.

Mr Joannin for CEN thought that more time was needed to address the concerns expressed by Germany.

FRANCE thought that the standardisers had failed to address many of the issues raised during the process of adoption of the standard. FRANCE endorsed the German formal objection.

The UK supported FRANCE, but accepted that means of access could be adapted depending on the frequency. The UK stressed the importance of defining adequate performance levels for programmable control systems.

The CHAIRMAN said that the German presentation would be made available on CIRCA and asked Member States and stakeholders to prepare their position on each point raised in the formal objection with a view to taking a decision on this formal objection at the next meeting.

(31) Electric brakes on small saw benches - risk of loss of brake due to removal of plug

The CHAIRMAN recalled that this question had been raised in the last meeting and asked if anyone had examined it. The Chairman had been informed that the Vertical Group for the Notified Bodies for woodworking machinery had examined the problem. He asked NB-M to report their findings at the next meeting.

4. Report on Coordination of Notified Bodies (Doc. WG-2008.10)

Recommendations for Use

The CHAIRMAN stated that a Report on the Coordination of Notified Bodies would not be given, since the representative of the NB-M could not be present.

Mr GABRIELLI COSSELLU for the Commission explained the state of play with the existing RFUs. The last updated list (March 2008) of RFUs considered as endorsed was available on EUROPA. This document included the 3 RFUs endorsed by Written Procedure by 3 March 2008. The RFUs approved at the 28th NB-MA meeting on 4 December 2007 had been uploaded on CIRCA for endorsement by Written Procedure. The Member States would have three months to comment. The list of RFUs to be further discussed following written comments was available on CIRCA (Doc.WG-2008.10).

AUSTRIA explained the recent RFUs raised fundamental questions of interpretation of Annex X – Module H. AUSTRIA thought that these questions could be examined in the Editorial Group of the Guide.

The CHAIRMAN thought that it should be clarified as soon as possible how the new conformity assessment procedure would be applied. Mr Jacques had reported on this at the last WG meeting in December. It was welcome that the Notified Bodies were discussing the issues early on, but it was also important for the Member States to discuss them. Member States could make written comments on the RFUs relating to the interpretation of Annex X. The discussion would help the Editorial Group to draft the section of the Guide on Annex X.

DENMARK asked whether a mandate had been given to the standardisation organisations to develop a specific standard on quality systems for machinery. Such a standard existed for the ATEX Directive. It was complementary to the general standard EN ISO 9001. Such a standard would be useful for the NBs, for the accreditation and monitoring of the NBs and also for the manufacturers wishing to use Annex X.

GERMANY noted that the ATEX standard on quality management systems did not cover full quality assurance systems as described in Annex X.

The UK thought some of the answers given in the draft RFUs required qualification and asked NB-M to provide explanations at the next meeting.

FRANCE thought that when revising the New Approach, the Commission intended to prepare a list of the standards to be used by the accreditation authorities for the different modules. Once that work was completed, the list would be helpful in seeing which standards were to be used by accreditors.

The CHAIRMAN concluded that different aspects should be distinguished: the Notified Bodies had to apply the conformity assessment modules, so they needed to interpret and apply Annex X. The Member States were responsible for assessing, appointing and monitoring the NBs and they needed a basis for accreditation. This was being discussed in a specific group set up by EA. The manufacturers needed guidance on how to set up and apply a full quality assurance system. Standard EN ISO 9001 could be used. The possibility of a specific standard for full quality management systems for machinery would also be considered.

138 EN 13980:2002 Potentially explosive atmospheres - Application of quality systems

**CEN**

Mr. Joannin for CEN gave a report on the progress on the adaptation of the existing standards to the new MD. As of 3 March 2008, there were 558 work items; of these, 291 were classified as type 1 amendments (inclusion of some mandatory requirements and updating Annex Z), 170 were type 2 amendments (technical amendments) and 97 were type 3 amendments (revisions). 130 adoption procedures had been or would be launched during March. 202 documents were overdue with respect to the initial target date. A written report on progress would be made available on CIRCA.

**CEN Consultant, Mr Huigen** stressed that the CEN consultants had received a large number of documents to examine. There would be some delays.

**The CHAIRMAN** reported that he had supported the request by CEN for more resources for CEN Consultants.

**AUSTRIA** asked for clarification of the different solutions for Annex Z.

**The CHAIRMAN** replied that the rules for Annex Z had been agreed between the Commission and CEN. If the standard covered all or nearly all the applicable EHSRs, the Annex Z could list only the EHSRs which were not covered. Where only one or a few EHSRs were covered by the standard, they should be listed in the Annex Z. CEN had stated that the adequacy of the Annex Z was one of the key issues that was checked by CEN Consultants.

**CENELEC**

The **CHAIRMAN** reported that CENELEC had been asked to clarify an issue discussed in the last MACHEx meeting relating to wind generators. The Machinery Working Group had concluded early on that wind generators were subject to the MD. However, so far, no harmonised standard had been developed.

**Mr Vetsuypens for CENELEC** reported that the existing standard EN 15308: 2004 had received a negative assessment by the Consultant and had not been offered to be listed in the OJEU. CENELEC TC 88 had therefore started work on a harmonised standard for wind generators. A draft already existed, and within one year the standard should be available for listing in the OJEU. Member States were invited to take part in the work of the TC or the work at national level.

**SPAIN** noted that there were also other European safety standards for wind generators based on IEC standards of the 61400-series. Overlapping standards dealing with the same subject created confusion and should be avoided.

The **CHAIRMAN** replied that some of the IEC 61400-series standards had been adopted as European standards by CENELEC but they had never been put forward by CENELEC as candidate harmonised standards supporting the MD. There was another series of standards relating to procurement of generating equipment. It was important to have one harmonised standard for the MD, and it was possible for this standard to refer to other documents where appropriate.

**FRANCE** recalled the report submitted several years ago by the French Ministry of Industry concerning the safety of wind generators.

The **CHAIRMAN** agreed that the French study was important but it had not been followed up in standardisation. Now a clear approach had been adopted by CENELEC and there was agreement to move forward.

**Mr Vetsuypens** then reported on the adaptation of CENELEC standards to the new MD. Three TCs were involved: TC 44X (horizontal standards) and TCs 61 and 61F (product standards). A summary of progress by TC 61 had been presented at the last meeting. Concerning the report from TC 61F, Mr. Smyth for CENELEC TC 61F gave an update on the progress on the adaptation of CENELEC standards to the new MD. Since the last report in February 2008, there was one more standard out for voting, and the end of March there were two more to come. These two were the standards setting out the general requirements for portable and transportable tools. Once these had been agreed, the Part 2 standards for specific machinery would follow quickly. Three quarters of the standards would be cleared by the end of the year. Other items were awaiting work at IEC level.

The discussion with the Consultant concerned the interpretation of the expression ‘designation of machinery’ in the second indent of EHSR 1.7.3 of Annex I to Directive 2006/42/EC. CENELEC asked the Editorial Group to consider the fiche produced by CECE on this question within the next few months, so that appropriate information could be given in the standards. Otherwise, the standards would simply have to quote the Directive and the interpretation of the expression would be left to manufacturers and to Member States.

The **CHAIRMAN** agreed that it was important to clarify what ‘designation of machinery’ meant. It was clear that the designation of the machinery was distinct from the series or type or the serial number. In many cases,
manufacturers could use standardised terminology for identifying the category of machinery concerned: for example, ‘backhoe loader’ or ‘bench saw’. For machinery supplied to order, the marking could easily be translated. There could be a problem for marking of mass produced machinery and the translation into all Community languages. The question had already been raised in several different contexts, and a viable solution should be found. The issue would be discussed in the next meeting of the Editorial Group.


The UK agreed that excavators with an elevating cab came under Annex IV but also agreed with CECE that only the elevating cab was subject to EC type-examination and not the other aspects of the machine. The CHAIRMAN replied that this was clear from replies given to similar questions in the past.

**Conclusion:**
Machinery with elevating operating or driving positions, such as elevating cabs, involving a risk of falling from a vertical height of more than 3 metres are subject to Annex IV, item 16. The conformity assessment procedure referred to in Article 8 (2) (b) or (c) is only applicable with respect to the particular hazards due to the lifting of persons.

7. **Vertical turning machines (Doc. WG-2008.01)**

FINLAND presented Doc.WG-2008.01 on vertical turning machines. The issue could also have implications for other categories of machinery. A serious accident had occurred in Finland involving a vertical turning machine with 2 operating modes: the ‘Asian mode’ and the ‘European mode’. The accident occurred while the operator was using the ‘Asian mode’. This mode made it possible to use the machine with the main guard open and at full speed during specific phases of the work cycle. This was not possible when operating in the ‘European mode’, which was thus safer. It was possible to select the ‘Asian’ mode by inserting a password into the control system. The password was given in the operator’s instruction handbook. FINLAND reported that similar machinery in Finland, and perhaps in other Member States, was frequently used in the ‘Asian mode’ of operation and serious accidents were possible. Finland was of the opinion that the manufacturer should ensure that, if the machine was provided with an operating mode that did not comply with the requirements set out in the MD, that mode of operation must be excluded by technical means for machines placed on the market in the Community. Finland wished to know the opinion of the Working Group on this matter.

Mr Umbreit, CEN Consultant, had contacted the Convenor of WG 3 of CEN TC 143 responsible for standard EN 12415 who had never heard of such an ‘Asian mode’ of operation. He agreed with FINLAND that such an operating mode did not comply with the MD and was completely unacceptable. During revision of the standard, it was foreseen to introduce an additional mode for process observation, but this mode was quite different and required additional safeguarding.

The UK agreed with FINLAND that the possibility to use this mode of operation should be prevented technically.

The CHAIRMAN concluded that there was unanimous agreement with FINLAND’s position.

**Conclusion:**
If a machine is provided with an optional operating mode that does not comply with the essential health and safety requirements of the Machinery Directive (and relevant European standards), that operating mode shall be excluded by technical means on all machines which are placed on the market or put into service in the Community.

8. **Front loaders (Doc.WG-2008.04)**

The UK presented Doc.WG-2008.04 on front loaders. The UK had identified front loaders controlled through the programmable hydraulic controls of the tractor that could be programmed to carry out a semi-automatic action or series of actions, thereby neutralising the hold-to-run control devices of the front loader. These semi-automatic functions were intended for certain uses of the tractors, but were not intended for loaders and did not meet the requirements of the MD. The issue had already been raised with manufacturers and in standardisation. The UK thought action was needed both with respect to new machines and machines in use. The UK asked WG members if they had encountered similar problems.

Mr Hostens for CEMA said that CEMA was aware of the problem and wished to cooperate with the UK to solve it. The information had been circulated amongst its members.

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139 EN 12415:2000 Safety of machine tools - Small numerically controlled turning machines and turning centres
ITALY reported that they had been dealing with the same problem and would be glad to cooperate with the UK. Italy had identified another problem concerning the controls of front loaders. This was the lack of an automatic levelling system to ensure that the load remained in a level position during inclination of the arm. It was important to protect the operator from the risk of falling of loads in the absence of a FOPS.

The CHAIRMAN said that it was important to find a solution that would be applied at the Community level for new machinery as well as for machinery already in use. He suggested that the item should be put on the agenda of the next Machinery ADCO meeting in order to monitor implementation.

The UK agreed with the suggestion.

9. Tractor mounted diggers (Doc. WG-2008.07)

The CHAIRMAN presented Doc.WG-2008.07 describing the exchange of e-mails relating to tractor-mounted diggers. The question was originally raised by a safeguard measure taken by the UK following a fatal accident. Later, the Italian authorities had reported a further fatal accident in similar circumstances. It was necessary to include a means of preventing the digger attachment from moving around the axis of the 3-point linkage of the tractor during use. Other technical aspects must be considered, such as the design of the control devices and the operator’s seat. The problem should be solved urgently, preferably by developing the necessary specifications in a harmonised standard.

Mr Hostens for CEMA reported that a meeting with the manufacturer concerned, UNACOMA and the Italian authorities would take place at the end of March. In the meantime, there would be discussion on how to handle the problem.

ITALY showed photos illustrating the accident that had occurred in Italy. The scenario was the same as the UK case but the manufacturer was not the same. The case was still being investigated. Some manufacturers had developed a device to block the 3-point linkage to the rigid part of the tractor, but such a device was not supplied by all manufacturers. Furthermore, such devices were not an integral part of the machine. The user was expected to fit the device and the machine could function without it.

The CHAIRMAN noted that the statement in Doc.WG-2008-07 that the same model of digger was involved in both accidents was incorrect.

The UK thought that this illustrated the need of information exchange between all Member States. Fatal accidents were followed by police and judicial enquiries. In the UK, a protocol had been agreed which allowed the authorities to release information to other Member States to avoid similar accidents, although investigations were ongoing. The UK thought that it was already clear that standards should address the problem.

AUSTRIA thought that immediate action was needed while awaiting improvement of standards and asked for more information about the manufacturers and distributors concerned.

The CHAIRMAN said that the Commission opinion on the UK safeguard clause had been notified to the Member States in 2007, it included a precise technical description of the product and further information could easily be obtained from the Internet. The Member States could act with respect to the model in question.

FRANCE asked whether the Commission could use the procedure described in Article 9 of the new Machinery Directive relating to specific measures to deal with potentially hazardous machinery.

The CHAIRMAN agreed that the case corresponded with the terms of Article 9. However, the application of this Article required the constitution of the Regulatory Committee. The CHAIRMAN said the Commission would study what measures could be taken without waiting for the implementation of the Machinery regulation into national law. However the current safety issue called for immediate action.

LUXEMBURG thought that there was a need for as much information as possible about the products concerned, in particular photos of the product.

The UK agreed with LUXEMBURG. There had been a lot of discussion about having a common system or database, such as ICSMS, for exchange of information between the Member States. This was foreseen in the NLF and should be developed.

The CHAIRMAN concluded that monitoring actions taken with respect to particular models and manufacturers should be transferred to the Machinery ADCO Group, but the issue would still be kept on the agenda of the WG for the standardization aspect.

10. State of play on the draft proposal for an amendment to Directive 2006/42/EC on pesticide application equipment

Ms Tytykoski for the Commission presented the state of play on the draft proposal for an amendment to the MD 2006/42/EC on machinery for pesticide application and summarised the comments received during the consultation of Member States and stakeholders on the first draft proposal. The draft proposal was generally welcomed. The main concerns expressed were the risk of an unintended extension of the application of the environmental protection requirements set out in the draft proposal, the terminology used and its implications for
the scope of products covered by the MD. The comments also included many detailed proposals concerning the essential environmental protection requirements set out in the proposed new Section 2.4 of Annex I of the MD.

- The draft proposal would be modified taking into account the comments received. A new version of the third recital had already been drafted in order to state clearly that the amendment would only introduce environmental protection requirements for specified products and risks. Regarding the impact assessment, confirmation was needed that decision to base the proposal on the IA of the Thematic Strategy on the Sustainable Use of Pesticides, published in 2006, was in line with the Commission’s obligations.

- A document was presented, based on an inventory made by CEMA, presenting 8 different types of pesticide application equipment, in order to clarify the scope of the draft proposal.

**FRANCE and the UK** wanted to check whether equipment attached to an aircraft or helicopter was in the scope of the MD.

**Mr Huigen, CEN Consultant** informed the Working Group that two draft standards had been sent for enquiry: prEN 15695-1 and 15695-2. These draft standards dealt with the same equipment from the point of view of the protection of operators.

**AUSTRIA** asked whether the inventory of pesticide application equipment could be made available on CIRCA.

**DENMARK** asked whether the inventory of pesticide application equipment could be made available on CIRCA.

**The UK** noted that the wording of the second part of the revised recital 3 was rather general and asked whether this was intentional.

**BELGIUM, the NETHERLANDS and FRANCE**, and stressed that in addition to pesticides, there were other substances that might damage the environment.

**The CHAIRMAN** explained that the decision taken in 2006 was to introduce environmental protection requirements for pesticide application equipment only. The term pesticides included both plant protection products and biocides. As the demand for the proposal stemmed from the Thematic Strategy on the sustainable use of pesticides, the terminology used in the draft proposal was the same as that of the Strategy.

Use of the Eco-design Directive 2005/32/EC had been considered, but was not considered appropriate for this purpose since the products concerned did not meet the trade volume criteria for implementation measures in that Directive.

The text in the third recital and in the proposed amendments to the Articles had been intentionally drafted in an open way. Although there was currently no plan to introduce environmental protection requirements for other categories of machinery or for other risks, it was considered possible that in the future such requirements might be proposed.

- A final decision concerning the impact assessment would be needed before proceeding with the formal adoption of the proposal. The objective was to adopt the proposal before the summer.

### 11. Progress on national implementation of Directive 2006/42/EC – problems encountered

**The CHAIRMAN** explained that two translation problems had been identified which could have important legal consequences, and asked the Member States to check whether these problems affected their language versions. The first problem concerned the term “portable cartridge-operated fixing and other impact machinery”. The two adjectives “portable” and “cartridge-operated” applied to both fixing machinery and to other impact machinery. However, the wording used in some language versions implied that the two adjectives only applied to fixing machinery. The second problem concerned an error identified in the German version, in Annex X, section 2.1, 3rd indent. It the original English version it was stated that the application for assessment of manufacturer’s quality system should contain “the technical file ... for one model of each category of machinery”. However, in the German version, it was stated that the technical file was needed for each model of each category of machinery. A corrigendum would be published, but it was important that the error should be corrected in German language implementation texts.

**The CHAIRMAN** said that the objective of this item was to discuss implementation of the Directive and any problems related to it in advance in order to avoid infringement procedures. After the deadline for implementation, the Commission would ask an external contractor to carry out an audit of the implementation of the new MD in the Member States, including the organisational aspects.

**AUSTRIA** stressed that the national implementation included amendment of the Lifts Directive and should be ready on time. The translation problems mentioned by the Chairman had been taken into account in the Austrian...
The Commission did not plan to translate the Guide, but this could be done by the Member States.

Belgium reported that two Royal Degrees had been drafted, one transposing the new MD and one transposing the modifications to the LD, that were submitted to the State Council for approval. There was a plan to set up a Conference to inform stakeholders. No major problems had been encountered so far. It was important to update the NANDO database for notification of Notified Bodies under the new MD.

Bulgaria informed that a draft Ordinance was ready and had been sent to other Ministries for comments. By the end of June any corrections of the draft would be done, and the new Ordinance should be published on time. The Lifts Ordinance would also be modified.

Cyprus reported that they had not encountered any problems so far. Draft regulations had been published on the Internet and submitted to employers and employees representatives for consultation. The transposition would probably be published on schedule. There were no changes in organisational arrangements compared with the current Directive.

Czech Republic reported there was a horizontal Act on Technical Requirements for products and a number of Governmental Orders implementing New Approach Directives. There had been discussions between machinery experts and lawyers concerning terminology and definitions. A new Government Order for machinery had been prepared, and the transposition was in the last stage before approval. The work should be finished in time.

Denmark reported that new draft regulations had been sent to public enquiry and obligatory consultations. There had not been any major problems so far. There had been discussion on how to fulfill the requirements relating to public information about potentially dangerous machinery. Denmark had decided to include in their legislation a provision to publish the decisions on their Website. The Notified Bodies would be notified again following new accreditation. As for market surveillance, there were not any changes foreseen compared to the existing situation.

France reported that the transposition was intended to take into account not just the new MD but also the problems observed in application of the implementation of the current Directive. Through the transposition, it was planned to simplify the procedures for banning non-compliant products, and to reinforce market surveillance methods and rules for approval of Notified Bodies. France thought that access to standards should be improved as well. There was not yet much progress made in transposing the Directive into actual text, since a recast Labour Code was coming into force, and France wanted to wait until the final version was published. There was also a general reform of public administration in France that might have consequences for market surveillance provisions. There was a possibility of delay in publication of the implementing text.

The Chairman noted that if a delay was foreseen and the transposition date could not be strictly respected, the Commission should be informed beforehand in order to save time and administrative work for everyone.

Finland reported that a Government Decree on machinery safety would be published in June. The Lifts regulations would also be amended. At the moment it was being translated into Swedish. The requirement for carrying out market surveillance was already set out in legislation and would not be changed in this context. A problem was encountered when carrying out an impact assessment, since manufacturers had not given to the authorities any estimation of possible impacts on industry.

Germany reported that a public hearing and consultations had taken place. Various opinions had been received and the comments were taken into account. An opinion of the Upper House of Parliament was still needed. The text might be signed by the Minister in May. No problems had been encountered so far. Germany would discuss with Austria the translation of the Guide into German.

Italy reported that technical work on the transposition of the Directive had been completed, and the draft had been sent to the political authorities for validation. There was a new government coming into office in Italy. Italy thought that everything would be sorted out by June. Some problems had arisen relating to application of Annex X. In particular, SMEs and micro-enterprises might find this rather problematic. In market surveillance, big differences were not expected compared to the current situation.

Lithuania reported that the transposition work had been completed and the new text had already been published. A transposition table was now under preparation. The amendment to the technical regulation on lifts had also been published. The two Notified Bodies were already accredited. Market surveillance arrangements would be unchanged.

Luxembourg reported that the technical work was done and the draft would be sent to industry for their opinions. Market surveillance activities would be completely overhauled for all products where the labour inspectorates were involved. At the moment, there were no Notified Bodies for the MD in Luxembourg.

text. It would be helpful if some guidelines were made available for the before Notified Bodies were accredited for the new Annex X. Austria asked when the Guide to Application would be finished and made available in English, and raised a question about the translation of the Guide. The interested parties involved in Austria would only apply the Guide if it was published in German.

The Chairman asked Austria to discuss with Germany about the translation of the Guide. The Commission did not plan to translate the Guide, but this could be done by the Member States.
However, there was a new law was coming into force that would completely reorganise accreditation and notification of Notified Bodies under a new Institute, for Standardisation, Accreditation and Safety.

The NETHERLANDS reported that a draft implementing text had been ready since December 2007. The text had been sent to the Advisory Body of the Parliament and would be published before the beginning of July. As to market surveillance, some changes would be made due to the new requirements set out in the Directive and improve coordination between the two Ministries concerned. As soon as the implementation text was published, the Notified Bodies would be invited to reapply for a designation.

POLAND reported that the implementation text had been prepared by the Ministry of the Economy and was now subject to internal discussions. It would then be put on the Website of the Ministry for public consultation. The Market surveillance would be described in detail and there should not be any problems in that area. Concerning accreditation, this is already foreseen under the current Directive, however there are some questions concerning Annex X as to which Notified Bodies would carry out that procedure.

PORTUGAL reported that the proposal transposing the MD had been submitted to the Minister for approval following the necessary consultations. There would be a separate text amending the Lifting regulations. The proposed text incorporates the corrections sent to the Commission and some other linguistic corrections. PORTUGAL asked whether the Notified Bodies notified under the current Directive should be re-notified to the Commission according to the new MD. Regarding market surveillance, there were no changes foreseen.

The CHAIRMAN thought that even if there was no change in the scope of the Notified Bodies’ activity, it would be necessary to formally re-notify the Body in the NANDO database. This would be confirmed with the service dealing with NANDO database and the notification procedure, and the Member States would be informed as soon as possible on how to proceed.

ROMANIA reported that a draft Government Decision had been sent to different stakeholders and technical experts for comments. The deadline for sending the proposal for adoption was the end of May.

SLOVAKIA reported that their situation was similar to that of the Czech Republic. The Ordinance should be adopted in May. As to the impact assessment, SLOVAKIA thanked the UK for publishing their impact assessment findings on their Website. No comments were received from the industry on the impacts. As for the organisation of market surveillance, there were not many changes foreseen, but there was a new Office for Public Health which would have some duties concerning enforcement of the ordinance transposing the MD. There were 2 NBs which were expected to apply for notification under Annex X and they were actively discussing this.

SPAIN reported that a draft Royal Decree had been sent to the Council of State for comments. After having received the report, the draft would be sent for approval. SPAIN thought that the work would be ready before the final deadline. The biggest problems related to the number of procedures which had to be followed. For the Notified Bodies, the general law and accreditation by ENAC would continue, although the accreditation procedure was being reviewed in light on Annex X. As regards information, the questions and answers published on the EUROPA Website would be translated into Spanish. It would be useful for the Spanish version to be published on EUROPA as well as on the national Website. There had also been several information days and a further information campaign was planned. The draft Decree included a provision for a Guide to be drawn up by the Ministry. This Guide would be made available to all interested parties.

SWEDEN reported that the government had presented an overall view on how to implement the directive. A hearing of interested parties had taken place at the governmental level. There had been no problems so far. A decision of the Parliament would be needed before issuing Ordinances, however, SWEDEN thought that the deadline would be respected. Regarding market surveillance, no significant changes were foreseen.

UK reported that there had been a public consultation, the responses of which were currently being analysed and a report would be published in April. A formal impact assessment was also required. Draft regulations would be presented to the Parliament in early May. If no objections were made, the regulations would come into force in 21 days later. The UK authorities had encouraged the current 19 Notified Bodies to send as soon as possible a new application to an accreditation body indicating whether or not they wanted to have their scope extended. As regards market surveillance, no significant changes were foreseen.

Representatives of ESTONIA, GREECE, HUNGARY, IRELAND, LATVIA, MALTA and SLOVENIA were not present at the meeting.

NORWAY reported that a draft regulation transposing the MD had been circulated to stakeholders for comments. After receiving comments the draft would be finalised and sent for adoption. No special problems had been encountered during the drafting procedure. However, there was a linguistic challenge concerning the terminology. This aspect would be checked before adoption. A new group had been formed to improve cooperation between the market surveillance authorities for different Directives. Norway had drafted common criteria for market surveillance which could be made available on CIRCA.

SWITZERLAND reported that a definitive version of the draft implementation text was already prepared. Switzerland thought that it would be interesting to see how the practical interpretation of Articles 8 and 9 would work. SWITZERLAND thought that a document with interpretation of Annex X would be helpful. The German
version would be checked. SWITZERLAND urged the Commission to publish a corrigendum as soon as possible.

The CHAIRMAN apologised for not yet having published the corrigendum. Some translation errors had been identified with respect to the reference version, and these errors could be corrected in the national implementation texts.

The UK asked about the foreseen date of the amendment to the Tractors Directive.

The CHAIRMAN replied that the objective was to complete amendment of the tractors legislation so that all the risks for tractors were covered by the Tractors EC Type approval Directive before the Machinery Directive became applicable. The work seemed to be progressing, however no precise date was yet available. He proposed to report on progress to the next meeting.

The CHAIRMAN concluded that there did not seem to be any major problems with the implementation of the new MD. If there were difficulties respecting the time limit, the Member States were asked to inform the Commission in due time, and indicate the date when the text would be adopted and published. The CHAIRMAN asked the Member States to send a link to the Websites where their national implementation texts and other relevant documents were published. The Commission would then be able to publish a list.

12. Any other business

Mr Boy for ETUI-REHS presented a booklet prepared with KAN presenting a comparison of Annex I of the current and revised Machinery Directives that is available on the ETUI-REHS Website.¹⁴²

Meetings in 2008

The CHAIRMAN announced the following planned meeting dates for 2008 (to be confirmed):

- Machinery ADCO Group: 19/20 June (Slovenia); 15/16 October (Trondheim, Norway).

¹⁴² http://hesa.etui-rehs.org/uk/publications/pub43.htm
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MINUTES OF THE MEETING OF THE MACHINERY WORKING GROUP
HELD ON 19th and 20th November 2008

Subject: Machinery Working Group
Place: Charlemagne Building and Centre de Conférences Albert Borschette, Brussels
Chairman: Mr Ian FRASER (ENTR/I4)
EC Participants: Ms Alexandra JOUR-SCHRÖDER, Mr Mario GABRIELLI COSSELLU, Mr Előd Ajtony DUDAS, Ms Catherine KOECKX (ENTR/I4)

1. Welcome and approval of the agenda

The CHAIRMAN welcomed the participants. He explained that, from 1st November 2008, Ms Alexandra JOUR-SCHRÖDER had taken over from Luis MONTOYA as Head of Unit I/4. Mr MONTOYA was now Head of Unit I/2.
Ms KOECKX asked delegates to update the participants list and to update their e-mail addresses in CIRCA if necessary.
FRANCE wished to raise a question relating to suspended baskets for use with cranes under item 22 - Any other business.
With this addition, the agenda was approved.

2. Approval of the minutes of the meeting of 12/13 March 2008 (Doc. WG-2008.27)

The minutes of the meeting held on 12/13 March 2008 were approved.

3. Follow-up of questions from the meeting of 18/19 December 2007

(1) Publication of approved minutes of the Machinery Working Group

The CHAIRMAN reported that, as agreed at the previous meeting, the consolidated minutes Machinery Working Group from 1997 to 2007 were now publicly available on the Commission’s Website EUROPA on the page relating to management of the Machinery Directive. Issues could easily be found by entering keywords in the PDF search function. The new minutes would be added after they had been approved.
DENMARK suggested that the new minutes should be included in the same document

(2) UK formal objection against EN 693

Mr Steiger for CEN reported that a technical amendment had been agreed with the UK representative. The amendment would now be subject to the adoption procedure.
The UK confirmed agreement on the amendment. The UK accepted two-hand controls as a protective means if access to the danger zone by more than one person was prevented by technical means. If the amendment was adopted, the item could be closed.
The CHAIRMAN asked CEN to provide a short written summary of the state of play, including the text of the amendment, for the next meeting.

(3) Policy on publication of Machinery standards

The CHAIRMAN reported that it had been decided to include clarification of the role of the A, B and C-type standards in the draft Guide with respect to the presumption of conformity (see WG-2008.36). Some comments had been received on this draft and they would be taken into account.

(4) Period of validity of EC-type examination certificates

The CHAIRMAN reported that the revised letter to NB-M was not yet ready.

(5) Formal objection against EN 12215 and EN 13355 - Paint booths and combined paint booths

The CHAIRMAN reported that the Commission had prepared a draft Decision. The draft had been submitted to the 98/34/EC Committee and written comments had been received. These comments were being examined.
FRANCE had submitted a draft protocol for joint tests, but no progress had been made since.
(6) Formal objection against EN 12312-9 - Container pallet loaders for aircraft

The CHAIRMAN reported that the Commission Decision and the relevant mandate to CEN had been approved by the 98/34/EC Committee and the Decision was under adoption.

(7) Formal objection against EN ISO 4254-1 - Agricultural machinery - General requirements

The CHAIRMAN reported that the draft Commission Decision had been submitted to the 98/34/EC Committee. Comments had been received and were being considered. The mandate to improve the standard had been approved by the Committee.

Ms Poidevin for CEN reported that a final draft of the amendment to the standard, taking account of the French objections, had been approved by TC 144 and was ready for voting.

GERMANY recalled the study by KAN on standards for agricultural machinery which included suggestions for improvement of EN ISO 4254-1.

(8) Formal objection against EN 1459

The CHAIRMAN reported that the Commission Decision and mandate to CEN had been drafted and would shortly be submitted to the 98/34/EC Committee.

(9) Test codes for pneumatic hand-tools

The UK reported that satisfactory progress was being made on revision of the test codes, in particular to replace single axial testing by tri-axial testing. The UK hoped that the written report would be available for the next meeting so that the item could be closed.

BELGIUM asked for the references of the revised standards.

CEN agreed to supply this information.

(10) Refuse collection vehicles

SWEDEN presented WG-2008.40 that provided an interpretation of manually loaded refuse collection vehicles and a series of illustrations of types of RCVs, indicating which types were subject to item 13 of Annex IV. There were three cases where RCVs were subject to Annex IV: (1) RCVs designed for manual loading, (2) RCVs with several loading modes including at least one manual loading mode and (3) RCVs not designed for manual loading but where manual loading could be reasonably foreseen. The first two cases were clear. The third case raised the question of when manual loading could be foreseen. The answer proposed by SWEDEN was based on the height of the operator and the vertical distance between the surface on which he might stand and the loading area.

FRANCE thanked SWEDEN for the document. FRANCE was in broad agreement but needed to consult national experts before giving a final opinion.

SPAIN thought the document gave clear examples, but the criteria for foreseeable manual loading were debatable. It might be possible to refer to the standard on safety distances.

GERMANY reported that the document was considered by experts to be clear, but the horizontal distance might not be sufficient.

Mr ALT said he had been informed by the manufacturers that they supported the document in general, but preferred to refer to a dimension of 1.4 m, in line with standard EN 1501.

AUSTRIA thought that the vertical dimension proposed by SWEDEN was based on the height of the operator and the vertical distance from the surface on which he might stand and the loading area.

The CHAIRMAN pointed out that the standard on safety distances and the distance of 1.4 m in EN 1501 were protective measures. The dimension proposed by SWEDEN was not a protective measure but simply a criterion for judging whether manual loading was foreseeable or not.

SWEDEN agreed, and pointed out that whether or not a RCV was in Annex IV, the same safety requirements applied. The objective was to have a uniform interpretation of the Directive.

The CHAIRMAN asked all delegations to prepare a clear position on the SWEDISH document for the next meeting. In particular, the relevant Vertical Group of NB-M was asked to respond.

(11) EN 13524 - Highway maintenance machines

Mr Steiger for CEN reported that WG 16 of TC 151 had held 3 meetings in 2008. The main issue was to find new criteria for the stone guard test. Italian representatives had taken part. Manufacturers had carried out several tests using the proposed new criteria. The next meeting was planned in February 2009 to study the test results and to prepare an appropriate amendment of the standard.

ITALY confirmed this report but reported that there were disagreements in the WG to be resolved.

The CHAIRMAN asked CEN to report on progress at the next meeting.

(12) EN 690 – Manure spreaders
Ms Poidevin for CEN reported that the work had been delayed. The TC would meet in January 2009. A further nine months would be needed to prepare the amendment.

GERMANY stressed the relevance of the KAN study on standards for agricultural machinery.

(13) Channel baling presses

GERMANY reported that a proposal for a standard had been prepared with help from experts from FRANCE and the UK. The industry was now being consulted before the proposal was transmitted to CEN. A report on progress would be taken at the next meeting.

(14) Formal objection against EN 474-4 & 5 (Doc. WG-2008.02)

The CHAIRMAN stated that the Commission would have to take a Decision in light of the various opinions that had been expressed. FRANCE maintained its position.

(15) Formal objection against EN 500-4:143 (Doc. WG 2007.68)

FRANCE said that the discussion of the formal objection had shown that progress was being made in TC 151 on the issues relating to braking and uncontrolled movement. The scope of the formal requirement was now limited to the question of stability of narrow compactors. The CHAIRMAN asked FRANCE to notify the limitation of the grounds for the formal objection in writing.

(16) Warning for EN 1726-1 and EN 1459

The CHAIRMAN said that the DG Enterprise Standardisation Unit would be consulted on how to deal with the modification of a warning in the OJEU since this issue was not covered in the Vade Mecum on standardisation.

(17) Comments on EN 843-3:2007

The CHAIRMAN recalled that CEN had agreed to amend the standard and had not communicated the reference to the Commission for publication. Ms Poidevin for CEN said that the draft amendment was being checked by the CEN consultant. Mr Huigen, CEN Consultant, said that his assessment concerned several points and could be consulted. GERMANY said that the results of the recent research on new materials would be included in the revised standard. The CHAIRMAN urged all concerned to resolve the issue as soon as possible, given the serious accidents that had occurred, and to report to the next meeting.

(18) Formal objection to EN 1870-17

Mr Steiger for CEN had no information to report. The CHAIRMAN asked CEN to provide an update at the next meeting.

(19) French concerns on EN ISO 11161 – Integrated manufacturing systems

Mr Steiger for CEN reported that the items raised by France had been integrated with the changes needed for adaptation of the standard to the new Machinery Directive. The draft amendment would be subject to a parallel enquiry in ISO and CEN. FRANCE said that the draft amendment would be examined closely.

(20) Revision of EN 1570 – Lifting tables

Mr Steiger for CEN reported that TC 98 and TC 10 had organised an ad hoc meeting in the summer with the participation of the French Ministry of Labour. It had been agreed to change the strategy for the revision of EN 1570: Part 1 of the revised standard would deal with the normal lifting tables covered by the existing standard and a new Part 2 would cover other appliances. The revision would be coordinated with TC 10 to avoid overlaps. TC 98 would adopt a resolution along these lines. FRANCE confirmed that the ad hoc meeting had agreed on a satisfactory approach. The CHAIRMAN asked CEN to provide the TC resolution for circulation to the Working Group.

(21) Attachment of interchangeable work platforms on telehandlers

Ms Poidevin for CEN did not have any feedback from TC 150. The CHAIRMAN stressed the need for coordination between TC 150 and TC 98 since the problem might be solved either in the telehandlers standard or the standard on MEWPs.

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143 EN 500-4: October 2006 Mobile road construction machinery - Safety - Part 4: Specific requirements for compaction machines
SWEDEN pointed out that including requirements in the standard for telehandlers would not solve the problem, since rotating telehandlers were not in the scope.

The CHAIRMAN asked CEN to report on progress at the next meeting. He also recalled that the Vertical Group of NB-M had been asked to develop a Recommendation and asked NB-M to report to the next meeting.

(22) Lifting function of a vehicle chassis

The CHAIRMAN said that the automotive sector had not yet given an opinion on the borderline with the vehicles legislation. The item would be carried to the next meeting.

(23) Procedure for endorsement of RfUs

The CHAIRMAN recalled that it had been agreed that a subgroup would be set up to go through the backlog and make suggestions for progress.

The UK said that the UK could convene a first meeting of the subgroup.

The CHAIRMAN thanked the UK for this initiative and asked Member States to consider taking part in the work.

(24) Formal objection to EN 13001-2

Ms Poidevin for CEN reported that a final draft of Amendment 3 to the standard would be sent for formal the vote in January 2009.

(25) Formal objection to EN 14985

The CHAIRMAN noted that no Member State had expressed disagreement with the formal objection presented by Germany.

FRANCE confirmed support for the German formal objection and considered that the standard needed a complete revision.

The CHAIRMAN concluded that, given the large number of defective clauses, a Decision to withdraw the reference of the standard from the OJEU would be submitted to the 98/34/EC Committee. He invited Member States to make their views known in the process of revision of the standard.

(26) Electric brakes on small saw benches - risk of loss of brake due to removal of plug

The CHAIRMAN asked NB-M to report their findings at the next meeting.

(27) Digger attachments for tractors

The CHAIRMAN recalled that this issue followed fatal accidents in the UK and Italy. The UK case gave rise to a safeguard action against the model of digger concerned. The case in Italy concerned another model of similar equipment. Accidents had occurred when the shovel hit hard ground and the digger attachment rotated around the axis of the 3-point linkage of the tractor, crushing the operator against the rear of the tractor.

Ms Poidevin for CEN stated that the question was being considered by TC 144. Italy was to propose a new work item on the subject.

ITALY said that there was currently no harmonised standard for this type of equipment. Some Italian manufacturers had already taken measures to ensure that, when the digger was attached to the tractor, the 3-part linkage was blocked to prevent rotation. Italy considered that the means of connexion should be designed so that the machinery could not be used unless the blocking device was in place.

The CHAIRMAN reminded Member States that they should take appropriate action in line with the Commission opinion on the UK safeguard clause and also take the necessary action to ensure that all such equipment was fitted with the necessary blocking devices. At the same time, it was important to cover this risk in an appropriate harmonised standard.

Mr Steiger for CEN thought the subject would not be appropriate for CEN TC 151.

Mr Alt for CEN TC 144 asked Italy to submit a proposal for a new work item on the subject as soon as possible via the national standardisation committee.

SWEDEN asked Italy if it was possible to share information on the technical measures in order to indicate the state of the art for such interchangeable equipment.

ITALY replied that a document would soon be sent to CEN and would also be sent to the Working Group.

The UK supported Italy's initiative. The UK case had also shown up a generic problem relating to the design of control devices. Similar problems had been met on other types of machinery. The UK was analysing the problem and would consider making a proposal for specifications in a B-standard.

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144 EN 13001-2:2004 Cranes - General design - Part 2: Load actions
145 EN 14985:2007 Cranes - Slewing jib cranes
DENMARK thought that this was a case where a measure to deal with a category of potentially hazardous machinery, according to Article 9 of Directive 2006/42/EC, might be appropriate.

FRANCE agreed with DENMARK and asked whether measures foreseen in Article 9 could be taken before the end of 2009.

The CHAIRMAN confirmed that the case corresponded exactly to one of the scenarios set out in Article 9 (1) of Directive 2006/42/EC. In order to apply Article 9, the rules enabling the Machinery Committee to act as a Regulatory Committee had to be adopted. Article 22 of Directive 2006/42/EC was being amended by a Regulation adapting Community legislation to the new regulatory procedure with scrutiny (PRAC). However, the new rules would be drafted and could be adopted in 2009. It would be necessary to seek legal advice as to whether the Committee could deal with measures based on Article 9 before the end of 2009. He suggested that the best forum for discussing the ongoing market surveillance work was the Machinery ADCO Group.

4. Report on the Coordination of Notified Bodies

Mr Jacques for NB-M reported that last meeting of NB-M had been held in June 2008. The main task had been to finalise the RfUs relating to Annex X. 20 RfUs had already been produced on this theme and 5 or 6 more were foreseen on particular issues. The next meeting was planned on 9 December when a new Vice-Chairman would be elected to replace Mr Jockers who was retiring.

State of play on RfUs (Doc.WG-2008.49)

Mr Gabrielli Cossellu for the Commission reported that a number of RfUs had been endorsed by written procedure. The consolidated list was available on EUROPAPA. 33 RfUs had been made available on CIRCA for written comments to be sent by 8 January 2009. There remained a number of RfUs under discussion.

The UK would organise a sub-group meeting in Brussels before the next meeting of the Machinery Working Group to discuss the outstanding RfUs. The asked Member States to indicate their willingness to take part and also hoped that the NBs and CEN would be represented.

RfUs on application of Annex X (Docs. WG-2008.31)

Mr Jacques for NB-M explained that although Annex X introduced a new procedure in the machinery field, there was experience with module H for other Directives such as the PED, the MDD and the LD. It had been decided to set up a new Vertical Group to develop a set of RfUs to clarify how to implement Annex X. Half of the members of the Vertical Group had experience of machinery and the others had experience of module H with the other Directives. 4 meetings of the new VG had been held. The questions had also been discussed in the Horizontal Committee of NB-M which had helped to formulate the RfUs more clearly.

One of the important issues related to the provision of a technical file for one model of each category of machinery. The question was who chose the technical file. To avoid the choice of an unrepresentative technical file, NB-M suggested that the choice should be subject to agreement between the NB and the manufacturer.

Another issue was in what circumstances to carry out unannounced visits. Such visits were sometimes necessary, but should be based on sound reasons such as complaints from competitors, from Member States or the Commission. The conditions for unannounced visits should also be included in the contract between the NB and the manufacturer.

It was also important to clarify what the NB should do in case of major subcontracting, production under license and delocalised production facilities.

SPAIN agreed with much of the content of the NB-M document but thought the nature of the document should be clarified. Interpretation of the Directive was a matter for the Member States and the Commission. The interpretation of Annex X should be covered in the Guide. Spain thought that application of module H should be consistent from one Directive to another.

SWEDEN had asked the national accreditation body to make comments on the NB-M document and would forward their response under the written procedure.

DENMARK, FRANCE and AUSTRIA welcomed the NB-M work on this new procedure.

Mr Jacques for NB-M explained that the content of the RfUs was based on experience with other Directives, although there were specific provisions in the MD.

The UK stressed that the information given in the NB-M document was also of interest to manufacturers when choosing a conformity assessment procedure, since it gave them an idea of what to expect.

The CHAIRMAN stressed that it was important to distinguish the different responsibilities. The Member States were responsible for assessing and monitoring the NBs: it was not for the NBs to decide on what basis they should be assessed. The NBs had to put the conformity assessment procedure set out in Annex X into practice: that was the issue addressed by the NB-M document. He concluded that the work of NB-M on Annex X was very useful and would provide valuable input for the section of the Guide explaining Annex X. He thought more time was needed for Member States to study the NB-M document and make written comments if necessary. The deadline for written comments was therefore extended to the end of February 2009.
5. Notification of NBs for Directive 2006/42/EC

Ms McGovern for the Commission made a presentation of the NANDO database that handles the information on the notification of NBs and publishes the information on EUROPA. Since 2006, the national notifying authorities can encode data directly in NANDO. The data is validated by the Commission services and then published. The database included a list of bodies notified under Directive 98/37/EC with the products and procedures for which they are notified. This data would become obsolete from 29 December 2009, although it would still be accessible. A new list was being prepared for Directive 2006/42/EC and it was already possible to notify bodies for the new Directive.

The CHAIRMAN pointed out that items 1, 4 and 12 in Annex IV included sub-categories. In the NANDO database, each sub-category was mentioned separately in order to avoid mistakes.

FINLAND asked if it was necessary to systematically re-notify the existing bodies.

Ms McGovern replied that this was necessary, since the new Directive introduced changes to the conformity assessment procedures and to the criteria for notification.

FINLAND asked if the notified bodies could carry out procedures under the new Directive before the end of 2009.

The CHAIRMAN replied that there was a precise answer that that question in the Frequently Asked Questions on EUROPA.

FRANCE asked if it was possible to avoid the need to re-encode the data for each body.

The CHAIRMAN replied that the data did have to be re-encoded, due to the changes in the procedures.

The NETHERLANDS was glad that it was now possible to notify in NANDO for the new Directive and would be doing so soon. The decision had already been taken at national level to re-notify.

SPAIN reported that the national encoders found that the NANDO database was not user friendly.

Ms McGovern said similar comments had been made in other meetings. There were some historical reasons. The Commission welcomed feedback from users and would try to improve the system within the constraints of its architecture. There was an online help manual and she was also willing to provide advice.

The UK asked about the legal status of NANDO. There could be discrepancies between the information on NANDO and the exact responsibilities of the NBs as notified by the Member States.

Ms McGovern confirmed that NANDO was only a source of information.

LUXEMBOURG asked whether it would continue to be possible to check the notification of a body under Directive 98/37/EC. This could be necessary when checking a product on the market.

Ms McGovern replied that the notification of a body under Directive 98/37/EC would still be indicated on NANDO with the date of expiry.

PORTUGAL thanked Ms McGovern for her help in overcoming some difficulties with notification. There were only two possibilities to indicate the means used to assess a body: ‘accreditation’ or ‘other means’. It was not clear what should be indicated if a body was accredited but not for the specific Directive concerned.

Ms McGovern replied that in such a case, ‘other means’ should be indicated.

FRANCE asked when the Commission would publish a list of NBs in the OJEU.

Ms McGovern replied that lists of NBs had not been published in the OJEU since 2003, since they tended to be out of date. The NLF Decision simply required the Commission to make the lists available.

SWEDEN had encountered problems of reliability of the information obtained when searching the NANDO database.

Ms McGovern replied that such discrepancies could be due to technical reasons and asked Member States to communicate them to the Commission by e-mail.

6. Reports on standardisation

CEN (Doc.WG-2008.48)

Mr Steiger for CEN presented his report. The main activity was still adaptation of standards to the new Machinery Directive. CEN BT had taken the decision that all amendments to standards would be published as consolidated versions, which created an additional workload. This policy had given rise to some misunderstandings among users of standards since the amendments mentioned in the OJEU were not available. There was also a need to harmonise the reference given to the national version of such consolidated standards. He recalled that the TCs had been given a choice of method for adapting the standards. About 42% of standards were following track 1/simple amendment, about 40% were following track 2/technical amendment, and the rest were covered by the normal revision of standards. CMC had received about 85% of a total of 558 projects. Some other projects had not yet been accepted by the CEN Consultants. As of November 2008, about 30% of the adapted standards had been published as new consolidated versions, as revised standards or as European versions of ISO standards.

The most serious problem was the lack of availability of Consultants due to delay with the contracts and the need to recruit new Consultants. It was expected that the situation would improve in 2009.
CEN Guide 414, setting out the drafting rules for machinery safety standards, was being adapted to take account of the new MD and aligned with ISO Guide 78. It was intended to take over the ISO Guide and include specific European elements in the CEN version.

Mr Steiger welcomed the improved frequency of publication in the OJEU and reported that a schedule had been discussed with the Commission for 2009.

**AUSTRIA** raised problems relating to translation of standards into German. The CMC had reacted very slowly to Austrian requests.

CENELEC (Doc.WG-2008.39)

Ms Vigneron for CENELEC conveyed the apologies of the Chairman of TC 61 F. She explained that the document provided a status report on the adaptation of the TC's standards to the new MD.

The **CHAIRMAN** asked about progress on the safety standard for wind generators.

Ms Vigneron reported that CENELEC TC 88 had set up WG 4 to deal with revision of the standard. A written report would be provided for the next meeting.

The **CHAIRMAN** urged the Member States that had expressed concerns about the safety of wind generators to contact WG 4 of CENELEC TC 88 to ensure that their observations and experience were taken into account.

Mr Gabrielli for the **Commission** reported on the publication of the references in the OJEU. The last consolidated list had been published in August 2008 and a minor corrigendum had been published in September. The most recent list had been received from CEN in October and a new list would therefore be published before the end of 2008. A new data base was being established to facilitate the communication of the lists between the ESOs and the Commission, which should improve the efficiency of the system.

The **CHAIRMAN** added that, in 2009, it was planned to publish a last list of consolidated list of standards supporting Directive 98/37/EC in the spring. The first list of standards supporting Directive 2006/42/EC would be published in the summer. A second list of standards supporting Directive 2006/42/EC would be published towards the end of 2009 in order to have as complete a list as possible before the Directive became applicable.

**AUSTRIA** asked about the status of current standards that would be withdrawn on 28 December 2009. The new system of publication of consolidated standards was very confusing.

Mr Steiger for CEN replied that the withdrawn standards would be superseded by new consolidated versions supporting the new Directive. Even when the change only involved adding a new Annex Z, it was published as a new consolidated version. CEN would try to clarify the situation for stakeholders.

7. **UK formal objection to EN 474-1:2006 – Quick hitches (Doc.WG-2008.52)**

The **UK** recalled the problem with semi-automatic quick hitches on earth-moving machinery. These were systems for changing the buckets, which was an operation often carried out several times a day. There were manual systems, fully automatic systems and semi-automatic systems which required the operator to leave the cab in order to insert a locking pin. There had been several fatal accidents with semi-automatic systems when the operator failed to insert the locking pin. The UK had good cooperation with industry and with standardisers to resolve the issue. However, the UK had to make a formal objection to permit the necessary legal action.

Mr Steiger for CEN reported that TC 151, WG 1 dealing with earth-moving machinery had set up an ad hoc group on the issue of quick hitches involving health and safety experts and manufacturers. The plenary meeting of the TC had adopted a resolution to amend Annex B of the standard. He recalled that the problem only concerned the semi-automatic type of quick hitches and stressed that the Commission decision should be restricted to this type.

**SWEDEN** agreed with the UK position but was concerned with the some of the solutions being proposed following incidents and accidents in Sweden. Sweden was not sure that the problems were limited to the semi-automatic type of quick hitches. Sweden hoped to have a budget to carry out a thorough investigation of the causes of these incidents and accidents.

The **CHAIRMAN** recalled that the specific issue raised by the UK related to the semi-automatic quick type of quick hitches and should be resolved. If **SWEDEN** had information relating to other types, this could be taken into account when it became available. He concluded that the Working Group supported the UK formal objection and a Decision and a mandate to CEN would be drafted relating to semi-automatic quick hitches.


**GERMANY** presented the formal objection. The Regional market surveillance authority of Hesse had been investigating chain saws since 2001 using its test laboratory. The issue concerned the throttle trigger and the throttle trigger lockout device. The Directive required control devices to be designed to prevent unintentional operation. For hand-held and hand-operated machines, further measures were needed to prevent unintentional start-up or continued operation. Clause 5.10.2.1 of the standard gave specifications to prevent unintentional movement of the chain saw, however the wording of clause 5.10.3.1 relating to the use of the throttle lock for
cold starting was interpreted and applied in such a way as to allow the disabling of the throttle trigger lock not just during cold starting but also during normal operation of the saw. This gave rise to risks due to both unintentional movement and foreseeable misuse of the chain saw.

Mr Diehl for CEN made a presentation. To start a chain saw, several devices were fitted: the pull starter, the throttle trigger to accelerate the engine, the throttle trigger lock-out to prevent unintentional activation of the throttle trigger, and the throttle lock. Since a cold two stroke engine would not start in the idle position, and since two hands were needed to start the machine, a throttle lock was needed to keep the throttle slightly open. The speed of the engine was then sufficient to move the chain if the operator had not engaged the chain brake. The instructions state that the chain brake should be engaged before starting. To return to the normal secure mode, one activation of the throttle trigger was needed. The CEN WG agreed with Germany that the throttle lock should not be easily or unintentionally engaged. In this respect, the standard should specify that two independent and deliberate actions were required to engage throttle lock. The throttle lock was necessary for cold starting but the risk involved was low.

GERMANY commented that all chain saws did not have a chain brake. There were technical solutions to prevent movement of the chain during starting.

Mr Diehl replied that the technology did not currently exist to enable cold starting of chain saws without a throttle lock. Currently, chain saws did not have batteries, thus electronic solutions for starting were not feasible.

The UK asked whether the throttle opening could be controlled by the choke. This might make unintentional use less likely.

Mr Diehl explained that, when starting a cold two-stroke engine, the choke function enriched the fuel mixture to ensure first ignition and the throttle had to be locked in a partially opened position. Some designs controlled both functions with one control device.

Mr Steiger for CEN thought that a meeting could be held in Germany to clarify the technical issues.

GERMANY agreed and suggested to invite experts from other Member States.

BELGIUM reported that counterfeit chain saws bearing well-known trademarks had been seized by the police. Further information would be provided later.

The CHAIRMAN asked Germany to circulate the invitation to the suggested meeting of experts. He asked the Member States to prepare a position for the next meeting.

The information on the circulation of counterfeit chain saws should be discussed in the Machinery ADCO Group.

9. Formal objection to EN 12151 - Machinery and plant for the preparation of concrete and mortar (Docs. WG-2008.28, WG-2008.29)

FRANCE explained that the draft standard had remained dormant for many years and the standard had then been published without a new public enquiry in June 2008. One problem was the very broad scope: it was difficult to cover in the same standard machinery as different as manually loaded concrete mixers and industrial plant for the preparation of concrete. On the other hand, the standard was incomplete since storage and handling installations were not covered. At least 15 of the EHSRs were not adequately dealt with: electrical risks were not adequately covered, in particular with respect to cut-off devices for maintenance operations; there was a lack of requirements for interlocking of doors or other means of access to danger zones; the requirements for the handling of portable elements was not covered; risks of falling from a height or being buried in sand were not adequately dealt with; the B-standards on access to machinery had not been taken into account; stability had not been adequately covered, taking into account the different conditions of use; ergonomic requirements had not been dealt with. France considered that the standard was an outdated text that did not correspond to the state of the art and concluded that the reference of the standard should be withdrawn from the OJEU. CEN should be mandated to revise the standard without delay.

Mr Steiger for CEN did not have detailed information about the development of the standard. It had been checked by a CEN Consultant. The French observations had been forwarded to the TC in October 2008 and the TC would respond at the next meeting.

The UK supported the French formal objection and considered that risks due to inhalation and skin contact with cement dust were also lacking.

The CHAIRMAN replied that these points could be included in a mandate to CEN. He concluded that CEN was requested to provide a response and asked Member States to prepare their position for the next meeting.

10. German formal objection to EN 12649 - Concrete compactors and smoothing machines (WG-2008.33, WG-2008.34)

GERMANY explained that compacting concrete was often carried out with petrol-driven machines. They were supplied with a warning about the amount of space required for use. The machines emitted toxic CO gas and, in
confined areas, the emissions could easily lead to concentrations that could cause CO poisoning after a certain time.

It was not practicable to use convectors to extract the gases because of adverse effects on the concrete. Gas or electric-driven machines could be used, but petrol-driven machines should only be used with catalytic converters. In this respect the standard did not reflect the state of the art.

Mr Steiger for CEN reported that TC 151 WG 8 had discussed the issue with the German authorities only after the standard had been adopted. The WG indicated that gas or electric-driven machines could be used in confined areas and that it was not simple to provide design requirements for catalytic converters. The WG was willing to seek a solution.

The UK supported the formal objection and agreed that the reference should be published with an appropriate warning. The UK also had a more general concern about use of internal combustion engines inside buildings, such as petrol-driven generator sets.

Spain thought that the measures foreseen in Article 9 of the Directive might be appropriate in this case.

Switzerland thought that use of such machines inside buildings was foreseeable misuse. Would it not be possible to fit an alarm to prevent use if the concentration of toxic gas became too high?

The CHAIRMAN concluded that the German formal objection was supported by the Working Group. This position would be communicated to the 98/34/EC Committee with a draft decision. A mandate would be given to CEN to improve the standard in this respect.

11. KAN report on safety of agricultural machinery (Doc. WG-2008.30)

Germany presented the report from KAN (Commission for occupational health and safety in standardisation) on the safety standards for agricultural machinery. The study had been carried out by the German Agricultural Society, with input from many stakeholders. The study presented an analysis of 23 harmonised standards for different types of agricultural machinery with respect to the EHSRs of the Machinery Directive. Where the standards did not comply with the EHSRs, the justification was assessed. Suggestions were made for improvement, with a priority list based on the number of accidents reported.

Mr Alt for CEMA said the industry had not been involved in the study. The report did not give a full picture. It was not correct to establish priorities without analysing the exact cause of accidents. CEMA had developed a position paper on tractors and on safety standards for agricultural machinery that would be made available to the Working Group. CEMA was in favour of a dialogue with the health and safety authorities and thought that standardisation provided the right forum for that dialogue.

France thought the report was very interesting. French experts taking part in standardisation in this field recognised the problems described.

Italy had been attempting to raise the problems discussed in the KAN report for some time. In particular, Italy was particularly concerned with the design of the controls of the machinery in the tractor.

Sweden thought that the situation described in the report was not specific to agricultural machinery standards. Health and safety authorities were often isolated in Working Groups for C-standards.

Germany agreed with Mr. Alt that the priority list was not a list of the worst machines but was intended to help standardisation bodies to give priority to certain standards. He confirmed that German market surveillance authorities would be playing a more important role in standardisation in the future.

The CHAIRMAN underlined that the subject of the KAN report was the quality of standards for agricultural machinery rather than the safety of the machinery itself. There seemed to be a gap between the level of safety of the best machinery available on the market and the level required by the standards. The KAN report showed up this gap. It remained necessary to translate the essential health and safety requirements into technical specifications for each type of machinery, taking account of the state of the art. Without commenting on the situation in Germany, he stressed that the Commission had always encouraged the authorities to make their views known to standardisation groups as early as possible during the development of standards.

12. Gas turbines and Steam turbines (Doc. WG-2008.32)

ANIMA explained that the document aimed to clarify the application of the new MD to gas turbines, steam turbines and electric generators. ANIMA considered that gas turbines and steam turbines should be treated as partly completed machinery subject to a Declaration of incorporation. The electric generator comprising a gas or
steam turbine and the generator itself was an assembly of machinery subject to CE-marking and an EC Declaration of conformity.

Mr Kraus for ORGALIME said that gas and steam turbines had always been considered as incomplete machinery.

GERMANY agreed with Mr Kraus that gas and steam turbines were partly completed machinery and were subject to CE marking when combined with the generator to produce electricity.

The UK thought that the solution proposed by ANIMA might be adequate when there was a simple mechanical link between the power source and the generator. In that case, the instructions for connecting the drive system to the generator might be sufficient to deal with the risks. But for complex installations, involving feedback from the generation process to the power source, the safety of the complete installation had to be assessed.

LUXEMBOURG thought that in complex installations, the whole plant would have to be considered as machinery.

DENMARK stressed that, however the turbine and the generator were considered, the final assembly should be considered as machinery and subject to a risk assessment.

The CHAIRMAN pointed out that the ANIMA document proposed to consider the generator as machinery without a drive system. In that case, the final assembly might not be reassessed. This might be acceptable in simple systems, however for the complex systems mentioned by the UK, it was essential to have a conformity assessment of the final assembly. In this respect, the answer proposed by ANIMA would have to be reconsidered.


The CHAIRMAN explained that this question had been raised by the Commission following discussion in the Editorial Group on the section of the Guide relating to Part 4 of Annex I. The question was whether the check on fitness for purpose, that must be carried out on each machine, must in each case include static and dynamic tests. Under the current Directive, the guidance given by the Commission had varied. During the discussion of the new Directive, the European Parliament had proposed an amendment setting out a flexible approach, but this had not been accepted by the Council. The conclusion of the Commission document was that the legislator had clearly intended to keep the requirement for a check on each item of machinery before it was put into service, including static and dynamic tests.

The UK accepted the Commission's account of the history. In the English version of the Directive, the word "machinery" did not necessarily mean 'each machine', however legal advice suggested that this was the intention. From a safety point of view, static and dynamic tests were necessary on each item of certain kinds of lifting machinery such of cranes. For other kinds of machinery, thorough quality control of parts and assemblies and sample testing could replace unit tests and even provide a better guaranty of safety.

Mr Kraus, presenting the VDMA paper, stated that, for machinery with manual welding, the fitness for purpose test was necessary on each machine. Quality management was complementary to tests, but did not replace them.

Mr Male, presenting the paper from FEM and CECE, referred to manufacturing practice and harmonised standards. For some lifting machinery, such as loader cranes or mobile elevating work platforms, every machine produced was subject to static and dynamic tests. However a large proportion of lifting machinery was tested on a sample basis. This machinery included variable reach trucks, jacks, chain blocks and lever hoists. Harmonised standards were available for the different types of lifting machinery and the testing requirements were variable. Overload tests were always required for individually produced machines. For machines produced in series, other solutions were available. Application of those standards had not been challenged and had given rise to safe machines for several years.

FRANCE agreed with the conclusion of the Commission's document. While the interpretation of the requirement for fitness for purpose in the current Directive had not been clear and, as a result, some current standards were not satisfactory, the text of Directive 2006/42/EC was clear and provided a basis for correcting the harmonised standards. There might be some machines for which static and dynamic overload tests could not be carried out for technical reasons and they should be exempted by the relevant harmonised standards.

LUXEMBOURG agreed with France. The change made by Council in the new Directive was made for a reason. Luxembourg thought that unit testing was already required under the current Directive.

GERMANY thought the text of the new Directive in German did not leave much room for manoeuvre, but the use of the word 'machinery' in English could be interpreted in another way.

The NETHERLANDS agreed with ideas put forward by the UK from a cost point of view. For series production, it was possible to have adequate quality procedures with sample testing.

AUSTRIA and SWITZERLAND thought the new Directive was clear and that, as a result, the text might have to be changed.

DENMARK was unhappy to base an interpretation on the distinction between 'machine' and 'machinery', since this might create a bad precedent for other requirements.
SWEDEN thought the complexity of the problem was due to the wide range of products concerned. For mobile cranes, overload tested was needed to release residual stresses in order to improve resistance to fatigue, and that was covered in the relevant standard. Variable reach trucks were among the examples cited for which unit overload testing was not necessary, yet these were very similar to mobile cranes.

IRELAND thought that there was also a question to be answered for section 4.1.2.3 on how to determine the test load for machinery with a variable maximum working load.

SPAIN thought that it was not possible to base an interpretation on the use of the words 'machine' or 'machinery'. This essential requirement should be applied in light of the General Principles.

BELGIUM thought it was necessary to ensure safety but also to consider the economic consequences for manufacturers and their customers.

Mr Male for FEM and CECE thought that testing of certain machinery could be different from unit overload tests but provide the same level of safety. For example, manual chain blocks were subject to sample testing at 4 times the maximum load. In response to Ireland, he stated that the overload used for the static test could vary depending on the type of machinery. The time factor increased the cost of the test. In response to Sweden, he pointed out that tests on welded structures could be carried out on subassemblies under a quality management system.

Mr Kraus for VDMA thought safety and cost aspects could be combined. The New Approach relied on harmonised standards for application of the essential requirements for particular types of machinery and had proved successful. The same approach should be followed for this requirement. If the specifications of the standards proved inadequate, the formal objection procedure could be used.

The UK agreed with Mr Kraus. The text of the Directive probably did require overload testing on each unit, however there was a need for some flexibility in the application of the requirement for particular types of machinery.

The CHAIRMAN asked each Member State to answer the question: "does Directive 2006/42/EC require static and dynamic testing of each machine?"

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>AT DE DK FI FR IE LU PL RO SE SK UK</td>
<td>BE CY CZ ES IT LV MA NL</td>
</tr>
</tbody>
</table>

Switzerland, Norway

The CHAIRMAN noted that the opinion of the Working Group was far from unanimous. Furthermore, some of the Member States that replied 'yes' agreed on the meaning of the text but were not in favour of a policy of strict application of the requirement.

He concluded that the essential requirement had to be applied in the light of the General Principles, taking account of the risk assessment and the state of the art. The technical solutions for applying the requirement relating to fitness for purpose that were specified in harmonised standards would give presumption of conformity if they were not challenged by the Member States. The comments on this requirement would be re-examined in the Editorial Group in light of the discussion, with the objective of providing guidance that was both legally sound and practicable.

14. The application of the MD to mobile offshore units (Doc. WG-2008.50)

NORWAY recalled that the Machinery Directive did not apply to mobile offshore units and machinery installed on such units. There had been a development of technology from fixed production units to floating production units. The current units looked like ships, but had the same production facilities as the former fixed installations. Some of the floating installations were flagged and subject to the maritime regime, others were not flagged and were subject to the regulations of the relevant coastal states. Norway considered floating production units as fixed units subject to the MD.

On the other hand, mobile drilling units were currently excluded. Norway considered that this did not make sense, since these mobile drilling units were actually to be regarded as industrial workplaces and the activities carried out on them were mainly the same as those carried out on other floating units or fixed units. Many types of machinery were used on both mobile and fixed units. Application of the MD produced an improved level of safety and technical harmonisation. The manufacturers CE-marked such machinery, but legal problems arose when controlling machinery on mobile drilling units.

In view of developments in technology, the distinction between mobile and non-mobile units was no longer a valid criterion. The International Maritime Organisation (IMO) does not regulate floating production units. The IMO non-mandatory code for mobile drilling units does not include requirements for sub-sea drilling which remains subject to control by coastal states. The interface with the maritime regime could be based on the distinction between maritime operations that were subject to the maritime regime and exploration, drilling, and exploitation operations that remained subject to control by the coastal states. To maintain the status quo would
lead to confusion in enforcement practice and compromise safety. Consequently Norway considered that modification of the scope of the MD should be considered.

The UK had had discussion with Norway on the issue and shared the analysis. The draft Guide solved the problem of floating production units but a solution for mobile drilling units required amendment of the Directive. The level of protection of workers under the international maritime regime was not the same.

CYPRUS pointed out that the health and safety at work Directive 92/91/EEC on drilling should be considered in discussions with the IMO.

NORWAY considered that the workplace Directive was not relevant to the question of the design of the machinery.

The CHAIRMAN thanked Norway for the clear presentation of the issue and said that an opportunity to update this provision had perhaps been missed when the MD was revised. In the immediate future, the Guide provided the only opportunity to interpret the Directive in the best way. Consultation was needed with the IMO to discuss the way forward.

15. **Safety of woodchippers (Doc. WG-2008.44)**

BELGIUM reported that a manufacturer of a woodchipper driven by a combustion engine had reported a serious accident with the product. During the enquiry, it appeared that the manufacturer had followed standard EN 13683\(^{146}\) which had not been published in the OJEU because it failed to comply with certain EHSRs. According to the manufacturer, the standard was used by most of the gardening machinery industry. BELGIUM wished to know the views of other Member States on the situation.

The UK had some information that could be shared with Belgium in the framework of ADCO.

DENMARK was awaiting the amendment to the standard to know how to check machinery on the market.

Mr Steiger for CEN had no information on the amendment of the standard and would report to the next meeting.

The CHAIRMAN noted that the issue raised by BELGIUM was important since the formal objection to the standard did not appear to have had any effect on the conformity of the machinery on the market.

Ms Uny for EGMF said that the manufacturers would provide a response at the next meeting.


FRANCE had carried out an extensive market surveillance survey on cranes. The detailed results of the survey had been reported to ADCO. France wished to draw attention to certain specific problems for standardisation.

First, on tower cranes, the ladders for access to the operating position were sometimes badly designed, without rest platforms or with too many steps between levels. The protective means were sometimes inadequate. The tower crane standard should give precise specifications for the means of access.

Second, during the survey, there had been two fatal accidents: operators had suffered heart failure and it had taken too long to evacuate them from the cab. The question of emergency evacuation should also be dealt with in the standard.

Thirdly, there was some confusion relating to the overlapping scope of crane standards. France would like to have the support of other Member States to resolve these problems.

FINLAND faced a similar problem when redrafting the national regulations on use of work equipment. In the standard for tower cranes, fitting a lift for access to the operating position was an option. This made it difficult for the Member States to require the fitting of lifts to higher tower cranes. It would be useful for the standard to be clearer on this.

SWEDEN reported that, for many years, Swedish national regulations had required powered means of access to be fitted if the height of the crane was more than 25 metres. This did not appear to contradict the single market legislation, since clause 6.1.1 of the generic standard on access to cranes, EN 13586\(^{147}\) required a powered access system to be provided if the height that the operator had to climb from the point of access to the control station was more than 25 metres. In that case, the crane must be designed to receive such a system. This also applied to modular cranes the height of which varied from one installation to another.

The UK had discussed a similar issue with the wind turbine industry. That industry was considering reference to the tower crane standard. It was also important to deal with the fitting of lifts to existing installations.

The NETHERLANDS reported that there were no national regulations on this subject, but the trades unions insisted on provision of lifts where necessary. In some cases, the cranes were designed with integrated lifts; in other cases lifts were fitted to existing cranes and were certified according to the Machinery Directive as separate products.

The CHAIRMAN asked France to forward their observations to CEN TC 147 and asked CEN to take them into account.

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\(^{146}\) EN 13683:2003 Garden equipment - Integrally powered shredders/chippers - Safety

17. **Personal water propellers (Doc. WG-2008.42)**

**FRANCE** had been asked about the status of motor-driven equipment used for propelling swimmers or divers during leisure or professional activity. The product appeared to correspond to the definition of a machine. Since it permitted people to move in the water, it appeared to be a means of transport. The question was whether it was one of the means of transport excluded from the Directive. The English text of Directive 2006/42/EC referred to means of transport on water networks, but the French text referred to means of transport "par eau" (by water). France thought that the requirements of the Recreational Crafts Directive might be more relevant.

**The CHAIRMAN** thought it was better not to base the decision on the interpretation of the terms 'on' or 'by' but on the intention of the legislator. Usually the exclusions concerned products that were covered by other legislation. This did not seem to be the case here.

**The UK** believed that these machines were not subject to the RCD.

**DENMARK** agreed that personal water propellers were not means of transport. Denmark pointed out that two such products had been recalled from the market following explosion of the batteries.

**LUXEMBOURG** had found similar products without CE-marking that were sold as toys. Luxembourg thought the products shown in the French document were subject to the MD.

**SPAIN** thought a means of transport was something on which persons were carried. Spain considered that this product was in the scope of the current MD and would continue to be in the scope of the new MD.

**The CHAIRMAN** concluded that it appeared that personal water propellers were subject to the Machinery Directive, subject to a check that they were not in the scope of the Recreational Crafts Directive.

18. **Self propelled steps for aircraft (Doc. WG-2008.45)**

**FRANCE** presented a study of the safety self-propelled steps for aircraft. The study followed two accidents involving falls from the steps which had shown that existing protective means were inadequate. A number of measures had been taken to improve the safety of machinery in use in French airports. France wished these measures to be included in the harmonised standard; however problems had been raised relating to possible damage to the aircraft doors and to the need to deploy the escape chutes in case of emergency.

**GERMANY** reported that the accidents that had occurred in France and the measures proposed had been studied by the German group following standard EN 12312-1148. Germany had no problem with the measures concerning the visibility of the driver and the audible warning signal. However the barrier at the top of the steps could block the opening of the aircraft doors in an emergency and thus conflict with air safety regulations. Germany proposed to organise a meeting with the French authorities and other Member States to try to find a common solution.

**FRANCE** agreed to take part in such a meeting.

**The UK** reported that the problems raised by France were currently managed in the UK by means of safe systems of work. The relevant UK authorities were interested in the perspective of finding integrated protective measures to deal with the problems.

**BELGIUM** asked for the French presentation to be made available.

**The CHAIRMAN** concluded that this point would be followed up at the next meeting.


**The CHAIRMAN** reported that two sections of the Guide had been revised in light of comments received from the Machinery Working Group. These were the comments on the Preamble and Articles 1 and 2 and the comments on Articles 3 and 4. These sections could already be used, but would be reviewed before publication. Other sections had been produced by the Editorial Group and submitted to the Working Group. These were the comments on Articles 5 to 10 and the comments on Part 4 of Annex I. These would be revised in light of the comments received. A meeting of the Editorial Group was planned in December.


**The CHAIRMAN** reported that the purpose of the Regulation was to adapt a large number of Community acts to the new Decision on Comitology which foresaw a reinforced scrutiny by the European Parliament (PRAC) when draft decisions were submitted to Regulatory Committees. For the Machinery Directive, the Regulation modifies the procedure for adopting the measures referred to in Article 8 (1) relating to the updating of Annex V – the indicative list of safety components – and measures to deal with potentially hazardous machinery according to Article 9.

The European Parliament had proposed an amendment to also submit the measures foreseen in Article 8 (2) to PRAC. This had been opposed by the Commission and by the Council legal service. After discussion in the

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148 EN 12312-1:2001 Aircraft ground support equipment - Specific requirements - Part1: Passenger stairs
trialogue, this amendment had been withdrawn, but the words "... implementation and ..." would be deleted from Article 8 (2) in order to avoid confusion with true implementing measures.


The CHAIRMAN recalled that the Commission’s proposal had been adopted and transmitted to the Council and Parliament on 5 September 2008. There had already been a presentation of the proposal to the IMCO Committee of the European Parliament and the first meeting of the Council Technical Harmonisation Working Party would be held on 3 December.

FRANCE stated that the Presidency hoped to find a date for a second meeting in December.

22. **Any other business**

*Suspended baskets for use with cranes*

FRANCE had concerns about prEN 14502-1 being developed by WG 4 of CEN TC 147. This issue had already been discussed. The standard was not harmonised, since the products were not subject to the Machinery Directive. France had difficulty obtaining information about this standardisation work. It was important that the standard mentioned the fact that national requirements were applicable in this area.

SWEDEN reported that the standard was being revised. Many comments had been received, including from France, and were being discussed. The draft included reference to the legal situation and the possibility of a national foreword was foreseen.

The CHAIRMAN recalled that, following the French formal objection, the decision had been taken not to publish the reference of the standard in the OJEU. The reference had been published by mistake, but had subsequently been withdrawn.

*Market surveillance of refuse collection vehicles in France (Doc. WG.2008.38)*

The CHAIRMAN said that the French report was available and would be discussed at the next meeting.

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149 prEN 14501-1 Cranes - Equipment for the lifting of persons - Part 1: Suspended baskets
**Summary of questions to be followed up at the next meeting**

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Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairman: Mr Ian FRASER (ENTR/I4)
EC Participants: Mr Mario GABRIELLI COSSELLU, Mr Előd Ajtony DUDAS, Ms Catherine KOECKX (ENTR/I4)

1. Welcome and approval of the agenda

The CHAIRMAN welcomed the participants. He apologised to the UK for the late uploading of the formal objection to EN 1010-5 on platen presses that had been sent shortly after the previous meeting. He proposed to discuss this under item 6. He reported that FRANCE had submitted a document on industrial radiography devices but the English version was not yet ready, so item 13 would be taken at the next meeting.

With these modifications, the agenda was approved.

2. Approval of the minutes of the meeting of 19/20 November 2008 (Doc. WG-2008.56)

The CHAIRMAN said that a written correction had been received from Norway on item 14 relating to the presentation on mobile offshore units. This correction would be included.

With this correction, the minutes of the meeting held on 19/20 November 2008 were approved.

3. Follow-up of questions from the meeting of 19/20 November 2008

(1) UK formal objection against EN 693 - Hydraulic presses
The UK was still awaiting confirmation of agreement on the amendment.
Mr Steiger for CEN regretted that there had been no UK representative at the last CEN meeting and asked the UK to check the proposed amendment and confirm the agreement.
The UK explained that the absence was due to illness and agreed to ensure that the UK position was confirmed.

(2) Policy on publication of Machinery standards
The CHAIRMAN reported that CEN had expressed interest in differentiating A, B and C-type standards in the list published in the OJEU. This might be done for the first list published under Directive 2006/42/EC.
Ms Poidevin for CEN said that this did not raise technical problems, but CEN was awaiting confirmation from the Commission.

(3) Period of validity of EC-type examination certificates
The CHAIRMAN thought the question had been overtaken by the imminent application of the new Machinery Directive. He proposed to ask the NBs if any further clarification was needed.

(4) Formal objection against EN 12215 and EN 13355 - Paint booths and combined paint booths
The CHAIRMAN reported that a draft Decision had been submitted to the 98/34/EC Committee and written comments from GERMANY and AUSTRIA had to be taken into account. He asked France for progress on new common tests.
FRANCE reported that the engineer who had followed this matter had retired, however new people had now been recruited and INRS would contact the relevant body in GERMANY. France would report to the next meeting.

(5) Formal objection against EN 12312-9 - Container pallet loaders for aircraft
The CHAIRMAN reported that the Commission Decision 2009/180/EC, to publish the reference of the standard with a warning, had been adopted on 11 March 2009 and published in the OJEU L 67, page 85, on 12 March 2009.

(6) Formal objection against EN ISO 4254-1 - Agricultural machinery - General requirements

The CHAIRMAN recalled that the draft Commission Decision had been submitted to the 98/34/EC Committee. Comments had been received and were being considered.

Ms Poidevin for CEN reported that a revised draft of the amendment to the standard, taking account of the French objections, had now been submitted to the vote until July 2009.

GERMANY recalled that the study by KAN on standards for agricultural machinery had shown the need for improvement in this area.

(7) Formal objection against EN 1459 – Self-propelled variable reach trucks

The CHAIRMAN reported that the draft Commission Decision had been submitted to the 98/34/EC Committee: written comments had been received and were being considered.

(8) Test codes for pneumatic hand-tools

The CHAIRMAN said that, in response to a request from BELGIUM, CEN had provided a list of references of the standards concerned and the state of play of their revision (Doc.WG-2009.11).

The UK considered that, since satisfactory progress was being made on the revision of the test codes, the formal objection could be withdrawn.

(9) Refuse collection vehicles

The CHAIRMAN recalled that the objective of the question first raised by France was to clarify which refuse collection vehicles were covered by item 13 of Annex IV. Sweden had proposed a position in Doc.WG-2008.40. He asked if the Member States agreed with this position.

FRANCE said that national experts had confirmed that the Swedish document provided a clear and workable interpretation of manual loading.

GERMANY also supported the Swedish document and suggested that the document should be published by the Commission. It could also be referenced in the Guide.

Mr Jacques for NB-M reported that a Recommendation for Use on this subject had been proposed by VG 6 but had not yet been approved by the Horizontal Committee.

The CHAIRMAN concluded that there was general agreement with the Swedish document. It was also important for the Notified Bodies to understand and confirm this interpretation and asked NB-M to report back to the Working Group as soon as possible. He thanked SWEDEN for contributing to this useful clarification.

Conclusion:
The position set out in Doc.WG-2008.40 is approved by the Machinery Working Group. After confirmation by NB-M, the document will be published by the Commission on EUROPA and a reference will be made to the document in the Guide to application of Directive 2006/42/EC.

(10) EN 13524 - Highway maintenance machines

Mr Steiger for CEN reported that the last meeting of WG 16 of TC 151 had been held in October 2008. It had been agreed to amend the stone guard test method, in particular with respect to the ground conditions. Due to bad weather, the necessary validation tests could not be carried out as planned and the meeting planned in February 2009 had been postponed to June 2009.

The CHAIRMAN asked CEN to report on progress at the next meeting.

(11) EN 690 - Manure spreaders

Ms Poidevin for CEN reported that a draft amendment should be ready for enquiry in December 2009.

GERMANY recalled the relevance of the KAN study on agricultural standards.

ITALY observed that the work on EN 690 was going very slowly and that several serious risks had not yet been addressed.

The CHAIRMAN asked CEN to make a more detailed progress report at the next meeting.

(12) Channel baling presses

GERMANY reported that a project committee had been set up and good progress was being made.

The CHAIRMAN asked CEN to inform the WG when a work item had been started.

(13) Formal objection against EN 474-4 & -5 - Backhoe loaders and Hydraulic excavators (Doc. WG-2008.02)

The CHAIRMAN stated that the Commission would draft a Decision in light of the various opinions that had been expressed.

Mr Belaen for CECE urged the Commission to reach a decision quickly, since industry wished to apply the 2006 version of the standard.
Formal objection against EN 500-4 – Compaction machines (Doc. WG 2007.68)

**The CHAIRMAN** reported that FRANCE had communicated a note limiting the grounds for the formal objection to the unresolved issues. He asked FRANCE to inform the 98/34/EC Committee formally.

Warning for EN 1726-1 and EN 1459 – Industrial trucks

**The CHAIRMAN** said that a response had been received from the Commission Standardisation Unit. This dealt with the normal case where a revised standard solved the issue subject to the warning in the OJEU. In that case, the revised standard was published without the warning. However this response did not appear to resolve the particular problem raised by EN 1726-1 and EN 1459 where the mandate had only been partially fulfilled. The examination of this case would therefore have to be pursued.

Comments on EN 848-3:2007 - Numerical control (NC) boring machines and routing machines

Ms Poidevin for CEN reported that a second amendment had just been submitted to the vote and the result would be known in October 2009.

**The CHAIRMAN** asked Member States to check the amendment to ensure that this issues raised by Sweden had been resolved.

Formal objection to EN 1870-17 - Manual radial arm saws

Ms Poidevin for CEN reported that the Secretary of TC 142 had stated that the French concerns had been taken into account in a second amendment that would be submitted to a vote at the end of April. The result would be available in July 2009.

FRANCE said that, in light of the satisfactory progress, the formal objection could be withdrawn.

Revision of EN 1570 - Lifting tables

Mr Steiger for CEN reported that the CEN TC 98 resolution on the scope of the relevant standards and cooperation with TC 10 had been adopted and could be uploaded on CIRCA.

Attachment of interchangeable work platforms on telehandlers

Ms Poidevin for CEN reported that TC 98 had prepared an amendment to EN 280 that would be sent for enquiry from May to October 2009, but this amendment did not answer the concerns expressed by Italy. The TC therefore expected to receive more information from Italy during the enquiry.

Mr Jacques for NB-M reported that VG9 was preparing a Recommendation for Use to be presented at the next meeting on 10 June 2009.

Lifting function of a vehicle chassis

**The CHAIRMAN** said that the automotive sector been asked to give an opinion on the borderline with the vehicles legislation, but had not yet replied. The item would be carried to the next meeting.

Formal objection to EN 13001-2 - Cranes - Load actions

**The CHAIRMAN** thought that, in that case, a Commission Decision might not be necessary.

GERMANY replied that, in light of the amendment, the formal objection could be withdrawn.

Formal objection to EN 14985 - Slewing jib cranes

**The CHAIRMAN** said that the Commission Decision had to be drafted.

Electric brakes on small saw benches - Risk of loss of brake due to removal of plug

**The CHAIRMAN** recalled that NB-M had been asked to report their findings.

Mr Jacques for NB-M expected the answer at the NB-M meeting in June 2009.

Digger attachments for tractors

Ms Poidevin for CEN said that TC 144 was not yet aware of the problem. However, Mr Hostens of CEMA had reported that a draft of a specific C-type standard had been prepared by the Italian Industry Association UNACOMA and that it would be sent to TC 144 for a new work item. Mr Hostens was ready to lead the work on this subject.

ITALY confirmed the CEN report. The draft standard followed a study carried out in cooperation with the manufacturers.

**The CHAIRMAN** asked Italy whether the conclusions of the study could be used as guidance for market surveillance action by the Member States in the framework of the Machinery ADCO Group.

The UK asked Italy to also present their conclusions to the MACHEX meeting.

ITALY said a document was ready and could be presented at the end of the meeting – see item 13.

Formal objection to EN 474-1 – Semi automatic quick hitches

**The CHAIRMAN** said that the Commission Decision had to be drafted.
Mr Steiger for CEN reported that the item had been discussed at the last plenary meeting of TC 151 and a resolution had been taken to revise Annex B of EN 474-1 accordingly. An Ad Hoc Group had formulated a draft amendment and it would be discussed at a meeting of WG 1 in June 2009.

(26) **Formal objection to EN ISO 11681-1 – Chain saws for forest service**

GERMANY said that meeting of experts had not proved necessary since the German experts had agreed on a proposal in the national mirror group that answered the issues raised in the formal objection. A meeting of the ISO working group was planned in Beijing in May. If the new proposal was accepted, the formal objection could be withdrawn.

The CHAIRMAN noted that the formal objection was suspended awaiting the outcome of the standardisation work. He asked Germany to provide an explanation of the new proposal at the next meeting.

(27) **Formal objection to EN 12151 - Machinery for the preparation of concrete**

Mr Steiger for CEN reported that a decision had been taken by the plenary meeting of TC 151 to open a preliminary work item for the revision of the standard. It had been agreed that an ad hoc group led by France would make a proposal on the aspects to be revised.

FRANCE confirmed that FRANCE would work with experts from users and manufacturers to ensure that the standard was revised to reflect the state of the art.

The CHAIRMAN asked whether CEN would withdraw the reference from the list to be published in the OJEU.

Mr Steiger for CEN stressed that industry wanted the references of standards published as soon as possible. On the other hand, it was clear that the administrative procedure for formal objections was a heavy one. He proposed to discuss how to speed up the resolution of such cases at the next meeting of the CEN Machinery Sector Advisor Nucleus.

The UK pointed out that the issues raised by FRANCE were numerous and other issues such as exposure to cement dust were not treated. In this case, publication of reference did not seem possible.

FRANCE stressed that if CEN did not withdraw the reference of the current standard from the list, the Commission should adopt a decision not to publish it, given the numerous grounds for the formal objection.

The CHAIRMAN noted that the formal objection was unanimously supported by the Working Group. The Commission would therefore adopt a decision not to publish the reference, unless CEN withdrew the reference of the current version of the standard from the list.

(28) **Formal objection to EN 12649 - Concrete compactors and smoothing machines**

The CHAIRMAN said that the Commission had to draft its Decision.

(29) **Gas and steam turbines**

The UK said that the question had been discussed with UK Industry. The initial conclusion was that the question whether or not a new conformity assessment of the assembly of the gas or steam turbine and the electricity generator was necessary depended on the risk assessment.

GERMANY thought that a turbine without the overall control system was to be considered as a component. GERMANY agreed with the UK that the solution adopted must ensure that all the risks had been dealt with.

The CHAIRMAN suggested to consider the answer to the question posed by ANIMA in light of the more general question raised by DENMARK under item 10.

(30) **Interpretation of the requirement for fitness for purpose**

The CHAIRMAN explained that the Editorial Group had prepared a new version of the comments on Part 4 of Annex I taking account of the discussion at the last meeting of the Machinery Working Group – see Doc.2008.36rev1.

(31) **EN 13683 - powered garden shredders/chippers**

See item 7.

(32) **Personal water propellers**

The CHAIRMAN reported that the relevant Commission services had confirmed that these products were not in the scope of the Recreational Craft Directive, for three reasons: they were not boats, they were not long enough and the RCD excluded submarines. The question remained whether they were subject to the Machinery Directive. The American term for the products was 'Diver propulsion vehicles' (DPVs). Some of these products were held by the diver who continued to swim; others, sometimes referred to as 'scooters', were ridden by the diver; others were attached to the diver's back or feet. The main risks associated with the use of this type of equipment appeared to be diving risks.

The UK thought that the intended use of these products was rather similar to quads and that they should not be excluded as means of transport. These products had previously been reserved for use by specialists, but sale and hire of such products for leisure use was now growing rapidly.

DENMARK reported that the Danish Maritime authority did not consider such products as means of transport.
FRANCE had considered that the product was excluded from the Machinery Directive, but if the opposite conclusion was drawn, it would be important for a harmonised standard to be developed.

ITALY reported that all of the products seen in ITALY had been imports from third countries. It had been considered that they were subject to the Machinery Directive. A clear answer was needed for market surveillance purposes.

IRELAND thought that the issue should be decided by the Commission and the Machinery Working Group, not by the industry.

SPAIN thought that the majority view at the previous meeting had been that such products were subject to the Machinery Directive, unless the industry produced compelling arguments in favour of another solution.

The CHAIRMAN concluded that further information would be sought from the industry before reaching a final conclusion.

(33) Self-propelled steps for aircraft

GERMANY made a presentation on the meeting of a group of German and French experts that had been held on 3 March 2009 – see Doc.WG-2009-17. The background was a fatal accident in France and reports made to previous Working Group and ADCO meetings by France. The main risks concerned were the risk of falling from the top of the steps, risks associated with movement of the steps, particularly due to lack of visibility for the driver, and risks of falling from the aircraft if the steps were not correctly docked at the aircraft door. There was agreement on measures to deal with the first two risks. For the third risk, the solution involved the interface with the aircraft that was subject to other regulations. Three action points had been agreed:

- contact the European Aviation Safety Agency to obtain their views on the safety of the interface between the steps and the aircraft;
- investigate to what extent the manufacturer of the steps could be required to deal with the interface with equipment not covered by the MD – this could be dealt with in the Guide;
- make common proposals, based on the experience of market surveillance, for the revision of standard EN 12312-1 on passenger stairs.

(34) PRAC Regulation

The CHAIRMAN stated that the Regulation amending the Machinery Directive with respect to the new Regulatory Committee procedure, that gave an enhanced right of scrutiny to the European Parliament, had been agreed by the European Parliament and the Council. The date of adoption was not yet known.

(35) Amendment on machinery for pesticide application

The CHAIRMAN reported that the IMCO Committee report, based on the agreement reached between the European Parliament, the Council and the Commission, had been adopted by the plenary session of the European Parliament on 22 April 2009 by an overwhelming majority. The IMCO Committee had agreed to withdraw a number of draft amendments giving detailed technical requirements. The Commission had made a declaration relating to the standardisation mandate to be given to CEN. The amendment would be adopted in the coming months; the Member States would have 18 months after publication of the amendment to transpose it into national law and the amendment would become applicable 2 years after its publication.

4. Report on the Coordination of Notified Bodies

Mr Jacques for NB-M reported that the last meeting of the Horizontal Committee of NB-M had been held in Brussels in December 2008. A new Vice-Chairman, Mr Paul Williams, had been elected to replace Mr Jockers who had retired after 15 years work for NB-M.

The Group of RFUs developed by VG 13 on the application of Annex X had nearly been completed: several new RFUs for this group had been approved.

The next meeting of the HC would be held on 10 June 2009. A document (EA Doc. 2.17), prepared by European Accreditation, on the basis for the accreditation of NBs, would be discussed at that meeting.

The CHAIRMAN recalled that accreditation was primarily a matter for the Member States. Article 14 of Directive 2006/42/EC foresaw the organisation of an exchange of experience between the Notifying authorities. It might be useful to organise such a meeting in the coming months, in particular, to discuss the basis of accreditation of the NBs for the conformity assessment procedures of the new Directive.

Ms Balzano for the Technical Secretariat of NB-M made a presentation on the review and adaptation of the RFUs for the new Machinery Directive - see Doc.WG-2009-16. A new format had been developed. In light of the review, RFUs would be withdrawn if they were no longer relevant, they could be maintained with a purely formal adaptation or they could be modified. Only in the third case would they subject to approval by the HC and endorsement by the Machinery Working Group.

BELGIUM asked if the NBs were aware that they had to be re-notified for Directive 2006/42/EC.

Mr Jacques replied that this had already been discussed and would be recalled at the meeting on 10 June 2009.
Sub-Group on the endorsement of RfUs

Mr Wilson, Convenor of the RfU Sub-Group, made a presentation on the first meeting of the Sub-Group – see Doc.WG-2009.15. The meeting had been attended by the representatives of 4 Member States, NB-M represented by Mr Williams, Ms Balzano and Mr Kohler of VG1, CEN and the Commission. He stressed the difficult task of the NBs who were required to make decisions on issues that were not covered by harmonised standards. The purpose of the Sub-Group was to seek a more efficient way of dealing with RfUs subject to written comments. Since it had proved impossible to resolve these issues in the plenary meetings of the Machinery Working Group, the Sub-Group would attempt to resolve them by direct contact with the convenors of the Vertical Groups concerned. The Sub-group would include permanent members and other people, in particular, convenors of the VGs could take part as necessary. A link to standardisation was needed and CEN Consultants might be able to make a useful contribution.

FRANCE explained that many of the issues raised by the RfUs were discussed at national level with the French coordination of Notified Bodies. FRANCE asked whether any progress had been made on the backlog of RfUs.

Mr Wilson replied that only one RfU had been discussed at the first meeting. The next meeting of the Sub-Group, planned on 1 July 2009 in Stockholm, would address a series of RfUs on woodworking machinery.

The CHAIRMAN suggested that questions raised by the RfUs could still be discussed by the Machinery Working Group, but the Member States should ask for the item to be added to the agenda.

Mr Jacques recalled that, in some cases, questions were referred to the Machinery Working Group by NB-M. Mr Steiger was not clear about the possible role of CEN Consultants.

Mr Jacques said that CEN Working Groups were systematically contacted when NB-M encountered problems concerning harmonised standards. He thought that the necessary contacts could be made by e-mail without necessarily bringing people to meetings.

5. Reports on standardisation

CEN (Doc.WG-2009.05)

Mr Steiger for CEN presented his report. Of the 600 standards to be adapted to the new Machinery Directive, 500 were now ready for UAP adoption procedure or formal vote. About 265 were already published and about 200 of these were already in the list of references published under the current Directive. It was expected that about two-thirds of the standards would be ready by the end of 2009. The others would follow in the first half of 2010. One of the problems encountered had been the lack of experts, particularly from industry, in the context of the financial crisis. Another problem had been the availability of Consultants and late contracts. This had only been solved by means of advances by CEN. A problem internal to standardisation was linked to the decision to publish all amendments to standards as consolidated versions. This policy had not been followed by all of the national standardisation organisations when publishing the standards at national level. The lessons of the operation would be discussed within CEN BT with a view to better management of the transition when Directives were revised.

DENMARK asked about the status of standards for Annex IV machinery.

Mr Steiger promised to check this and provide the information later.

Mr Belaen for CECE asked if the list of harmonised standards published in March would be the last list under Directive 98/37/EC. He also asked when the first list for the new Directive would be published.

The CHAIRMAN replied that CEN had promised to provide lists supporting the new Directive at the end of June and at the end of September. That would enable the Commission to publish the first list for Directive 2006/42/EC at the end of the summer and to publish a second list before the end of 2009. The objective was, on the one hand, to give the information about standards that gave a presumption of conformity to the new Directive as soon as possible and, on the other hand, to publish a list that was as complete as possible before the new Directive became applicable. There was no need for a new list under Directive 98/37/EC since all new or revised standards supported both Directives.

CENELEC

The CHAIRMAN conveyed the apologies of Ms Vigneron who was attending a meeting of CENELEC BT. CENELEC had provided an update on the safety standard for wind generators – see Doc.WG-2009.12. He urged the Member States that had expressed concerns on this subject, including the problems of access, to contact WG 4 of CENELEC TC 88 to ensure that their observations and experience were taken into account.

The UK mentioned that there were issues with lifts for wind generators that did not comply with the requirements for machinery serving fixed landings. This was an important issue for the very tall offshore wind generators since many Member States required lifts to be fitted for access.

6. UK formal objection to EN 1010-5 – Platen presses (Doc.WG-2009.13)
The UK explained that hand-fed platen presses were large printing presses used for short runs to print calendars, posters and so on. Occasionally a card got stuck and persons entered the danger zone to retrieve the card. This could happen 5 or 6 times per shift. There had been 2 fatal accidents in the UK when operators had entered the danger zone during the automatic stop of the press in the ‘dwell’ mode. It appeared that the persons thought they were protected by a trip device, but in fact the machine was only stopped by the dwell function. The prescribed procedure was to lock off the power supply, but the means to isolate the machine from the power supply was not conveniently located. The UK considered that the state of the art made it possible to improve the safeguarding on this type of machine in order to prevent this kind of accident. A possible solution might be to fit a laser scanner that would detect the presence on the platen of anything thicker than the card.

LUXEMBOURG thought that certain metal presses were in a similar situation.

FRANCE supported the UK position. There had been accidents in France with similar machines. FRANCE was surprised at the mode of operation presented by the UK where the work rate of the operators was entirely machine-determined.

GERMANY supported the UK position. Fatal accidents had also been recorded in GERMANY. In addition to the work carried out by CEN TC 198, standardisation work was also being carried out within ISO by ISO TC 130 on the ISO 12643 group of standards.

The CHAIRMAN concluded that the UK formal objection was supported by the Machinery Working Group and that this opinion would be reported to the 98/34/EC Committee.

7. **Safety of woodchippers**

BELGIUM presented Doc.WG-2009.04. BELGIUM thought it was important that manufacturers were informed that EN 13683 on integrally powered shredders/chippers did not give a presumption of conformity to the Machinery Directive following a the formal objection by Germany. It was urgent for CEN to amend EN 13683 or produce a new harmonised standard to enable manufacturers to comply with the Machinery Directive.

POLAND agreed that there was uncertainty about the status of standards adopted by CEN or CENELEC that had been refused for publication in the OJEU. Should we tell manufacturers not to use such standards?

The CHAIRMAN thought that if manufacturers applied a European standard subject to such a Commission Decision, it was up to the market surveillance authorities of the Member States to judge whether products designed to the standard were compliant and safe and take appropriate action if not. He recalled that, following the German formal objection, mandate M 380 had been given to CEN in January 2006 to improve standard EN 13683. He asked CEN if there was any progress to report.

Ms Poidevin for CEN reported that WG 7 of TC 144 had already organised two enquiries on the amendment to the standard and a large number of comments had been received. The WG had met in March 2009 to discuss the comments received and had asked for extra time. The WG expect to have the draft ready in December 2009.

8. **Supplementary guarding for removable mechanical transmission devices (Docs.WG-2009.01 and 2009.02)**

FRANCE presented the question, raised by a manufacturer, whether products placed on the market for the temporary repair of guards for mechanical transmission devices should be considered as safety components subject to the Machinery Directive and as guards referred to Annex IV, item 15. The French Ministry of Agriculture considered that such products were useful but should not be considered as safety components since, on their own, they did not provide complete protection. Consequently, they should not bear the CE marking.

The UK agreed with that these products were not guards for removable transmission devices according to Annex IV.15, but they were safety components and could be CE marked when the new Machinery Directive became applicable.

SWEDEN agreed with the legal reasoning of the UK, but was not sure whether it was appropriate to use such a patch or whether damaged guards should not always be replaced.

ITALY recalled the large number of accidents due to damage to guards. When the damage occurred in the fields, new guards could not be obtained quickly. Consequently, ITALY could see a useful function for such a patch. ITALY was also studying new guard designs which would be less subject to damage.

LUXEMBOURG thought that this type of patch might be retrofitted to existing machinery.

FRANCE agreed to investigate the possibility of alternative technical solutions with ITALY.

The CHAIRMAN thought that the use of such a patch was more a matter for regulations on the use of work equipment. He asked Member States to investigate the question and prepare their position for the next meeting.
9. Concerns on EN 81-41 – Lifting platforms intended for use by persons with impaired mobility (Doc.WG-2009.09)

AUSTRIA presented a document outlining concerns that had been expressed in AUSTRIA by the standardisers, the authorities and organisations dealing with the integration of people with impaired mobility. The products concerned were vertical platforms serving several floors that were often installed in private houses. The standard had only been adopted by a narrow majority. AUSTRIA considered that the standard would reduce the safety level of lifts. The standard did not meet several of the requirements of the new Machinery Directive. AUSTRIA would like to know the opinions of other Member States.

The CHAIRMAN stated that a reply had been received from the Chairman of WG 8 of CEN TC 10 too late to be circulated. The document would be uploaded to CIRCA after the meeting – see Doc.WG-2009.14.

Ms Poidevin for CEN reported that an appeal had been lodged against this standard by the German standardisation organisation DIN. The standard would not be ratified pending the enquiry into that appeal. The DIN document could be made available on CIRCA.

Mr Thorn for EPSA pointed out that the CEN consultant had assessed the standard against both the existing and the new Machinery Directives. There seemed to be reluctance to recognise that there were two different products: the faster automatically travelling elevator falling under the Lifts Directive 95/16/EC and the slow speed, hold-to-run lifting platform falling under the Machinery Directives 98/37/EC and 2006/42/EC. The risks were not the same. EN 81-41 not only met the state of the art but marked an improvement compared with many products currently on the market.

The CHAIRMAN asked EPSA to provide their document for CIRCA – see Doc.WG-2009.18.

The UK thought the Austrian paper revealed a problem that existed in several Member States about the legal status of lifting platforms under the current Machinery Directive. In the UK, such products had been accepted under the Machinery Directive. Studies carried out in the UK on lifting platforms had shown that the basic design was sound. Accident records were similar to those for classic lifts.

DENMARK had voted no to the standard and this position was supported by the authorities. The Danish comments were similar to those expressed by AUSTRIA.

GERMANY also agreed with AUSTRIA. Further action was necessary before the reference of the standard could be published under the Machinery Directive. GERMANY asked for clarification of the procedure.

The CHAIRMAN replied that the CEN appeal procedure would take place before the standard was ratified and sent for publication. If it was sent for publication, its reference would be published in the OJEU unless there was a formal objection.

The NETHERLANDS said that the concept of an open carrier had been proved safe with low speed and sensitive edges. Such lifting platforms had been allowed on the Dutch market.

FRANCE was concerned that certain important requirements of the Machinery Directive did not seem to be satisfied, but was not sure that the Austrian demands could be met in all cases.

SPAIN was critical of this type of product and supported the Austrian document. Until the new Directive became applicable, such products were subject to the Lifts Directive. Platforms intended for people with reduced mobility could be used by anybody and that could lead to different risks.

SWEDEN was concerned that the discussion was not about safety but about the interpretation of the scope of the Directives. Lifting platforms of this type had been in service for many years in Sweden and did not have a bad accident record. They had contributed to the social aim of enabling people with limited mobility to stay in their homes instead of having to move to alternative accommodation.

The CHAIRMAN recalled that a document clarifying the legal status of various kinds of lifting platforms had been approved by the Machinery Working Group. The document (Doc.2000.20rev1) stated clearly that lifting platforms intended for persons with impaired mobility were subject to Directive 98/37/EC. Standard EN 81-41 had been developed by CEN TC 10 on the basis of an explicit standardisation mandate given to CEN concerning machinery presenting hazards due to the lifting or moving of persons (Mandate M/008). The legitimacy of the standard was not in question. EN 81-41 should therefore be judged as a standard supporting the new Machinery Directive. All of the relevant documents would be circulated. The CHAIRMAN urged the Member States to examine the standard, the risk assessment and the protective measures it specified before reaching a position.

10. Conformity assessment procedure when assembling a CE marked machine with a drive system (Doc.WG-2009.06)

DENMARK explained that the discussion at the previous meeting on gas and turbines had given rise to uncertainty about the procedure to be followed when a machine without a drive system was assembled with a drive system. DENMARK thought the Directive was clear. The definition given in the first indent of Article 2 (a) of Directive 2006/42/EC implied that an assembly intended to be fitted with a drive system was machinery. The fourth indent of Article 2 (a) covered assemblies of machinery with partly completed machinery. According
to Article 2 (g), a drive system was partly completed machinery. Therefore, when machinery without a drive system was assembled with a drive system, the resulting product was an assembly of machinery subject to the conformity assessment procedures of the Directive.

**SWEDEN** thought that the first indent of Article 2 (a) applied to cases where the manufacturer had defined a complete machine ready to be used. If such a machine was supplied without a drive system, the drive system to be fitted must be precisely specified by the machinery manufacturer.

**FRANCE** agreed with **SWEDEN**. For machinery without a drive system to be CE marked, the machinery manufacturer must have assessed all the risks, including those associated with the drive system to be fitted. The situation was different for products such as turbines that could be assembled with various different drive systems so that it was not possible for the turbine manufacturer to assess all the risks. In that case, the final product must be subject to a conformity assessment as an assembly of machinery.

**The UK** also agreed with **SWEDEN**. The manufacturer of machinery intended to be fitted with a drive system did not have to specify a particular drive system, but he must specify the essential parameters of the drive system and assess all the risks. If this was not possible, a new risk assessment of the final assembly was necessary.

**GERMANY** agreed with **SWEDEN** and the **UK**.

The **CHAIRMAN** thought that the comments in the draft Guide on the first indent of Article 2 (a), based on input provided by Orgalime, provided an explanation that was in line with the position defended by **SWEDEN**, **FRANCE**, The **UK** and **GERMANY**. He thought that these comments were consistent with the intentions of the legislator. If necessary, this question would be discussed again before the Guide was published.

11. **Are front loaders and excavators 'lifting machines' subject to Part 4 of Annex I? (Doc.WG-2009.07)**

**DENMARK** thought it was important for the Working Group to agree on this question. Section 4.1.1 (a) of Annex I defined lifting operations as a movement of units load consisting or goods and/or persons necessitating, at a given moment, a change of level. **DENMARK** thought that front loaders and excavators were intended not just for earth moving but also for lifting unit loads such as building materials or concrete elements.

**FRANCE** pointed out that the question raised by Denmark was related to the French formal objection against **EN 474**, Parts 4 and 5. However the answer given in the Danish document was not complete. The requirements of Part 4 of Annex I applied to machinery for which the manufacturer claimed a lifting function.

**LUXEMBOURG** agreed with **FRANCE**. This kind of machinery was increasingly multi-functional and was often equipped with attachment points or forks for lifting purposes.

**The UK** pointed out that there was a vast range of sizes and types of earthmoving equipment. Some larger machines were used, for example, solely for excavation operations in open-cast mining or quarrying. These machines were not subject to the requirements of Part 4. On the other hand, many smaller machines used for construction were frequently used both for digging and earthmoving and also for lifting pipes, concrete elements and so on. The requirements of Part 4 were applicable to such machines.

**SWEDEN** raised the question of whether excavation was to be considered as a lifting operation. The term was not used in a consistent way and there was not a clear borderline between lifting and excavation.

**IRELAND** thought that the concept of lifting unit loads was close to the concept of object handling used in harmonised standards.

**Mr Belaen for CECE** pointed out the general earthmoving equipment standard, **EN 474-1**, defined ‘object handling’ in clause 3.4. The normative Annex E of the standard provided specifications for lifting devices used for object handling applications. These specifications covered the relevant requirements of Part 4 of Annex I.

The **CHAIRMAN** thought that during earthmoving operations such as excavation, the quantity of material carried by the machinery was limited by the volume of the shovel. The capacity of the equipment was usually much greater than the maximum quantity of material that could be carried. On the other hand, when loads were attached to the machinery by means of lifting devices, there was not such a limit to the size of the load that could be carried. In that case, loading tables had to be respected to avoid overloading the machinery. This was the justification for the distinction made in the comments on Part 4 of Annex I in the draft Guide.

**SWEDEN** thought that the distinction made by the Chairman was not a criterion for applying Part 4 of Annex I but it did affect the way these requirements were applied.

**DENMARK** agreed that a distinction must be made between machinery solely intended for earthmoving operations and multi-functional equipment, but insisted that the foreseeable use of the equipment should be considered, not just the claims of the manufacturer.

The **CHAIRMAN** concluded that the comments on Part 4 in the draft Guide would be re-examined in light of the discussion before publication.
12. **New C-type standards - Reference to categories of EN 954 and performance levels of EN ISO 13849-1 (Doc.WG-2009.08)**

DENMARK explained that many C-type standards specified categories for safety related parts of the control system with reference to standard EN 954. That standard would be superseded by the new standard EN ISO 13849-1 when the new Machinery Directive entered into application. The approach of the new standard was different since it referred to performance levels. Annex IV machinery could only be exempted from third party conformity assessment if they were designed to harmonised standards that covered all the applicable essential health and safety requirements. The question was whether the new standard could be used for machinery covered by C-type standards that still referred to EN 954. DENMARK thought the answer was yes, since application of the new standard conferred a presumption of conformity.

Mr Steiger for CEN agreed that the new standard represented a new approach. However the approach of EN 954 was still valid and time was needed to adapt. In order to apply the method of EN ISO 13849, reliability data was needed on components and this was not yet available from all components manufacturers. Some TCs were not yet ready to make the transition to the new standard. Consequently, many C-type standards would continue to refer to EN 954. Mr Steiger proposed to provide further guidance on this issue at the next meeting.

The UK pointed out that EN ISO 13849 included an equivalence table, but reliability data was required in order to apply it.

The CHAIRMAN thought there were two distinct problems: the first problem was the difficulty of using the new standard due to lack of reliability data. Until the necessary data became available, C-type standards would continue to refer to EN 954 and manufacturers using those standards would continue to benefit from a presumption of conformity, even after the withdrawal of EN 954. The second problem, raised by DENMARK, concerned manufacturers who chose to refer to the new standard before the C-type standards had been updated. This would be discussed at the next meeting in light of the guidance provided by CEN.

13 **Any other business**

*Safety of interchangeable diggers fitted to agricultural tractors*

ITALY presented a study carried out on the safety of interchangeable diggers. Fatal accidents had occurred in the UK and in ITALY when the shovel of the diggers had hit hard ground. The diggers had tipped backwards around the three-point attachment to the tractor and the operators had been trapped and crushed between the controls of the digger and the rear of the tractor. Certain manufacturers had developed safety devices to be fitted between the digger and the tractor, but such devices were optional and had to be fitted by the users. They were not integrated with the original equipment and the equipment could be used without the devices. Furthermore, the fitting of these devices was complicated.

Other mechanical devices had now been developed that were integrated into the interchangeable equipment in order to prevent dangerous movements of the digger.

The CHAIRMAN said that the Italian presentation would be made available on CIRCA.

Further meetings planned in 2009 (dates to be confirmed):


2nd meeting of the Machinery Working Group – 7/8 July (including a meeting of the Machinery Committee to adopt new rules of procedure), Brussels.

Machinery ADCO Group - 21/22 October 2009, Tampere, Finland.

3rd meeting of the Machinery Working Group - 7/8 December, Brussels.

## Summary of questions to be followed up at the next meeting

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Minutes of the Machinery Working Group held in Brussels on 7/8 December 2009

Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels.
Chairman: Mr Ian FRASER (ENTR/I4).
EC Participants: Mr Mario GABRIELLI COSSELLU, Mr Előd Ajtony DUDAS, Ms Raffaela FRACONFINI (ENTR/I4)

1. **Approval of the agenda**
   The draft agenda was approved.

2. **Minutes of the meeting of 7/8 July 2009**
   The CHAIRMAN apologised for the lack of minutes of the meeting held on 7/8 July 2009 due to technical problems. He said that these minutes would be completed and circulated following the meeting.

3. **Follow-up of questions from the meeting of 7/8 July 2009**
   3.1 *Formal objection against EN 12215 and EN 13355 (paint booths)*
   The CHAIRMAN reported that the Commission decision had been submitted to the 98/34/EC Committee. FRANCE informed the Working Group that the national health and safety institute in France had made a proposal for further research on spray booths. France suggested to form an ad hoc group to organise the work. Germany and the UK had already replied favourably. The first meeting would be held in Paris in the spring of 2010.
   The CHAIRMAN said other Member States were invited to participate.

   3.2 *Formal objection against EN ISO 4254-1 (Agricultural machinery - General Requirements).*
   Ms Poidevin for CEN reported that the amendment dealing with the formal objection had been adopted in September 2009. TC 144 also planned to revise the standard completely, starting in January 2010.
   The CHAIRMAN said that the reference of the amended standard would be published in the OJEU under Directive 2006/42/EC.

   3.3 *Formal objection against EN 1459*
   The CHAIRMAN said the Commission Decision was still pending.

   3.4 *Guidance on RCVs*
   The CHAIRMAN said that the agreed guidance document, updated to refer to Directive 2006/42/EC, would be made available on EUROPA. The new Guide would not repeat the content of the document but would refer to it in the comments on Annex IV – Item 13.

   3.4 *EN 13524 (Highway maintenance machines)*
   Mr Steiger for CEN reported that CEN TC 151 WG 16 had discussed the requirements for the guard but was awaiting the results of confirmation tests. The next meeting was planned in January 2010.

   3.6 *EN 690 (Manure spreaders)*
   The CHAIRMAN indicated that Doc.WG-2009.70 summarised the debate on the possible improvement of the protective measures.
   Ms Poidevin for CEN reported that a draft amendment prepared by CEN TC 144 WG 3 would be sent for enquiry and comments were invited, particularly on possible technical solutions.

   3.7 *Channel baling presses*
   Mr Steiger for CEN reported that the first meeting on this work item had been held in September 2009 in Germany to determine the scope. 3 WGs had been set up for horizontal balers, vertical balers and compactors respectively. The next meeting was planned in March 2009 in Paris.
The CHAIRMAN recalled that France had requested the extension of the scope of the work item to waste baling presses and asked for clarification on this at the next meeting.

3.8 Formal objection against EN 474-4 & 5
The CHAIRMAN said the Commission Decision was pending.

3.9 Formal objection against EN 500-4
The CHAIRMAN stated that a revised formal objection had been received from France, taking account of the aspects that had been clarified. The Commission Decision was pending.

3.10 Warning for EN 1726-1 and EN 1459
The CHAIRMAN explained that the references of these standards had not been sent for publication under Directive 2006/42/EC. When the references of revised standards were sent for publication, the need for a warning should be re-examined.

Mr Steiger for CEN explained that EN 1726-1 would be replaced by the EN ISO 3691 series of standards. On the other hand, EN 1459 had been adapted for publication under Directive 2006/42/EC.

Mr Boy for ETUI asked for clarification of the implications of the move to ISO level.

The CHAIRMAN asked CEN to report on the state of play for industrial trucks standards at the next meeting.

3.11 EN 848-3:2007
The CHAIRMAN reported that the amendment on flexible guards had now been adopted, and the amended standard had been sent for publication in the OJEU. This item could therefore be closed.

GERMANY reported that new proposals had been made by the German BG that would be passed on to CEN.

3.12 Attachment of interchangeable work platforms on telehandlers
The CHAIRMAN recalled that 2 requests had been made by the Working Group: concerning standardisation and concerning a RfU.

Mr Jacques for NB-L said the question would be discussed at the next meeting of VG 9 to be held in April 2010.

The CHAIRMAN asked CEN to report on which TC would deal with the issue and in which standard.

The UK reported experience of accidents due to failure of the attachment following misuse of the work platform as a hammer. Warnings against such misuse had been given in the UK. The standard should also deal with the need for such warnings.

3.13 Lifting function of a vehicle chassis
The CHAIRMAN said that no response had yet been received from the automotive sector.

3.14 Formal objection to EN 14985 (Slewing jib cranes)
The CHAIRMAN said that the Commission Decision was pending.

FRANCE informed the Working Group that CEN TC 47 had taken account of the criticisms made by Germany and France. Revision was of the standard was ongoing and most of the issues should be resolved.

Mr Steiger for CEN agreed to report on progress at the next meeting.

3.15 Electric brakes on small saw benches
Mr Jacques for NB-M said that VG 3 would discuss the issue in April 2010.

3.16 Digger attachments for tractors
Ms Poidevin for CEN reported that, at the last plenary meeting of TC 144, a new work item had been created entitled "Agricultural machinery – hydraulic backhoes - safety". The work would be carried out by WG 1 on the basis of a draft provided by Italy.

ITALY was pleased with this decision.

The CHAIRMAN recalled that the Italian report on protective devices had been made available to the other Member States (Doc.WG-2009.77). Problems with existing machinery should be followed-up in the framework of the Machinery ADCO Group.

3.17 Formal objection to EN 474-1 (Semi-automatic quick hitches)
Mr Steiger for CEN reported that a draft amendment to Annex B had been prepared by an ad hoc group. The amendment was being developed under ISO lead and would be submitted to a parallel vote in ISO and CEN.

3.18 Formal objection to EN ISO 11681-1 (Chain saws for forest service)
The CHAIRMAN said that the Commission Decision was pending.

3.19 Formal objection to EN 12151 (Machinery for preparation of concrete)
Mr Steiger for CEN reported that the discussion on revision of the standard had started. A proposal was being developed by a group in France to split the standard between smaller and larger types of machinery.
FRANCE confirmed that the current standard was quite inadequate and not in line with the recent consensus. A draft would be submitted in 2010 using specifications transferred from the revised standard on asphalt mixing machinery, EN 536.

3.20 Formal objection to EN 12649 (Concrete compactors)
The CHAIRMAN said that the Commission Decision was pending.

3.21 Gas and steam turbines and electricity generators
The CHAIRMAN said that the general issues raised by the ANIMA document had led to a revision of §35 of the Guide. The Commission would prepare a response to the specific issues raised by ANIMA with respect to gas and steam turbines.

3.22 Personal water propellers
The CHAIRMAN said that no new input had been received from the industry association on the different types of equipment concerned. The Commission would contact the association again.

3.23 Self-propelled steps for aircraft
GERMANY reported that the outstanding issue to be solved concerned the interface between the steps and the aircraft. The EASA response had to be taken into account. The comments from Mr Hoyland in Doc.WG-2009.42 made a useful contribution. The issues now needed to be dealt with by the standardisation group. FRANCE agreed that the issues should be dealt with in standard EN 12312 for self-propelled passenger stairs as well as in standards dealing with other aircraft loading equipment. Discussions were ongoing in France involving all interested parties in order to prepare proposals for improving these standards.

3.24 Formal objection against EN 1010-5 (Platen presses)
Mr Steiger for CEN reported that the standard would be adapted to Directive 2006/42/EC by means of a technical amendment, taking into account the issues raised in the UK formal objection. The amendment would be submitted to the UAP in December 2009.
The CHAIRMAN said that since the reference of standard had not been sent for publication under Directive 2006/42/EC, a formal Commission Decision was not necessary.
The UK thought this solution was satisfactory.

3.25 EN 13683 (Powered garden shredders/chippers)
Ms Poidevin for CEN reported that after 2 enquiries and many meetings, CEN TC 144 - WG 7 had come to an agreement on requirements for the discharge chute. Amendment 2 would be proposed before the end of 2010.
SWEDEN asked whether the current reference would be published in the OJEU under Directive 2006/42/EC. The CHAIRMAN replied that the reference had been sent and published in September 2009 by mistake. It was not in the list published in December 2009. He asked all interested parties to check that the draft amendment resolved the issues raised by the formal objection.

3.26 Patches for guarding removable transmission devices
FRANCE had carried out tests on the product. It appeared that the patch could be used for the repair of small guards.
The CHAIRMAN concluded that such patches might be useful while awaiting the replacement of damaged guards, but fitting a patch should not be seen as a substitute for replacing a damaged guard. The product was best considered as work equipment, not subject to the Machinery Directive.

3.27 EN 81-41 (Lifting platforms)
Ms Poidevin for CEN reported that the first meeting to discuss the appeal by DIN had been held in October 2009. 4 options were considered:
- to publish the standard as it is,
- to publish it and start revision immediately,
- to modify the scope, for example, by reserving access to persons with a key, and start revision immediately,
- to publish the document as a TS and start revision in order to develop an EN.
2 options would be selected and submitted to CEN BT in the first quarter of 2010.
GERMANY asked if a written document could be provided.
Ms Poidevin agreed to make the TC Resolution available.

3.28 Interpretation of the exclusion of machinery designed for nuclear purposes
The CHAIRMAN recalled that 2 questions had been raised on the status of industrial radiography devices and the status of machinery for processing radioactive materials. Following the discussion at the last meeting, §50 of the Guide, commenting on the exclusion of machinery designed for nuclear purposes, had been revised accordingly.

3.30 Elevating work platforms fixed on a level higher than ground level
The CHAIRMAN proposed to conclude that the height to be taken into account for application of Annex IV – Item 17 was the vertical distance between the surface of the carrier on which persons or persons and goods are supported in order to be lifted and the level to which the persons or the carrier itself could fall. If the machinery was intended to be installed above ground level, the lower level might be below the level where the machinery was installed.

FRANCE agreed with the proposed conclusion.

SPAIN pointed out that the machinery manufacturer generally did not know where the machinery was going to be installed.

The CHAIRMAN agreed that the manufacturer could only take account of the place of installation if it was specified in the intended use of the machinery. The manufacturer could not take account of the place of installation for general purpose machinery that could be installed in different places. This would be clarified in the comments on Annex IV – Item 17 in the Guide.

3.30 Telescopic personnel cage with spreader for unlashing containers

FRANCE recalled the question and answer proposed in Doc.2009.28. The question was whether such equipment was subject to Annex IV – Item 17. The answer proposed that this was interchangeable equipment that, together with the container spreader, formed a device for lifting persons with a risk of falling more than 3 metres.

SWEDEN thought that similar equipment that was not machinery in its own right had previously been considered as non-integrated equipment for lifting persons, not subject to the Machinery Directive but subject to national legislation.

SPAIN thought that this cage was to be considered as work equipment for exceptional use for lifting persons. The cage had no controls for movements which were therefore under the control of the crane operator.

FRANCE did not object to the position defended by Sweden and Spain. The problem was that some manufacturers were applying the Machinery Directive.

AUSTRIA thought that Recital 7 of Directive 2006/42/EC should be considered. The guidance document on equipment used for lifting persons should be made available on EUROPA.

The CHAIRMAN replied that the substance of that document remained valid and was confirmed by Recital 7. The references would be updated and the document would be published on EUROPA under Directive 2006/42/EC.

Conclusion:
Telescopic personnel cages designed to be hooked on to the spreader of a port container crane in order to lift persons (lashers) into a position where they can unlock the locking cones of containers onboard ships are to be considered as work equipment not subject to the Machinery Directive, in accordance with Recital 7 to Directive 2006/42/EC.

3.31 FR concerns on the prEN ISO 3691 series of standards - industrial trucks

Mr Kuhn for CEN TC 150 reported that, with respect to Mandate 301, agreement had been reached on new requirements for dynamic stability of masted forklift trucks. A draft standard was ready to be launched as a Committee draft (CD) by March 2010. Adoption would take about 3 years. Standard EN ISO 3691-1 referred to the fact that a new standard on dynamic stability was under development. A decision must therefore be made as to whether a warning was still needed in the OJEU.

With respect to clarity on the requirements for the EU, CEN TC 150 had agreed to adopt ISO TS 3691-7 as a European standard. The CEN consultant had agreed to the draft, therefore following the voting in CEN and ISO, EN ISO 3691, Parts 1 and 7 would be submitted for publication as harmonised standards supporting the Machinery Directive.

Following resolution of the issues of dynamic stability and visibility, for CEN there were no outstanding issues.

FRANCE thought that several technical issues raised by the accident prevention bodies had not yet been satisfactorily resolved.

GERMANY agreed that the new set of standards represented a compromise, but noted that several improvements had been made compared with the current European standards. Germany was in favour of listing the references of the new series of standards in the OJEU, provided there was a work plan for dealing with outstanding issues.

The UK recalled that CEN had taken a long time to develop better requirements for dynamic stability and that respect for the timetable was therefore important.

The CHAIRMAN asked CEN to provide a progress report at the next meeting and urged all stakeholders to check the content of the EN ISO 3691 series of standards.

3.32 Lifts and machines carrying persons serving fixed landings

The UK reported that a draft RfU would be drafted on lifts to be installed in wind generators that would be forwarded to NB-M.
3.33 Standards for powered doors, gates and windows

The CHAIRMAN recalled that the adaptation of CENELEC standards to Directive 2006/42/EC implied some changes to the scope of the relevant standards. CENELEC TC 61 had been asked to report on the state of play at the next meeting.

4. Postponed deliveries of machinery – reply to Orgalime (Doc.WG-2009.56)

The CHAIRMAN explained that the Commission had received a letter from Orgalime about the problem of the postponement of deliveries of machinery due to the economic crisis with respect to the date of application of the revised Machinery Directive. Since the issue mainly concerned the market surveillance authorities, it had been discussed at the ADCO meeting held in Finland in October 2009. A reply to Orgalime had been agreed, based on the chapter of the 'Blue Guide' on placing on the market. It appeared that the solutions proposed dealt with most of the problems. Any outstanding problems must be dealt with by the national authorities.

5. Report on standardisation (Doc.WG-2009.59)

Mr Steiger for CEN reported that 75% of the CEN standards adapted to Directive 2006/42/EC had already been published and most of the remainder were in the adoption procedure. The first OJEU list published in September comprised 322 CEN standards, including 27 A and B-type standards and 21 C-type standards for Annex IV machinery. A second list, comprising about 490 CEN standards, would be published shortly. The programme would be completed in 2010, particularly in cases where the adapted standards excluded EHSRs that must be covered by revision of the standard.

He also reported that the revision of CEN Guide 414, setting basic rules for the drafting of machinery standards, had been postponed awaiting revision of the corresponding ISO Guide 78, taking account of the merging of standards EN ISO 12100, parts 1 and 2 and EN ISO 14121-1.

Mr Gabrielli Cossello said the Commission would keep the promise to publish 2 consolidated lists of harmonised standards supporting Directive 2006/42/EC before the Directive became applicable. The second list would include 499 references, including 24 from CENELEC. The Commission thanked the ESOs for their work which gave a good start to application of the new Directive.

Mr Jacques for NB-M referred to the letter sent to the Commission on standards for woodworking machinery (Doc.WG-2009.76). The issue raised by NB-M VG 3 concerned application of EHSR 1.4.2.2 in the new Machinery Directive relating to the need for a guard locking. According to VG 3, guard locking was not mandatory under Directive 98/37/EC. The run-down time was variable from one type of machinery to another and could be very long. The current harmonised standards for woodworking machinery did not comply with the new EHSR.

GERMANY was concerned about the publication of the references of the standards concerned under the new Machinery Directive.

The UK recalled that, if the harmonised standard did not cover one or more EHSRs, there were implications for the applicable conformity assessment procedure for Annex IV machinery.

Mr Jacques said that 2 questions were raised: did application of the standards concerned confer a presumption of conformity and should the NBs accept machinery designed according to the standards.

The CHAIRMAN thought that Directive 98/37/EC already required guard locking when it was necessary to prevent a risk. The NBs had a duty to apply the Directive, and if they noticed a discrepancy in the relevant harmonised standards, they should inform the ESO concerned, the Member States and the Commission. In this case, that had been done. The issue should now be addressed by CEN as a matter of urgency to avoid the need for formal objections.


The CHAIRMAN recalled that, at the last meeting, Denmark had raised the question whether application of standard EN ISO 13849-1\textsuperscript{150} gave a presumption of conformity where the C-type standard for the machinery concerned still referred to EN 954-1.\textsuperscript{151} The answer to that question was yes. It was also confirmed that, where C-type standards continued to refer to EN 954-1, application of EN 954-1 continued to confer a presumption of conformity even after the date of cessation of presumption of conformity indicated in the OJEU. During the discussion, the question had been raised whether a postponement of the date of cessation of presumption of conformity for EN 954-1 was needed to give industry more time to adapt to the new standard. Usually the date of cessation of presumption of conformity was the same as the date of withdrawal of the superseded standard fixed by CEN. However, the Commission could fix a longer transition period if necessary. Following the meeting, the Commission had received a request from CEN to postpone the date of cessation of presumption of conformity for a further three years (Doc.WG-2009.72). Several comments had been received for and against this request.

\textsuperscript{150} EN ISO 13849-1:2008 Safety of machinery - Safety-related parts of control systems - Part 1: General principles for design (ISO 13849-1:2006)

\textsuperscript{151} EN 954-1:1996 Safety of machinery - Safety related parts of control systems - Part 1: General principles for design
The Commission had decided to discuss the matter in the Machinery Working Group and to consult the Member States before taking a decision.

**Mr Steiger for CEN** explained that the members of the Machinery Sector Advisory Nucleus, representing all of the major stakeholders in the sector, had been consulted in writing. With the exception of some minor comments, all had been in favour of postponement. The new standard had preceded the state of the art. In order to apply the new method, machinery manufacturers needed data from the manufacturers of safety-related components which were not always available. It was necessary to provide enough time for the rest of machinery standardisation to adapt to the new method.

**GERMANY** thought that it was important to clear up the confusion that had arisen. EN 954-1 would continue to confer a presumption of conformity where C-type standards still referred to it. As explained in Doc.WG.2009.69 from the BGIA, occupational health and safety experts in Germany considered that EN 954-1 was an outdated standard and application of EN ISO 13849-1 was necessary to ensure the safety of modern control systems. Prolongation of the transition period would be a mistake.

**Mr Kraus for VDMA**, presenting Doc.WG-2009.50, underlined that the new standard introduced a completely new method. Three years had not been enough for industry to adapt. The sub-sectors of VDMA had been consulted. Many machinery manufacturers did not have adequate data from their suppliers on the ‘mean time to failure’ of components. Research was underway to develop tools to help machinery manufacturers to apply the new method, but more time was needed. VDMA hoped the Machinery Working Group would take a clear decision to prolong the transition period.

**The CHAIRMAN** reported that a document had been submitted by CECIMO on problems of application of EN ISO 13849-1 for machine tools. This issue was not the same as that of the postponement of the cessation of presumption of conformity for EN 954-1, but was related. He invited CECIMO to present the document as a contribution to the debate.

**Mr Middlen for CECIMO**, presenting Docs.WG-2009.52 and 2009.64, explained that application of the method given in EN ISO 13849-1 for various categories of machinery had given rise to more questions than answers. The method cast doubt on the specifications of the existing C-type standards for machine-tools that were well-tried and tested and had contributed to a significant reduction of the number of accidents involving machine-tools. Control systems were only rarely involved in such accidents. According to EN ISO 14121-1, risk assessment should take account of experience and accident records. That standard indicates honestly that quantitative estimations are often difficult or impossible. EN ISO 13849-1 was drafted in a too theoretical, rigid and dogmatic way. CECIMO supported the postponement of the date of cessation of conformity for EN 954-1 until EN ISO 13849-1 had been revised.

**DENMARK** stressed that the purpose of the risk assessment standard EN ISO 14121-1 and that of EN ISO 13849-1 were different. The risk assessment determined which risks required protective measures. EN ISO 13849-1 was intended to determine the requirements for the safety-related parts of the control system in light of the outcome of the risk assessment.

**Mr Jacques for NB-M** reported that, at the last Horizontal Committee of the Coordination of Notified Bodies for machinery, the unanimous view had been expressed that a longer transition period was needed. Regardless of the merits of EN ISO 13849-1, manufacturers did not yet understand it well enough.

**GERMANY** thought that the CECIMO paper came rather late and asked whether the issues raised by CECIMO were limited to machine-tools or were more general.

**CECIMO** replied that comments made during the enquiry stage of EN ISO 13849-1 had been ignored. The new standard was needed, but it should be improved.

**The UK** thought that, if the problem was limited to a particular category of machinery, it was possible for the relevant C-type standard to continue to refer to EN 954-1. However, if the C-type standard already referred to EN ISO 13849-1, postponement of the date of cessation of conformity for EN 954-1 would not change the situation. The UK recalled that EN 954-1 had given rise to similar difficulties when it was published in 1996. It had been necessary to develop a CEN report to provide guidance on how to apply it.

**SPAIN** recalled that EN 954-1 was not adequate for electronic control systems. EN ISO 13848-1 had been developed, after several years of discussion, in order to fill this gap.

**Mr Umbreit, CEN Consultant**, responsible for CEN TC 114 in charge of the standards concerned, agreed with the UK: all of the standards for control systems had given rise to discussion when they were published. He stressed that C-type standard makers were not obliged to refer to B-type standards if such a reference was not considered appropriate. Some C-type standards had their own specifications for control systems. According to EN ISO 13849-1, it was also possible to refer only to categories without using calculated performance levels. In this respect, he disagreed with the criticism that EN ISO 13849-1 was too dogmatic or rigid. There were always teething problems with new standards, but they could be taken into account during revision.

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Mr Steiger for CEN underlined that the problems were not limited to the machine-tool sector – other sectors of the industry were also having difficulty, particular those using conventional control systems. The industry had invested in the development of informatics tools to help manufacturers to apply the new standard and did not question the need for the standard, but more time was needed to digest the new method.

Mr Boy for ETUI-REHS reminded the Working Group that the first attempt to develop standards for electronic control systems in order to complete EN 954-1 had been made on the basis of the method developed by an IEC group dealing with functional safety (responsible for the IEC 61508 series of standards). The result of this work was the harmonised machinery standard EN 62061. FRANCE thought that the problems arose from the change of method introduced by EN ISO 13849-1. France was in favour of as long a transition period as was needed to allow industry to adapt. The discussion had also shown the need for a consensus workshop to be organised by CEN to discuss the different points of view and find a way forward.

AUSTRIA was concerned that an extension of the transition period could be a precedent for standards in other areas when the revision of standards implied technical changes.

Mr Steiger for CEN replied that the standards concerned were horizontal standards applicable to all machinery sectors and should not be compared with sectoral standards. He agreed with France that a better dialogue was needed between the machinery manufacturers and experts on control systems.

The UK thought that, if the problem was specific to the machine-tool sector, it could be addressed in the C-type standards for the machinery concerned. The UK thought that a short extension of the transition period might be useful, but a long extension would give the wrong message.

Mr Jacques for NB-M agreed that the extent of the problem depended on the size and type of machinery concerned. After initial difficulties, EN 954-1 was well understood today, whereas EN ISO 13849-1 was not widely understood. Advice on how to apply EN ISO 13849-1 was available on the Internet, but even after hours of effort, the standard remained difficult to understand.

BELGIUM thought that an extension of the transition period would just postpone the solution of the underlying problem. Belgium supported the proposal by France to ask CEN to set up a workshop to discuss the whole area of control system standards.

The CHAIRMAN said that the discussion had shown that standards for control systems remained a problem area. The main purpose of harmonised standards was to translate the general requirements of the Machinery Directive into specifications that could be understood and applied by industry. If a harmonised standard was not well understood by important sectors of the industry and was difficult to apply, the situation could not be considered satisfactory. Since a request had been made by CEN, the Commission had to take a decision on whether or not to prolong the transition period for EN 954-1. This decision did not affect the French proposal to organise a workshop on the whole area of standardisation for control systems, including the overlap between EN ISO 13849-1 and the IEC/CENELEC standard EN 62061, since such a discussion was needed in either event.

The CHAIRMAN asked the Member States and Observer countries to express their opinion on the question "Are you in favour of a prolongation of the transition period for EN 954-1?"

Result of the 'tour de table':

| AT | BE | BG | CY | CZ | DE | DK | EE | EL | ES | YES | FI | YES | PL | YES | NO | YES | XY | YES |
|----|----|----|----|----|----|----|----|----|----|-----|----|-----|----|-----|----|-----|----|-----|    |
|    |    |    |    |    |    |    |    |    |    | Y   | E   | S   | Y   | E   | N  | E   | N  | Y   |    |
|    | NO | YES | HU | YES | NO | YES | NO | MT | NO | -   | YT  | SI  | -   | YT  | NO | LT  |    | -   |    |
|    |    |    |    |    |    |    |    |    |    | YES | YES | YES | YES | YES | YES | YES | YES |    |
|    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |     |    |
|    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |     |    |

Member states: YES / 14, NO / 6, Abstention / 1
Observer countries: YES / 3

The CHAIRMAN thanked all participants for the quality of the documents submitted and of the debate. He concluded that, although opinions were divided, a clear majority of Member States was in favour of prolonging the transition period for EN 954-1. The Commission would follow this majority opinion and determine the appropriate duration. A specific Commission Communication would be published on this subject before the end.

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of 2009, following the publication of the second consolidated list of harmonised standards for Directive 2006/42/EC.

The Commission would also investigate the best way to follow up the French proposal for a workshop in 2010 on control system standards.

8. **Concerns about prEN 4254-12:2009 (Rotary mowers and flail-mowers) (Doc.WG-2009.51)**

ITALY presented the document. The current harmonised standard EN 745 was to be replaced, under the Vienna Agreement, by prEN ISO 4254-12, that had reached the formal vote stage. The problem concerned machinery with cutting means revolving around a horizontal axis (flail mowers). The cutting means had a speed of between 2500 and 3000 r.p.m. and several fatal accidents had been recorded in Italy due to ejection of stones. The test method for protection against the risk of ejected objects had been changed. The tests in the 2 standards were similar: they involved operating the machinery over stony ground and measuring the number of projections on a surrounding screen. The difference concerned the height of the reference zones and the acceptance criteria which were less stringent in the EN ISO standard, leading to a significant decrease in the level of safety. This had been confirmed in tests carried out on machinery that had been involved in fatal accidents. These machines had failed the test according to EN 745 and had been modified, but would have passed the test according to EN ISO 4254-12.

Following comments from Italy, France and others, ISO TC 23/SC 7/WG 9 had recognised the need for a specific test for flail mowers. But this work had not advanced and the original draft would soon be adopted. Italy suggested that either the reference of the standard should not be published until the specific test had been developed or the reference should be accompanied with a restriction relating to the risk of ejected objects.

GERMANY agreed with Italy. There was also a risk of ejection of knives.

FRANCE also supported Italy and considered that a decrease in the level of safety was not acceptable.

The CHAIRMAN asked CEN to consider not submitting the reference of the standard for publication in the OJEU until the problem of the test for flail mowers had been solved.

9. **Reference to CE marking in harmonised standards (Doc.2009.49)**

SWEDEN explained that several harmonised standards included requirements for the affixing of the CE marking. While the CE-marking was referred to in section 1.7.3 of Annex I, the affixing of the CE marking was directly linked to the legal conditions for placing machinery on the market and reference to it in standards gave rise to confusion.

FRANCE agreed with Sweden.

Mr Steiger for CEN observed that CEN Guide 414 referred, in the clause on marking, to "mandatory marking", with a footnote stating that, "for machines and their related products intended to be put on the market in EEA, this meant CE marking as defined in the applicable European directives."

SWEDEN thought this formula would be understood as a requirement in the standard for CE marking.

The CHAIRMAN noted that the TCs including such a reference to CE marking were applying the guidance given in CEN Guide 414. The appropriate place for the discussion was therefore the revision of CEN Guide 414. He asked CEN to transmit this question to TC 144.

10. **CENELEC standards for household appliances (Doc.WG-2009.43)**

SWEDEN explained that the issue concerned the new borderline between the MD and LVD. The proposed amendment to EN 60335-1 defines domestic use as "appliances to be used in the home environment and appliances intended to be used by laymen in similar applications, such as: shops, offices and other working environments; in farm houses and by clients in hotels, motels and other residential type environment, in bed and breakfast type environment." Sweden considers that this text is not in line with the new borderline as explained in the Commission Guide.

The CHAIRMAN recalled that Part 1 of standard EN 60335-1 applied both to products subject to the MD and to products subject to the LVD, either because they were not machinery or because they covered household appliances for domestic use. CENELEC TC 61 had attributed the standards of the EN 60335 series to the MD or the LVD or both.

The industry considered that appliances intended for domestic use and appliances intended for commercial or industrial use constituted distinct markets. However appliances intended for domestic use might also be used by laymen in a commercial environment. This was covered in the last paragraph of the comments in the Commission Guide. The CENELEC text referred to by Sweden was intended to cover the same point, but was not sufficiently clear.

DENMARK did not like the CENELEC text since products intended for domestic use might not be suitable as work equipment.
The CHAIRMAN agreed with Denmark but thought that the CENELEC approach was consistent with this. The CENELEC text referred to use by laymen. This was not use by the employees of hotels, for example, but by the customers.

SWEDEN hoped that the text of the standard could be reworded.

The CHAIRMAN concluded that an updated list of CENLEC TC 61 standards would be made available and could be discussed with CENELEC at the next meeting.

11. Publication of specific parts of standard EN ISO 4254 - Agricultural machinery (Doc.WG-2009.60)

FRANCE explained that the parts of EN ISO 4254 gave specifications for specific categories of agricultural machinery that were complementary to the general specifications of EN ISO 4254-1. France had made a formal objection to EN ISO 4254-1:2005, one of the reasons being that the introduction of options created confusion with respect to the presumption of conformity.

The formal objection had been lifted following agreement that the requirements relating to the guarding of moving parts for power transmission would be transferred to the European standard EN 15811. In order to get presumption of conformity with the EHSRs of the Machinery Directive, it was therefore necessary to apply the relevant specific part of EN ISO 4254 together with both EN ISO 4254-1 and EN 15811. France thought that this should be made clear in the specific parts of EN 4254, otherwise the agreement reached on Part 1 would no longer be valid.

Ms Poidevin for CEN thought that the foreword to the European edition of the specific parts of the standard made this clear, but agreed to check.

GERMANY agreed with France. The study carried out by KAN on standards for agricultural machinery had shown that several EHSRs were not yet covered. Progress had been made in discussions held in Germany but there was not yet agreement on all issues. The outcome of the German discussions would be forwarded to CEN.

The CHAIRMAN said that the references of Parts 5, 6 and 7 of EN ISO 4254 had not been published in the OJEU awaiting clarification about the presumption of conformity. He asked CEN to check and explain the situation at the next meeting.

12. Report on the Coordination of Notified Bodies

Mr Jacques for NB-M reported that the last meeting of the Horizontal Committee of NB-M had been held on 26 November 2009. The main issue was the updating of the RfUs in line with the revised Directive. Some RfUs could be deleted, others required adaptation or revision.

The NBs reported that industry was reacting rather slowly to update existing certificates. Recourse to Annex X was still exceptional.

Mr Wilson reported on the work of the RfU sub-group (Doc.WG-2009.74rev1). A meeting had been held in Stockholm at the beginning of July. He thanked Sweden for hosting the meeting. Because several of the pending RfUs concerned woodworking machinery, Mr Kohler of VG1 had attended. Agreement was reached on what was needed on several of these RfUs.

There was not agreement on RfU 01.063 relating to safety distances. Research was being carried out in Germany to investigate the issues raised by this RfU.

RfU 06.034 had been clarified but still needed revision concerning use of CCTV at low speed.

14 new RfUs were currently available on CIRCA for written comments. Guidance was needed on the terms of reference of the sub-group.

The CHAIRMAN thanked the sub-group for the work done. He recalled that the sub-group had been asked to clear up the backlog of pending RfUs and also to make proposals on how to deal with the RfUs in future.

Mr Wilson said that a flow-chart had been prepared on the process.

13. Homelifts (Doc.WG-2009.48)

The UK presented the document and video. The UK said there was uncertainty among manufacturers about the attitude of Notified Bodies and national market surveillance authorities with respect to the new MD. The homelift passed through the upper floor of a 2-floor home, without a shaft. Installation of such lifts enabled people with reduced mobility to stay in their homes. The lift could be installed easily in small buildings and could be easily transferred to other homes if necessary. The carrier was not completely enclosed. The travel speed was very slow. The carrier could only be used by one person and was equipped with sensitive edges to prevent the risk of crushing. The control device was a latched type to take account of difficulties of users with reduced mobility.

The uncertainty concerned 3 EHSRs: 4.1.2.8.3 on risks of contact with the moving carrier, 4.1.2.8.5 on landings and the last indent of 6.2 on control devices. The UK considered that the risks concerned were adequately prevented. The UK wanted to be sure that such lifts were acceptable and suggested that a RfU could be developed. There was a British standard, but since such lifts were mainly used in the UK, there might not be justification for a harmonised European standard.
The NETHERLANDS said that similar lifts were used in the Netherlands, also referred to as home lifts, but the carrier was fully enclosed. There was thus no need for hold-to-run control devices. Such lifts were covered by a national standard. Installation of homelifts was authorised on a case-by-case basis, depending on the need.

FRANCE did not have such lifts, but they were bound to develop in order to enable people to stay in their homes. It seemed logical to develop a European standard in line with the new requirements set out in Parts 4 and 6 of Annex I. Existing national standards such as the UK or NL standard could be used as a basis.

DENMARK said stair-lifts were more often used, but the homelift could be useful where there was not enough space for a stair lift. The risk of crushing below the carrier had to be assessed. The UK solution for the homelift might be acceptable, but should not be generalised in areas open to the public. Denmark thought that the UK homelift was not big enough for electric wheelchairs. Users of manual wheelchairs would be strong enough to use hold-to-run control devices.

SPAIN agreed with France and Denmark that such lifts must comply with the relevant EHSRs. There were hold-to-run control devices specially designed for use by handicapped people, such as those fitted to wheelchairs for example. Spain was in favour of the development of a European standard.

AUSTRIA was also in favour of a standard. Up to now, such lifts had been considered as subject to the Lifts Directive, but Austria accepted that they were now subject to the MD. There was a problem with national building regulations relating to the transfer of fire from one floor to another. Authorisation to install homelifts was on a case-by-case basis. In some cases, such lifts could not be installed for this reason. In Austria, there had also been a serious incident when a stair lift had broken down due to a power failure. Provision must be made to deal with emergencies. Regular inspection of lifts installed in private dwellings was also necessary.

BELGIUM welcomed the clarification brought by the new MD. In Belgium, draft regulations were being prepared on the maintenance and inspection of such lifts. Belgium agreed that a harmonised standard was needed.

The UK said stair-lifts were extensively used in the UK but were not practical for wheelchair users. In most cases, the homelifts for people living alone were fitted with an alarm system. The design took account of the fire risk for the building. The UK would be happy to have a standard, but a RfU could be useful in the shorter term.

Mr Jacques for NB-M thought that the NBs would probably not agree on the content of a RfU if there was no agreement between the Member States.

FRANCE recalled that Mandate 396 relating to the new Machinery Directive included the development of new harmonised standards to cover the categories of machinery introduced into the scope of the revised Directive. The lifting platforms covered by EN 81-41 fulfilled the same function as the homelifts presented by the UK, but the standard only applied to lifts with an enclosed travel path.

Mr Steiger for CEN recalled that EN 81-41 was subject to an appeal.

The CHAIRMAN believed that the new EHSRs could be applied in a practical way, in light of a risk assessment. The Guide gave practical indications on how EHSR 4.1.2.8.3 could be applied. The risk of being trapped in or on the carrier was covered by EHSR 1.5.14, as explained in §236 of the Guide. The discussion had shown that term “homelift” was not a standardised concept and was used to refer to different kinds of lift. It was not possible for the Working Group to take a decision on the conformity of a particular design.

On the other hand, the Notified Bodies would have to take decisions on particular designs subject to EC type-examination. It was therefore appropriate for VG 9 to discuss the issues raised by the UK document and try to find agreement on a RfU, in order to avoid distortions on the market.

With respect to standardisation, the CHAIRMAN recalled the EN 81-41 had been developed in response both to the mandate for Directive 98/37/EC and to the mandate for the new Machinery Directive. He asked CEN to examine whether new standardisation work was necessary for lifting platforms without an enclosed travel path.

14. **Status of rim guards (Doc.WG-2009.54)**

Mr Umbreit, CEN Consultant said the question of whether rim guards were safety components had been raised by a BG in Germany. These guards were used when inflating tyres, particularly with rims made of several parts. The purpose was to prevent parts of the rims flying away and injuring persons during inflation of the tyre. The only function of the guard was protection and it was placed on the market independently.

The CHAIRMAN replied that rim guards were not safety components because they were not components for machinery. They were to be considered as work equipment not subject to the Machinery Directive.

Mr Umbreit agreed to transmit this clarification.

FRANCE agreed with the Chairman's reply but pointed out that there was also complete equipment for inflating tyres comprising safeguarding against the risk of break-up.

15. **Air handling units (Doc.WG-2009.63)**

The UK presented that document. The question had been raised by contractor who installed such units. The unit was a module with several fans, a filter, and a humidifier. It did not include devices for heating or cooling the air but used sources of cool and hot air in the building. The units were either constructed outside the building and
then installed in the building or constructed on site. There had been an accident in the UK involving contact with the drive shaft of one of the fans. The UK was not aware of a standard for such products under the Construction Products Directive.

SWEDEN had taken part in similar discussions and agreed that such units should be considered as machinery. In some cases, the manufacturer was responsible for the assembly of a complete system comprising several modules.

FRANCE agreed with the conclusion, but pointed out that such units must also comply with national regulations implementing Directive 89/654/EEC on workplaces. France thought that air handling units might also be subject to the CPD.

SPAIN said there was a national regulation on installation of air-conditioning and heating systems. The complete installation was not considered as machinery, although parts of the installation such as fans were considered as machinery subject to the Machinery Directive.

DENMARK thought that air handling units were machines. The Machinery Directive did not exclude installations.

GERMANY reported similar discussions. Germany thought that air handling units were subject to the Machinery Directive according to the third indent of Article 2 (a) – “an assembly ready to be installed and able to function as it stands only if … installed in a building.” However, there was uncertainty as who should be considered as the manufacturer. What parts of the whole installation should be considered as machinery?

SWITZERLAND thought that elements that could function separately should be considered as machinery.

Mr Kraus for VDMA said that there was a position paper on this issue in Germany.

The CHAIRMAN concluded that the UK question concerned specific products, referred to as AHUs. The diagram included in the document showed an AHU as part of a complete installation. The answer was valid only for AHUs. It was clear who was the manufacturer when the AHU was constructed off-site ready to install. If the unit was constructed on-site from elements supplied by various manufacturers, the person assembling the AHU on-site should be considered as the manufacturer of the AHU.

As regards other Directives, he thought that national regulations on workplaces implementing Directive 89/654/EEC did not overlap with the Machinery Directive, since they dealt with performance requirements rather than safety requirements for the equipment. Concerning the CPD, the Commission would have to investigate this aspect, since an AHU appeared to correspond to the definition of a construction product. Both Directives might therefore be applicable.

16. Pressure equipment incorporated into machinery (Doc.WG-2009.58)

SWEDEN had discussed requirements for pressure risks in machinery. Pressure equipment classified higher than category 1 incorporated into machinery was subject to the PED but pressure equipment classified no higher than category 1 incorporated into machinery was excluded from the PED. This meant that the MD applied for the pressure risks. There were harmonised standards for PED no higher than category 1 listed under the PED but no such standards were listed under the MD. Consequently, technical specifications were missing for pressure equipment incorporated into machinery. Sweden suggested that these standards should be published under the MD.

GERMANY agreed with Sweden.

The UK thought the logic of the exclusion from the PED was that pressure equipment with a low level of risk could safely be left to the EHSRs of the MD.

Mr Umbreit, CEN Consultant, pointed out that, before pressure equipment standards were published under the MD, they would have to be checked by the CEN consultant.

SWEDEN agreed that the due process should be followed by CEN.

Mr Hoyland, CEN Consultant, thought it might be a bad precedent to cite components standards in the OJEU.

The CHAIRMAN agreed with the UK that the EHSRs of the MD were adequate to deal with the pressure risks for equipment no higher than category 1, but technical specifications that had been developed for pressure equipment not incorporated into machinery might be useful to support those EHSRs. A pressure equipment standard could be referenced in a machinery standard, in which case its content became part of the machinery standard without the need to publish its reference under the MD. He asked CEN to investigate the proposal made by SWEDEN and report back to the Working Group.

17. Long link chains (Doc.WG-2009.61)

The UK explained that the theatre industry had noticed that the MD required chains used for lifting accessories to be of the short-link type. This industry uses long-link chains to bolt lighting sets and scenery together. Bolts could not be inserted through the links of short-link chains. Previously hooks were used, but this practice had been discontinued to prevent the risk of the hooks coming off. The response suggested by the UK was that equipment bolted together using STAC chains was to be considered as the load.
The CHAIRMAN noted that the solution proposed in the UK document was generally accepted. There was thus no need for a derogation to the general rule set out in section 4.1.2.5 (b) that only short-link chains should be used for lifting accessories.

18. **Status of electric bicycles (Doc.WG-2006.57)**

The CHAIRMAN explained that the Commission had received a letter from a representative of the Germany cycle industry association ZIV about the status of certain electric bicycles. The Commission had replied that electric bicycles were excluded from the Directive on type-approval of 2 and 3-wheelers and therefore appeared to be subject to the Machinery Directive. Although the bicycles concerned had an electric motor only to assist the pedal drive, it was clearly fitted with a drive system other than directly applied human effort. The reply also suggested that it would be useful to develop an appropriate harmonised standard. There was already a European standard EN 15194:2009 for electrically power assisted bicycles (EPAC bicycles) developed by CEN TC 333, but the standard did not refer to the Machinery Directive. However, the manufacturers already applied the EMC Directive.

Ms Roetynck for ETRA explained that she represented an association of cycle retailers, but was working closely with the manufacturers of power assisted bicycles to find the best solution. There was a discussion on the scope of the exclusion of electric bicycles from the EC type-approval Directive. However, it had been a surprise for the industry to learn that electric bicycles excluded from the EC type-approval Directive might be subject to the Machinery Directive. The industry needed to be given the opportunity to comply with the applicable legislation. The issue was important because sales of electrically assisted bicycles were developing fast.

Mr Peters for ACEM thought that the situation was similar to that of off-road motorcycles. He thought that a similar exercise should be carried out within CEN, with the help of one of the CEN Consultants, to adapt the existing standard to the MD.

GERMANY agreed with the Commission's letter. A harmonised standard was needed to give certainty to the industry.

FRANCE said a decision could not be taken immediately since the Commission document had been received too late to consult other authorities such as those in charge of road safety and consumer protection. France did not think these products were necessarily in the scope of the MD. This did not follow automatically from their exclusion from the EC type-approval Directive. The GPSD might be more a more appropriate support for a standard.

AUSTRIA said the problem had arisen during the past year. The legal department in Austria considered that these products were subject to the Machinery Directive and the trade associations had been informed accordingly. This is the only solution enabling the industry to benefit from free circulation on the internal market and avoiding the proliferation of local rules. A harmonised standard was needed to resolve uncertainty as to how to apply the Directive.

BELGIUM agreed with France. It was not certain that application of the Machinery Directive was appropriate. Belgium needed more time to formulate its response.

The UK thought that the products concerned came under the definition of machinery and were not covered by the exclusion. The practical application of the EHSRs was another question, to be solved by standardisation.

The CHAIRMAN recalled that although the industry had only become aware of the problem recently, §55 of the draft Guide had stated some time ago that electric bicycles were subject to the Machinery Directive. It was important to give a clear answer to the industry before Directive 2006/42/EC became applicable. He therefore asked Member States to communicate any further comments by 22 December 2009.

19. **Interpretation of portable cartridge-operated fixing and other impact machinery – Annex IV – Item 18**

FRANCE explained that, according to the French version of the Directive, Annex IV – Item 18 could be understood as covering other impact machinery using sources of energy than explosive cartridges. This did not seem to be in line with the intention of the legislator.

The CHAIRMAN indicated that, in the English text of the Directive, the term 'cartridge-operated' qualified both fixing machinery and other impact machinery. Consequently, only machinery using explosive cartridges was concerned by Annex IV - Item 18. The same applied to Article 27 on the transitional period.

On the other hand, the requirements set out in section 2.2.2 of Annex I applied to fixing and other impact machinery using different sources of energy (with the exception of the specific requirement relating to the cartridges). This had already been clarified in the minutes of the meeting of the Machinery Working Group held on 12/13 March 2008 under item 11, during the discussion on national implementation of the Directive. It would also be clarified in the Guide.

The CHAIRMAN reported that first drafts had been prepared by the Commission and then discussed in detail by the Editorial Group. The outcome of the Editorial Group's work had been sent to the members of the Machinery Working Group for comments. After the comments had been taken into account, nearly finished drafts had been circulated. The sections relating to the Preamble and the Articles and Annexes I and II had been completed. A first Edition of the Guide containing the completed sections would be published on the Website EUROPA and would also be presented at the Conference "Machinery in Europe" in Brussels on 9 December 2009.

He thanked the Editorial Group for the considerable work done and also thanked other colleagues who had sent comments on the drafts.

The second Edition, complete with comments on Annexes III to XI, would be prepared in the spring of 2010. Member States were invited to communicate any comments or corrections on the first Edition in view of the second Edition. The complete Guide (second Edition) would be submitted to the Machinery Committee for endorsement.


GERMANY thanked the Commission for the major effort made to prepare the Guide and asked when translations would be available.

The CHAIRMAN replied that the second Edition would be translated into all of the Community languages during the second half of 2010. The translations would not be checked by the Commission. Draft translations would be circulated to the Member States for correction. The introduction would state that, in case of doubt, the English version should be used as the reference.

The UK thanked the Chairman and the Editorial Group for their work. The UK thought the publication of the nearly complete Guide represented a remarkable achievement.

DENMARK agreed with the UK. There was a need for further guidance on the practical application of the concept of PCMs, with examples.

GERMANY agreed that there were many questions about PCMs, but it was difficult to give examples since there were often counter-examples.

Mr Kraus for VDMA thought that it was better to explain the definition of PCMs in order to help manufacturers to apply the concept themselves.

The CHAIRMAN replied that complementary guidance documents would be published alongside the Guide, such as those on lifting accessories, on equipment used for lifting persons and on RCVs. Similar documents could be developed along the same lines, for example, on safety components or PCMs.

SWITZERLAND hoped that the comments on pesticide application machinery would be ready before the Member States implemented the amendment into national law.

The CHAIRMAN thought that the objective of drafting these comments before the end of 2010 was reasonable.


The CHAIRMAN recalled that the Regulation amending Directive 2006/42/EC on the Comitology procedure had been published on 18 July 2009. Consequently, when the Machinery Committee gave an opinion either on measures to deal with categories of hazardous machinery or on updating the indicative list of safety components, the Regulatory procedure with scrutiny by the European Parliament (PRAC) must be applied. The Guide covered this amendment.

GERMANY asked whether the Commission would publish a consolidated version of the Machinery Directive, including the PRAC amendment and the amendment on pesticide application machinery.

The CHAIRMAN replied that a consolidated version would be published in due time on EUR-Lex.


The CHAIRMAN reported that the amendment to the Machinery Directive on machinery for pesticide application had been published on 25 November 2009. The amendment enters into force on 15 December 2009; it must be implemented into national law 18 months later and becomes applicable on 15 December 2011. A draft mandate to CEN for harmonised standards to support the new EHSRs would be submitted to the 98/34/EC Committee.

DENMARK said that the Danish mirror group was concerned that the necessary harmonised standards would not be ready before the amendment became applicable and asked if the standardisation process could be speeded up.

Ms Poidevin for CEN said there was currently a discussion about which standards should be given priority.

The CHAIRMAN thought that work on adapting the existing European standards could start without awaiting the mandate. The development of new standards might take longer.

Meetings in 2010
Meetings of the Working Group in 2010 to be determined.

Meetings of the Machinery ADCO Group under Danish Chairmanship:

- First meeting in Brussels (with the Machinery Working Group - date to be determined);
- Second meeting in Denmark on 6/7 October 2010.
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Minutes of the Machinery Working Group held in Brussels on 1/2 June 2010

Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairs: Ms JOUR-SCHRÖDER, Mr Ian FRASER (ENTR/I4)
EC Participants: Mr Mario GABRIELLI COSSELLU, Mr Elod Ajtony DUDAS, Ms Raffaela FRACONFINI (ENTR/I4)

1. Approval of the agenda

The CHAIR reported that 2 late agenda points had been submitted: a question from the UK relating to turning machines and a question from FRANCE on lifts. These would be taken under item 15, any other business, time permitting.

The agenda was approved.

2. Minutes of the meeting of 7/8 December 2009

The CHAIR said that the minutes of the preceding meeting of 7/8 July 2009 were still not available due to technical problems. Every effort would be made to make a summary record of this meeting.

Two corrections to the draft minutes of the meeting of 7/8 December had been received from CEN:
— In item 8, the WG 9 concerned was not a group of CEN TC 144 but a group of ISO/TC 23/SC 7 in charge of the new draft of ISO 17101-2 relating to the test method for flail mowers;
— In item 18, EPAC bicycles were covered by CEN TC 333 (not 332).

With these corrections, the minutes of the meeting of 7/8 December were approved.

3. Follow-up of questions from the meeting of 7/8 December 2009

3.1 Formal objection against EN 12215 and EN 13355 (paint booths)

The CHAIR reported that the Commission decision had been submitted to the 98/34/EC Committee and the comments received were being taken into account.

Ms Poidevin for CEN said that CEN was awaiting communication of the Commission mandate.

FRANCE said 2 meetings of the group to organise common tests had been held in Paris in February and May 2010. A report on the 1st meeting had been circulated on CIRCA and the report on the 2nd meeting would be circulated soon. Participants included INRS and the Labour Ministry for France, the HSL for the UK, VDMA and the relevant BG for Germany. There had been a discussion about the different approaches to prevention and testing. Concerning the test method, there had been a discussion of appropriate tracer materials, the type of booth to be used and the painting scenarios to be examined. Before finalising the test method, 2 preliminary tests would be carried out. The 1st, to be carried out in France in August by INRS, would use a tracer gas injected into a paint spray-gun. The 2nd, to be carried out either at HSL or at the premises of a German manufacturer towards the end of 2010, would attempt to simulate the exposure of painter using a tracer gas instead of real paint, in order to facilitate the tests. The final tests would then be carried out in the spring of 2011.

The CHAIR asked if there was a line of communication between the work of the group and the standardisation of spray booths.

FRANCE replied that several participants in the group were active in standardisation.

Ms Poidevin for CEN indicated that the Secretary of CEN/TC 271 was participating in the meetings of the group.

3.2 Formal objection against EN ISO 4254-1 (Agricultural machinery – General Requirements).
The CHAIR reported that the reference of the amended standard\textsuperscript{154} dealing with the formal objection had been published in the OJEU under Directive 2006/42/EC.

Ms Poidevin for CEN reported that ISO/TC 23 was also starting revision of the standard.

3.3 Formal objection against EN 1459 (Doc.WG-2010.08)
Mr Hine for CEN/TC 150 stated that the standard was undergoing complete revision. The reasons for the formal objection would be taken into account in this framework. The Commission Decision was still awaited. He invited delegations to study the report drawn up by TC 150 on outstanding issues.

The CHAIR invited the Member States to follow the revision of EN 1459 to ensure that the revised draft resolved the issues raised by the formal objection.

3.4 Guidance on RCVs
The CHAIR said that the agreed guidance document, updated to refer to Directive 2006/42/EC, was now available on EUROPA.

3.5 EN 13524 (Highway maintenance machines)
Mr Steiger for CEN reported that, on 15 March 2010, CEN/TC 151/WG 16 had discussed the test requirements. The objective was to have a test method identical to that for agricultural mowers. The next meeting was planned in October.

3.6 EN 690 (Manure spreaders)
Ms Poidevin for CEN reported that a draft amendment had been prepared by CEN/TC 144/WG 3 and sent for comments.

The CHAIR urged all the Member States and, in particular, Italy who had raised concerns, to examine the draft amendments and forward comments to CEN if necessary.

3.7 Channel baling presses
Mr Steiger for CEN reported that CEN/TC 397 intended to develop 3 standards for vertical and horizontal balers and for compactors.\textsuperscript{155}

FRANCE said that their concerns had been taken into account.

The CHAIR concluded that this item could now be closed.

3.8 Formal objection against EN 474-4 & 5
The CHAIR said the Commission Decision was pending.

FRANCE said that the work being carried out in TC 151 was proceeding in a satisfactory direction.

Mr BELAEN for CECE said that it was now accepted that check valves should be fitted to both the boom and the digger arm, although, in future it might be possible to improve the reliability of hydraulic systems sufficiently to avoid the need for check valves. He stressed that a formal Commission Decision was still necessary.

3.9 Formal objection against EN 500-4
The CHAIRMAN stated that a revised formal objection had been received from France, taking account of the aspects that had been clarified. The Commission Decision was being prepared in light of this clarification.

3.10 Revision of standards for industrial trucks
FRANCE referred to Docs. WG-2010.14 and WG-2010.15 and recalled the concerns expressed in Docs.WG-2009.30, 31, 32 and 33. France was not satisfied with the development of the new standards of the EN ISO 3691-1 series for industrial trucks. The first problem, similar to that raised in the formal objection to EN ISO 4254-1, was the inclusion in a harmonised standard of regional options some of which did not comply with the Machinery Directive. This gave rise to confusion with respect to the presumption of conformity. Furthermore, important EHSRs such as those relating to stability, visibility and unintended start-up, were not covered. The relationship between Part 1 and Parts 7 and 8 of the standard was not coherent. The standards represented a step backwards compared with the current state of the art. If the situation was not improved, France would lodge a formal objection.

Mr Hine for CEN/TC 150 indicated that the French Doc.WG-2010.15 referred to superseded versions of the draft standards. The French concerns had been addressed in the drafts submitted to the CEN consultant. He thought that the latest drafts ensured the coherence of the series. The ISO TS 3691-7 including the European requirements would become a specific European standard.

\textsuperscript{154} EN ISO 4254-1:2009 Agricultural machinery - Safety - Part 1: General requirements (ISO 4254-1:2008)
\textsuperscript{155} Work item 00397001 Machines for compacting waste materials or recyclable fractions - Vertical baling presses - Safety requirements; Work item 00397002 Machines for compacting waste materials or recyclable fractions - Horizontal baling presses - Safety requirements; Work item 00397003 Machines for compacting waste materials or recyclable fractions - Compactors - Safety requirements
FRANCE pointed out that the letter from the French standardisation bureau UNM in response to the public
enquiry was dated 25 May 2010 and was based on the most recent versions of the drafts.

The UK was concerned about the dynamic stability of trucks, particularly when the load was in a raised position.

Mr Hine replied that the verification of dynamic stability was the subject of specific work item approved in
April 2010 which would take 36 months to complete. He noted that the most unfavourable case for dynamic
stability was usually when the truck was unladen.

The CHAIR urged the Member States to examine the standards that had been adopted and the draft standards to
ensure that there was a coherent relationship between the different parts of the new series and that all the
applicable essential health and safety requirements were adequately covered in light of the state of the art. It
appeared that certain aspects covered by the Commission mandate had not yet been dealt with. He suggested that
the relationship between the different parts of the standard could be set out in the European forewords to the
standards.

3.11 Attachment of interchangeable work platforms on telehandlers

Mr Hine for CEN/TC 150 pointed out that the TC 150 report (Doc.WG-2010.08) indicated that this subject
would be covered during the complete revision of EN 1459 to be published in 2013.

The CHAIR recalled that manufacturers had designed variable reach trucks equipped with work platforms
according to the MEWPs EN 280. The problem had arisen because EN 280 did not deal with interchangeable
platforms. If the necessary requirements were included in the trucks standard rather than the MEWPs standard, it
was important to ensure that an appropriate cross-reference was made. He asked CEN to ensure the necessary
liaison between TC 150 and TC 98.

3.12 Lifting function of a vehicle chassis

The CHAIRMAN said that no progress had been made on this file.

3.13 Formal objection to EN 14985 (Slewing jib cranes)

Mr Steiger for CEN reported that the revised draft of the standard dealing with the German formal objection
had been submitted to enquiry from April to September 2010 and invited Germany and other delegations to
check the new draft.

3.14 Electric brakes on small saw benches

Mr Williams for NB-M did not yet know the response of WG 3.

The CHAIR asked NB-M to prepare a written response for the Machinery Working Group.

3.15 Formal objection to EN 474-1 (Semi-automatic quick hitches)

The CHAIR said that the Commission Decision was pending.

3.16 Formal objection to EN ISO 11681-1 (Chain saws for forest service)

The CHAIRMAN said that the Commission Decision was pending.

Mr Steiger for CEN reported that the draft revised standard had been issued in November 2009 and the
deadline for comments was the end of April 2010. A meeting to deal with the comments received would be held
in Hamburg in September. Publication of the revised standard was expected in October 2011. All the questions
raised in the German formal objection had been dealt with.

3.17 Formal objection to EN 12151 (Machinery for preparation of concrete)

Mr Steiger for CEN said that France was preparing a first draft for revision of the standard.

3.18 Formal objection to EN 12649 (Concrete compactors)

Mr Steiger for CEN reported that an amendment to the standard dealing with the issues raised by the formal
objection had been agreed with health and safety experts. The UAP procedure would be started soon and the
amendment should be published by the end of 2010.

3.19 Gas and steam turbines and electricity generators

The CHAIR said that §35 of the Guide to application of the Machinery dealt with the general questions that had
been raised in the discussion of the ANIMA document. A revised version of the ANIMA document (Doc.WG-
2008.32rev1) had been prepared to answer ANIMA's specific questions relating to gas and steam turbine
electricity generators.

Conclusion: the answers given in Doc.WG-2008.32rev1 were approved.

3.20 Personal water propellers

The CHAIR said that no progress had been made on this file. A more formal approach would be made to the
industry to seek information about the products concerned.

3.21 Self-propelled steps for aircraft

GERMANY reported that standardisation work was ongoing with respect to the risk of falling, taking account of
the issues relating to the interface between the steps and the aircraft.
The CHAIR asked CEN to present a progress report at the next meeting.

3.22 EN 13683 (Powered garden shredders/chippers)

Ms Poidevin for CEN reported that Amendment 2 had received a positive assessment by the CEN Consultant. The amended standard would be available in December 2010 or January 2011.

BELGIUM observed that manufacturers were continuing to apply the inadequate standard the reference of which had not been published in the OJEU.

The CHAIR replied that the only action that could be taken by the Commission following a formal objection was a decision relating to the publication of the reference of the standard in the OJEU. Action with respect to products designed to a defective standard was a matter for the national market surveillance authorities that could be discussed by the Machinery ADCO Group.

3.23 EN 81-41 (Lifting platforms)

Ms Poidevin for CEN reported that in response to the DIN Appeal, a resolution had been submitted to CEN/TC 10 to modify the scope of the standard in order to restrict the scope of the platforms concerned to certain users. This resolution would be subject to a vote at the end of June 2010. If the resolution was accepted, the standard would be issued with a modified scope. If not, the existing standard would be published as a Technical Specification. In either case, work would be started on revision of the standard.

The UK thought that the option of publishing the standard without modification should have been considered. Member States remained free to lodge a formal objection if they considered that the standard did not comply with the Directive.

SWEDEN agreed with the UK.

SPAIN thought that the distinction between public and private installations was not clear. The recourse to warnings was not sufficient to ensure the safety of lifting platforms.

Mr Marchetti for EPSA agreed with the UK and Sweden. The standard was intended to ensure the safety of all users. A Technical Specification would not be useful for manufacturers.

Ms Poidevin recalled that 6 CEN members had voted against the draft standard. The TC resolution was an attempt to find a consensus solution. Member States could intervene in the CEN debate via their national standardisation organisations.

AUSTRIA stated that the problems raised in Austria concerned the fire risk in buildings where such platforms were installed. Regional building regulations could be in contradiction with the placing on the market of the platforms concerned.

The CHAIR agreed that Member States could regulate the installation and use of products that complied with the Machinery Directive, but such regulations should not have the effect of a de facto prohibition of the placing on the market of compliant products.

3.24 Elevating work platforms fixed on a level higher than ground level

The CHAIRMAN said that the conclusion reached at the last meeting had been included in the draft comments on Annex IV – Item 17 in the last paragraph of §388 of the Guide to application of the Machinery Directive.

3.25 Lifts and machines carrying persons serving fixed landings (wind generators)

Mr Williams for NB-M reported that VG 9 had started to draft a RfU with the help of the UK authorities, but found that more information was needed.

The UK said that a meeting would be held in Denmark on 15 June with manufacturers of wind turbines and access lifts – the conclusions would be forwarded to VG 9.

The CHAIR stressed the need for coordination of the work of the Member States, the Notified Bodies and the relevant standardisation bodies. Even if the access lift was defined as machinery in its own right, there was still a need to define which wind turbines should be provided with a lift and how the turbine should be designed so that a lift could be safely fitted.

DENMARK observed that the equipment concerned frequently had a dual function as a lift for access to the different fixed levels of the tower and as a work platform for inspection or maintenance of the tower itself. Existing standards did not cover both functions.

FRANCE proposed that CEN/TC 10 should extend the scope of the standard EN 81-43 on access lifts for tower cranes to cover access lifts for other types of machinery such as wind generators.

SPAIN pointed that access lifts for wind generators were installed inside the machinery whereas lifts for access to the operating position of cranes were installed on the outside of the machine. The risks were different and the standard for crane lifts might not be appropriate.

The CHAIR thought it was possible to design a lift for access to fixed landings that could also be used as a work platform for inspection or maintenance purposes, provided that the necessary protective measures were taken. This was a frequent solution on lifts subject to the Lifts Directive. He asked the delegations taking part in the meeting in Denmark to transmit the elements of the discussion and report the outcome to the next meeting of the Machinery Working Group.
3.26 Standards for household appliances and for powered doors, gates and windows

The CHAIR said that the progress report from CENELEC TC 61 had not yet been received.

Ms Poivevin for CEN explained that the planned CEN/CENELEC meeting on powered doors, gates and windows had been postponed due to transport problems.

3.27 Woodworking machinery standards - Guard locking (Doc.WG-2010.17)

Mr Steiger for CEN introduced the report from CEN/TC 142 indicating how the TC intended to deal with the issues raised by VG 1 of NB-M relating to the requirement for guard locking. At the same time, the references to control system standards were also being revised.

SWEDEN thought that the need for guard locking should not depend on whether or not the dangerous movements were visible to the operator. In this respect, the requirement of the Directive was clear. Sweden also disagreed with the proposal to differentiate hobby machines and industrial machines – the level of safety should be the same for both.

GERMANY agreed with Sweden – the harmonised standards should be fully in line with the Directive. German would check the list of standards included in the TC 142 list.

The CHAIR agreed with Sweden that the relevant criterion was not whether or not the dangerous function was visible but whether or not it was accessible. The requirement of the Directive was intended to deal with the situation where operators attempted to access the danger zone before dangerous functions had completely ceased. This situation could occur even if the danger zone was visible, indeed it might be more likely in that case.

Mr Chielens, CEN Consultant said that the problem concerned many standards other than those for woodworking machinery.

The CHAIR recalled that the Commission had received a letter from NB-M (Doc.WG-2009.76) indicating that the standards concerned did not comply with the new Directive. The formal objection procedure had been avoided so far, on the understanding that the standards would be revised rapidly. He concluded that all concerned should take account of the fact that the requirement for guard locking was formulated in a much clearer way in the new Machinery Directive. He asked CEN to take account of the discussion and encouraged the Member States to follow attentively the revision of the woodworking machinery standards.

3.28 Transitional period for EN 954-1

The CHAIR reported that, following the discussion at the last meeting of the Machinery Working Group, the Commission had published a specific Communication prolonging the transition period for EN 954-1 for a further period of 2 years. The reference to EN 954-1 had been omitted by error in the list of harmonised standards published in the OJEU C 136 of 26.05.2010, but a corrigendum would be published to make it clear that the prolongation of the transition period was still valid.

Mr Steiger for CEN explained that, in response to the proposal made by France and supported by the other delegations, a Symposium on control system standards would be held in 9 September 2010 in cooperation with the Commission. The relevant standards would be presented and the problems raised by their practical application would be discussed. Input would be provided by the different actors concerned.

DENMARK welcomed the Symposium and thought that standard EN 60204-1 on electrical equipment for machinery should also be considered. The standard was currently being revised and it was intended that it could be used alone to design the control systems on some low risk machinery. This was giving rise to confusion in Denmark.

Mr Umbreit, CEN Consultant, thought that it was more important to consider standard EN 62061-1.

The CHAIR asked CEN and CENELEC to deal with all the relevant standards at the Symposium.

3.29 Concerns about prEN ISO 4254-12 (Rotary mowers and flail mowers)

Ms Poivevin for CEN reported that ISO was in the lead for this standard. A negative assessment had been given by the CEN Consultant and discussions were ongoing to try to resolve the outstanding issues.

3.30 Requirement for CE marking in standards

Mr Steiger for CEN said that this question would be dealt with in the framework of the joint revision of ISO Guide 78 and CEN Guide 414. A preparatory meeting had been held and the participants had agreed to delete the footnote referring to CE marking. This work would be carried out after the revision of EN ISO 12100 had been completed.

3.31 Publication of specific parts of EN ISO 4254 - Agricultural machinery (Doc.WG-2010.16)

Ms Poivevin for CEN explained that parts 7 and 8 of EN ISO 4254 excluded the essential requirement relating to access to moving parts, while part 1 of the standard stated that this requirement was covered by standard EN 15811. This was not mentioned in the main text of the EN ISO standard, but was dealt with in the European foreword.

FRANCE stated that this reply did not answer the French concerns. The standards concerned were C-type standards which were supposed to provide specifications for specific categories of machinery. A manufacturer of
agricultural machinery had to apply Part 1 of EN ISO 4254 for some general aspects, but most of the specifications for particular types of agricultural machinery were given in the specific parts of the standard. Then, in addition to the relevant specific part of EN ISO 4254, a manufacturer must also apply standard EN 15811 on mobile transmission parts (although this is not stated in the EN ISO standard). In some cases, he must apply the standard on guards for PTO shafts. In the case of sprayers, he must also apply the standard on cab filters, since the EN ISO standard did not deal with the protection of the operator against hazardous substances. The manufacturer therefore had to apply a complicated combination of standards. France considered that a manufacturer should find in a harmonised standard, either in the form of specifications or in the form of normative references, all the information need to design a compliant machine.

GERMANY shared the French concerns. Germany had already observed that many C-type standards for agricultural machinery excluded a large number of essential requirements. Some progress had been made in discussions held in Germany, but the process of improvement of these standards must be rapidly concluded.

Mr Steiger for CEN stressed that a harmonised standard only provided a presumption of conformity to the EHSRs that it covered. If certain EHSRs were explicitly excluded, the manufacturer had to find solutions elsewhere to deal with those requirements. The EN ISO 4254 series had been developed using the so-called route C under the ISO 'global relevance' policy. Part 1 dealt with all specifications that were acceptable to all regions of the world and the supplementary specifications necessary to comply with the EU Directive were given in European standards. Doc.WG-2010.16 explained exactly which standards should be applied to ensure presumption of conformity with the Machinery Directive. The situation was perhaps not ideal but was at least transparent and clear.

The CHAIR agreed with CEN that the question of the adequacy of the standards should be distinguished from the question of the clarity of the presumption of conformity. In cases where the specifications needed to ensure conformity with the Machinery Directive were given in various different standards, the European C-type standard should at least identify the references of all the standards needed to ensure conformity with the Directive for the category of machinery concerned. This could be explained clearly in the foreword to the European edition. He asked CEN to ensure such clarity in the European editions of the specific parts of EN ISO 4254 and asked France and the other Member States to check that this was correctly implemented.

3.32 Homelifts

Ms Poidevin for CEN reported that the Convenor of TC 10 thought that homelifts with an open travel path could be considered during the planned revision of standard EN 81-41.

Mr Marchetti for EPSA recalled that such non-enclosed lifts were originally in the scope of prEN 81-41 but had been removed later. Manufacturers supported the approach suggested by TC 10. The through-the-floor homelift described by the UK was only one of the various types of lifting platform without an enclosed travel path. A standard was needed for all such lifting platforms.

Mr Williams for NB-M also welcomed the suggestion by CEN. A draft RfU had been discussed by VG 9 in April, but the draft had been rejected since the draft accepted a latch-type control rather than a hold-to-run control, which was derogatory to the relevant EHSR.

3.33 Air handling units (AHUs)

The CHAIR had not yet had time to consult the Construction Unit.

SWEDEN pointed out that some smaller AHUs were being placed on the market according to the LVD.

DENMARK thought that if the small units were intended for domestic use, they were excluded from the Machinery Directive and were indeed subject to the LVD.

The CHAIR thought that air conditioning units for domestic use were complete, ready-to-use units, whereas the AHUs described in the UK document were elements of air conditioning systems to be installed in buildings. He proposed to check the status of the relevant CENELEC standards for air conditioning units at the next meeting.

3.34 Pressure equipment incorporated into machinery

Mr Steiger for CEN said that the question raised by Sweden had been discussed at the last meeting of the Machinery Sector Advisory Nucleus. It had been concluded that it was not advisable to list the references of pressure equipment standards under the Machinery Directive to deal with risks for pressure equipment no higher than category 1 incorporated into machinery that was not subject to the PED. Where necessary, the relevant parts of those standards could be introduced into machinery standards by means of appropriate normative references.

3.35 Status of electrically assisted bicycles

The CHAIR informed the Working Group that, following the discussion at the last meeting, written comments had been received from France and Belgium against the position of the Commission. The main argument was that the electric motor only provided assistance to the pedals. France also indicated that electrically assisted bicycles had been subject to the national regulations on bicycles. The Commission had held a meeting with representatives of the industry in January 2010 and had confirmed that electrically assisted bicycles, that were not subject to the two-wheel vehicle type-approval Directive 2002/24/EC, were in the scope of the Machinery
Directive. Although such bicycles had two complementary means of propulsion, they were undoubtedly fitted with a drive system other than directly applied human effort and thus fell within the definition of machinery. The position of the Commission had already been explained in §55 of the Guide, although, in the 2nd Edition, the terminology had been made more precise.

The existing standard for electrically assisted bicycles, EN 15194:2009, had been developed by CEN/TC 333 without reference to the Machinery Directive. It included EMC requirements, but had not been offered to support the EMC Directive either. However, examination of the standard indicated that it could be revised as a harmonised standard without great difficulty.

**BEILOGM** accepted the position of the Commission but asked about electrically assisted bicycles placed on the market before 29.12.09.

**FRANCE** noted the position of the Commission while considering that it had been adopted rather hastily and that further consultation would have been useful. France also observed that standard EN 15194 had been adopted in the framework of the GPSD.

**The CHAIR** replied that the reference of the standard had not been published under the GPSD. He also reported that the industry was asking for the exclusion from the type-approval Directive 2002/24/EC, currently limited to electrically assisted bicycles with a maximum power of 250 W, to be extended to 500 W. If this was accepted, it would reduce the number of machines subject to the Machinery Directive. However, the industry proposal had not been accepted so far.

### 3.36 Guide to application of the Machinery Directive 2006/42/EC

**The CHAIR** recalled that the 1st Edition of the Guide had been published in December 2009 following the last meeting of the Working Group and had been presented at a Conference in Brussels. Comments on the remaining Annexes and improved comments on requirements relating to chains, ropes, and webbing had been discussed at a final meeting of the Editorial Group in May. The draft 2nd Edition had been circulated. The Machinery Committee was being asked to endorse the Guide which would then be published online on EUROPA. The 2nd Edition would be translated. Before publication of the translations, the Member States would be given the opportunity to make corrections. The corrected versions would be published as such. In case of doubt, the English version should be taken as the reference.

It was intended to update the Guide from time to time to take account of new developments. The next Edition would deal with the Directive 2009/127/EC amending the Directive on pesticide application machinery.

**DENMARK** thanked the Commission and the Editorial Group for their work. Denmark asked whether the idea of making further guidance documents on specific subjects was being considered.

**The CHAIR** replied that the 3 existing specific guidance documents would be kept and similar documents with examples and illustrations could be developed in the future. One such document was already planned on ergonomic standards.

### 3.37 Amendment on machinery for pesticide application

**The CHAIR** said that the standardisation mandate for Directive 2009/127/EC had been submitted to the 98/34/EC Committee. Some comments had been received and were being considered. The final version of the mandate would be sent to CEN as soon as possible.

**Ms Poidevin for CEN** indicated that Doc.WG-2010.11 presented the current state of the work of TC 144 in this area. Parts 1, 2 and 3 of the EN ISO 16119 series of standards for new sprayers (replacing the EN 12761 series) were well advanced and parts 4, 5 and 6 would follow soon.

### 4. Report on standardisation (Doc.WG-2010.09)

**Mr Steiger for CEN** reported that the adaptation of standards to the new Machinery Directive was on track. About 85% of the total were ready for publication.

Concerning the citation of references in the OJEU, in December 2009, a list of 484 references had been published, including 17 amendments. The list included 460 CEN standards and 24 CENELEC standards. There were 75 A and B-type standards and the rest were C-type standards. The latest list published on 26 May 2010 included 77 further references from CEN and 9 from CENELEC, bringing the total to 570, which was roughly the same number as for the previous Directive. He hoped that the rhythm of citations would be maintained.

Concerning the practical application of the standards for safety-related parts of control systems, several initiatives were ongoing to identify and solve the problems and the whole issue would be discussed at the Symposium planned in Brussels in September 2010.

In future, there would be only one A-type standard, since EN ISO 12100 parts 1 and 2 and EN ISO 14121-1 on risk assessment were being combined into one standard. The formal vote had been launched and the new standard would be available at the end of 2010.

The next task of CEN/TC 114 would be the revision of ISO Guide 78 and CEN Guide 414 on the drafting of machinery safety standards.
SWEDEN congratulated CEN on the job of adapting standards and asked for news about the standards for continuous handling equipment which were not yet listed in the OJEU. Mr Steiger replied that TC 148 had become dormant and it had been difficult to find a national standardisation body to take over the responsibility. AFNOR was now leading the work and the 6 standards concerned were currently being adapted.

GERMANY reported that a task force had been set up by the Machinery ADCO Group to examine standards for agricultural machinery. KAN and ETUI had been invited to take part in the group. Mr Boy for ETUI recalled that, in 2008, the ADCO group had raised the problem of using feedback from users and from market surveillance experience to improve harmonised standards. The KAN study on agricultural machinery standards and the ETUI project on combine harvesters had contributed to this debate. The task force was set up following the Trondheim ADCO meeting to bring together such experience in order to make proposals for improving selected agricultural machinery standards. The task force had also discussed the broader question of optimising limited resources to ensure that feedback from users and authorities was made available to standardisation groups and was duly taken into account. This would help to avoid formal objections which were a waste of resources for all interested parties.

5. Report from the Coordination of Notified Bodies

Mr Williams for NB-M said that the last meeting of the Horizontal Committee had been reported at the last Working Group meeting. The next NB-M meeting was planned on 15 June and would mainly deal with the review of the RfUs in line with the new Machinery Directive.

6. Angled wood chippers and standards (Doc.WG-2010.02)

The UK thanked Belgium for the cooperation on this topic. The standards for wood chippers covered horizontal or vertical machines but did not deal with inclined machines. Manufacturers and users were not sure which standard to refer to, since inclined wood chippers fell between the horizontal machines, mainly intended for professional use, and the vertical machines, mainly intended for consumers. The UK considered that such machines presented a relatively low risk since the feed functioned by gravity. In that case, that the safety distance from the cutting means foreseen in the case of low risk were adequate. A greater safety distance would give rise to ergonomic problems. These machines should be covered either by an amendment to the existing standard or by a specific standard.

The CHAIR asked CEN to submit the UK request to TC 144.

7. Emergency stop devices (Doc.WG-2010.03)

GERMANY referred to the requirements set out in section 1.2.4.3 of Annex I of the Directive relating to emergency stop, which applied to most categories of machinery. Some time ago, Denmark had raised a question relating to the conformity of the so-called 'flap stop' device which was a mushroom button on a hinged support which acted on a normal stop device underneath. The German authorities had discovered that this was not an isolated case and that there were a number of devices on the market, frequently fitted to machinery for consumer use, that did not comply with the requirements of the Directive. The German document was an attempt to identify different devices. The document identified 4 cases:

- normal emergency stop devices,
- devices equipped with a protective collar,
- 'flap-stop' devices,
- devices integrated into the machinery.

Germany thought it was necessary to give clear guidance to manufacturers and importers as to what kind of device was acceptable. The table of examples included in the document was a first approach and was open for discussion.

DENMARK thanked Germany for this work and thought that the document should be considered point by point. Devices 1 to 4 certainly complied with the requirements, but devices 5, 6 and 7 could not be considered as acceptable emergency stop actuators since they could not be easily used in an emergency. Standard EN 60204-1 on electrical equipment for machinery allowed the power switch to be used as an emergency stop but, in that case, it must be easily accessible. Furthermore, Denmark did not consider the 'flap-stop' to be an acceptable emergency stop device.

The UK welcomed the German document. It had also been welcomed by the group revising EN 60204-1. It should be recalled that the Machinery Directive did not require the fitting of an emergency stops in all cases. Standard EN ISO 13855 also set out requirements for emergency stops. Emergency stops that could be locked in an actuated position were liable to be confused with a power isolation device and should therefore be avoided. Shrouded actuators might be necessary for machinery used in certain environments. It could also be justified to
provide an emergency stop with a cover to prevent attempts to use it when the control position concerned was inactive.

FRANCE also thought the document was useful, but more time would be needed to consult experts before approving the document. There were some doubts about the devices 5, 6 and 7. The status of devices that were not readily accessible on the machinery was still unclear.

Mr Boy for ETUI stressed that EN ISO 13855 was a B 2-type standard and the control devices should be assessed in light of the standard. C-type standards should only deviate if the B-type standard was inappropriate and if an equivalent level of safety could be achieved by other means.

SPAIN agreed with the UK that a device that could be locked off was not acceptable. Devices 5, 6 and 7 might be appropriate on small machines. Device 15 could never be considered as an emergency stop device.

POLAND thought that a reference to existing standards should be included in the document.

The CHAIR stressed that it was important to distinguish the emergency control device and the emergency stop function, which included the relevant parts of the control system. It should be made clear that the document only concerned the control devices. The Machinery Directive also included requirements relating to the positioning of emergency stop devices with respect to the control position. It should also be made clear that the document did not address this aspect. He also thought it would be useful to evaluate the examples given with respect to the specifications of the relevant standards.

The UK thought it was important to distinguish the placing on the market of an emergency stop device and the assessment of a device fitted to a particular type of machine.

DENMARK thought it was also important to decide whether a device that was not an emergency stop should be red and yellow. Denmark thought that this was not acceptable since users were liable to think such a device was an emergency stop device.

BELGIUM agreed with Denmark.

GERMANY agreed that the document could be revised, but thought that a clear position was needed as soon as possible on the flap-stop device.

SWEDEN pointed out that flap-stops had been discussed several times in the Machinery Working Group but there was no record of a conclusion. It would be very useful to have a written conclusion on this subject.

The NETHERLANDS pointed out that an emergency stop function should be available if the normal stop functioned failed – this was not the case for a flap-stop device.

SPAIN considered that an emergency stop device should remain locked until it was released by a voluntary action. The flap-stop device did not comply with this requirement of the Directive.

FRANCE thought that, on woodworking machines with an automatic braking system, the normal stop function stopped the machine as quickly as possible. On such small woodworking machines, the standard for small woodworking machines allowed the use of a mushroom-type red button for the normal stop function.

The UK thought there should be no possibility of confusion between an emergency stop device and a normal stop device.

Mr HOYLAND, CEN Consultant, confirmed that flap-stops had been fitted to small woodworking machines to actuate normal stops. The purpose was to enable the operator to stop the machine more easily if his hands were not free. It had been envisaged to change the colour to avoid confusion.

BELGIUM thought the problem could be solved by using another colour.

DENMARK mentioned that the original European standard EN 418 had a requirement that the emergency control device should enter a locked position before the power was cut off. This requirement was dropped when the standard became an EN ISO standard. Denmark thought this was a lack in the new standard. There had been accidents where an operator thought he had actuated an emergency stop since the machine had stopped, but the device was not locked and another operator was able to restart the machine.

The CHAIR concluded that it was clear that a flap-stop device acting on a normal stop switch could not be considered as a compliant emergency stop device since it did not comply with the requirements set out in section 1.2.4.3. This was an important conclusion, since in some cases, flap-stop devices had been fitted on machinery that needed a real emergency stop.

The question remained whether a red mushroom-type button should be fitted to machines without an emergency stop, in order to facilitate use of the normal stop control in an emergency. The UK and others considered that this was liable to create confusion. However this question required further discussion, since such a solution appeared to be common practice and to be accepted in certain harmonised standards.

The Chair asked Germany to revise Doc.WG-2010.03, in particular, in order to clarify its scope. He asked the Member States to examine the document and to consult experts in order to try to reach some conclusions at the next meeting.

8. Question/Answer on cable logging (Doc.WG-2010.04)

FRANCE said that the machines concerned had frequently been used in the past. They had disappeared for a time, but their use was coming back due to concern over damage to the soil caused by the use of vehicles for
honing logs. The machines concerned were cableways used for transporting logs. The machines were frequently transferred from one place to another. At each end there was a mast supporting a cable on which a trolley carried the logs, either horizontally or up or down a slope. The log was either lifted by one extremity and dragged along the ground or, more often, completely lifted off the ground to be transported. In France, such installations had always been considered as lifting machinery subject to the requirements set out in Part 4 of Annex I of the Directive. However, in the course of an accident enquiry, inspectors had been told by the manufacturer of a cable logger that such installations were not subject to the Machinery Directive. France sought confirmation that such cable loggers were in the scope of the Machinery Directive.

AUSTRIA had also recorded accidents with this type of machinery. The Austrian manufacturer had several versions of the machinery. Certain elements were changed, depending on the load to be carried. It had been concluded that the machinery should be considered as a whole. Austria agreed with the French position.

The UK agreed with France and Austria that cable loggers were clearly in the scope of the Machinery Directive, but there was a problem of conformity and enforcement. In particular, such machines often lacked a device to prevent damage to the cable in case of overload.

SWITZERLAND agreed with other Member States and thought that the labour inspectors could also deal with the use of the installation on site. GERMANY also agreed with the other Member States, but thought there might be a difficulty applying section 4.1.3 of Annex I on fitness for purpose, since the installation was sometimes supported by trees on site.

SPAIN thought it was important to distinguish design and construction from use. The manufacturer must provide installation instructions, however inspections after installation on a new site were subject to national regulations. Spain had rules for inspections of lifting machinery in general, but not for this particular type of machinery.

FRANCE agreed that it was important to distinguish design and construction from use. However the Machinery Directive required the manufacturer to carry out a check on fitness for purpose, including static and dynamic tests, on machinery ready for use. Cable loggers had different configurations, depending on the site where they were installed.

The CHAIR said that this type of lifting machinery had been used for transporting logs since 1860. It was often referred to as ‘Blondin’, after the famous acrobat who crossed the Niagara Falls on a cable. In the USA it was known as a cable crane. He concluded that cable cranes or cable loggers were certainly subject to the Machinery Directive, including the requirements set out in Part 4 of Annex I. Even if the logger was installed on level ground, there was still a lifting operation when the log was lifted off the ground to be transported.

The check on fitness for purpose, foreseen by section 4.1.3 of Annex I, could be carried out at the manufacturer’s premises if the machine was assembled there or, if the machine was only assembled at the place of use, the check could be carried out by or on behalf of the manufacturer on site. The check on fitness for purpose was carried out only once, before the first putting into service of the machinery.

Subsequent periodic inspections or inspections following reinstallation at a new site were subject to national regulations implementing Directive 2009/104/EC on the use of work equipment.

9. Quick hitch – Interchangeable equipment or Partly completed machinery? (Doc.WG-2010.05)

The UK recalled that quick hitches had already been discussed in previous meetings with respect to risks associated with semi-automatic quick hitches. The present question concerned whether quick hitch couplers that could be fitted to machinery not originally equipped were to be considered as interchangeable equipment or as partly completed machinery. Some manufacturers considered quick hitch couplers as PCMs, since fitting the quick hitch device could require the modification of the basic machinery. However it was unlikely that the installer would be able to certify the conformity of the assembly of the quick hitch device and the basic machinery.

To be considered as interchangeable equipment, the equipment must change the function of the basic machinery and be intended for assembly by the operator himself. The UK thought the concept of operator was broader than that of driver and that such quick hitch devices were generally assembled by maintenance operators of the user company. For certain operations, for example, for drilling operations, the quick hitch coupler might have to be removed by the user. The UK also considered that a quick hitch coupler added functions to the machinery and could thus be considered as interchangeable equipment. When a kit was provided with the quick hitch device for modifying the hydraulic system of the basic machinery, the conformity of this part of the machinery must also be checked.

FRANCE agreed with the conclusion drawn by the UK. The quick hitch manufacturer’s instructions must specify the conditions to be met by the basic machinery with which the quick hitch device was compatible.

SWEDEN, DENMARK and BELGIUM also agreed with the UK position.

IRELAND agreed that the UK position was a pragmatic solution.
SPAIN thought that interchangeable equipment should not require the modification of the basic machinery. Consequently, quick hitch devices could only be considered as interchangeable equipment for machinery that was designed to accept such devices without modification.

The NETHERLANDS agreed with Spain. If the basic machinery was modified permanently, it became new machinery.

GERMANY agreed with the UK – a quick hitch coupler extended the functions of the basic machinery. However if the original machinery was supplied with a quick hitch, there was no need for distinct CE-marking of the quick hitch coupler.

The UK agreed with the Spain. The situation was clear when the quick hitch coupler was intended for machinery designed to accept it. A different issue was raised when it was necessary to modify the basic machinery to fit a quick hitch. In that case, somebody must check the conformity of the modified machinery.

Mr Belaen for CECE agreed that quick hitch couplers were best considered as interchangeable equipment and would consult CECE members on the question of modification of existing machinery.

The CHAIR pointed out that the question whether or not given equipment changed the function of machinery depended on how broadly the function was defined. On this question, it was necessary to have a pragmatic approach as outlined in the UK paper. In general, quick hitch couplers could be considered as interchangeable equipment.

Since quick hitch couplers were frequently needed by users, manufacturers should be encouraged to foresee the possibility of fitting quick hitch couplers to their machinery, without the need for modification.

When a user wished to fit a quick hitch coupler to a machine not designed to accept such a device, he could modify his machine. Such a modification of machinery in service did not usually give rise to a new conformity assessment. In such cases, according to the Directive on the use of work equipment, it was the responsibility of the user to ensure that the modified machinery remained in conformity with the essential health and safety requirements of the Machinery Directive, although it was certainly advisable to consult the original machinery manufacturer if possible.

The residual issue was to define the responsibility of the quick hitch manufacturer in cases where the basic machinery needed to be modified, since normally an interchangeable equipment manufacturer was expected to ensure the compatibility of his product with the basic machinery. In such cases, it might be possible to consider the quick hitch coupler together with a modification kit and accompanied by assembly instructions as the interchangeable equipment.

The CHAIR asked delegations to consider this issue for the next meeting.

10. **Purpose built equipment for lifting persons**

NORWAY presented Doc.WG-2010.06 recommending the development and use of purpose-built equipment for lifting persons that complied with the Machinery Directive instead of recourse to the exceptional derogation foreseen in section 3.1.2 of Annex II to Directive 2009/104. Norway was working in coordination with DG Employment on this issue.

11. **Proposal to revise EN 609-1 - Wedge splitters (Doc.WG-2010.07)**

ITALY expressed concerns following serious accidents causing the amputation of the operator's hand. The accident had occurred when the operator had actuated a two-hand control device with one hand and another part of his body. EN 609-1 did not require full application of the protective measures included in the standard EN 574 for two-hand control devices, in particular, clause 8.5 of the standard. The Italian authorities had sought a solution with Italian manufacturers and concluded that EN 574 could be applied without difficulty.

At the plenary meeting of TC 144 held in 2009, EN 609-1 had been confirmed and the Italian proposal had not been accepted. An enquiry on this question had been carried out and the results would be examined in November 2010. Italy considered that revision of the standard was urgent.

FRANCE supported the Italian proposal and had also recorded many accidents on this type of machinery. France was not certain the two-hand control devices provided an adequate solution since they only protected one operator. There was a need to maintain the log in place. Other means for maintaining the log should be considered.

France was also concerned about application of this standard to machinery used for the production of staves for the manufacture of wooden barrels. For this application, the operator not only had to maintain the log in place but also had to guide the wedge. Consequently, he needed both hands free. A document would be submitted to the ADCO Group on this subject. Two solutions were available: either a guard that followed the movement of the wedge or a solution based on different speeds of the wedge.

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157 EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters

GERMANY also supported the Italian proposal. KAN had set up a group to examine this family of standards. The problem was not limited to the question of two-hand control devices – the standard should be completely revised.

The UK stressed that if there was more than one operator, two-hand control devices alone were not sufficient.

BELGIUM asked what should be done with existing machines designed in accordance with the current standard.

The CHAIR replied that existing machines were a matter for the national market surveillance authorities. He asked CEN to transmit the concerns of the Member States to TC 144.

12. Exclusion of tractors (Doc.WG-2010.12)

Mr Mattinò, Deputy Head of the Automotive Unit in DG ENTR, recalled that, when the revised Machinery Directive had been adopted, a declaration had been made by the Council, the European Parliament and the Commission stating that measures would be adopted to avoid overlapping legislation for agricultural and forestry tractors. This process was close to finalisation. In February 2010, the Regulatory Committee for the Tractors type-approval Directive had approved amendments to cover 6 risks that were not previously covered. At the same time, the proposal for a Regulation on type-approval of tractors, soon to be adopted by the Commission, would include an Article amending the Machinery Directive to delete the words "... for the risks covered by Directive 2003/37/EC" from Article 1 (2) (e).159 These two measures would entail that tractors would be only subject to the Tractors type-approval legislation.

Concerning the comments from Italy relating to the adequacy of the type-approval legislation with respect to certain risks or certain categories of tractor, Mr Mattinò stated that the Commission was ready to address such issues in the framework of the Committee for the adaptation to technical progress of the Tractors type-approval legislation.

The NETHERLANDS asked whether EU legislation made it mandatory for tractors placed on the market to comply with the sample subject to type-approval or was this left to the Member States.

FRANCE had been concerned about the risk of legal uncertainty that resulted from the joint application of the Machinery Directive and the tractors type-approval legislation. Consequently, France welcomed the measures taken by the Commission to ensure a clear separation. France also supported several of the suggestions for improvement made by Italy which could be dealt with by the Tractors Committee.

However, there were still some outstanding grey areas to be examined. For example, the status of variable-reach lift trucks used to tow ploughs – some manufacturers considered such machines as tractors but, in that case, the risks due to lifting were not dealt with. Tractor-mowers were similar to tractors but the risks linked to the cutting means were not covered in the type-approval legislation.

GERMANY stressed that it was important to consider the overall safety of the combination of the tractor with the towed machinery.

DENMARK was not sure that even a revised Tractors Directive could cover all risks while using the "Old approach" method. For example, tractors had appeared with a quick-hitch system for towed machinery. This system gave rise to a crushing risk and had been involved in several accidents, but was not covered by the Tractors legislation.

Mr Hostens for CEMA agreed that there remained some safety issues for tractors to be solved. CEMA welcomed the end to the legal uncertainty and the return to a single legal framework, but it was not certain that the Tractors Committee was the best forum for discussing the outstanding issues in detail. It might be better to re-instate the Ad Hoc Group on tractor safety for this purpose. CEMA thought that all safety issues could be resolved, using reference to standards where appropriate.

Mr Mattinò replied that the advantages and disadvantages of the different approaches to legislation could be discussed, but legal certainty was also important. He agreed with the Member States that the adequacy of the legislation should be constantly under review and this could be done within the Comitology procedures. He recalled that Italy had already made a formal proposal for a specific Working Group.

The CHAIR urged Member States with concerns about safety of tractors to address their concerns to the Tractors Committee and the proposed Working Group. Concerning towed agricultural machinery, he stressed that while such machinery was already in the scope of the Tractors type-approval legislation, it remained in the scope of the Machinery Directive. The Tractors type-approval legislation could provide a framework for harmonising the road circulation requirements for towed machinery.

13. Stair lifts – Annex IV – 17?

The CHAIR explained that this question had arisen during discussion of comments in the Guide on Annex IV. The Editorial Group had noted that Member States had made different interpretations in the past. VG 9 of NB-M had informed the Group that a document from the accident prevention body in Germany stated that stair lifts were not Annex IV machines. In other Member States, they were considered as Annex IV machines if the vertical distance between the top and the bottom of the flight of stairs was more than 3 m.
The NETHERLANDS said that stair lifts had always been regarded as Annex IV machines if the elevation was more than 3 m. However, in domestic buildings, the rise was generally less than 3 m.
FRANCE agreed with the Dutch position.
DENMARK reported that the Danish Notified Body had issued EC type-examination certificates for stair lifts. The risk of falling depended on the angle.
GERMANY was not aware of the German document cited by VG 9.
AUSTRIA thought that stair lifts should be considered in the same way as escalators.
The CHAIR replied that, in the Guide, escalators were not considered as lifting machinery.
The UK reported that NBs in the UK had not considered stair lifts as Annex IV machines, but this position could be changed in the interest of consistency. If the slope of the stairs was small, there was not really a risk of falling:
SPAIN thought that risk of falling depended on the design and location of the lift.
FRANCE thought that the vertical distance of 3 m was a criterion of significant risk.
Mr Marchetti for EPSA said that standard EN 81-40 for stair lifts did not limit the angle. EPSA had never heard of EC type-examinations for stair lifts in the past. Stair lifts could easily reach a height of more than 15 m, but the vertical height between two landings was usually less than 3 m.
The CHAIR said the Guide already gave guidance on how to understand the terms "a hazard of falling from a vertical height of more than 3 m". The Directive did not refer to a vertical fall but to a fall from a vertical height. For example, if the machinery itself tipped over, the fall was not vertical. However the height to be considered was the vertical dimension. Furthermore, persons could fall from the carrier or the carrier itself could fall due to failure of the lifting mechanism. In the latter case, on a stair lift, the carrier could fall from the top to the bottom of the stairs.
The CHAIR said that, in absence of clear agreement, stair lifts would not be mentioned in the comments on Annex IV in the Guide. He asked VG 9 to discuss the issue in order to try to reach a uniform interpretation.

14. Any other business

EN 954-1 - turning machines

The UK said that the UK Manufacturing Technologies Association wished for clarification. The C-type standard for turning machines had been amended to refer to EN ISO 13849 with respect to the specifications for safety related parts of the control system. Manufacturers wished to know if they could continue use EN 954-1, since the presumption of conformity for that standard had been prolonged.
The CHAIR replied that, since C-type standards took precedence over B-type standards, only application of the relevant C-type standard gave presumption of conformity. If the relevant C-type standard referred to EN ISO 13849, only application of EN ISO 13849 for the safety related parts of the control system gave a presumption of conformity for the machinery concerned.
It might be possible to have a transitional period for C-type standards that referred to EN ISO 13849, in line with the transitional period for EN 954-1, if this was requested by CEN.

Question on lifts

FRANCE agreed to postpone this question to the next meeting.
## Questions to be followed up at the next meeting

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Minutes of the Machinery Working Group held in Brussels on 21/22 December 2010

Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels
Chair: Mr Ian FRASER (ENTR/I4)
EC Participants: Mr Mario GABRIELLI COSSELU, Mr Élod Ajtony DUDAS (ENTR/I4)

1. Approval of the agenda

The draft agenda was approved.

2. Minutes of the meeting of 1/2 June 2010 (Doc.WG-2010.18)

The minutes of the meeting of 1/2 June December 2010 were approved.

3. Follow-up of questions from the meeting of 1/2 June 2009
   
   3.1 Formal objection against EN 12215 and EN 13355 (paint booths)
   
   The CHAIR said that reports on the two meetings of the group set up to organise common tests had been circulated (Doc.WG-2010.26).
   
   FRANCE indicated that a third meeting of the group had taken place and it should be possible to report initial results to the next meeting of the Machinery Working Group.

   3.2 Formal objection against EN ISO 4254-1 (Agricultural machinery – General Requirements).

   The CHAIR reported that the formal objection had been resolved. It was not clear whether a Commission decision was still required in order to close the file.

   3.3 Formal objection against EN 1459 (Doc.WG-2010.08)

   Ms Poidevin for CEN said that the 2nd amendment dealt with this formal objection. It was hoped that the reference of the amended standard would be published in the OJEU.

   3.4 EN 13524 (Highway maintenance machines)

   Mr Steiger for CEN reported that WG 16 of TC 151 had met in October to continue the discussion on new test methods. The work item to revise the standard had now been created. The next meeting would be held in February 2011.

   3.5 EN 690 (Manure spreaders)

   Ms Poidevin for CEN reported that the last plenary meeting of CEN/TC 144 - WG 3 had received a large number of comments during the first enquiry on the draft amendment. It had been decided that a second working document was needed. A second enquiry would be launched at the end of 2011.

   3.6 Formal objection against EN 474-4 & 5

   Ms Poidevin for CEN reported that work items had been created and the draft amendments should be ready in April 2011. They would be subject to the UAP procedure.

   3.7 Formal objection against EN 500-4

   Ms Poidevin for CEN reported that the UAP procedure on the amendments dealing with the objections was nearly finished.

   3.8 Revision of standards for industrial trucks

   Mr Kuehn for CEN TC 150 and FEM presented replies to the concerns expressed by France (Doc.WG-2010.50). He explained that the standardisation project for industrial trucks was following Route C of the ISO ‘Global relevance’ policy. Standard ISO 3691-1 was accompanied by ISO/TS 3691-7 which provided supplementary specifications for the EU. This ISO/TS would become a separate European standard which did not yet have a number. There was no problem with the technical content of these documents. The French comments had been taken into account. Editorial improvements had been made in order to clarify the relationship between the different documents. The European forewords had been reworded to indicate the
FRANCE welcomed the report from CEN TC 150. The concerns expressed by France were shared by all stakeholders. However, it was still not clear that application of part 7 of ISO 3691 excluded the application of the specifications of part 8. The drafting of an appropriate Annex ZA might provide a solution. This was currently being discussed in the French mirror group.

GERMANY welcomed the clarification provided by CEN and recalled that, while the reference of the European standard based on part 7 of ISO 3691 would be published in the OJEU, the reference of part 8 would not be published.

3.9 Attachment of interchangeable work platforms on telehandlers
Mr Chielens for NB-M reported that VG9 had drafted a RfU.

SWEDEN pointed out that the RfU was currently subject to the written endorsement procedure.

The CHAIR asked CEN TCs 150 and 98 to report on progress at the next meeting.

The UK reported that, in a meeting with industry, progress in the standardisation work had been confirmed. The UK agreed that cooperation was needed between TC 150 and TC 98.

3.10 Lifting function of a vehicle chassis
The CHAIR said that no progress had been made on this file.

3.11 Formal objection to EN 14985 (Slewing jib cranes)
Ms Poidevin for CEN reported that the public enquiry on a revised draft of the standard dealing with the German formal objection had been finished in September 2010 and the final draft was expected in September 2011.

The CHAIR urged Germany and the other delegations to check the final draft carefully.

3.12 Electric brakes on small saw benches
The CHAIR said that VG 1 of NB-M had provided now a written report and had adopted a RfU on this subject (Docs.WG-2010.21 and 22). The item was closed.

3.13 Formal objection to EN 474-1 (Semi-automatic quick hitches)
Mr Steiger for CEN reported that, in addition to the amendment to deal with the problem of semi-automatic quick hitches, it was planned to revise the entire EN 474 series of standards for earthmoving equipment. TC 151 hoped that the national authorities and, in particular, the market surveillance authorities would participate actively in this work in order to avoid formal objections at a later stage.

3.14 Formal objection to EN ISO 11681-1 (Chain saws for forest service)
The CHAIR referred delegations to the progress report received from CEN TC 144 and ISO TC 23 (Doc.WG-2010.29).

3.15 Formal objection to EN 12151 (Machinery for preparation of concrete)
Mr Steiger for CEN said that TC 151 was awaiting a first draft for revision of the standard from France.

FRANCE said that the draft should be available in the first semester of 2011.

3.16 Formal objection to EN 12649 (Concrete compactors)
Mr Steiger for CEN reported that an amendment to the standard dealing with the issues raised by the formal objection had been agreed with the help of health and safety experts. The UAP procedure would be started soon and the amendment should be published by the end of 2010.

3.17 Personal water propellers (diver propulsion vehicles)
The UK reported that an increasing number of DPVs were appearing on the market. The question should be resolved as soon as possible.

FRANCE considered that the French suggestion to consider DPVs as a means of transport excluded from the Machinery Directive would solve the problem.

The CHAIR said that a final attempt would be made to get a response from the industry before reaching a conclusion at the next meeting.

3.18 Self-propelled steps for aircraft
Ms Poidevin for CEN reported that a revised standard prEN 12312-1160 was being developed to provide the necessary specifications.

3.19 EN 81-41 (Lifting platforms)

Ms Poidevin for CEN reported that the DIN Appeal had finally been rejected and EN 81-41 had therefore been ratified in accordance with the first formal vote. The plenary of CEN/TC 10 in December 2010 had decided that revision of the standard would be started immediately. WG 8 would be re-established in order to work on the modification of the scope of the standard.

Mr Kraus for VDMA said that the lift manufacturers’ association in Germany considered that the standard did not fully comply with the Machinery Directive, particularly with respect to foreseeable misuse, and thought that the reference of the standard should not be published in the OJEU.

GERMANY wanted the revision to be carried out as soon as possible.

The CHAIR said that, if no formal objection was lodged, the reference of the standard would be published in the OJEU.

- Lifts and machines carrying persons serving fixed landings (wind generators)
  Discussed under agenda item 17.
- Standards for household appliances and for powered doors, gates and windows
  Discussed under agenda item 5.
- Concerns about prEN ISO 4254-12 (Rotary mowers and flail mowers)

Ms Poidevin for CEN reported that the project was currently on standby at the request of ISO/TC 23/SC 7. CEN/TC 144 would send the revised draft of prEN ISO 4254-12, including the follow-up of the negative assessment by the CEN Consultant, when the ISO standards 17101-1 on rotary mowers and 17101-2 on flail mowers reached the Fdis stage in March 2011.

- Publication of specific parts of EN ISO 4254 - Agricultural machinery

Ms Poidevin for CEN reported that, in line with the suggestion made at the last Working Group meeting, the European forewords to the specific parts of the EN ISO 4254 series had been revised to clarify the presumption of conformity. It was stated in the forewords that the specific parts of EN 4254 must be applied together with EN ISO 4254-1 and with EN 15811 which provided the supplementary requirements for the EU.

- Homelifts with an open travel path

Ms Poidevin for CEN said that the Convener of TC 10 thought that specifications for homelifts with an open travel path could be considered during the planned revision of standard EN 81-41.

The UK thought a RIU was needed while awaiting a standard. This would be discussed again with the UK notified bodies with a view to drafting a RIU to be submitted to VG 9 of NB-M.

Mr Marchetti for EPSA recalled that lifts with an open travel path were originally in the scope of prEN 81-41 but had been removed from the scope during the course of the work. Some meetings had been held with a view to making a separate standard for such lifts, but the work had been abandoned because not enough countries were interested. He agreed that a new attempt could be made in the framework of the revision of EN 81-41.

- Air handling units (AHUs)

The CHAIR had no progress to report.

- Status of electrically assisted bicycles

The CHAIR recalled that it had been confirmed that electrically assisted bicycles, that were not subject to the two-wheel vehicle type-approval Directive 2002/24/EC, were in the scope of the Machinery Directive. He said that a progress report had been received from CEN/TC 333 (Doc.WG-2010.51).

Ms Poidevin for CEN confirmed that standard EN 15194 was being revised to cover the requirements of the Machinery Directive. Several meetings had been held with the CEN Consultant, a new work item had been created and a first draft of the revised standard could be expected at the end of 2011.

The CHAIR asked if the standard would also cover the EMC Directive.

Ms Poidevin replied that it appeared that the standard was not appropriate for the EMC Directive.

BELGIUM thought that the sector was not well prepared to apply the Machinery Directive. There was a plan to draft a brochure to help manufacturers. There was also a problem to decide what position should be taken by Customs with regard to products coming from outside the EU.

ITALY thought that a similar approach should be taken to that adopted with respect to mini-motorbikes.

Mr HOYLAND thought that electric bicycles were very different products from mini-motorbikes. They had low speed and power and could provide an interesting alternative to vehicles with internal combustion engines.

The CHAIR replied that it was for the market surveillance authorities to decide on the appropriate action to be taken with respect to non-compliant products. The industry had been slow to take account of the applicable legislation, but work was now proceeding as quickly as possible on a harmonised standard which would facilitate the task for both manufacturers and authorities. He asked CEN to re-examine the coverage of EMC requirements, since it would be easier for manufacturers to have a single standard supporting the provisions of all the applicable EU legislation.
3.27 Guide to application of the Machinery Directive 2006/42/EC (translation)
The CHAIR informed the Working Group that draft translations had been received from the Commission translation service and were available in a special folder on CIRCA. The Member States were asked to check the translations by 14 February 2011 in order to avoid major errors. Member States were asked to provide the corrections in a single file with tracked changes in order to facilitate the preparation of the file for publication. The draft translations could be consulted, but stakeholders were asked not to circulate the drafts until the corrected texts were published on EUROPA.

Mr Kraus for VDMA asked whether the Editorial Group would be reconvened to prepare the 3rd Edition of the Guide.
The CHAIR said the main task of the 3rd Edition would be to deal with the changes introduced by amending Directive 2009/127/EC on pesticide application machinery. There would also be a few updates in light of recent changes in other Directives and standards. The original Editorial Group would not be reconvened but a small ad hoc group would be formed including experts on pesticide application machinery.

3.28 Amendment on machinery for pesticide application
The CHAIR stated that the standardisation mandate for Directive 2009/127/EC had been approved by the 98/34/EC Committee and communicated to CEN. The Commission had received a reply from CEN/TC 144 accepting the mandate but expressing a reserve with respect to the reference to certain techniques for preventing the unwanted drift of pesticides. The Commission would reply. The part of the mandate concerned was based on the Declaration made by the Commission to the European Parliament when the Directive had been adopted. It was not intended to give priority to particular techniques but only to ensure that the standards covered all the best available techniques and indicated where they were appropriate.

FRANCE pointed out that the health and safety requirements for pesticide application machinery were covered by specific parts of the EN ISO 4254 series mentioned earlier. Up to now, the environmental protection aspects were covered by separate standards which had a different legal status. Now that both aspects were included in the Machinery Directive, it would be preferable to have a single standard for each category of machinery covering all the applicable requirements.

The CHAIR replied that this was a matter for CEN. CEN had started the revision of the existing environmental protection standards, but the requirements could be included in the health and safety standards, either directly or by means of normative references. He asked CEN to consider the French suggestion.

The UK enquired about the situation of tractor cabs for use with sprayers.
The CHAIR indicated that new protection requirements for cabs for use in hazardous environments were being introduced into the type-approval legislation for tractors.

3.29 Inclined wood chippers
The CHAIR said that a report had been received from CEN TC 144 (Doc.WG-2010.32).
Ms Poidevin for CEN said that CEN TC 144 had decided, at the plenary meeting in November 2010, to develop a new standard for those wood chippers that were outside the scope of both EN 13683 (horizontal machines) and EN 13525 (vertical machines). The work item was currently at the preliminary stage.
The CHAIR urged the Member States that had expressed concerns on the subject to follow the development of the new standard.

3.30 Emergency stop control devices
Item carried over to the next meeting.

3.31 Status of quick hitch couplers
Mr Belaen for CECE responded to some questions that had been addressed to manufacturers about quick hitches at the last meeting:
1. Do all machinery manufacturers propose quick hitches? All machinery manufacturers design machines which can accept quick hitches but not all of them supply quick hitches themselves – in some cases they recommend quick hitches made by specialist manufacturers.
2. Are such quick hitches compatible with specific machinery types? Some quick hitch manufacturers propose generic kits that are compatible with many machinery types but not all.
3. Can all machines be adapted for quick hitches? No - some compact excavators are designed only to be used with mechanical hitches. Other machines do not have the necessary auxiliary hydraulic circuits and control systems. For machinery designed to receive a quick hitch kit, almost no changes were needed to the machinery. For machinery not so designed, fitting a quick hitch involved changes to the hydraulic and electronic equipment of the machine but did not involve major mechanical modifications.
The CHAIR asked CECE to provide these explanations in writing. It was clear that quick hitch kits placed on the market to be fitted to machinery designed to receive them were to be considered as interchangeable equipment. The status of equipment supplied to fit quick hitches to machinery not so designed required further consideration. The CHAIR asked delegations to prepare their position on this question for the next meeting.
3.32 Revision of EN 609-1 – Wedge splitters
Ms Poidevin for CEN said that TC 144 had agreed to revise the standard.
ITALY said that it was necessary to prepare a draft amendment to deal with the serious issues raised by France.

3.33 Stair lifts – Annex IV?
Ms Poidevin for CEN reported that the Chairman of TC 10 considered that stair lifts were not in Annex IV.
The UK said that the NBs and industry in the UK had not usually considered stair lifts as belonging to Annex IV, but the UK would accept a majority decision.
FRANCE was still in favour of stair lifts being included in Annex IV.
SPAIN thought it was difficult to determine how the vertical height was to be measured.
The CHAIR recalled that the issue had arisen during discussion of the comments on item 17 of Annex IV in the Guide. This discussion had first clarified what was meant by the risk of falling. The risk of falling was not limited to a person falling from the carrier but included the fall of the carrier or the collapse or tipping over of the machinery itself. The discussion had also clarified what was meant by a fall from a vertical height of 3 metres. This did not mean that the fall itself was vertical. For example, when a platform tipped over, the fall was not vertical. The criterion to be considered was the length of the vertical component of the fall.
In the case of stair lifts, there was usually not a risk of a vertical fall. But the carrier could sometimes fall from the top to the bottom of the guide rails over a vertical distance of more than 3 metres if the lifting mechanism failed. That was why stair lifts were fitted with safety gear. He thought that, where there was a risk of the carrier falling down the guide rails over a vertical distance of more than 3 metres, stair lifts should be considered as in Annex IV. He asked delegations to prepare their position for the next meeting.

4. Report on standardisation (Doc.WG-2010/34)
Mr Steiger for CEN reported that the adaptation of standards to the new Machinery Directive was complete. About 95% of the standards had been adapted. There were still some standards under revision. There were now 601 harmonised standards supporting the Machinery Directive, including 561 CEN standards. The last consolidated list had been published in the OJEU on 20 October 2010.
The Symposium on standards for control systems, organised by CEN, CENELEC and the Commission in September 2010, had been a success: 170 experts had attended and there was a waiting list of 70 people. Following presentations from the people responsible for the development of the relevant standards, there had been a complex debate. Some conclusions and recommendations had been drawn up in light of the debate, mostly relating to EN ISO 13849-1. This was the standard most used in the machinery sector – EN 62061 was only used in certain specific sub-sectors. Further steps were needed to facilitate the application of EN ISO 13849-1, particularly by SMEs. The merger of the two standards emerged as an objective for the future rather than an immediate perspective. ISO and IEC had decided to try to progressively align their standards while leaving them as separate standards for the time being. Since not all interested parties had been able to attend the Symposium, an additional month had been given for comments. A team was set up to discuss these comments. Some specific questions had been forwarded to the ISO and IEC TCs concerned. One question was addressed to the Commission since two organisations were requesting a further extension of the transition period for EN 954-1.
The CHAIR replied that, following a discussion during which strongly opposed views had been expressed, it had been agreed to grant an extension for a reasonable period. There would be no further extension.
Mr Steiger said that the new EN ISO 12100 had been published. This was the merger of the former EN ISO 12100, parts 1 and 2 and EN ISO 14121-1 on risk assessment. CEN TC/114 had decided a 3-year transition period to allow for the updating of normative references in other standards. A table of correspondence between the previous standards and the new standard was available on the CEN machinery sector Website. Work would now continue on the revision of CEN Guide 414 and ISO Guide 78 on the drafting of machinery safety standards. This should be finalised in 2011. The ‘mother’ Guide - ISO/IEC Guide: Safety aspects – guidelines for their inclusion in standards - would also be revised following a proposal from the ISO consumer policy committee COPOLCO. This would take about 1½ years.
SLOVAKIA asked if the COPOLCO was considering the inclusion of the RAPEX guidelines on risk assessment.
Mr Steiger replied that most of the input was coming from outside Europe. The RAPEX tool had not been explicitly mentioned.

5. Standards for electrical appliances LVD/MD
The CHAIR indicated that CENELEC had published, as an Annex to the revised standard EN 60335-1 A14 on household appliances, a list of specific parts of the standard, attributing them to the MD, the LVD or both in cases where the standards covered both MD and LVD products (Doc.WG-2010.19). The list had been discussed with the Commission and seemed to be based on a clear and strict interpretation of the new borderline between the MD and the LVD.
Concerning standards for powered gates, doors and windows, there had been a meeting between CEN TC 33 and CENELEC TC 61 to clarify the scope of their respective standards and to attribute them to the LVD or the MD as appropriate. There were still some outstanding problems to be solved. The proposals made by the CEN/CENELEC group would be presented to the next meeting.

DENMARK said there was still a lot of uncertainty about the MD/LVD borderline among stakeholders and within the authorities. The CENELEC classification of the EN 60335 series of standards would help to clarify the situation and Denmark agreed to use the list as a basis for administrative decisions. However there were outstanding problems with other standards. In particular, list of references published in the OJEU under the LVD included several standards for products that were in the scope of the MD. This was creating confusion.

The CHAIR said that, thanks to information provided by Denmark, CENELEC had been asked to align the list of references for the LVD with the classification of standards for household appliances established by CENELEC/TC 61. CENELEC had also been asked to check certain standards from other TCs currently published under the LVD which might concern products subject to the MD.

The UK thought that it was better to take a pragmatic view if the only moving part in the product was a very small fan for cooling electronic components.

DENMARK agreed. In such cases, the Danish authorities did not contest the manufacturer's Declaration of conformity under the LVD.

SWITZERLAND asked whether the list included in Doc.WG-2010.19 could be circulated to stakeholders.

The CHAIR replied that the list had been published as an informative Annex to EN 60335-1, but it was not really part of the standard. CENELEC/TC 61 had agreed that the document could be circulated.

6. Formal objection against EN 12635 – powered gates

The UK summarised the issues raised in the reports set out in Docs.WG-2010.35, 36 and 37. The problems concerned certain of the products covered by the standard, namely powered sliding gates and powered swing gates. These gates were generally used for controlling vehicle access and were often large – typically 2m high and 3m or more wide. They were powered by hydraulic or electric drive systems. They were fitted with various protective devices, including safety edges, photo-electric cells and their related logic units to generate appropriate control signals to the motor. All of these devices were safety components according to the Machinery Directive and were in Annex IV, either as protective devices for the detection of persons or as logic units to ensure safety functions.

In 2006, a boy aged 9 had been fatally crushed between a swing gate and a pillar. The manufacturer of the gate was prosecuted and fined 100 000 €, but the case did not involve the standards since the accident was attributed to deficient installation. At MACHEX, a similar accident was reported in Cyprus, although the injured child survived. Following the UK prosecution, in February 2010, the HSE had issued a safety alert to manufacturers and installers, drawing attention to the risks revealed by the accident and reminding them of the relevant standards.

In 2010, there had been two further accidents in the UK where children had been trapped and injured in swing gates. There had also been a number of incidents and minor accidents involving members of the public. In June 2010, a 6-year old had been crushed to death by a sliding gate and an investigation was ongoing. A week later, a 5-year old was crushed to death by a sliding gate. Then a 7-year old was injured in a sliding gate. Inspection of several gates had revealed deficiencies.

The HSE was checking whether the presence of children had been detected and if the closing force of the gate was limited to the value set by the standard. The presence of children was very common in places where such gates were installed.

A second safety alert had been issued dealing in more detail with sliding gates. In discussions with manufacturers, many problems with application of the standards had emerged and a study had been carried out to assess the adequacy of the standards. It had been discovered that the standards were a mess. It appeared that they did not provide for adequate protection against foreseeable misuse by children. Given the predominance of SMEs in this sector, the lack of a clear product standard created major difficulties.

Standard EN 12635 dealt with most of the mechanical risks but did not clearly indicate the limits of its scope. It was being taken as covering all of the EHSRs of the Machinery Directive, which was not the case.

Examples of the deficiencies of the standard included:

- failure to address the risk due to gaps under the gates created by uneven ground;
- Failure to deal with the risk of drive seizure due, for example, to jamming of the gear-box;
- A lack of requirements for detection of persons in hazardous areas;
- Imprecise recourse to safety distances and lack of reference to the relevant B-standard;
- Lack requirements for reversing of movement to allow trapped persons to escape;
- Lack of a limit on closing speed for gates without hold-to-run controls;
- Reliance on limited closing forces, whereas this was only an effective means of protection on small gates having logic control of the motor;
Closing force limits too high to protect children or older people;
Lack of a reliable method for measuring and checking closing forces;
Detection devices designed for detecting vehicles that were not adequate to detect persons;
Lack of a specified performance level for protective devices.

Installers relied on their components suppliers and did not master the relevant standards. In the UK there was a project to develop a simple guide to the existing standards that could be used by installers. Such a guide already existed in Italy. But this was only a temporary solution. There was a need for a standard for powered gates supporting all the applicable EHSRs, including the ergonomic requirements. Such a standard should take account of the improved means of protection that were now available on the market and address risks for children and other vulnerable people.

The UK thought that the reference of EN 12635 in the OJEU should be accompanied by a warning indicating that certain EHSRs were not covered and the Annex Z should also indicate this. CEN should be asked to develop a comprehensive C-type standard for powered sliding gates and swing gates.

SPAIN agreed with the UK approach. The most important aspects to be improved were the permitted closing forces and the level of performance of protective devices.

FRANCE recalled that CEN and CENELEC had already been asked to ensure that the body of standards for powered doors, gates and shutters provided a complete and coherent set of specifications supporting the applicable legislation.

The CHAIR recalled that the Working Group had approved in principle a document from CENELEC TC 61 indicating how powered gates and their components were to be dealt with under the LVD, MD, and CPD (Doc.WG-2007.56). CEN and CENELEC had agreed to adapt the standards accordingly. This work was ongoing, but did not seem to concern the technical content of the standards.

BELGIUM was surprised that there had been no RAPEX notifications about powered gates. Installers must be made aware that they were responsible for the conformity of the whole assembly.

ITALY thought that greater clarity was needed on which Directives applied to such products. Italy agreed that there was a need for a single standard covering the requirements of all the applicable Directives.

The UK pointed out that a complete product ready to install in a building was subject to both the MD and the CPD. On the other hand, tailor-made gates assembled for a particular site were not covered by the CPD.

The CHAIR confirmed that powered gates, whether supplied as a complete product ready to install or constructed on site from various components, were subject to the Machinery Directive. Complete products were also subject to the CPD. It would seem preferable for the harmonised standard to cover the requirements of both Directives.

DENMARK thought that there were other categories of machinery for which safety depended both on the design of the product and on its installation such as, for example, lifting platforms or vehicle service lifts. Denmark asked whether inspection of such machines before putting into service could be required by national legislation.

The CHAIR confirmed that Member States could require initial inspection after installation and before putting into service of machinery the safety of which depended on installation conditions, according to Article 5 of Directive 2009/104/EC on the use of work equipment. It was up to the Member States to decide which categories of equipment were subject to such inspections. The content of such inspections should not overlap with the conformity assessment procedure required by the Machinery Directive.

In conclusion, he asked Member States to check the accident record in their country, to study the UK documents and to formulate a position on the formal objection at the next meeting. He also asked CEN and CENELEC to examine the information provided by the UK with a view to dealing with the issues raised during the revision of the relevant standards.

7. Variable-reach trucks – unintended movement (Doc. WG-2010.33)

ITALY reported a fatal accident involving a variable reach truck used in agriculture. The operator was crushed when the machinery moved with no driver at the controls. Clause 5.1.2.5 of the relevant standard EN 1459 required means to be provided to prevent powered travel when the operator left his normal operating position but, for many types of trucks, a hand-brake was considered sufficient. Italy had checked on the current state of the art. Some machines on the market were equipped with a seat switch to prevent movement if the driver was not on his seat, in line with section 3.3.2 of Annex I. Italy thought the standard should be amended to bring it in line with the state of the art. In June 2009, agreement had been reached to amend the standard using the UAP procedure. After several meetings, a text meeting the request made by Italy had been sent to the CEN secretariat, but the document had not yet been registered. Italy was asking CEN to proceed with the amendment without further delay.

FRANCE supported Italy. The processing of the amendment developed by TC 150 had been subject to undue delays, with a risk of further accidents.
Ms Poidevin for CEN indicated that the UAP procedure not been accepted because, according to CEN rules, it was not possible to amend a standard that was more than 4 years old. An exception could be granted by CEN BT if duly justified. The CEN Secretariat had only just received the justification from TC 150. A draft resolution had now been sent to CEN BT and the decision to allow a UAP amendment should be taken in January 2011.

8. Report from the Coordination of Notified Bodies

Mr Chielens for NB-M reported on the 34th meeting of the Horizontal Committee of NB-M held on 14 December 2010. 4 items were highlighted.

The official list of Notified Bodies was on the NANDO Website and there was another list on the CIRCA site for NB-M. There were some NBs on NANDO that were not on the NB-M list, which was understandable. More surprisingly, there were names in the NB-M list that were not in NANDO. Each national group of NBs had been asked to check these discrepancies and remove from the NB-M list bodies that were no longer active.

A new document had been made by the secretariat setting out a procedure for refused certificates. They would be posted in a special folder on CIRCA.

12 RiUs were discussed. 2 were horizontal, including a document on how to proceed if a second NB was involved with a machine that had been modified. This RiU was accepted with some amendments. 10 RiUs were presented by the Vertical Groups.

Mr Guy Jacques and Mr Williams had resigned as Chairman and Deputy Chairman. Mr Kruger of the German meat industry BG had been elected as Chairman and Mr Chielens had been elected as Vice-Chairman.

The CHAIR congratulated the new officers of NB-M and anticipated good future cooperation.

BELGIUM asked for more information about the procedure to be followed when an NB ceased activity. Belgium also asked if NB-M had discussed the question of notification without accreditation.

The CHAIR replied that all the RiUs adopted by the Horizontal Committee would be made available on CIRCA. Concerning notification and accreditation, he said that this was a matter for the notifying authorities of the Member States, not for the Notified Bodies themselves.

SWEDEN welcomed the adoption of an information system for withdrawn certificates but said that the Member States should have access to this information.

The CHAIR agreed and said that the modalities would be discussed with the NB-M Secretariat.

9. Tail lifts (Doc.WG-2010.23)

FRANCE said that tail lifts were very widely used on delivery vehicles, in particular for deliveries to shops that were not equipped to receive goods in large quantities. They were usually used with roll cages or pallet trucks. The relevant standard EN 1756-1 was currently being revised, but the draft revised standard only required protection against falls when the lifting height was above 2m. This was insufficient since many countries had recorded accidents, including serious and fatal accidents, involving falls from lower levels. Market surveillance had shown that technical solutions existed to prevent the risk of falling. Research was also being carried out to develop improved protective means. FRANCE thought that the standard should provide for such technical solutions.

The UK had been involved in the research work into possible solutions, including partial guarding and improved slip-resistance of the surface of the carrier. The UK agreed with France that the issue should be addressed in the standard.

GERMANY supported France. Many falls had been recorded and different protective solutions were being subject to field trials. The standard should be completed to cover this aspect.

Ms Poidevin for CEN had transmitted the French document to TC 98.

The CHAIR concluded that there was agreement that protection against falls was needed at heights lower than 2m. The protective means must be designed so as not to create undue difficulties for operators. He asked CEN to respond to the French document at the next meeting.

10. Loader cranes – interlocks for stabilisers (Doc.WG-2010.23)

DENMARK indicated that some loader cranes were equipped with interlocking devices that reduced the lifting capacity of the crane if the stabilisers were not completely deployed, while other manufacturers did not fit such systems. This created a competition problem but also a safety issue. Section 4.2.2 of Annex I required loading control devices. The Guide gave use of a crane or a MEWP without deploying the stabilisers as an example of reasonably foreseeable misuse. Currently there was no harmonised standard for loader cranes. The revised version of standard EN 12999 would be adopted early in 2011. The revised standard included a requirement for the monitoring of the position of the stabilisers and the adjustment of the rated capacity accordingly. In this respect, the requirement of the Directive had not changed, but the previous version of the standard dating from 2006 had stated that such devices were not, as a general rule, the state of the art. DENMARK considered that stabiliser monitoring was now the state of the art and had been for some time. MEWPs had been equipped for many years. Two major loader crane manufacturers were already providing stabiliser monitoring as standard
equipment. Other manufacturers were proposing such equipment as an option. Equipment was also available for the retrofitting of existing cranes. Denmark wished to ask the Working Group for confirmation that such monitoring devices were required since 20 December 2009 for loader cranes (other than timber cranes).

FRANCE, SWEDEN and SPAIN agreed with the answer suggested by Denmark. The UK also supported Denmark. The UK had taken part in the standardisation work following a fatal accident and it had been agreed to move towards monitoring of stabilisers. The delay was due to technical problems due to the 360° rotation of the loader arm. Since loader cranes were operated by the driver of the vehicle who was not a specialist crane operator, it was particularly important to deal with foreseeable misuse.

GERMANY asked whether the decision of the Working Group would have a retroactive effect.

DENMARK replied that the Danish authorities wished to require manufacturers who had placed machines on the market in 2010 without monitoring of stabilisers to retrofit appropriate devices.

ITALY did not agree with the Danish policy on retrofitting of monitoring devices to machinery placed on the market in 2010 and considered that if national requirements were made for retrofitting, they should be notified to the Commission under Directive 98/34/EC.

The CHAIR replied the question was a matter for market surveillance under the Machinery Directive. He concluded that the Working Group agreed with the answer proposed by Denmark.

Conclusion:
Loader cranes loader with a rated capacity of 1000 kg or above or a maximum lifting moment of 40000 Nm or above must be fitted with limiting devices which prevent the overturning moment being exceeded, in order to meet the requirements set out in section 4.2.2 of Annex I to the Machinery Directive. In order to prevent risks due to reasonably foreseeable misuse, loader cranes (with the exception of timber handling cranes) placed on the market from 29 December 2009 must have a system that monitors the stability of the vehicle and reduces the capacity or stops the crane if the stabilizers are not fully deployed. Measures with respect to loader cranes placed on the market after 29 December 2009 without such a monitoring system are to be decided by the national market surveillance authorities.

11. Stave splitters (Doc.WG-2010.24)

FRANCE explained that the machines concerned were similar to log splitters. They were used to split oak to make planks for barrels according to strict quality criteria. The wood must be split according to the grain, avoiding shards. Traditional machines did not comply with the Directive since the operators had to use both hands to guide the wedge and the zone of contact between the wedge and the work piece was unguarded.

Compared to the number of machines in use, there had been a large number of accidents. One manufacturer had now developed a solution using a peripheral guard surrounding the wedge during approach. When the wedge was 6mm from the work piece, the guard was retracted and the operator could use a pedal to adjust the wedge to the grain of the wood. However this solution was too costly for retrofitting. Another solution had therefore been adopted to improve existing machines, similar to that used on press brakes, using variable speeds for the different phases of movement of the wedge.

Wedge splitters were covered by standard EN 609-1161 but the protective measures proposed (two-hand control devices) could not be used for stave splitters. This issue should be considered in the framework of revision of the standard that had already been requested by Italy. France would also propose a measure based on Article 9 of the Machinery Directive for machinery not equipped with appropriate means of protection.

GERMANY reported that a group had been set up to revise EN 609-1 which needed improvement in many respects since many applicable EHSRs were not covered. Germany thought that the reference of the current standard should be withdrawn from the OJEU.

Mr Steiger for CEN thought that standardisation might not an appropriate tool in cases where there were only a few manufacturers with a limited market.

The CHAIR asked delegations to check where such machinery was manufactured and to provide an indication of the size of the market. This information was needed in order reach a decision on the measures appropriate to deal with the risk. He also asked CEN to consider whether appropriate requirements could be included in EN 609-1 based on the technical solutions developed in France.

12. Earthmoving machinery as lifting equipment

The UK wished to initiate a discussion on when excavators were to be considered as lifting machinery. Many Member States had requirements for periodic inspection of lifting machinery under the Directive on use of work equipment. Some excavators, for example in mines and quarries, were only used for earthmoving. However many others were equipped and used for lifting operations. The UK presented a draft table showing examples of applications where earthmoving machinery should be considered as lifting machinery subject to the requirements of part 4 of Annex I (Doc.WG-2010.38).

161 EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
The CHAIR recalled that general indications on this subject were provided in §328 of the Guide, but a list of practical examples could provide useful complementary guidance that could be published on EUROPA and referred to in the main Guide.

NORWAY presented Doc.WG-2010.39. It was foreseeable that earthmoving equipment would be used for lifting operations during its lifetime. This implied that devices should be fitted to prevent the fall of loads in case of failure of the lifting mechanism. In this respect, the harmonised standards for earthmoving equipment were inconsistent. Norway was seeking confirmation that all earthmoving equipment that could be used for lifting operations during its lifetime must comply with part 4 of Annex I.

FRANCE agreed with the comments made by the UK and Norway which were close to the arguments put forward in the French formal objection against EN 474-4 and -5. Amendments to these standards were currently being discussed in CEN TC 151/WG 1. However, France thought that some of the examples presented by the UK were debatable.

SPAIN also welcomed the UK document. There was a need for detailed examination of each example in light of the definitions of the Directive.

DENMARK recalled that this subject had already been discussed several times. It was necessary to focus on the intended and foreseeable use of machinery.

SWEDEN said that, in Sweden, most earthmoving machinery was placed on the market with equipment enabling it to be used for lifting operations. There was also a whole industry supplying lifting accessories and other lifting equipment for use with earthmoving equipment.

Mr Belaen for CECE referred to the definition of ‘object handling’ in standard EN 474. This distinguished earthmoving operations and operations requiring the use of lifting accessories and the presence of persons for hooking and unhooking or stabilising the load. He recalled that the EN 474 series of standard would be revised and invited Member States to take part in the process.

LUXEMBOURG agreed with the approach of the UK and Norway, but this did not necessarily imply that all earthmoving machinery used for lifting operations should necessarily be fitted with load limiting devices.

The UK agreed that the intended and foreseeable use of the machinery should be considered. If machinery was considered as lifting machinery, this did not necessarily imply that all of the requirements of part 4 of Annex I should be applied – that was to be determined by the harmonised standards in light of the risk assessment and the state of the art.

The CHAIR concluded that the UK document was a useful basis for discussion. Given the information provided by Sweden about the state of the market, it might be better to state that earthmoving equipment was to be considered as subject to part 4 of Annex I, with the exception of machinery specifically dedicated to earthmoving. He proposed to examine the UK document in detail at a future meeting.

13. Dynamometers

FRANCE explained that the question concerned dynamometers used to measure the weight of the a load during lifting operations. Since the dynamometer had to bear the load, France considered that it should be considered as a lifting accessory.

BELGIUM agreed that these products were lifting accessories.

SWEDEN had given a different answer. Dynamometers were considered as subject to the Machinery Directive but not as lifting accessories but rather as safety components. In the crane industry, they were referred to a load indicators and they enabled the operator to ensure that he did not exceed the rated load.

SPAIN agreed that load indicators intended to be placed on the crane were safety components. But the devices described by France were placed between the crane and the load, and therefore appeared to correspond to the definition of a lifting accessory.

LUXEMBOURG also thought it was necessary to distinguish dynamometers incorporated in the machinery from those used separately. The latter were often used to determine the weight of products that had been manufactured.

The UK thought that the products shown by France could not be both safety components and lifting accessories. The UK agreed with Sweden that they were safety components.

DENMARK doubted whether such products were safety components. They only showed the weight of the load and did not protect against any risk. Denmark agreed with the answer suggested by France.

ITALY recalled that such products might also be subject to the Measuring Instruments Directive.

FRANCE thought that these products could be subject to the requirements of both the Measuring Instruments Directive and the Machinery Directive.

Mr Kraus for VDMA thought that dynamometers could be used for various functions to prevent maximum allowable forces from being exceeded and considered it was best to consider them as safety components.

Mr Borzelli, CEN Consultant, thought the devices corresponded to the definitions both of lifting accessories and measuring instruments and thought that both Directives were applicable.
The CHAIR agreed to check the applicability of the Measuring Instruments Directive 2004/22/EC. It was important to indicate that the answer to the question raised by France applied only to dynamometers specifically designed for lifting operations. Dynamometers were used to measure forces in many applications other than lifting and, for those applications, were not subject to the Machinery Directive. He considered that the products concerned could not be considered as safety components since, although they were placed on the market independently, they were not components of the machinery but separate devices. Since these devices were placed between the hook of the crane and the load, they must be strong enough to carry the maximum working load without damage and the maximum load must be marked on them. It therefore seemed best to consider them as lifting accessories. The answer would be confirmed at the next meeting.

14. Penstock machinery

FRANCE explained that the question had been raised by the French coordination of NBs. A penstock was a pipe used to carry water down a slope towards a turbine. The minimum diameter of the pipe was 80cm and the inclination varied from a few degrees from the horizontal to nearly vertical. Internal maintenance was previously carried out using ropes, but equipment had now been designed to carry maintenance staff through the pipe. The device consisted of a trolley with a seat for the operator driven by two ropes wound by pneumatic winches. The operators wore respiratory protective equipment and PPE against falls from a height. The question was whether this equipment came under item 17 of Annex IV. France proposed to answer yes.

SWEDEN agreed with the answer proposed by France but suggested to use the expression "intended for" instead of "used for".

The CHAIR noted general agreement with the answer proposed by France as amended by Sweden.

Conclusions:

Machinery intended for descending or elevating workers through a penstock are to be considered as devices for the lifting of persons involving a hazard of falling from a vertical height of more than three metres according to item 17 of Annex I of Directive 2006/42/EC.

15. Status of pin spotter upgrade kits (Docs.WG-2010.45 and 54)

The UK recalled that pin spotters were machinery installed in bowling alleys to replace the pins after the ball had knocked them down. Several Member States had been acting for some time to ensure that these machines were brought into conformity. Most were imported from the USA with some copies from China. The original designs dated from the 1950s, had numerous unguarded hazards and had been involved in a number of serious and fatal accidents.

For upgrading existing machinery in the framework of legislation on use of work equipment, kits had been developed comprising equipment such as guard rails to prevent falls, guards, protective devices, emergency stop devices and logic units for these devices. The UK considered that when such kits were designed for a particular machine and not placed independently on the market, they were not subject to the Machinery Directive as such, although some of the equipment included in the kit might be subject to the Directive as safety components. However, in other cases, upgrade kits were placed independently on the market for standard machines. The first question was whether the entire kit should be considered as a safety component. The subsidiary question was, if the kit included safety components listed in Annex IV, should the entire kit be considered as Annex IV machinery.

The UK proposed that, in such cases, the kit as a whole should be considered as a safety component. However, provided the Annex IV components included in the kit had been subject to the appropriate conformity assessment procedure; there was no need for a new Annex IV procedure for the kit as a whole. That would only be necessary if the kit included Annex IV components that had not been certified.

DENMARK fully supported the solution proposed by the UK. Safety kits were also supplied for upgrading other kinds of machinery such as moulding machines or builders' hoists. It was important to ensure that the conformity of such kits was assessed.

GERMANY referred to the discussion reported in the document from the Netherlands. German experts had considered that such kits always needed to be adjusted to fit particular machines and did not therefore see a possibility of CE marking of the kit as a whole. Germany needed to consult experts before taking a position on the UK proposal.

SWEDEN considered that the individual safety components included in a kit should be CE marked but that it would be difficult to enforce conformity of the kit as a whole.

The UK stressed that the question only concerned kits supplied ready to fit to standard machines. They only included equipment intended for safety purposes. On balance, it seemed better to consider the kit as whole as a safety component. The individual parts of the kit might be safety components in their own right but they could be integrated with logic units in the kit and it was important to assess the conformity of the assembly.

The CHAIR asked Member States to consult their experts and prepare a position on the UK proposal for the next meeting.

**NORWAY** said that the authorities in Norway were currently dealing with several files relating to second-hand earthmoving machinery and lift trucks imported from outside the EEA. The machinery did not comply with the Machinery Directive. Import of such machinery was becoming a significant problem in Norway. The machinery was manufactured by well-known manufacturers and was marketed under the same product name within the EEA and in third countries under different legislative frameworks. Because of the well-known names and low cost, such products were highly saleable. It seemed to be almost impossible to bring such machinery into conformity with the Machinery Directive without the help of the original manufacturer. This type of import gave rise to safety and competition issues and undermined the CE marking. Norway had several questions for the Member States:

- Was it possible to compile a technical file for such products without the help of the original manufacturer?
- Was it possible to prohibit the placing on the market of such machinery on the grounds of absence of documentary proof of testing of components such as ROPS and FOPS?
- Was it possible to document the conformity of ROPS and FOPS on used earthmoving machinery and lift trucks?

**The UK** said that, while it was possible in principle to bring such machinery into conformity, the cost was usually prohibitive and it was cheaper to buy a new machine designed for the EU market. It was not acceptable for importers to compile a rudimentary technical file on the basis of a simple visual examination of the machine.

**BELGIUM** stressed that whoever took the initiative to place the machinery on the EU market was responsible for ensuring conformity. In the market surveillance programme for 2011, the Belgian authorities had decided to carry out an action on this type of machinery, using the information sheets prepared by CECE. The Customs would be involved.

**The NETHERLANDS, SWITZERLAND and ITALY** stressed that such imported products were considered as new and that the importer was responsible for their conformity.

**FINLAND** had been carrying out actions on such machinery for several years. 20 cases had resulted in bans on individual machines. Most of the machines concerned had been originally designed and manufactured for Asian markets. The importers or distributors had generally been unable to fulfils the requirements of the Directive. In one case, there had not been a ban because the importer had provided sufficient elements of the technical file as requested. The bans had not been notified under the safeguard procedure because they applied to individual products.

**SWEDEN** was seeing mainly new machinery that had been designed for third country markets. Some EU notified bodies were providing technical files for such products. A common market surveillance project was being carried out with the authority in charge of the gaseous emissions Directive. However, demand for such machines was declining because insurance companies were reluctant to insure them.

**The CHAIR** suggested that Member States could remind insurance companies of the risks involved in insuring non-compliant machinery.

**DENMARK** had discovered several falsified Declarations of conformity in the name of the original manufacturers.

**Mr Belaen for CECE** said there were two levels of checks:

- finding non-compliant machine quickly;
- digging deeper, for example, by asking for elements of the technical file such as proof of compliance of ROPS and FOPS.

He presented information sheets that had been prepared by CECE to facilitate checks at the first level, enabling the authorities to easily distinguish a compliant from a non-compliant machine without specialised technical knowledge. 3 sheets had already been developed. A fourth sheets was being prepared and CECE would welcome suggestions for further guides. CECE was ready to cooperate with the authorities in any way that might be useful.

**Mr Kraus for Orgalime** stressed that such imports must comply with all the relevant EHSRs, not just those relating to ROPS and FOPS. These machines had a long working life and non-compliant products gave rise to serious risks for users.

**FRANCE** welcomed the CECE initiative that would help to identify non-compliant products. France asked for confirmation of the conference on market surveillance of machinery to be organised by the Commission.

**The CHAIR** replied that this conference, decided by the Commissioner for Enterprise and Industry following a meeting with industry associations including CECE, would be held in the third quarter of 2011. It was hoped to provide information on the Commission's plans to provide support for the coordination of market surveillance activity.

He concluded that the issue of import of products originally designed for third-country markets should be further discussed in the Machinery ADCO Group. The action taken by Finland was exemplary and provided practical answers to the questions raised by Norway. The information provided by CECE would also help the authorities to take the necessary action while limiting the resources required.
17. **Update on access to wind turbines (Docs.WG-2010.44 and 52)**

The UK referred delegates to the report on the work of the ad hoc group set up by the Machinery ADCO Group. The problem had arisen with the increase in the height of wind turbines which made powered access necessary for inspection and maintenance purposes. Onland wind turbines were frequently higher than 60m and offshore wind turbines were planned up to 250m high. The lifts originally installed were not complaint. Issues included lack of landing gates, lack of interlocks on landing gates, lack of means of communication and of means for the rescue of trapped persons. A meeting had been held with wind turbine and lift manufacturers and agreement on several aspects had been reached. There had also been contact with VG 9 of NB-M in view of a RIU on these subjects. The next steps would be to check on progress by manufacturers and to follow up the RIU. As for standardisation, the means of access could be covered either in the standard for wind-turbines or in a separate standard. In either case, input was needed from lift experts to ensure that the specifications were adequate.

The CHAIR referred delegates to the report from CENELEC/TC 88 (Doc.WG-2010.52). The report showed good progress, but there was still a lack of coordination between CENELEC/TC 88 and CEN/TC 10 that had already developed standards for lifts with similar applications. The CENELEC standard could cover lifts by referring to a specific lifts standard.

SWEDEN had tried to encourage such cooperation at national level without success. Sweden asked the management of CEN and CENELEC to intervene in order to ensure that a joint approach was taken by the two TCs.

FRANCE would try to take part in future meetings of the ADCO ad hoc group. France asked the Commission to consider a specific mandate to the ESOs in order to ensure proper coordination.

The CHAIR said that CENELEC management had taken firm action to obtain the current report from TC 88. However the standardisation work was still clearly lagging behind the development of the industry. The Commission would consider the French suggestion.

18. **Construction site hoists – guarding of lower landing and enclosure of the carrier (Docs.WG-2010.42 & 49)**

DENMARK raised a question relating to a mast-climbing machine with a combined function as a construction site hoist and as an elevating work platform. The travel was controlled with a hold-to-run control device on the carrier. The carrier could stop at landings or between landings. Guarding at ground level could be supplied as an option. The carrier was not completely enclosed. The machine could be used as a hoist for goods, for scaffold assembly or as a transport platform for persons and goods to fixed landings. The travel speed was 0.2m/s. Denmark considered that the safety level to be expected of such machinery was equivalent to that required by standard EN 12159 on builders' hoists because it had the same functions. The standard required guarding around the lower landing and complete enclosure of the carrier. Denmark considered that, for this type of machinery, in light of the risk assessment, guarding around the lower landing and complete enclosure of the carrier were necessary in order to comply with the requirements of sections 4.1.2.7, 4.1.2.8.3 and 6.4.1 of Annex I. Denmark was asking the Working Group for confirmation of these positions.

FINLAND agreed with Denmark and supported its opinions on both aspects. There was a market surveillance case ongoing in Finland relating to this type of machine.

SWEDEN thought that most machines of this type had higher speeds than the example shown. This provided further confirmation of the risk assessment made by Denmark.

LUXEMBOURG and SPAIN also supported the Danish position.

FRANCE supported the Danish position. In the past, machinery of this type was excluded from the scope of the Machinery Directive and had been considered not to comply with French national regulations which included the requirements mentioned by Denmark.

DENMARK, like France, had not accepted this type of machinery without guarding under the national regulations applicable previously. It was not acceptable that the application of the Machinery Directive should lead to a reduction in the level of safety.

The UK supported Denmark on the need for guarding at ground level. Concerning the enclosure of the carrier, the UK was not sure this was necessary in the case of machinery installed on the outside of a building where there were no obstacles.

BELGIUM reserved its position in order to examine the question in more detail.

CECE asked for more time to consult manufacturers in order provide a more detailed position at the next meeting.

The CHAIR recalled that industry had lobbied the Commission for transport platforms to be included in the Machinery Directive. After long discussion, it had been concluded that they were to be considered as construction site hoists excluded from Directive 98/37/EC. Now, construction site hoists, including transport hoists, would need to be covered by a specific text.

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162 EN 12159:2000+A1:2009 *Builders hoists for persons and materials with vertically guided cages*
platforms, were in the scope of Directive 2006/42/EC and should therefore comply with all of the relevant essential health and safety requirements, including those that had been added to Annex I to deal with specific risks associated with machinery serving fixed landings.

He concluded that the positions of Denmark had received broad support. However, since some members had asked for more time, delegations were asked to prepare their opinion for the next meeting. He stated that, although Denmark had asked the Working Group for its opinion in the interest of a common approach, Member States had the right to take market surveillance action without awaiting the opinion of the Working Group.

19. **Transport system for excavators (Doc.WG-2010.47)**

The UK presented a product designed for the transport of tracked excavators. The excavator backed onto a set of wheels and the excavator shovel was placed on the back of a truck so that the excavator could be towed between working positions on site. The equipment was equipped with a brake and a locking system to secure the excavator tracks on the wheels during transport. The question was whether this equipment should be considered as interchangeable equipment according to the Machinery Directive. In that case, the risk assessment had to cover the interface with the excavators with which it was intended to be used.

**SPAIN** thought that the equipment was to be considered as a trailer rather than as interchangeable equipment. **BELGIUM** thought a decision should be taken at a later meeting. **FRANCE** thought that the product could either be considered as interchangeable equipment or as complete machinery. In either case, it must comply with the relevant health and safety requirements of the Machinery Directive.

The **UK** thought that either solution was acceptable; however it was important to confirm that the equipment was subject to the Machinery Directive. The advantage of considering it as interchangeable equipment was that this obliged the manufacturer to consider the interface with the excavator.

The **CHAIR** recorded the agreement of the Machinery Working Group that such equipment for the transport of excavators was subject to the Machinery Directive. The choice between complete machinery and interchangeable equipment remained open. Whichever solution was chosen, the equipment must be safe for its intended use and the manufacturer's instructions must specify the characteristics of the excavators with which the equipment could be safely used.

20. **Status of industrial vibrators (Doc.WG-2010.48)**

The **UK** explained that industrial vibrators were fitted to equipment such as hoppers and feeders to loosen material such as stone or sand. Some suppliers had considered that such vibrators were excluded from the scope of the Machinery Directive as electric motors. The UK thought that such products were not just electric motors since they included moving weights that could be adjusted. They were therefore subject to the Machinery Directive either as machinery, if they were supplied ready to be simply bolted on to the hopper or feeder, or as partly completed machinery if they were intended to be incorporated in the hoppers or feeders in a more complex way.

The **CHAIR** recorded that the Machinery Working Group agreed with the UK that industrial vibrators were not excluded from the scope of the Machinery Directive.

21. **Guidance on ergonomics standards (Doc.WG-2010.30)**

The **CHAIR** informed the Working Group that a guidance document, including a set of information sheets on ergonomic standards for machinery, had been drafted by an ad hoc group set up following a conference held in Munich. The purpose was to help stakeholders to identify the standards relevant to the application of section 1.1.6 of Annex I. The Commission would ask the Working Group to approve the document so that it could be published on EUROPA as a complement to the Guide. Stakeholders were invited to examine the document and communicate any comments or corrections to the Commission.

22. **Dangerous cutting attachments for brush cutters**

The **CHAIR** informed the Working Group that the Commission was consulting the Machinery Committee on a draft measure based on Article 9 of the Machinery Directive to deal with certain dangerous cutting attachments for brush cutters. This proposal followed several serious accidents involving such cutting attachments consisting of linked metal parts such as chains or knives. The risk was due to the breakage and ejection of parts of the cutting attachment. The Garden machinery manufacturers' association EGMF had been consulted and supported the proposed measure.

23. **Workshop on standards for equipment used in the offshore oil and gas industry (Docs.WG-2010.20 and 31)**

The **CHAIR** informed the Working Group about the Workshop to be held on 22 March. This initiative followed the review of EU legislation that had been carried out under the leadership of DG Energy after the 'Deepwater
Horizon’ disaster in the Gulf of Mexico. The Commission had published a Communication on 12 October 2010. Amongst the many aspects involved, the Communication had noted that, while the EU product safety Directives such as the Machinery, Pressure equipment and ATEX Directives applied to equipment used on non-mobile platforms in the offshore oil and gas sector, there were very few harmonised standards for this equipment. The existing European standards were mainly based on international and industry standards but did not support the EU Directives. The Workshop was intended as a stocktaking exercise. The relevant authorities of the Member States concerned, the relevant European and International standardisation organisations and representatives of the industry were invited.

There was also a question about the scope of the EU Directives, since equipment used on mobile offshore units was excluded and well control equipment was excluded from the scope of the PED. These aspects would be subject to a separate investigation.

The UK welcomed the initiative. There was also a need to look at the status of seagoing cranes that were used for the erection of offshore wind turbines.
### Questions to be followed up at the next meeting

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Minutes of the Machinery Working Group held in Brussels on 27 June 2011

Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels
Chair: Mr Ian FRASER (ENTR/G4)
EC Participants: Mr Luis Filipe GIRÃO (Head of Unit ENTR G/4) Mr Mario GABRIELLI COSSELLU (ENTR/G4)

1. Welcome and approval of the agenda

Mr Luis Filipe GIRÃO welcomed participants. He explained that he had taken over as Head of the Unit in charge of the mechanical, electrical and telecom equipment sectors in May 2011. A new Deputy Head of Unit was currently being appointed.

The CHAIR recalled that one of the two days planned had been cancelled due to the lack of a meeting room. Consequently it would be difficult to deal with all the items on the agenda.

The agenda was approved.

2. Minutes of the meeting of 21/22 December 2010 (Doc.WG-2010.55)

ITALY wished to record under item 10 the disagreement of Italy with the Danish proposal for retrofitting of interlocking devices for the stabilisers of loader cranes. Italy considered that these devices should be fitted as from publication of the new version of standard EN 12999.\(^{165}\)

The CHAIR agreed to record the Italian position.

AUSTRIA had consulted a major manufacturer and was also against retrofitting.

DENMARK pointed out that, at the last meeting, Italy had expressed disagreement with retrofitting but Austria had not expressed an opinion. No decision had been taken on what to do with cranes delivered in 2010 without a stabiliser monitoring system, but it had been agreed that fitting such a system was the state of the art at least since the new Machinery Directive had come into force.

FRANCE enquired about the situation of cranes placed on the market before 29.12.09.

The CHAIR recalled that, until 29.12.09, there was a harmonised standard giving presumption of conformity which stated that the monitoring of stabilisers was not the state of the art. The state of the art had evolved, and several manufacturers had been fitting stabiliser monitoring systems during 2010. He agreed proposed to add a sentence to the conclusion of item 10 stating that measures with respect to loader cranes placed on the market after 29 December 2009 without a stabiliser monitoring system were to be decided by the national market surveillance authorities.

Ms Soetaert for CENELEC pointed out that in item 5, the relevant standard was EN 60335-1 A14, which included the list of references to be published under the MD and the LVD.

With these corrections, the minutes of the meeting of 21/22 December 2010 were approved.

3. Follow-up of questions from the meeting of 21/22 December 2010

3.1 Formal objection against EN 12215 and EN 13355 (paint booths)

FRANCE reported that a preliminary study, involving France, the UK and Germany, had been delayed for budgetary reasons and would now be carried out in the second half of 2011. The main study was planned for 2012.

3.2 Formal objection against EN ISO 4254-1 (Agricultural machinery – General Requirements).

The CHAIR said that the formal objection had been resolved and the Commission was examining how best to formally close the file.

\(^{165}\) EN 12999:2011 Cranes - Loader cranes
3.3 Formal objection against EN 1459 (Doc.WG-2010.08)
Ms Poidevin for CEN said that the reference of the amended standard had been sent to the Commission but had not yet been published in the OJEU.
The UK confirmed that an acceptable compromise had been reached on requirements for visibility, although it was hoped that these requirements could be further improved in future.
The CHAIR explained that the amended standard dealt with the UK formal objection on visibility, but Mandate 301 relating to stability which followed an earlier German formal objection had not yet been fulfilled. A similar issue would probably arise for the other standards for industrial trucks.

3.4 EN 13524 (Highway maintenance machines)
Mr Steiger for CEN reported that WG 16 of TC 151 had met in June 2011 and had adopted 2 resolutions. A work item for an amendment to improve the test method by UAP procedure had been requested. The WG also intended to revise all their standards, restructuring them into a series comprising a general standard and a number of specific standards.
ITALY hoped the amended test method would be adopted without delay.
The CHAIR said this item was closed.

3.5 EN 690 (Manure spreaders)
Ms Poidevin for CEN reported that TC 144/WG 3 would be meeting shortly to prepare a revised draft amendment for the second public enquiry to be launched before the end of 2011.
ITALY was concerned about the lack of progress. So far, there were no proposals to solve the issues raised by Italy. Italy hoped the upcoming meeting would be more constructive.

3.6 Formal objection against EN 474-4 & 5
Mr Steiger for CEN said that TC 151/WG1 had prepared draft amendments to deal with the French objections.
The amendment required a lowering control device to be fitted on both boom and arm cylinders. The UAP procedure would start in July and end in October 2011.
FRANCE confirmed satisfactory progress in the WG.
Mr Borzelli, CEN Consultant, had made positive assessments of both standards.

3.7 Formal objection against EN 500-4
The CHAIR stated that France had informed the Commission that the formal objection would be withdrawn following the revision of the standard.
FRANCE confirmed that the revised standard published in February 2011 answered the issues raised and that a formal letter withdrawing the formal objection had been sent to the Commission.

3.8 Revision of standards for industrial trucks
FRANCE welcomed the new wording included in the European forewords which clarified the situation. France was continuing to intervene on the question of stability.
Ms Poidevin for CEN reported that the new wording would be shortly submitted to CEN BT.
The CHAIR stated that the fact that Mandate 301 was still not fully implemented despite the complete revision of the truck standards created a problem for the publication of the references of these standards. The Commission would have to consider how to proceed. He asked CEN to give the message to TC 150 that measures to improve the stability of trucks were overdue.
The UK regretted the lack information on this issue. If there were technical problems, they should be brought to the Working Group for discussion.
Mr Steiger for CEN recalled that TC 150 had reported on progress at the end of 2009 (Doc.WG-2009.71).
The CHAIR asked CEN to provide a progress report at the next meeting.

3.9 Attachment of interchangeable work platforms on telehandlers
Mr Steiger for CEN reported that a draft standard prEN 1459-3 had been prepared by TC 150 providing additional requirements for variable reach trucks fitted with an elevating work platform (clause 5.2.2). The draft would soon be sent for CEN enquiry.
ITALY said that the discussion of the necessary requirements appeared to have been resolved.
SWEDEN had been informed by the Secretary of CEN TC 98 that, when prEN 1459-3 was ready, the MEWPs standard EN 280 could either refer to it or take over the necessary specifications. Revision of EN 280 was currently being completed and the current revised version would not have the necessary reference.
The CHAIR suggested that the reference could be introduced into EN 280 by UAP amendment as soon as the new clause had been added to EN 1459-3.

3.10 Lifting function of a vehicle chassis
The CHAIR asked Germany to re-examine the question at national level.

164 EN 500-4:2011 Mobile road construction machinery - Safety - Part 4: Specific requirements for compaction machines
GERMANY wished to keep the item on the agenda and agreed to provide more information at the next meeting.

3.11 **Formal objection to EN 14985 (Slewing jib cranes)**
Ms Poidevin for CEN reported that the final draft of the revised standard was ready and would be sent for formal vote in August 2011.

GERMANY considered that the revised draft answered the issues raised in the formal objection.

3.12 **Formal objection to EN 474-1 (Semi-automatic quick hitches)**
Mr Steiger for CEN reported that there would be a UAP amendment procedure, from 14 July until 14 December 2011, to revise Annex E dealing with quick hitches. The UK had some problems with the draft amendment. The UK agreed with the principle of deleting reference to the semi-automatic type of quick hitch. However, the current wording, besides positive locking, also accepted a wedge system which the UK did not consider adequate. The UK authorities had recently met manufacturers. The majority of them did not agree with the terms of the amendment, but in the framework of the UAP procedure, there was no possibility to improve the draft. The UK suggested that the vote might be delayed to allow time for further discussion.

Mr Steiger confirmed that technical comments could not be made in the UAP procedure. That procedure was only used if there were no outstanding disagreements.

The CHAIR asked the UK to make their position known to CEN TC 151 and asked CEN to inform the TC 151 about the discussion and attempt to take the UK remarks into account before launching the UAP procedure.

3.14 **Formal objection to EN ISO 11681-1 (Chain saws for forest service)**
The CHAIR said that the reference of the revised standard had not yet been communicated for publication in the OJEU.

3.15 **Formal objection to EN 12151 (Machinery for preparation of concrete)**
Mr Steiger for CEN said that, following further discussions, TC 151 had decided to revise standard EN 12151 together with standard EN 536 on asphalt mixing plants. The structure of the standards had been determined and there would soon be a French proposal for the technical content.

FRANCE confirmed that the proposal would be provided in September 2011.

3.16 **Formal objection to EN 12649 (Concrete compactors)**
Mr Steiger for CEN reported that amendment 1 had been adopted in June 2011. GERMANY said that the revised standard met the concerns expressed in the formal objection which could therefore be withdrawn.

3.17 **Diver propulsion vehicles**
The CHAIR had contacted the industry association but no further information had been provided.

The UK considered that DPVs were in the scope of the Machinery Directive since they were not covered by any more specific legislation. DPVs were used both for leisure purposes and professional purposes.

GERMANY agreed with the UK.

**Conclusion:**

*Diver propulsion vehicles are not in the scope of the Recreational Craft Directive 94/25/EC since Article 1 (2) (a) (ix) of that Directive excludes submersibles. Diver propulsion vehicles are not excluded by the fifth indent of Article 1 (2) (e) of Directive 2006/42/EC relating to means of transport on water. Consequently, they are in the scope of the Machinery Directive 2006/42/EC.*

3.18 **Concerns about prEN ISO 4254-12 (Rotary mowers and flail mowers)**
Ms Poidevin for CEN reported that the project was still blocked at the request of ISO/TC 23 who were waiting for 2 ISO standards to be ready: ISO 17101-1 on rotary mowers and 17101-2 on flail mowers. Once these ISO standards had been registered at the Fdis stage, work would resume on prEN ISO 4254-12. A final draft could be expected by the end of 2011.

ITALY was following the ISO work and thought that the current content of the draft was not up to their expectations.

3.19 **Homelifts with an open travel path**
Mr Chielens for NB-M said that the request for an RfU had not yet been discussed by NB-M.

The CHAIR asked NB-M to report on progress at the next meeting.

3.20 **Air handling units (AHUs)**
The CHAIR had no progress to report.

3.21 **Electrically assisted bicycles**
The CHAIR reported that a Commission proposal for revised legislation on EU type-approval of two and three-wheeled vehicles was currently under discussion. The cycle industry was suggesting broadening the exclusion of electrically assisted bicycles to bicycles with more powerful motors. If this suggestion was adopted, the range of electrically assisted bicycles subject to the Machinery Directive would be enlarged. However several Member States were opposed to this suggestion and such a change was not included in the Commission proposal.

The CHAIR also noted that, after initial reticence, representatives of the manufacturers of electrically assisted bicycles were now expressing satisfaction with the Machinery Directive as the legal framework for their products.

Ms Poidevin for CEN reported that CEN TC 333 had already met twice in 2011 to discuss the revision of standard EN 15194 and were still seeking solutions for some technical issues (integrity of the power assistance and the ability to ride without power assistance). Checks were being made with manufacturers. It had been decided to exclude from the scope of the standard bicycles intended to be hired from unattended sites for which more stringent requirements might be needed. Work on that subject would be carried out later. There would be a new meeting in September 2011 to evaluate feedback from the manufacturers.

BELGIUM noted that distributors were not used to dealing with the Machinery Directive. There was a problem with bicycles already on the market since there was not clear criterion for evaluating conformity.

The CHAIR thought that similar situations frequently arose before a harmonised standard was adopted. Manufacturers could refer to the existing non-harmonised standard and also take account of the draft revised standard to help apply the essential health and safety requirements.

3.22 Guide to application of the Machinery Directive 2006/42/EC (translations)

The CHAIR informed the Working Group that 15 translations corrected by the Member States had been received and were being published as quickly as possible. He thanked Member States for their efforts. Several corrected translations had still not been received. In particular, many stakeholders were eagerly awaiting the German version. After discussing the situation with Germany, the Commission was considering publishing the first part of the German translation of the comments on the Articles while awaiting completion of the work on the Annexes.

GERMANY was aware that the German version was awaited. Many corrections were needed. It might be possible to send the first part of the Guide in advance. Germany would try to speed up the work. It was also necessary to coordinate the work with Austria and Switzerland.

PORTUGAL reported that there were a lot of mistakes in the Portuguese version. Work on the Articles had been completed and could be sent. Work on the Annexes was continuing.

DENMARK had shared out the work among market surveillance inspectors. After initial reticence, the inspectors were very glad for the opportunity to gain in-depth knowledge of the Directive.

Mr Kraus for Orgalime welcomed publication of the Guide, but was rather alarmed by the delays in completing the translation. Orgalime supported partial publication of the translation where necessary, but thought a timetable should be fixed for completion of the work on the Annexes.

The CHAIR recalled that the initial timetable had already elapsed. He suggested that the German manufacturers could discuss a timetable for completing the work with the German authorities.

FINLAND enquired about the next Edition of the Guide.

The CHAIR replied that work on the 3rd Edition had not yet started.

3.23 Emergency stop control devices (WG-2010.03rev2, WG-2010.43, WG-2011.14)

The CHAIR recalled that the original proposal from Germany had now been revised and written comments had been received from Finland and Sweden. It would be necessary to examine these documents in detail. He suggested that an ad hoc group might be set up and/or a written exchange using CIRCA.

GERMANY said the original document had been significantly changed. It had been decided to remove reference to particular applications. The document had been reworked and relevant standards had been taken into account. Germany was keen to discuss the document with an ad hoc group and agreed that use of CIRCA might save travel costs.

The UK agreed on an ad hoc group to improve the draft and would be prepared to take part.

FRANCE welcomed the evolution of the German document, but thought there were some outstanding issues to settle. France would like to participate in the work.

FINLAND would like to take part but would not be able to travel to meetings of an ad hoc group, so alternative working methods would be welcome. Finland would study the new version of the German document and provide comments.

SWEDEN also agreed to participate.

Mr Borzelli, CEN Consultant pointed out that the relevant standard EN ISO 13850\(^{165}\) was being revised.

The CHAIR stressed that it was important to establish a close link with standardisation, both CEN and CENELEC, including C-type standards which specified stop and emergency stop control devices for certain categories of machinery. In this respect, he reported that comments had been received from Mr Hoyland, CEN/CENELEC Consultant.

Ms Soertaert for CENELEC confirmed that Mr Hoyland, who was also Chairman of CENELEC TC 116 on power tools, would take part in the ad hoc group.

Mr Steiger for CEN said that CEN TC 114 was revising standard EN ISO 13850 for other reasons, but would be kept informed of the work of the Machinery Working Group on this subject and encouraged to follow the discussion.

GERMANY welcomed the response to the document and stressed that the purpose of the document was not to substitute for the work of standardisation but simply to provide a framework to guide the market surveillance authorities. He hoped that CEN TC 114 would be able to refer to this document in order to improve the standard. The CHAIR concluded that the invitation to take part in the work remained open and agreed to investigate the possibility of using CIRCA to avoid the need for travel.

3.24 Status of quick hitch couplers

The CHAIR recalled that a partial conclusion had been recorded in the minutes of the last meeting, that quick hitch kits placed on the market to be fitted to machinery designed to receive them were to be considered as interchangeable equipment. The question of the status of quick hitch equipment that required modification of the basic machinery to be fitted remained open.

The UK had discussed the matter with industry. The equipment concerned was of variable complexity and the UK thought there was probably no uniform solution. In some cases, fitting a quick hitch device required such considerable modification that a new CE marking and an update of the technical file was necessary. In other cases, only minor modifications were needed.

DENMARK thought that significant modifications of the basic machine required new CE marking.

SWITZERLAND thought that the problem was analogous to that of brush cutter attachments subject to a draft Commission Decision and stressed the need for consistency.

SWEDEN reported that the most widely used quick hitch systems in Sweden were known as tilt rotators. There were 4 or 5 manufacturers of such equipment which could be fitted to different makes of machine. Often, some adaptation of the hydraulic system of the basic machine was necessary and this was usually carried out in the distribution chain. In that case, it seemed difficult to say that the modification was the responsibility of the user.

FRANCE recalled that the manufacturer of the interchangeable equipment was responsible for ensuring the safety of the combination with the basic machinery.

The CHAIR noted that the discussion raised a more general problem of equipment supplied to modify existing machinery. He thought that such equipment could only be considered as interchangeable equipment, subject to the Machinery Directive, if it could be fitted without major modification of the basic machinery. In that case, the manufacturer of the equipment could certify its conformity when fitted basic machinery specified either by type or by its technical characteristics. If more substantial modifications were required to the basic machinery, it would not be possible for the equipment manufacturer to ensure the safety of the combination of the equipment and the basic machinery. If the equipment was supplied to be fitted to machinery already in service, the modifications were usually under the responsibility of the user according to national provisions implementing 2009/104/EC. However modifications carried out by distributors before the machinery was supplied to users was subject to the Machinery Directive. The NLF Decision 768/2008/EC indicated that this was a case where the obligations of manufacturers applied to distributors.

3.25 Stair lifts - Annex IV?

The CHAIR said that the industry association EPSA had submitted a paper arguing against inclusion of stair lifts in Annex IV. EPSA considered that the vertical height of more than 3 metres was to be understood as the vertical distance between the surface of the carrier and the level to which the person could fall. The CHAIR considered that it was necessary to consider not just the risk fall of a person but also the risk of fall of the carrier in case of failure of the lifting mechanism. According to that criterion, many stair lifts were to be considered as included in Annex IV.

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Decision 768/2008/EC - Annex I:
REFERENCE PROVISIONS FOR COMMUNITY HARMONISATION LEGISLATION FOR PRODUCTS
Article R6 -Cases in which obligations of manufacturers apply to importers and distributors
"An importer or distributor shall be considered a manufacturer for the purposes of this ... [act] and he shall be subject to the obligations of the manufacturer under Article [R2], where he places a product on the market under his name or trademark or modifies a product already placed on the market in such a way that compliance with the applicable requirements may be affected."
DENMARK commented on the statement by EPSA that no EC type-examinations had been carried out for stair lifts. In fact, EC type-examinations had been carried out for stair lifts under Directive 98/37/EC. The UK said that up to now, in the UK, stair lifts had not been considered as under Annex IV. In most houses in the UK, the height of 3 metres was not reached, however the height could be more than 3 metres in some cases. The design of stair lifts was usually modular so if a given design could be installed over a height of more than 3 metres, the design would come under Annex IV. The UK saw no advantage in including stair lifts in Annex IV but would accept the majority position. BELGIUM said that the height of stair lifts in Belgium was rarely superior to 2.5 m. SWEDEN could accept either position, but was concerned that inclusion of stair lifts in Annex IV might create a difficult precedent. GERMANY, like Sweden, could live with either solution, but thought that stair lifts were rarely more than 3 m high since the distance between floors was usually between 2.5 and 2.7 m so most stair lifts would not be in Annex IV. FRANCE thought that when there was a risk of falling from a vertical height of more than 3 metres, the machinery was in Annex IV whether the fall itself was vertical or not. Certain stair lifts would be under Annex IV and others not, but this did not create any particular problem. Ms Poidevin for CEN recalled that the Chairman of TC 10 considered that stair lifts were not in Annex IV. Mr Borzelli, CEN Consultant, considered that neither escalators nor stair lifts had been considered as belonging to Annex IV. FRANCE pointed out that stair lifts and platform lifts could be used, in certain cases, instead of lifts subject to the Lifts Directive, to facilitate access of people with mobility problems in workplaces. Whichever solution was adopted must have an equivalent level of safety. The CHAIR indicated that stair lifts differed from other platform lifts only by the fact that the movement was in an inclined plane rather than vertical. The load was a unit load and the movement was guided. The issue was different from escalators that were not in Annex IV, not because they moved in inclined plane, but because they were not considered as lifting machinery. Many stair lifts presented a risk of the carrier falling from a vertical height of more than 3 m. Some were designed with modular guides so that they could be installed in different buildings, in which case the design would be subject to Annex IV if the maximum vertical height was more than 3 m. Mr Marchetti for EPSA said that the industry was convinced that stair lifts were not and had never been Annex IV machines. In many cases the height served by stair lifts was less than 3 m. EPSA had never heard of a request for EC type-examination. The relevant harmonised standard did not distinguish stair lifts serving more or less than 3 m. The safety requirements were the same, for example, safety gear was required, whatever the height. EPSA thought that including some stair lifts in Annex IV would increase confusion. AUSTRIA reported that it was often difficult to install stair lifts in private dwellings due to construction regulations. The CHAIR asked for a 'tour de table' to seek the view of the majority of the Working Group. The question was 'Are stair lifts with a risk of falling from a height of 3 m included in Annex IV?'

Outcome of the 'tour de table':

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**Conclusion:**
Stair lifts involving a hazard of falling from a vertical height of more than 3 m are subject to Annex IV, item 17. Such stair lifts shall therefore be subject to one of the conformity assessment procedures set out in Article 12 (3) or 12 (4).
In accordance with §388 of the Guide to application of the Machinery Directive 2006/42/EC, the vertical height is to be understood as the vertical distance between the surface of the carrier on which persons are supported in order to be lifted and the level to which the persons or the carrier itself could fall.

3.26 Powered doors, gates and shutters

The CHAIR recalled that two linked issues had been raised. First, CEN and CENELEC had agreed to adjust the scope and content of the relevant standards in line with the table included in Document WG-2007.56. Then the UK had made a formal objection to the main standard for powered gates, EN 12635.167 The documents supporting the formal objection argued that the situation of the standards was unclear and that the standards either did not cover all the applicable EHSRs or did not provide for adequate protective measures. It might be necessary to organise a specific meeting with the relevant CEN and CENELEC Technical Committees and the UK authorities to investigate the issues involved.

Ms Soetaert for CENELEC said that the convenor of TC 61 had not been able attend the Machinery Working Group meeting due to a clash with a TC meeting. She reported that a joint working group had been set up between CENELEC TC 61 and CEN TC 33 to deal with the relationship between the different standards, but the work was not yet finished. The report could be made to the next meeting.

GERMANY confirmed that the dual responsibility of CEN and CENELEC gave rise to difficulties for manufacturers who were unsure which standards to apply. It was important for the standards to be listed under the appropriate Directive.

DENMARK supported the UK formal objection. In Denmark, components for powered gates were being supplied to installers as partly completed machinery but the installer, who was in fact the manufacturer of the complete gate, did not assess the conformity of the complete gate once it was installed or affix the CE marking.

Ms Poidevin for CEN said that TC 33 had not yet replied to the UK formal objection. The UK recalled that the enquiry and formal objection followed several fatal accidents and urged CEN to address the matter as a priority. The UK was going to carry out some research on existing powered gates which should provide input for revision of the relevant standards. It was important for TC 33 to realise that powered gates were machines.

Mr Borzelli, CEN Consultant said he would ask CEN 33 for explanations and give his opinion to the next meeting.

The CHAIR welcomed Mr Borzelli’s proposal. He asked CEN and CENELEC to respond at the next meeting both on the reorganisation of the standards and on the formal objection. If the UK position was not challenged by CEN or by the other Member States, the formal objection would be assessed on the basis of the information provided in the UK documents. He asked CEN/CENELEC management to consider organising a problem solving meeting with all interested parties.

3.27 Tail lifts

Ms Poidevin for CEN said that the Secretary of TC 98 had informed her that an informative Annex J was to be added to standard EN 1756-1168 to deal with measures to prevent falls from the platform. France was invited to examine the draft to see if it answered their concerns. The enquiry would probably be held early in 2012.

FRANCE recalled that accidents had been reported in several EU countries. Some manufacturers were opposed to protective measures on the grounds that they hindered users. France did not accept this argument. France would follow the standardisation work and hoped to avoid the need for a formal objection.

The CHAIR observed that it was surprising that measures to deal with an important EHSR (section 1.5.15 of Annex I relating to the risk of slipping tripping and falling) were in an informative Annex of the standard and not covered by specifications. He urged all the Member States concerned to follow the standardisation work.

3.28 Stave splitters

Ms Poidevin for CEN reported that a preliminary work item had been adopted for the revision of standard EN 609-1169 including the subject of stave splitters. WG 8 of TC 144 had experienced difficulty finding project leader from one of the CEN Members. Finland had now accepted to take the lead and the work item should be registered in November 2011.

The CHAIR asked France to ensure that the necessary input was provided to CEN on stave splitters.

3.29 Earthmoving equipment used for lifting operations

Mr Belaen for CECE presented document WG-2011.16 which was a response to the UK proposal in document WG-2010.38. CECE recalled the definition of lifting operation in Part 4 of Annex I to the Directive, the explanation of this definition given in the Guide and the definition of ‘object handling’ given in standard EN 474-1 which referred to the use of lifting accessories and the presence of a person for attaching and guiding the load. CECE considered that where there was use of one or more lifting accessories and involvement of workers on the

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168 EN 1756-1 Tail lifts - Platform lifts for mounting on wheeled vehicles - Safety requirements - Part 1: Tail lifts for goods
169 EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
27 JUNE 2011

ground, the requirements of Part 4 of Annex I were applicable. Where these two conditions were not present, the operations could be considered as ordinary earthmoving operations.

**FRANCE** disagreed with some points in the CECE document. The use of lifting accessories was not necessary for all lifting operations. The presence of persons close to the load was an important element of the risk assessment but was not a defining characteristic of a lifting operation. For example, France considered that the use of a log grab was to be considered as a lifting operation.

**GERMANY** agreed with France.

The **UK** thought that it was necessary to refer to the definition included in the Directive.

**DENMARK** agreed with France on log handling and also considered that use of a poly grab was also a lifting operation.

**IRELAND** thought that the approach of standard EN 471-1 was problematic. It was based on a distinction between machines only used for earth-moving and machines also used for lifting operations. It would be better to consider that all machines designed according to the standard were likely to be used for lifting operations at one time or another.

The **CHAIR** thought that it was regrettable that the harmonised standard used the concept of 'object handling' rather than the concept of 'lifting operation' as defined in the Machinery Directive. This did not help manufacturers to apply the Directive. The use of lifting accessories was often necessary to carry out lifting operations with earth-moving machinery, since such machinery was usually not fitted with a permanent load-holding device. However use of lifting accessories was not a defining characteristic of a lifting operation: earth-moving equipment could also be fitted with interchangeable equipment for lifting which avoided the need for lifting accessories.

He agreed with Ireland that occasional use of general purpose earth-moving machinery for lifting operations was the general rule and that machinery designed exclusively for earth moving was exceptional. In a future edition of the Guide, this could be made clear. It was also important to state that, as for all the other essential requirements, the requirements of Part 4 of Annex I were applicable in light of the manufacturer's risk assessment.

He suggested setting up a forum to improve and complete the UK document with a view to publication on EUROPA.

### 3.30 Dynamometers for lifting

The **CHAIR** informed the Working Group about an exchange with the unit in charge of EU legislation on measuring instruments. Dynamometers were clearly not in the scope of the Measuring Instruments Directive 2004/22/EC which covered automatic measuring instruments used for commercial or financial transactions. Dynamometers were in the scope of the Non-automatic Weighing Instruments Directive 2009/23/EC in category B, however there was only one requirement for such instruments which was to mark the instrument with the manufacturer's name and the maximum capacity. This marking requirement was also covered by the Machinery Directive. Consequently, for dynamometers that were in the scope of the Machinery Directive, there was no need to take account of Directive 2009/23/EC.

Concerning application of the Machinery Directive, there seemed to be two alternatives. Dynamometers for lifting purposes could be considered as lifting accessories or as safety components for lifting accessories.

**FRANCE** thought that a safety component should have a protective function and not just an indicative function.

**IRELAND** thought that the equipment concerned was not a safety component because it was not intended to be incorporated into machinery. It should be considered as a lifting accessory.

**GERMANY** and **BELGIUM** and **SWITZERLAND** agreed with France and Ireland.

**LUXEMBOURG** said that dynamometers were used with some old gantry cranes as a back-up safety device which stopped movement of the load. That type of device could be considered as a safety component.

The **CHAIR** noted general agreement that dynamometers intended for lifting purposes were lifting accessories.

**Conclusion:**

Dynamometers placed on the market in order to be placed between lifting machinery and the load in order to indicate the weight of the load are to be considered as lifting accessories according to Article 1 (1) (d) and Article 2 (d) of the Machinery Directive.

This does not apply to monitoring devices for loading and movement control intended for incorporation into lifting machinery, which are safety components according to Article 1 (1) (c) and Article 2 (c) of the Machinery Directive, nor does it apply to dynamometers intended for purposes other than lifting.

Dynamometers intended for lifting operations are not in the scope of the Measuring Instruments Directive 2004/22/EC. They are in the scope of the Non-automatic Weighing Instruments Directive 2009/23/EC as category B instruments. However, as such, they are only subject to the marking requirements set out in Annex IV.2 of that Directive which are covered by the Machinery Directive.

Dynamometers that incorporate electrical, electronic or radio equipment may also be subject to the **EMC** or **R&TTE** Directives.

### 3.31 Status of upgrade kits for pin spotters
The UK thought it might be possible to add some clarifications to the comments in the Guide relating to safety components. The kits could be considered as assemblies of safety components.

GERMANY thought that there was not a unique solution and thought that upgrading of existing machinery was generally a matter for regulations on use of work equipment.

DENMARK confirmed support for the answer proposed in the UK document WG-2010.45. A standard kit placed independently on the market should be considered as a safety component.

FRANCE also agreed with the UK document.

The CHAIR recalled that most of the work on the subject had been done by the UK, Denmark and Germany and suggested that it would be wise to follow their advice.

Conclusion:
A kit placed independently on the market to upgrade the safety level of existing pin spotters should be considered as a safety component according to Article 1 (1) (c) and Article 2 (c) of the Machinery Directive. If the kit includes individual Annex IV safety components that have been subject to the appropriate conformity assessment procedure and are already CE marked, there is no need to submit the whole kit to one of the conformity assessment procedures required for Annex IV safety components. If the kit includes individual Annex IV safety components that have not been subject to the appropriate conformity assessment procedure, the whole kit must be considered as an Annex IV safety component.

3.32 Lifts for access for maintenance of wind generators

Mr Geertzen, Secretary of CENELEC TC 88 – Wind Turbines, reported that the development of the safety standard for wind generators prEN 50308 was well under way. A lot of comments had been received. The draft would be finished in August 2011. He suggested that the Convenor of the WG could report on details of the draft at the next meeting. The TC had encouraged the WG to contact CEN TC 10.

The UK said that the question of an RJU had been discussed in VG9 of NB-M but there was not yet a draft recommendation. There would probably be a further meeting of the group of Member States with industry representatives to discuss access lifts for wind generators in the autumn. It would be useful to coordinate this work with CENELEC TC 88 and CEN TC 10.

DENMARK suggested discussing these initiatives at the Machinery ADCO meeting in October 2011.

3.33 Construction site hoists - Guarding of the lower landing and enclosure of the carrier

Mr Belaen for CECE, presenting document WG-2011.17, pointed out that there was no harmonised standard for transport platforms. The manufacturer had therefore examined the essential health and safety requirements, he had made a risk assessment and a technical file and considered that the measures taken were sufficient to deal with the risks. Concerning the risk at the lower landing, the lift stopped automatically 2 m from the ground. After an interval of 3 s, the operator could control the last part of the lowering movement. Concerning the enclosure of the carrier, the speed was only 0.2 m/s. The platform was similar to platforms designed to standard EN 1495. The gate on the opposite side to the building was interlocked and could only be opened at ground level. The gate on the building side required 2 separate actions to be opened. These solutions had been approved by a Notified Body. There were 8 000 such machines in service in the EU from 8 manufacturers and had been working well without accidents for 14 years.

DENMARK had made a small modification to the documents relating to guarding of the lower landing and enclosure of the carrier (Documents WG-2010.42rev1 and WG-2010.49rev1). At the last meeting it had been stated that the machines concerned had a maximum speed of 0.2 m/s. Since then, it had be noted that there were machines on the market with much higher speed, sometimes with different speeds according to the mode of operation, of at least 0.7 m/s. Denmark also stressed that the question raised concerned all such products, not the products of one manufacturer.

In discussions, one of the manufacturers had accepted to modify their product for Denmark only, but this was not acceptable. The question was whether the product complied with the Machinery Directive or not. Before Directive 2006/42/EC came into force, such products were not accepted in Denmark under national regulations. To accept them under the Machinery Directive would therefore represent a step backwards. The manufacturer's letter indicated that guarding of the lower landing could be supplied as an option. Denmark considered that guarding of the lower landing must be mandatory, but was not demanding a 2 m fence: guarding according to either EN 12158-1 or EN 1495 was acceptable. Denmark had modified the draft answer to indicate that if the speed was lower than 0.15 m/s, alternative protective means were acceptable, as indicated in the Guide.

FINLAND was dealing with a case concerning a different type of transport platform. Finland had encountered the same issues as Denmark. The manufacturer was considering the platform as a combined mast-climbing work platform and construction site hoist. Finland thought that the machine could only be one or the other, and considered that, if the machine was used to carry goods from one level to another, it was to be considered as a construction site hoist. Finland considered that lower landings should be guarded since visual and audible warnings were liable to be ineffective on building sites.
SWEDEN had previously refused this type of machine under national regulations. If two categories of machine were combined, the strictest requirements of each relevant standard should be applied.

GERMANY agreed with the Danish position. It was not an acceptable solution to propose modifications of a non-compliant machine for one Member State only. It might be necessary to develop a specific standard for this type of machine. Germany considered that alternative solutions to guarding were acceptable for machines with slow travel speed.

FRANCE said that this type of machine had not been accepted under previous national regulations and now did not comply with the Machinery Directive. The demands formulated by Denmark were reasonable. France would also support the idea of a specific standard.

DENMARK, in reply to Finland, thought that it was not possible to rule out a machine that combined the function of a work platform and goods hoist provided it was safe. A specific standard would be useful, but it was important to ensure from the start that all the applicable EHSRs were addressed. Denmark agreed with Germany that alternative solutions to guarding were acceptable if the speed was very slow, but the products found on the market had higher speeds. The safety level being proposed was lower than that set by the two harmonised standards for work platforms and construction site hoists, which was not acceptable.

FINLAND thought that enclosure of the carrier was necessary on machinery used as a construction site hoist, whatever the travel speed, because of the risk due objects outside the area of the carrier.

The CHAIR recorded the agreement of the Working Group with the answer proposed by Denmark in Documents WG-2010.42rev1 and WG-2010.49rev1.

Conclusion:
Machinery combining the functions of a construction site hoist serving fixed landings and an elevating work platform must be guarded around the landing at ground level in order to comply with EHSRs 4.1.2.7 and 4.1.2.8.3 of Annex I to Directive 2006/42/EC. However, for machines with a maximum travel speed of 0.15 m/s or lower, it may be possible to sufficiently reduce the risks due to contact the moving carrier by a combination of other means.

Such combined machinery having a maximum travel speed of more than 0.15 m/s must have a fully enclosed carrier. For machinery with a travel speed of 0.15 m/s or lower, the need for enclosure of the carrier depends on the risk assessment.

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3.34 Guidance on ergonomic standards

The CHAIR reiterated the invitation to make comments on Document WG-2010.30. If no comments were received, the document would be published as such on EUROPA.

3.35 Dangerous cutting attachments for brush cutters

The CHAIR informed the Working Group that the Machinery Committee had been consulted on a draft measure to deal with dangerous cutting attachments for brush cutters consisting of linked metal parts. The draft had been approved by a qualified majority of the Committee by written procedure and now had to be translated and communicated to the Council and the European Parliament for scrutiny according to the required procedure. The 3-month scrutiny period would only commence mid-July because of the Parliamentary recess.

3.36 Standards for equipment used in the offshore oil and gas industry

The CHAIR reported that the Workshop held on 22 March had been well attended by the Member States and stakeholders concerned. There was a large body of standards for equipment used in the offshore oil and gas industry but they were not harmonised standards supporting EU legislation. The European standards were mostly based on API standards that had been taken over by ISO. The lack of harmonised standards affected the level of compliance of the equipment. The Commission would propose a mandate for harmonised standards supporting the Machinery, ATEX and Pressure Equipment Directives for equipment used in the offshore oil and gas sector. A specific mandate was needed because there had been a previous mandate based on EU legislation on public procurement.

The Member States involved in regulating the sector had also raised the difficulty created by the exclusion of equipment installed on mobile offshore units from the scope of the EU Directives. The Commission would carry out a specific impact assessment on the various policy options, including total or partial deletion of the exclusion of mobile offshore units and equipment installed on such units. A study on this subject would be carried out by a contractor in 2012.

NORWAY welcomed both initiatives. There was a need for more harmonised standards and it was also desirable to close the gap created by the exclusion of mobile units.

Mr Steiger for CEN appreciated the Commission's initiatives, but thought that the standardisation mandate would represent a challenge for the standardisation organisations due to the different approach of ISO TC 67 and CEN TC 12 from the TCs making standards supporting product safety Directives. It would be important to avoid unnecessary duplication of work and overlaps.
The UK requested that the terms of reference of the planned study should include equipment used for installation of offshore wind farms and seagoing cranes.

The CHAIR, responding to CEN, acknowledged that the work would be complicated due to the existence of a large body of standards that had not been drafted to support EU legislation. The mandate would ask the ESOs to study the situation in order to draw up a work plan. The work would then be divided into phases with the first phase dealing with the most urgently needed standards.

4. Reports on standardisation

Mr Steiger for CEN referred to the CEN report WG-2011.07. He highlighted the revision of CEN Guide 414 which was being aligned with the ISO Guide 78 and the new Machinery Directive. The technical work was finished and the voting procedures in ISO and CEN were ongoing.

The last plenary of ISO TC 199 had decided to work on an amendment to ISO 13849-1 to deal with the recommendations of the Symposium on standards for control systems. It had also been decided to draft an ISO Technical report on the relationship between ISO 12100 and ISO 13849-1 with respect to risk assessment, since it had become clear that many manufacturers were focusing only on the control system, which was only one aspect of risk assessment. There was also a French proposal to merge ISO 13849 and IEC 62061. The proposal seemed likely to be approved both by ISO and IEC; however there was agreement that stability was needed at least until 2016.

There were more and more mandates from the Commission concerning eco-design and energy efficiency. The Machinery sector hoped that the necessary specifications could be included in existing standards rather than have separate standards for safety and eco-design, in order to ensure the compatibility and consistency of the safety and environmental protection requirements.

There had recently been a second meeting in Geneva concerning the revision of ISO/IEC Guide 51. The Machinery sector hoped that the Guide would continue to reflect the methodology of EN ISO 12100.

Concerning the publication of machinery standards in the OJEU under Directive 2006/42/EC, with the latest publication of 8 April 2011, the total number of references had now reached the level of the last publication under Directive 98/37/EC.

Ms Garczynska for CECIMO asked who was preparing the planned Technical Report on risk assessment and when the report would be available.

Mr Steiger replied that the work was being carried out by WG 5 of ISO TC 199. It was still a preliminary work item. The first draft should be available at the end of 2011.

Ms Soertaert for CENELEC reported on the activity of CENELEC TC 44X - Safety of machinery - electro-technical aspects. Several parts of the EN 60204 series on electrical equipment for machinery were already cited in the OJEU. They included Part 1 with general requirements, Part 11 on high voltage equipment and Part 32 on equipment for hoisting machines. Part 33 on semi-conductor fabrication equipment was finished but not yet cited in the OJEU. TC 44X also had standards on indication, marking and actuation, the EN 61310 series. Part 1 on visual, acoustic and tactile signals, Part 2 on marking and Part 3 on the location and operation of actuators were already cited in the OJEU. Standard EN 61496-1 on electro-sensitive protective equipment was cited in the OJEU and new amendment had been issued. EN 62061 on functional safety of safety-related parts of electric, electronic and programmable electronic control systems was also cited in the OJEU.

CENELEC TC 61 – Household and similar appliances - was preparing an amendment to standard EN 50416 for commercial electric conveyor dishwashing machines, in line with the Annex to A14 of EN 60335-1 on the borderline between the MD and the LVD. For EN 60335-1, a new amendment was being drafted on supply connexion and external flexible cords. Ratification of a new edition of EN 60335-1 had been delayed in order to take account of comments from the Consultant. Several specific parts 2 of the EN 60335 series were being amended for citation under the Machinery Directive in light of the new borderline with the LVD. Other parts 2 that were already cited in the OJEU were being revised. In addition, 3 'home-grown' European standards for commercial electric spin extractors, tumble dryers and washing machines were in preparation.

CENELEC TC 116 – Electric tools – was preparing standards for spray guns and mains-operated shredders and chippers. Standard EN 60335-2-77 for electric lawnmowers had now been cited in the OJEU. Other standards of the EN 60335 series for electric lawn trimmers, lawn scarifiers, grass shears, garden blowers and robotic lawnmowers were under preparation. In the EN 60745 series for hand-held electric tools, several parts were already cited in the OJEU and others would be offered for citation soon. In the EN 61029 series for transportable electric tools, Part 1 was now cited in the OJEU while several specific Parts were under revision.

CENELEC TC 22X – Power electronics – had one machinery standard in the OJEU: EN 61800-5-2 for adjustable speed drive systems.

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170 CEN Guide 414 Safety of machinery - Rules for the drafting and presentation of safety standards
171 ISO/IEC Guide 51 Safety aspects - Guidelines for their inclusion in standards
CENELEC TC 31-8 also had one machinery standard in the OJEU: EN 50223 for stationary electrostatic application equipment for ignitable flock material, and TC 204 had 2 standards for spraying and electrostatic application equipment for coating materials.

DENMARK asked about the standard for solariums in the EN 60335 series. In the list in the Annex to A14 of EN 60335-1, it was indicated that solariums with powered moving parts were under the Machinery Directive but the standard was not included in the table.

SLOVAKIA noted that other specific parts 2 of the EN 60335 series that supported the MD were not yet in the OJEU and asked for a status report.

Ms Soerart agreed to check the status of these projects.

GERMANY thought that the title of the EN 60335 series, ‘household appliances’, led to misunderstandings, since household appliances were excluded from the scope of the Machinery Directive. The CHAIR recalled that the Machinery Directive only excluded household appliance for domestic use. The CENELEC standards concerned covered appliances for domestic use, that were excluded, but also appliances for commercial and industrial use that were in the scope of the MD.

He also drew the attention of the Working Group to document WG-2011.12 which explained the state of play for other CENELEC standards that might cover equipment subject to the Machinery Directive.

Ms Soerart said that the document included the replies of TC 26 A on the EN 60974 series for electric arc welding equipment and SR 27 on the EN 60519 series for industrial electroheating equipment, however the reply from SR 66 on the EN 61010 series for safety of measuring, control, and laboratory equipment had only just been received.

5. **Longitudinal load moment control devices on variable reach trucks**

The UK, presenting document WG-2011.05, explained that the issue concerned the risk of overturning on variable reach trucks (telehandlers) and the application of section 4.2.2 of Annex I to the Machinery Directive relating to loading control. The Guide recalled that the Machinery Committee had stated that variable reach trucks were not concerned by the exemption of industrial trucks recorded in the Council minutes when the Directive was originally adopted. Longitudinal overturn was liable to occur when the machine was overloaded while the boom was either telescoped outwards or lowered. This could have very serious consequences and fatal accidents had been recorded in the UK. Telehandlers were also used with interchangeable work platforms for lifting persons. Until October 2010, most machines were fitted only with warning devices. Since then, most machines had been fitted with limiting devices (LLMC) according to standard EN 15000 but their use was creating difficulties, particularly for agricultural applications. Manufacturers fitting LLMC devices were meeting unfair competition from other manufacturers advertising and supplying machines with warning devices only. The UK considered that the standard provided for sufficient flexibility to permit the design of LLMC devices that took account of the practical problems encountered and that this had been demonstrated by some manufacturers.

In addition, wheeled loaders with centred telescopic booms (teleloaders) were appearing on the agricultural market. They presented the same risk of longitudinal overturning as variable reach trucks, but the standard for wheeled loaders, EN 474-3, did not include specifications to deal with the variable reach function. Consequently the longitudinal stability of these machines was not always tested and they were usually not fitted with LLMC devices. These machines were often type-approved as agricultural tractors in order enable road circulation throughout the EU. Some manufacturers applied the Machinery Directive. The problem was that the tractors legislation did not cover risks associated with telescopic booms. The UK would discuss the question of enforcement action with the Machinery ADCO Group.

The UK asked the Machinery Working Group to confirm that:

- longitudinal load moment control was required for all variable reach trucks (telehandlers);
- longitudinal load moment control was also required for variable reach loaders (teleloaders);
- the new visibility requirements for telehandlers were also applicable to teleloaders.
- if teleloaders were type-approved as tractors, the risks relating to the variable reach function must be covered. This could be achieved by considering the variable reach equipment (telescopic boom) as interchangeable equipment subject to the Machinery Directive.

FRANCE shared the UK concerns and agreed with all the draft answers proposed by the UK. Concerning teleloaders, application of standard EN 474-3 did not confer presumption of conformity with essential requirement 4.2.2 since that requirement was not covered by the standard.

GERMANY supported the answers proposed by the UK.

Mr Steiger said that the reason why a manufacturer of variable reach trucks in Germany had decided not to fit LLMC devices to machines supplied to the agricultural sector was not to gain a competitive advantage but

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172 EN 15000 Safety of industrial trucks - Self propelled variable reach trucks - Specification, performance and test requirements for longitudinal load moment indicators and longitudinal load moment limiters
because they had observed that the devices were often removed by users or distributors. The manufacturer was developing a more sophisticated LLMC device that would be acceptable in agricultural applications. The new device should be ready in the second semester of 2011 and the manufacturer intended to retrofit machines already supplied.  

DENMARK agreed with the UK position, but was concerned by the fact that the revised tractors legislation would be exclusive and the risks linked to the variable reach function would not be covered. The CHAIR proposed to confirm the basic principle on load moment control. The question of visibility requirements required further discussion. It would also be necessary to examine how to deal with variable reach loaders that were type-approved as tractors. He suggested that the national delegations could discuss this issue with the national tractors type-approvals authorities.

**Conclusion:**  
*Longitudinal load moment control is required for all machinery with a variable reach lifting function, including variable reach trucks (telehandlers) and variable reach loaders (teleloaders).*

Due to lack of time, items 6 to 14 of the agenda were postponed to the next meeting.
### Questions to be followed up at the next meeting

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Minutes of the Machinery Working Group held on 14/15 February 2012

Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairs: Mr Luis Filipe GIRÃO (Head of Unit ENTR G/4), Mr Ian FRASER (ENTR/G4)
EC Participants: Mr Mario GABRIELLI COSSELLU, Mr Michael THIERBACH, Ms Elzbieta PAPRZYCKA (ENTR/G4)

1. Welcome and approval of the agenda

The CHAIR welcomed participants. He introduced Mr Thierbach, a German national expert recently seconded to the Commission who was responsible of the PPE Directive and a member of the machinery team in unit G/4.

The agenda was approved.

2. Minutes of the meeting of 27 June 2011 (Doc.WG-2011.19)

Mr Hawken pointed out that under item 3.23 on page 6, the reference should be to CEN TC 114 (not 144).

With this correction, the minutes of the meeting of 27 June 2011 were approved.

3. Follow-up of questions from the meeting of 21/22 December 2010

3.1 Formal objection against EN 12215 and EN 13355 (paint booths)

Mr Chielens, CEN Consultant, reported that CEN TC 271 'Surface treatment equipment' was still waiting for a mandate from the Commission.
FRANCE said that WG 3 of CEN TC 271 had met in Frankfurt on 13/14 October 2011. Tests were being carried out with respect to the minimum air speeds specified in the standards. Germany, France and the UK were participating. The tests had been delayed but should be completed by late 2012 or early 2013. Revision of the standards might start before the tests were finished.

Mr STEIGER for CEN said that WG 3 needed the results of the comparative tests in order to know in which direction to go.

3.2 Formal objection against EN ISO 4254-1 (Agricultural machinery - General Requirements).

The CHAIR said that the formal objection had been resolved and the file had been closed.

Mr Fraser recalled that according to the Commission proposal for a new Regulation on standardisation, Commission Decisions relating to formal objections would be subject to a more formal procedure involving the Council and Parliament. He suggested that the Machinery Working Group should discuss ways of avoiding the formal procedure whenever possible in cases where there was general agreement on the need to improve the standard.

The UK reported that this subject was already being discussed within the Machinery ADCO Group.

3.3 Formal objection against EN 1459 (Doc.WG-2010.08)

Mr Fraser said that the standard had been amended to deal with the UK formal objection on visibility, but Mandate 301 had not yet been entirely fulfilled. This would be discussed under item 16.

3.4 EN 690 (Manure spreaders)

Ms Poidevin for CEN reported that the public enquiry on the revised standard EN 690 prepared by TC 144/WG 3 would be held from January to June 2012. The formal vote was expected in May 2013. The Italian proposal for improved protection at the rear of certain types of spreader would be the subject of a separate amendment.

ITALY considered that the issues raised by Italy should be given priority.

3.5 Formal objection against EN 474-4 & -5

Mr Steiger for CEN reported that the amendments dealing with issues raised by the formal objection had been published on 11 January 2012.
FRANCE confirmed that the amendments resolved the formal objection which could therefore be withdrawn.

3.6 Revision of standards for industrial trucks
Mr Kühn for CEN TC 150, reported that standard ISO 3691-1 had been published on 15 September 2011. The European Edition, EN ISO 3691-1, was currently subject to the UAP procedure under the Vienna agreement and should be adopted in June 2012. The issues on which there was not international agreement would be covered by EN 16307-1 (based on ISO TS 3691-7, published on 5 December 2011) that was also subject to a UAP procedure.
Mr Fraser asked CEN to confirm that the forewords to the European Editions would clarify which standards conferred a presumption of conformity with the Machinery Directive.
Mr Kühn confirmed that the wording of the forewords had been agreed with France and would be included in the standards.
The CHAIR said that the item was closed.

3.7 Attachment of interchangeable work platforms on telehandlers
Mr Kühn for CEN TC 150 confirmed that the necessary additional requirements for variable reach trucks fitted with an elevating work platform would be included in a revised clause 5.2.2 in standard EN 1459-3. The draft was ready for the public enquiry that would be launched on 8 March 2012.
Mr Fraser asked CEN to report on the cross reference to these new requirements in EN 280 for MEWPs.

3.8 Lifting function of a vehicle chassis
GERMANY noted there had been no objection to the position taken in Germany that an additional function of an air suspension system which made it possible to lift and lower the load was subject to the Machinery Directive. This item could therefore be closed.

3.9 Formal objection to EN 14985 (Slewing jib cranes)
Mr Steiger for CEN reported that the revised standard had been published in December 2011 dealing with the issues raised in the formal objection.
GERMANY confirmed that the new standard resolved the formal objection which could therefore be withdrawn.

3.10 Formal objection to EN 474-1 (Semi-automatic quick hitches)
Mr Steiger for CEN reported that there was an ongoing discussion with the UK delegation and the CEN consultant on the text of the amendment.
The UK said the outstanding problems were a matter of precise wording and hoped that when the text had been agreed, the formal objection could be withdrawn.

3.11 Formal objection to EN ISO 11681-1 (Chain saws for forest service)
Mr Gabrielli Cossellu said that the reference of the revised standard would be included in the list to be published in the OJEU on 29 February 2012.

3.12 Formal objection to EN 12151 (Machinery for preparation of concrete)
Mr Steiger for CEN reported that TC 151 had received a proposal from France. It was planned to develop a 3-part standard including mixing equipment for paving. Work would start in the first half of 2012.
FRANCE stressed that the French proposal was in line with the requirements of the Machinery Directive and the state of the art. The proposal was a basis for discussion but it was important to ensure that any alternative solutions covered all the risks involved.

3.13 Concerns about prEN ISO 4254-12 (Rotary mowers and flail mowers)
Ms Poidevin for CEN recalled that the project was under the lead of ISO/TC 23/SC 7. A final draft had been sent to the CEN Consultants in January 2012. Positive assessments were expected.
Mr Hawken of CEMA, Chairman of ISO/TC 23/SC 7, reported that the Fdis would be ready on 15 March and would be completed on 15 May 2012.
ITALY was satisfied with the decisions taken.
The CHAIR concluded that the item could be closed.

3.14 Homelifts with an open travel path
Mr Chielens for NB-M said that VG9 of NB-M had not yet discussed the issue.
The UK would discuss with the UK representative on VG9 with a view to making progress.

3.15 Air handling units (AHUs)
The CHAIR had no progress to report.

3.16 Guide to application of the Machinery Directive 2006/42/EC (translations)
Mr Fraser informed the Working Group that 18 language versions corrected by the Member States had now been published on EUROPA. The German version included only comments on the Articles while corrected
comments on the Annexes were still awaited. The Commission was still awaiting corrections from Estonia, Malta, Portugal and Romania.

PORTUGAL would send the corrections soon.

AUSTRIA reported that manufacturers were impatient to have a complete version in German. Austria was willing to cooperate with Germany and stressed that a single official version was needed.

GERMANY was completing the correction of the comments on the Annexes but could not give a definite date.

3.17 Emergency stop control devices (WG-2010.03rev2, WG-2010.43, WG-2011.14)

Mr Gabrielli Cossellu had investigated the possibility of using a CIRCA Forum. There was a possibility to set up a 'Newsgroup' with a thread of comments. There was a need for an automatic notification of new contributions.

FRANCE thought an ad hoc group was also needed to discuss the proposals and comments on emergency stop control devices.

GERMANY said the revised document had been uploaded on CIRCA. Comments had been received and it was clear that the document could be further improved. It might be better to wait for the revised draft of EN ISO 13850.

Mr Borzelli, CEN Consultant thought that the issue was important for many machines. There should be a close link with standardisation.

Mr Hoyland, CEN Consultant, reported that there had been a meeting of CEN TC 114, WG 8 in January 2012 and the revision of EN ISO 13850 had been discussed. There was general agreement that flap-stop switches could not be used as emergency stop control devices. There had also been a discussion of rotary switches used for disconnecting machinery from the electricity supply. The general opinion was that such devices could be emergency stop control devices. This raised the issue of what kind of stop control devices were acceptable in cases where there was no need for a specific emergency stop control.

The UK thought an ad hoc group was necessary in complex areas, but thought that the CIRCA forum could still be useful between meetings.

3.18 Powered doors, gates and shutters

Ms Poidevin for CEN reported that contacts between CEN/TC 33/WG 5 and the UK HSE indicated that there might be a misunderstanding on the standard applicable for the installation of powered gates. The relevant standard was EN 13241. EN 12635 was a supporting standard. There would be a further meeting to investigate possible improvements, but it appeared that the accidents that had occurred in the UK resulted from failure to apply the correct standard.

She also reported that CENELEC/TC 61 had cooperated with CEN/TC 33 in order to clarify the status of drives for powered doors, gates and shutters. It had been agreed that drives intended to be fitted by users were to be considered as machinery, in line with previous decisions of the Machinery Working Group, whereas drives supplied to professional installers were to be considered as partly completed machinery. The necessary revision of the relevant standards EN 60335-2-97, -95 and -103 was almost completed.

Mr Borzelli, CEN Consultant pointed out that, at the time of the accidents, EN 12635 was the only standard cited in the OJEU. He thought that the issues raised by the UK could be solved quite easily. He would check that the relevant product standard included correct references to the other standards.

The UK confirmed the ongoing discussions between the HSE and CEN TC/WG5. Even experienced experts had difficulty identifying the standards needed to comply with the Machinery Directive. The UK was working with the industry with a view to providing guidance for installers. One of the reasons for confusion was that standards covered both factory-made ready-to-install products and tailor-made gates that were manufactured by the installer on site from components.

GERMANY was interested in ensuring improved safety. There was a need for one product standard giving presumption of conformity to the Machinery Directive. The status of the other standards needed to be clarified.

Mr Fraser suggested that an informative Annex or introduction to one of the standards should explain the relationship between all of the standards concerned and explain how to achieve conformity with the Machinery Directive.

ITALY thought it was important to clarify the application of the MD and the CPD to the products concerned. It was not sure that installations were covered by the Machinery Directive.

SWITZERLAND was concerned that manufacturers were trying to pass on their responsibility to installers.

Mr Fraser replied that two cases must be distinguished. When a machine was manufactured by a machinery manufacturer ready-to-install, that manufacturer was responsible for the conformity of the machinery and the

174 EN 13241-1 Industrial, commercial and garage doors and gates - Product standard - Part 1: Products without fire resistance or smoke control characteristics
175 EN 12635:2002+A1:2008 Industrial, commercial and garage doors and gates - Installation and use
installer must apply the manufacturer's installation instructions. However, when a person assembled and installed a machine on site from components or sub-assemblies supplied by various component manufacturers, the person carryout out the assembly and installation was the manufacturer of the machine and was responsible for conformity of the installed machine with the Machinery Directive.

The CHAIR recalled that even a machine placed on the market as a single unit must comply with the Directive. It was clear that SMEs needed help from CEN and CENELEC to identify and apply the right standards. He asked the UK to clarify the status of the formal objection at the next meeting in light of the discussion with CEN.

3.19 Earthmoving equipment used for lifting operations
FRANCE proposed to convene an ad hoc group to discuss the proposals made in the UK document. France also wished to examine other problem areas for earthmoving machinery such as visibility and driver restraint.
GERMANY supported the French proposal. There was a need for improvement of the requirements relating to visibility.
ITALY thought it was necessary to distinguish normal use from exceptional use of earthmoving equipment.
FRANCE pointed out that more and more machinery was designed for several functions, including lifting operations.

Mr Fraser informed the Working Group that the Commission was dealing with a petition from a German citizen to the European Parliament. The petitioner had produced evidence that poor visibility was involved in a large number of serious or fatal accidents and that application of the current harmonised standards was producing inadequate designs. The ad hoc group proposed by France might provide an opportunity to discuss the issues raised by the petition.

AUSTRIA thought that, for earthmoving machinery that was able to circulate on the road, it would also be useful to consider visibility requirements in the type-approval legislation.

The UK welcomed the French suggestion and would take part in the work of the ad hoc group. In addition to the other questions, it was important to finalise the UK document in order to reach a common understanding the concept of lifting operations in order to ensure that the relevant EHSRs of Annex I were correctly applied.

The CHAIR noted general agreement with the French proposal.

3.20 Lifts for access for maintenance of wind generators
Ms Poidevin recalled that it had been decided to deal with lifts for wind turbines in a specific section of EN 50308. This section had been drafted by CENELEC TC 88 in cooperation with CEN TC 10 which had provided input. The draft would be discussed at the next TC 88 plenary meeting in March 2012 and a UAP procedure would be launched. In the future, a specific standard for lifts in wind turbines might be developed.

The UK reported that several meetings of an ad hoc group of the Machinery ADCO had been held on the subject and had reached agreement on some basic requirements for access lifts for wind turbines. The industry now had solutions which complied with the Machinery Directive. The UK had issued a paper to the market surveillance authorities.

GERMANY announced that the next meeting of the ADCO ad hoc group would be held soon in Stuttgart.
Mr Chielens for NB-M said that VG9 had not yet issued the planned RfU. The issue had been discussed in April 2011 and further discussions would take place at the meetings to be held in 2012.

3.21 Guidance on ergonomic standards
The CHAIR informed the Working Group that the guidance document and information sheets on ergonomic standards (WG-2010.30) had been published on EUROPA. A link to the document would be included in the next edition of the Guide.

3.22 Dangerous cutting attachments for brush cutters
The CHAIR informed the Working Group that Commission Decision 2012/32/EU had been adopted on 19 January 2012. It had been notified to Member States on 20 and published in OJ L 18/5 on 21 January. The Member States must implement the Decision by 30 April at the latest.

SLOVAKIA wished to know if the solution foreseen for implementation of the Commission Decision in Slovakia was adequate. Acts published in the OJEU were known to all citizens in Slovakian Republic and it was not considered necessary to publish the Decision again. When 2006/42/EC had been transposed into Slovakian law, the market surveillance authorities had been given the duty to take the necessary action against any dangerous products.

The CHAIR replied that the Commission Decision was not a Directive and therefore did not need to be transposed into national law. Member States must simply ensure that the measures necessary for the Decision to take effect were taken at national level.

SLOVAKIA suggested an exchange of views at the next meeting on national implementation of such Decisions.

3.23 Standards for equipment used in the offshore oil and gas industry
The CHAIR reported that, in the framework of the written consultation of the 98/34/EC Committee on the draft mandate, comments had been received from France, Germany and the UK. The Commission was examining the
comments and would amend the draft mandate as necessary. It would then be transmitted to the European Standardisation Organisations.

**Mr Steiger for CEN** reported on a recent plenary meeting of CEN/TC 12. The TC was taking over standards from ISO/TC 67 some of which had originally been developed by the American Petroleum Institute. There was some overlap between TC 12 standards and existing harmonised standards developed by other TCs for equipment used in the offshore oil and gas sector. TC 12 had decided to set up an ad hoc group to clarify the questions raised by the mandate. The ad hoc group included representatives of the oil and gas industry and of the relevant CEN sectors. It was planned to carry out a pilot phase involving 3 standards, 2 for machinery and 1 for pressure equipment, in order to examine how TC 12 standards could be adapted as harmonised standards supporting the EU legislation.

**Mr Fraser** recalled that, before the formal consultation of the 98/34/EC Committee, stakeholders had been consulted informally on the draft mandate. A large number of comments had been received and several modifications had been made to the draft. Firstly, it had been made clear that the ESOs should take account of existing international standards and develop global standards whenever possible. Secondly, the ESOs were asked to take account of existing harmonised standards for machinery, ATEX equipment and pressure equipment and adapt them if necessary. Finally, the work was divided into two phases with the first phase devoted to standards for the most safety critical and widely used equipment. Only the first phase was subject to a time limit. The comments received during the formal consultation raised similar issues. The Commission would reply in detail, but the answers would be similar to those given during the informal consultation.

**NORWAY** welcomed the draft mandate as an important step towards more harmonised standards for equipment used in the offshore oil and gas sector. For the market surveillance authorities, it was important to have a stable basis for enforcement. The market surveillance authorities intended to contribute to the work by identifying safety critical equipment for which harmonised standards were most needed.

**FRANCE** said that there was a need for further discussion between the authorities and the industry.

### 3.24 Variable reach trucks and loaders

The **UK** recalled that the question concerned longitudinal load-moment control for variable reach trucks (telehandlers). The relevant harmonised standard required such devices to be fitted, but some manufacturers had not been fitting them, giving rise to distortions on the market. The UK authorities, in cooperation with Germany, had had contacts with the manufacturers concerned and was confident that the problem was being solved. At the last meeting, it had been confirmed that the requirement for load-moment control devices also applied to loaders equipped with telescopic booms (teleloaders).

Wheeled loaders with telescopic booms differed from variable reach trucks in that the boom was centred. Some such machines had received EC type-approval as tractors. The advantage was that road circulation was possible throughout the EU, but the tractor type-approval legislation did not foresee the necessary visibility aids and load-moment control devices. The solution might be to consider the lifting equipment fitted to the loader/tractor as machinery subject to the Machinery Directive.

**GERMANY** thought that teleloaders should be treated in the same way as telehandlers and agreed with the proposal suggested by the UK. The legal service of the Commission should be consulted.

**ITALY** pointed out that the tractors legislation did not cover the lifting function.

**Mr Boy for ETUI** noted a lack of coordination between the authorities in charge of the tractors legislation and the authorities in charge of the Machinery Directive. The proposed framework Regulation for tractors must foresee the delegated acts necessary to cover all occupational risks.

**Mr Fraser** recalled that EC type-approvals of variable reach trucks as tractors had been reported by France several years ago. It was intended that the future tractors type-approval Regulation would cover all risks and tractors would be fully excluded from the Machinery Directive. Consequently, any concerns about risks for tractors would have to be addressed in the framework of the tractors legislation. However, it should be decided whether EC type-approval of variable reach trucks or loaders as tractors was correct. This should be discussed with the national type-approval authorities and the Commission service concerned. If such EC type-approval was accepted, the lifting machinery mounted on variable reach trucks or loaders type-approved as tractors could be considered as machinery subject to the Machinery Directive (similar to front loaders for tractors), as suggested by the UK.

### 4. Reports on standardisation

#### 4.1 CEN report

**Mr Steiger for CEN** referred to the CEN report WG-2012.22. He highlighted the discussion of the draft mandate for equipment used in the offshore oil and gas industry discussed under item 3.23. The machinery safety sector had also considered the mandate for eco-design. There were ongoing studies for implementing measures under the Eco-design Directive that concerned machinery such as woodworking machinery, thermoprocessing
machinery and pumps. The necessary requirements would be developed by the relevant TCs of the machinery safety sector. An amendment to ISO 13849-1 to deal with the main recommendations of the Symposium on standards for control systems was being prepared. ISO TC 199 was also preparing a Technical Report on the relationship between ISO 12100 and ISO 13849-1. Work on the proposal to merge ISO 13849 and IEC 62061 was entering a preliminary phase. Feedback from users would be taken into account. The new standard should be applicable to all types of machinery. The target date was 2016 so there should be stability until then. The revision of ISO/IEC Guide 51 was at the ISO CD stage. The text would bring together the approach of ISO 12100 for machinery safety with approaches used in the field of consumer products. The revision of ISO Guide 78 (the ISO version of CEN Guide 414 on the drafting of machinery safety standards) had been completed and CEN Guide 414 would be revised accordingly, in particular to take account of the recast Machinery Directive. Concerning the publication of machinery standards in the OJEU under Directive 2006/42/EC, there were now 660 harmonised standards for machinery – 87 type A and B standards and the rest type C standards. SLOVAKIA noted that several delegated acts on energy efficiency referred to mandatory application of IEC standards. Was there a mechanism for such standards to be adopted as European standards? Mr Steiger replied that this problem mainly concerned consumer products, but he was not aware of the approach being taken in this area. Mr Gabrieli Cossellu recalled that the last updated list of harmonised standards had been published on 11 November 2011. The next list would be published on 29 February 2012. The next list included 22 new CEN references and 4 new references from CENELEC. GERMANY asked for clarification of the attribution of CENELEC standards to the Low Voltage Directive or the Machinery Directive. Mr Fraser replied that the attribution of standards for household appliances was indicated in Annex ZF to standard EN 60335-1 (A14). CENELEC TC 61 was implementing this attribution progressively as the necessary amendments were finished. Similar work was being done by other CENELEC TCs but the work was not yet finished. He asked CEN and CENELEC to provide an update at the next meeting.

4.2 Application of EN ISO 13849-1 and pneumatic components (WG-2012.18) Letter from UK NBs on EN ISO 13849-1 (WG-2012.11)

Mr Fraser for VDMA presented Doc.WG-2012.18. A working group of German machinery manufacturers had discussed problems of application of EN ISO 13849-1. An issue had been identified concerning the mean time to dangerous failure (B10d values) for pneumatic components. Pneumatic component manufacturers were not able to identify which failures might be dangerous, since that depended on the specific application. When B10d values were given, they were very low. These low values were not realistic and did not correspond to experience with use of the components concerned. The issue was being discussed in a special sub-group in the framework of the planned merger of ISO 13849 and IEC 62061. New methods were being developed for evaluating realistic B10d values for pneumatic components, but this would take several years. Manufacturers wanted guidance on how to manage the situation in the meanwhile.

SPAIN recalled that similar problems had arisen for EN 954-1. Purely pneumatic components were not able to achieve Category 4. It had been necessary to use electro-pneumatic components in cases where Category 4 was required.

Mr Fraser agreed that purely pneumatic components could not fulfil Category 4, but the current problem concerned Category 1 or 3 systems and related to the intrinsic reliability of the components. He pointed out that customers were asking for the machinery manufacturer’s calculations and were therefore aware of the unrealistic B10d values supplied by the components manufacturers.

Mr Boy for ETUI asked whether VDMA had provided input to the mirror Committee of DIN so that the necessary amendments could be made to the standard.

Mr Fraser replied that the DIN mirror Committee considered that the question was a matter for the Machinery Working Group.

The UK reported that the UK NBs agreed with the adoption of EN ISO 13849-1 but noted that SMEs manufacturing simple machines found application of the standard very difficult. In such cases, EN ISO 13849-1 seemed unnecessarily complex. The NBs wanted CEN to take account of simple products and provide the necessary explanations to facilitate the application of the new method in such cases.

Mr Steiger for CEN thought that the Symposium held in 2010 had reached similar conclusions. Amendments to EN ISO 13849-1 were being prepared to deal with some issues. Other issues would be addressed in the framework of the merger of ISO 13849 and IEC 62061. It would be important to ensure a better balance of

176 ISO/IEC Guide 51 Safety aspects - Guidelines for their inclusion in standards
stakeholders in the working group to ensure that the views of machinery manufacturers were adequately represented. A questionnaire would be sent to stakeholders in order to identify their difficulties.

Mr Borzelli, CEN Consultant, recalled that C-type standards could include specifications appropriate to simple categories of machinery in their scope.

FRANCE thought that NBs should contact CEN directly to ensure that their experience was taken into account.

Mr Chielens for NB-M said that the issues raised by the UK NBs should be discussed within NB-M. He stressed that the main role of Notified Bodies was to assess the conformity of machinery in cases where harmonised standards were not available or not applied. When harmonised standards were fully applied, the manufacturer did not need a NB.

Mr Hoyland, CEN Consultant, thought that the amendment of EN ISO 13849-1 would take some time. He pointed out that EN ISO 13849-1 included a simplified method for determining the required performance levels for safety related parts for control systems that could be used for low complexity systems and in cases where quantitative reliability data was not available.

Mr Steiger said that one of the planned amendments to EN ISO 13849-1 was to give greater visibility to this simplified method.

Mr Kraus for VDMA recognised the voluntary nature of standards but said that SMEs were under pressure from customers and insurers to declare conformity with harmonised standards.

GERMANY thought that the important factor was not the size of the manufacturing Company but the complexity of the machinery.

The CHAIR, in conclusion, recalled that the issues raised by VDMA and the UK NBs were among a number of problems that had been raised by machinery manufacturers about the application of EN ISO 13849-1. These problems had been discussed at length with the authors of the standard at the symposium held in 2010. CEN/CENELEC and ISO/IEC were currently following up the conclusions of that Symposium.

In the meantime, it was important to recall that the application of harmonised standards was not mandatory. If manufacturers had difficulty applying certain specifications of a harmonised standard, they were fully entitled to apply other solutions in order to comply with section 1.2.1 of Annex I of the Machinery Directive, provided that these solutions were duly justified in their technical file.

In addition, C-type standards for particular categories of machinery could deviate from the specifications of a B-type standard if those specifications were not appropriate. C-type standards took precedence over the B-type standard and their application conferred a presumption of conformity with the requirements of the Machinery Directive.

### 4.3 Danish concerns about standards for pesticide application machinery (WG-2012.14)

DENMARK indicated that standards for environmental requirements for sprayers and liquid fertiliser distributors were being prepared for harmonisation. Denmark had the following concerns:

- some equipment, such as injection systems and air assistance systems for boom sprayers, was not covered by the standard. If significant risks were not covered by the standards, they should be excluded from the scope;
- the test requirements were not clear - was a functional test required for each machine? This was required in several Member States;
- a Danish manufacturer had pointed out that standard EN ISO 16119-2 foresaw the use of Copper oxychloride which was prohibited in Denmark. The standard should foresee a choice between Copper oxychloride and the alternative Fluorescein.

Denmark would raise these issues in a formal way with CEN.

Mr Hawken for CEMA said that CEN/TC 144/WG 3 was taking account of comments made by Danish experts.

### 5. Report from the coordination of Notified Bodies

Mr Chielens for NB-M reported that the Horizontal Committee had met in June and December 2011. NB-M had migrated from CIRCA to CIRCABC.

Discrepancies had been noted between NANDO and the list of NBs in CIRCABC. All NBs should be registered in CIRCABC in order to follow the work of NB-M. There were currently 201 NBs listed in NANDO for the Machinery Directive but only 130 NBs were registered in CIRCABC. The notifying authorities of the Member States were asked to take appropriate action to improve the situation.

The situation of accreditation of NBs had been examined. Most Member States now used accreditation, however in some Member States, accreditation was still coming into effect.

A new Vertical Group (VG 14) had been set up to cover machinery referred to in item 18 of Annex IV – portable cartridge-operated fixing and other impact machinery.

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177 prEN ISO 16119-1 Agricultural and forestry machinery - Sprayers and liquid fertilizer distributors - Environmental protection - Part 1: General; prEN ISO 16119-2 Agricultural and forestry machinery - Sprayers and liquid fertilizer distributors - Environmental protection - Part 2: Horizontal-boom and similar sprayers
Mr Williams had resumed the role of convenor of VG 13 for the full quality assurance procedure according to Annex X. There had been an enquiry on recourse to the full quality assurance procedure. As of June 2011, only 13 applications had been made for this procedure, confirming the slow take-up of this option by manufacturers of Annex IV machinery. This procedure was heavy and difficult to implement. However, it was proving useful for manufacturers producing machinery in very small numbers.

There had been discussion on the application of EN ISO 13849 independently placed on the market were subject to the Machinery Directive as machinery manufacturers to fit devices to indicated in the Swedish - several -

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separate products. Warning devices were subject to the Directive as part of the machinery to which they were

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of the Guide provided a clear answer. However, the French position was supported by the indicative list of safety

components. The Directive and Guide did not clearly define 'safety function'. France considered that devices

legal status of such devices and, in particular, to decide whether they were to

Concerning the question of whether power line detectors which only provided a warning were to be considered

as safety components, he agreed with France that neither the definition in Article 2 (c) of the Directive nor §42

of the Guide provided a clear answer. However, the French position was supported by the indicative list of safety

components in Annex V, since all of the items listed fulfilled a protective function and did not just a provide a warning. Safety components independently placed on the market were subject to the Machinery Directive as separate products. Warning devices were subject to the Directive as part of the machinery to which they were fitted. The reliability of power line detectors was crucial since fitting unreliable devices might increase the risk if the operator was given a false sense of security. However this was a different question from their legal status.

FRANCE pointed out that, in addition to section 1.1.2, section 1.1.7 of Annex I relating to the operating position stated that, if machinery was intended to be used in a hazardous environment presenting risks to the health and safety of the operator, adequate means must be provided to ensure that the operator was protected against any foreseeable hazards.
UK said that Doc.WG-2012.12 (item 19) raised a similar question. The UK thought that, in some cases, a warning device could be considered as a safety component. Power line detection devices could be fitted by the user to existing machinery. In that case, the only way to apply the Machinery Directive would be to consider them as safety components.

The UK agreed that insufficiently reliable devices might increase the risk. For example, a power line might become live after the machinery had approached. Other engineering solutions could reduce the risk. The UK recalled the previous debate about the limitation of the height of booms for agricultural sprayers in the folded position in order to reduce the risk of contact with power lines.

AUSTRIA supported the position suggested by France, but was concerned about the implications for market surveillance of machinery already on the market. The problem should be solved by harmonised standards.

The CHAIR stressed that if power line detectors were safety components, they must comply with the requirements of the Machinery Directive. However, it was up to machinery manufacturers to choose the appropriate protective means for their machinery. He proposed to discuss the question of warning devices under item 19.

7. **Chassis mounted tanks**

FRANCE, presenting Doc.WG-2011.02, explained that road tankers were vehicles subject to the EU type-approvals Directive 2007/46/EC. There were basically two types: the majority of tankers had the sole function of transporting fluids in a closed tank permanently fixed to the chassis of the vehicle; the other type were also designed for additional functions such as cleaning drains, spreading tar and so on. For these additional functions, the tankers were equipped with new machinery such as pumps, hydraulic circuits and moveable partitions. Article 1 (2) (e) excluded vehicles subject to the EU type-approvals legislation from the Machinery Directive with the exception of machinery mounted on these vehicles. France considered that tankers solely used for transport purposes were fully excluded from the Machinery Directive but machinery mounted on tankers for additional functions was subject to the Machinery Directive and must comply with the relevant essential health and safety requirements, including section 1.6.2 of Annex I relating to safe access to intervention, adjustment and maintenance points.

SPAIN agreed with the French position, but thought that the tank should be considered as part of the vehicle and only the additional equipment should be considered as machinery subject to the Machinery Directive.

GERMANY thought the tank was part of the machinery if it was needed for the machinery to operate.

The UK indicated that, in some cases, the tank was part of the machinery, for example a tipper tank for the transport of powder or a tank equipped with moveable partitions. In other cases, for example a tank fitted with a pump for unloading purposes, the tank was not part of the machinery.

IRELAND had received a query about pumps installed on fire tenders. So far, Ireland had considered that a simple tank without powered moving parts was not subject to the Machinery Directive but any additional equipment such as a hydraulic cylinder to tip the tank, a compressor or a pump, was subject to the Directive. However pumps fitted to petroleum or gas tankers had not been considered.

The CHAIR thought the French position was correct but did not settle the question as to whether the tank was part of the machinery. The vehicles type-approval legislation might also have requirements relating to the tank. It would be better to investigate this aspect before providing a definite answer.

FRANCE agreed that further enquiry was necessary in order to avoid overlap with EC type-approvals legislation. The document would be revised in light of this enquiry.


SWEDEN explained that, since Doc.WG-2011.04 had been drafted, the standard had been amended and the problem relating to protection against falls from a height of less than 3 m had been solved.

Mr Belaen for CECE explained that standard EN ISO 14122-3 referred to in the Swedish document had been taken into account when revising EN ISO 2867, but it could not be applied fully since it did not take account of the mobility of machinery. CECE hoped that this would be remedied when EN ISO 14122-3 was revised.

FRANCE thought that the transition period of 3 years foreseen for the new version of EN ISO 2867 was not justified since its implementation did not entail any technical difficulties.

Mr Belaen confirmed that the new standard would be applicable from 31 July 2014.

Mr Steiger for CEN said the transition period was already indicated in the OJEU, however manufacturers could apply the new version of the standard before the date of cessation of presumption of conformity of the previous version. In some cases, a transition period was needed to adapt the manufacture of large series.

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178 EN ISO 14122-3 Safety of machinery - Permanent means of access to machinery - Part 3: Stairs, stepladders and guard-rails
9. **ANECEC concerns about draft standard FprEN 16029 – off-road motorcycles (WG-2012.19)**

Ms Vandenberghe explained that ANEC had concerns about the approval of the standard for off-road motorcycles. She recalled the problems in 2006 with minibikes and establishment of the new CEN TC 354 for off-road vehicles. The objective of the standard for off-road motorcycles was to get rid of the dangerous cheap Chinese products by setting safety requirements for off-road motorcycles, including the small machines intended for use by children. There had been a positive formal vote on 10 January 2012 although 6 CEN members had voted against and 11 members had abstained.

ANECEC considered that the standard did not deal adequately with child safety aspects since age and speed limits were not included in the normative part of the standard. A minimum age of 6 years old was set for category 1A vehicles, but there were no age or speed limits for children between 6 and 14 years of age. The standard would allow a 6 year-old child to drive a motorcycle at unlimited speed, since the clause relating to information for use only provided guidance. This guidance could easily be ignored and did not apply to category 1B vehicles which could be used by children. The terms 'novice rider' and 'trained and experienced rider' were not defined. It seemed that children could alter the set speed limits since there was no requirement for a locking mechanism. This was contrary to the principles of safety integration. ANEC was concerned that parents would not be able to assess the ability of a child to drive safely. ANEC questioned whether the standard was fully compliant with the Machinery Directive, whether it solved the problem of dangerous Chinese minibikes, and whether the reference of the standard should be published in the OJEU.

**DENMARK** considered that the standard put too much responsibility for safety on the end-user.

Mr Hoyland, CEN Consultant, thought that the cheap Chinese pocket bikes would not be able to satisfy a number of the safety requirements included in the standard. He thought it was difficult to fix age and speed limits for children between 6 and 14 years old since the size and skill of children varied independently of their age. The standard specified that the speed limiter must not be adjustable without a tool or while riding. However, speed was not the only relevant factor – the size and power of the engine also affected performance in off-road conditions. He considered that it was better to accept the standard, while starting work immediately on revision in order to improve the requirements of the standard where possible.

**ITALY** pointed out that a standard could not prevent a parent purchasing a motorcycle for a young child.

**AUSTRIA** said that the Austrian standardisation organisation had supported the standard with some reservations. The standard provided for the first time a coherent basis for market surveillance and, for that reason, Austria was in favour of its adoption. However some of the requirements could still be improved, in particular, to prevent foreseeable misuse.

**BELGIUM** had carried out market surveillance and educational activities on pocket bikes. Belgium welcomed the development of the standard which would help both the economic operators and the market surveillance authorities.

Mr Fraser thought that some of the ANEC comments were based on misunderstandings. The minibikes or pocket bikes described in the Commission letter to the Member States in 2006 were not products intended for children and, in most cases, they were not sold to or used by children. All the accident reports forwarded to the Commission concerned young adults or adolescents above 14 years old. These minibikes were smaller than any off-road motorcycles intended for use by children. Market surveillance action with respect to minibikes had been taken in most Member States and the problem seemed to have considerably decreased.

At the same time, the European motorcycle industry was concerned to distinguish these unsafe products from legitimate (and more expensive) off-road motorcycles designed for use by children. In most cases, such motorcycles were used in the framework of sports clubs under the supervision of adult instructors. This sport comprised risks like many other sports such as sailing, skiing or climbing. The purpose of the harmonised standard was to ensure that off-road motorcycles, including those intended for children, were as safe as possible. The standard would also help the market surveillance authorities to distinguish legitimate products from dangerous non-compliant products. It addressed all the applicable essential health and safety requirements and included requirements to ensure the safety of young riders. Other approaches to this question were possible, but there was no doubt that standardisers had adopted a responsible position that was compatible with the current practice of the sport.

**BELGIUM** asked CEN and the Commission to clarify their position on publication of the reference of the standard in the OJEU.

Ms Poidevin for CEN replied that ANEC had made comments at the drafting stage and most of them had been taken into account. In the formal vote, the standard had been approved with 86 % of the votes (71 % were required). CEN considered that the standard represented a clear improvement compared with the current situation and its reference should be published in the OJEU. This did not prevent the TC from starting work immediately on future improvements.

The CHAIR recalled that the Working Group was not being asked to take a decision since the standard had not yet been sent for publication and no formal objection had been received. The purpose of the discussion was to inform the Working Group about ANEC's concerns.
10. **Lack of a C-type standard for firewood processing machines and problems with EN 609-1 (WG-2011.06)**

The UK explained that firewood processing machines sawed logs and then split them (usually by means of a hydraulic ram) then evacuated the firewood towards a container. This type of machine was more and more widely used because firewood was being promoted as a renewable fuel. Such machines had been involved in a number of serious accidents. Standard EN 609-1 covered wedge splitters without a sawing function. This standard applied to the splitting function of firewood processors. For the sawing function, EN 609-1 had an outdated reference to prEN 1870-6. The published version of EN 1870-6 stated that the requirements for the log splitting part of combined sawing/splitting machines were given in EN 609-1. This gave the impression that application of the 2 standards was sufficient. But there were specific risks associated with combined machines that were not covered by either standard. Furthermore, chain saws were not covered at all. Finally, Annex Z to standard EN 609-1 excluded the EHSR 1.3.7 relating to guarding, which was the most important EHSR of these machines, however this exclusion was ignored by most manufacturers. The UK suggested that the reference of EN 609-1 in the OJEU should be accompanied by a note stating that it did not cover guarding, or preferable that it should be withdrawn. There was clearly a need for a specific standard (or part of a standard) for firewood processors with combined sawing and splitting functions that covered all the applicable EHSRs.

**GERMANY** had similar experience and had set up a working group to investigate the matter. The current standards were inadequate. Germany fully supported the UK suggestions.

**FRANCE** agreed with the UK suggestions, with a preference for a specific standard rather than a specific part of EN 609. EN 609 concerned vertical splitters whereas firewood processors were usually equipped with horizontal splitters.

Ms Poidevin for CEN reported that TC 144/WG 8 was currently examining a German proposal for a specific standard for combined firewood processors and would welcome comments or proposals from other CEN members.

The CHAIR urged all Member States to ensure that their input was provided to CEN/TC 144. Concerning the removal of the reference of EN 609-1 from the list published in the OJEU, this would require a formal objection, unless CEN agreed to remove the standard from the list pending revision.

11. **Proposal for the revision of EN 12965 - PTO drive shafts and their guards (WG.2011.11)**

**ITALY** said the problem had been discussed for a long time, but accidents continued to occur with PTO drive shafts. Attachment of the drive shaft and guard was a complex and difficult operation. Often the guards were removed to facilitate attachment of the drive shaft. In Italy, there had been 5 fatal accidents in 2011 due to contact with drive shafts with the guard removed. There had also been accidents in 2010 and 2011 involving children on family farms.

In cooperation with Germany, Italy had developed a new solution. The proposal was that the drive shaft and its guard would be connected by means of a device permanently attached to the tractor. This permitted a semi-automatic attachment of the guard.

In addition, agricultural machinery was usually sold without a drive shaft. The drive shaft was purchased from another manufacturer and the attachment was not always compatible. The solution proposed by Italy could also help to solve this problem. Italian manufacturers had agreed to start work on adaptation of the standard.

Ms Poidevin for CEN reported that the plenary of TC 144 held in November 2011 had accepted an Italian proposal for revision of EN 12965 and was awaiting an Italian draft. The problem was being solved by the normal standardisation process.

The CHAIR noted that, despite the fact that PTO shafts were subject to the Machinery Directive as a specific product and were listed in Annex IV, there was still an unacceptable number of serious and fatal accidents involving PTO shafts. The research done by Italy and Germany was therefore very timely and Member States with experience in this area were urged to follow the work and contribute to the improvement of the standard.

12. **Lifting equipment for fork lift trucks (WG-2011.13)**

**ITALY** referred to a telescopic jib designed to be fitted to the forks of a lift truck. The manufacturer of the jib had considered the product as a lifting accessory. The Italian authorities considered that such a product should be considered as interchangeable equipment because it added a new function to the basic machinery since it enabled the truck to lift suspended loads, thereby creating new hazards covered by Part 4 of Annex I.

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The CHAIR recalled that if such equipment was fitted to a forklift truck by the user, the maximum load of the truck, which was based on the position of the centre of gravity of the load on the forks, would vary depending on the position of the load and had to be recalculated.

FRANCE agreed in general with the Italian position, but pointed out that the truck manufacturer would not be able to assess the conformity of the combination of the truck with the telescopic jib. Other machinery was available to fulfil the lifting functions carried out by this equipment.

GERMANY thought that whether such a telescopic jib was considered as interchangeable equipment or as a lifting accessory, the change of the load moment must be taken into account, in the same way as when fork extensions were fitted.

The UK agreed that the telescopic jib was interchangeable equipment. Like France, the UK was concerned about misuse of such equipment. It probably could not be prohibited, but the manufacturer of the equipment must specify with which trucks it could be safety used and provide the necessary loading charts. If this was not done, the EHSRs of Part 4 of Annex I would not satisfied.

LUXEMBOURG thought that the equipment was definitely interchangeable equipment. There was a risk of tipping over, depending of the size of the truck. The manufacturer of the interchangeable equipment did not know the size of the truck on which the equipment was fitted.

Mr Kraus for Orgalime agreed that the manufacturer of the interchangeable equipment must specify with which basic machinery could be safety used.

SPAIN agreed with the French comments. Use of such interchangeable equipment could increase the risk unless the manufacturer cooperated with the manufacturer of the basic machinery. It could not be left to the user to determine the safe maximum load.

The CHAIR recorded general agreement that such a telescopic jib was interchangeable equipment. The Guide to application of the Machinery Guide explained the duties of the manufacturer of interchangeable equipment with respect to the basic machinery. He observed that there were many other kinds of interchangeable lifting equipment on the market for lift trucks. Some devices were intended to be fitted to the forks and others were attached in place of the forks. The same requirements applied in these cases. The decision on whether to use such equipment was a matter relating to the user's obligation to make available appropriate work equipment.

Mr Kühn for CEN TC 150 agreed fully with this conclusion.

Conclusion:
A telescopic lifting jib designed to be assembled by the user with a forklift truck in order to lift suspended loads is interchangeable equipment according to Articles 1 (1) (b) and 2 (b) of the Machinery Directive.

The manufacturer of the interchangeable equipment must ensure that the combination of the interchangeable equipment and the lift truck or trucks with which it is intended to be assembled fulfils all the relevant essential health and safety requirements of Annex I, including the relevant requirements of Part 4 of that Annex, and must carry out the appropriate conformity assessment procedure. The interchangeable equipment must be supplied with instructions specifying the type or types of lift truck with which the equipment is intended to be assembled, either by reference to the technical characteristics of the trucks or, where necessary, by reference to specific models. These instructions must include all the necessary information relating to safe assembly and use of the interchangeable equipment and, in particular, must specify the maximum load that can be safely lifted by a lift truck fitted with the equipment for each position of the load.


Mr Marchetti for EPSA explained that the question concerned the requirement for completely enclosed carriers on lifting platforms not equipped with hold-to-run controls. This requirement had not been covered in the first version of the standard due to lack of time. The WG had proposed to add an Annex on this issue so that the requirement could be covered before Directive 2006/42/EC came into application, but CEN had decided against. Publication of the standard had been delayed for 2 years because of an appeal. Now TC 10 was refusing to deal with the requirement on the grounds that to do so would be to change the scope of the standard.

EPSA thought that the standard should cover all types of lifting platforms and cover all the essential requirements applicable to each type. There was no reason why all lifting platforms for people with impaired mobility should have open carriers and hold-to-run controls. In some cases, the solution of an enclosed carrier with impulse controls could make the lift easier to use. In recent years, most manufacturers had placed this type of lifting platforms on the market, demonstrating the market need.

FRANCE considered that the approach taken by CEN TC/10 was appropriate.

The UK supported the EPSA request. Now that the borderline between the Machinery Directive and the Lifts Directive was clear, it was important to ensure that all the products coming on to the market under the Machinery Directive were safe and covered by appropriate standards. The products described by EPSA had obvious similarities with conventional lifts subject to the Lifts Directive, but the Machinery Directive included the necessary safety requirements.
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SPAIN agreed that when certain types of machinery were being placed on the market by a large number of manufacturers, harmonised standards were needed.
The CHAIR, in conclusion, recalled that the Machinery Working Group had already asked CEN to develop specifications for home lifts with an open travel path. The request from EPSA was similar, since lifting platforms with enclosed carriers and impulse controls were already on the market. There was clear agreement that harmonised specifications were needed for all types of lifts subject to the Machinery Directive, but it was for CEN to determine whether the necessary specifications were added to existing standards or included in specific standards or parts of standards. The CHAIR asked CEN to take account of all the views expressed, including the request by EPSA to add the necessary requirements for lifting platforms with enclosed carriers to EN 81-41.


The CHAIR explained that since the guidance document had been approved and published, answers had been given to stakeholders on other types of equipment used for lifting loads. It was proposed to add these examples to the document. The items were:
- frames designed for the storage, transport and lifting into place of blades for wind turbines (not lifting accessories);
- stillages for the storage, transport and lifting of flat glass (not lifting accessories);
- dynamometers for lifting (lifting accessories – as agreed at the Machinery Working Group on 27 June 2011).

DENMARK considered that frames for wind turbine blades and stillages for flat glass were lifting accessories.

SPAIN agreed with Denmark. With respect to dynamometers, the text should be aligned with the conclusion reached at the meeting of the Working Group.

FRANCE agreed with the Commission's proposals. The frames for turbine blades and stillages for flat glass were similar to frames used for holding boats. They could be lifted with slings and were like other load containers that should be considered as containers that were part of the load.

The UK accepted that either position was defensible, but agreed that the Commission's proposal was in line with the majority position reached by the Working Group.

DENMARK thought that the most important thing was to agree on a common position and could live with the Commission's proposal.

BELGIUM had given a similar response to a question from a stakeholder.

GERMANY also agreed with France and the Commission.

AUSTRIA supported the Commission's proposal and suggested to add a reference to the decisions of the Working Group in the column 'references'.

The CHAIR recalled that the whole discussion followed a question on the status of load containers that could also be used for lifting. The current document was based on the majority opinion of the Working Group and the proposal to add 3 items was in line with that opinion. He concluded that the revised document would be published on EUROPA with the addition of the references suggested by Austria.

Mr Belaen for CECE said the wording of the item 15 relating to lifting forks should be adjusted in order to distinguish forks suspended from the hook of a crane from forks fitted to a lift truck, since the forks were not usually permanently attached to lift trucks.

The UK suggested rather to add an item to the guidance document illustrating forks fitted to a lift truck, stating they were not lifting accessories but part of the lifting machinery.

The CHAIR recorded general agreement with this suggestion.

15. **Formal objection to EN 1501-1 - Refuse collection vehicles (WG-2012.01)**

FRANCE explained that the formal objection concerned to new version of the standard the reference of which had been published in the OJEU in November 2011. EN 1501-1 covered rear loading vehicles with a container loading device. These vehicles represented 90% of the market. The main grounds for the formal objection were:
- the lack of a requirement for an interlocking device on the hopper lifting system and specifications for the technical characteristics of the interlocking system;
- the lack precise specifications for the protective devices on the rear area, where the hopper is lifted;
- inadequate dimensions and design of the footboards increasing the risk of falling;
- the lack of requirements to ensure stability by preventing overloading.

The French proposals were supported by the conclusions of a market surveillance survey and accident data. France requested the withdrawal of the reference from the OJEU and immediate revision of the standard.

Ms Poidevin for CEN reported that TC 183 stated that some of the French comments were new. The French document would be examined at the next TC meeting on 13 March with the help of the CEN Consultant.

Mr Borzelli, CEN Consultant, would participate in the work on the French document. He had not had the opportunity to examine the draft at an early stage but had studied the comments made by his predecessor. He had
first made a negative assessment, but after improvement of the draft by the WG, he had recommended acceptance. **IRELAND** had encountered problems relating to used machines to which footboards had been retro-fitted. The criteria for acceptance of footboards were not clear. Ireland was also unsure whether or not operators on the footboards were expected to have visibility towards the front. **The UK** recalled that in the UK, riding on the rear was prohibited so footboards were removed. The UK thought the requirement to measure the weight of the load was linked to regulations on road use. **FRANCE** said that the outcome of the French market surveillance survey had been presented to the Machinery ADCO and Working Groups in 2008 and 2009. France had been active in the standardisation work and had proposed solutions to the issues raised. The French proposals were based on discussions in the French mirror group which included representatives of the authorities, accident prevention bodies, manufacturers, notified bodies and users. France considered the new version of the standard represented a step backwards compared with the previous version. **The CHAIR** concluded that the formal objection would be examined in light of the response of CEN/TC 183. He asked France to make sure that the information on market surveillance and accident data was available to CEN.

16. **Issues relating to lift truck standards (WG-2012.02, WG-2012.03rev1, WG-2012.04, WG-2012.05)**

Mr Kühn for CEN TC 150, referring to Doc.WG-2012.04, reported on implementation of M 301. This involved two topics relating to telescopic and masted trucks respectively:
— WG 11 was developing prEN 16203 on lateral dynamic stability of masted counterbalanced industrial trucks. The final draft was expected in December 2012.
— WG 2 was dealing with variable reach industrial trucks. Longitudinal stability was already covered by EN 15000.180 Lateral tip-over was also going to be covered, but this resulted from a complex combination of several factors, including ground conditions, slope, raised boom, and low travel speed. The French Institute INRS, in cooperation with the UK HSE and truck manufacturers, was going to study the causes of lateral tip-over of variable reach trucks. A progress report would be provided annually to the Machinery Working Group.

**The UK** had identified an unexpectedly large number of accidents involving lateral tip-over of variable reach trucks, including 3 fatal accidents and 7 major injuries since 2010. Furthermore, since these machines were widely used in agriculture, it was likely that such accidents were under-reported. The causes of lateral tip-over on variable reach trucks were different from masted trucks. The UK welcomed that CEN/TC 150 was dealing with dynamic stability of variable reach trucks under M 301. The UK also wished to develop appropriate driver restraint systems for variable reach trucks in order to reduce the residual risk due to lateral tip-over.

Concerning the publication of the reference of EN 1459181 in the OJEU, the UK recalled that the standard now included improved requirements for visibility and longitudinal load moment control. Work was ongoing to deal with interchangeable work platforms. Further research was necessary to develop improved requirements for lateral stability. The UK considered that the reference of the standard should now be published in the OJEU while work continued on the outstanding issues.

Mr Boy for ETUI also welcomed the TC 150 report. He recalled that stability of industrial trucks had been on the agenda for the last 10 years. He urged national authorities to contribute more actively to the work of TC 150/WG 2 on dynamic stability and driver restraint.

**The CHAIR** recorded agreement with the UK proposal to publish the reference of EN 1459 in the OJEU.

17. **Concerns about draft standard ISO 5395 - ride-on lawnmowers**

17.1 **Standing operator (WG-2012.07)**

**FRANCE** explained that the current lawnmowers standard EN 836 was being revised in the framework of the Vienna agreement under ISO lead. The current draft standard ISO 5395-3 included machines with standing operators. Either the operator stood on a platform mounted on the lawnmower or on a trailer towed behind the lawnmower. This possibility had not been envisaged by EN 836, which required ride-on lawnmowers to be fitted with a seat and footrests or with a trailed seating unit. There was no production constraint that required operators to be standing. Consequently, the provision for a standing operator was contrary to section 1.1.8 of Annex I as well as to the requirements relating to ergonomic principles and vibrations. There was also a problem with respect to the risk of roll-over. The draft ISO standard exempted lawnmowers with a standing operator from the requirement for a ROPS and the operator was advised to jump off.


Mr Hoyland, CEN Consultant said that the issue of standing operators had arisen when the work was transferred to ISO, since this was common practice in the US. He was not sure whether standing operators were permitted by the Machinery Directive.

The CHAIR thought that several categories of mobile machinery had standing operators where this was required for operational and ergonomic reasons. Section 1.1.8 of Annex I did not prohibit standing operators but required machinery manufacturers to provide a seat when it was foreseen that the operator would be seated. The choice of position for the operator was more a question of ergonomics.

BELGIUM thought that there was no advantage of standing on a lawnmower. The state of the art was for operators to be seated on ride-on lawnmowers and to admit standing operators would be a step backwards.

Mr Boy for ETUI agreed with Belgium. He recalled that the B-type ergonomics standard EN 614 stated in clause 4.3.3 that, while machinery should enable occasional alterations in the operators working position between sitting and standing, sitting should generally be preferred to standing as a main working position.

The UK agreed with ETUI. On stationary machinery, it was often useful for operators to change position, but on mobile machinery it was usually better for the driver to remain seated.

The CHAIR thought that, since for many years the harmonised European standard had required ride-on lawnmowers to have a seat, accepting standing operators would clearly be a step backwards. Furthermore, it would be difficult to apply other safety requirements for standing operators, for example, the requirement for the blades to stop if the operator left the driving position. He suggested that CEN should explain to ISO that this type of machine was not acceptable in the EU.

17.2 ROPS and seat switch (WG-2012.10)

ITALY was concerned about the roll-over risk for ride-on lawnmowers. Italy had recorded several fatal accidents in recent years, including 2 in 2011, involving the overturning of ride-on lawnmowers. In the development of draft ISO 5395, several proposals made by Italy had been accepted, including a requirement for ROPS for certain machines. However, Italy considered that the criterion of a mass of > 600 kg for fitting a ROPS was too high. Research had shown that machines with a mass of 400 kg or less were liable to roll over with serious consequences. There were machines on the market with a mass of between 400 and 600 kg equipped with a ROPS. Italy thought a ROPS should be fitted to ride-on lawnmowers with a mass > 400. A warning not to use the machine on a slope of more than a certain angle would not be effective if there was no indicator on the machine to inform the operator of the actual slope.

Italy was also concerned about the requirement that the blades should stop if the operator was not in the driving position (seat switch). There had been 2 serious accidents in Italy where the operator had restarted the blades by inadvertently leaning on the seat with his arm. A minimum force must be required in order to operate the seat switch. There was also a need for specifications to ensure that the seat switch was reliable and could not be easily defeated.

FRANCE supported the Italian proposals. France had sent accident reports on roll-over of ride-on lawnmowers four years ago. The discussion on seat switches had been going on for 3 years and more rapid progress was needed.

The CHAIR informed the Working Group that an exhaustive study of accidents involving ride-on lawnmowers in the US had shown that the most frequent cause of serious and fatal accidents was overturning.

GERMANY noted that there were ride-on lawnmowers on the market with ROPS while others merely had a warning not to use the machine on a given slope. The state of the art seemed to be to provide an integrated protective structure rather than just a warning.

Mr Hoyland, CEN Consultant, said that the ISO working group had not seen the accident reports on which the Italian comments were based. Manufacturers considered that slope indicators were not sufficiently accurate. The draft standard required the manufacturer to declare the maximum slope on which the machine could be safety used. The question of the minimum force for actuation of the seat switch was under discussion. It was difficult to find means to prevent the seat switch from being deliberately defeated. The current requirement for the seat switch was Category 1 which implied a positive mode.

Ms Poidevin for CEN reported that CEN TC 144 would set up a task force to examine the issues raised by Italy. ISO/TC 23 would meet in March 2012 and the working group of CEN/TC 144 would meet in April.

The CHAIR asked CEN to report on progress at the next meeting.

18. Filters against pesticides as safety components (WG-2012.08)

FRANCE explained that the question concerned filters to protect the operators against exposure to hazardous substances in the cabs of self-propelled sprayers. Standards had been adopted in 2009: EN 15695, parts 1 and
For self-propelled sprayers, such filters enabled the machinery to fulfil section 3.5.3 of Annex I of the Machinery Directive. Filters were supplied as replacements by manufacturers other than the manufacturer of the sprayer or the cab. Replacement filters must be compatible with the filtering system of the cab and the substances against which they protect must be clearly identified. Currently, many filters were placed on the market without CE marking. France proposed that such replacement filters should be considered as safety components.

**BELGIUM** agreed that replacement filters were safety components. Information and training was also needed for the users.

**SPAIN** thought it was necessary to distinguish filtration systems from filters. The filters were spare parts for the filtration systems.

Ms Poidevin for CEN reported that TC 144 considered that filters were spare parts.

Mr Kraus for Orgalime thought that the user must fit the filters specified by the manufacturer of the filtration system or the sprayer. In that case, it was not necessary to consider the filter itself as a safety component.

IRELAND said that the notion of safety component could apply to a complete system or to a component in the usual sense.

The CHAIR recalled that the standards concerned had been developed under a mandate under the tractors EC type-approval legislation. For tractor cabs, application of the standards was mandatory. For self-propelled sprayers subject to the Machinery Directive, the standards were harmonised standards giving presumption of conformity. It seemed clear that both filtration systems for the cabs of self-propelled sprayers and filters for such systems, when independently placed on the market, were to be considered as safety components. He recalled that the same approach was adopted under the PPE Directive for filters for personal respiratory protective equipment.

**Conclusion:**

Filtration systems for the cabs of self-propelled sprayers and filters for such systems, when independently placed on the market, are safety components according to Articles 1 (1) (c) and 2 (c) of the Machinery Directive. The manufacturers of filters independently placed on the market must specify, in their instructions, the filtration systems with which they are compatible and the hazardous substances against which they are intended to protect.


The UK raised the generic question of the status of warning devices such as load-moment indicators. The question had arisen when a load indicator was retro-fitted to excavators used for lifting operations. In such a case, the warning device was the only means available to the operator to detect the hazard. In that case, the device could be considered a safety component. The UK was prepared to accept the majority opinion.

Mr Kraus for Orgalime thought it was important to distinguish devices that had an effect on the operation of the machinery from devices that detected a potentially hazardous situation and provided an acoustic or visible warning.

**SPAIN** thought the case raised by the UK was different from the case of power-line detectors. If an excavator had not been designed for lifting operations, it should not be used for that purpose. If it was intended for lifting operations, it should be supplied with all the necessary protective equipment.

**FRANCE** considered that a safety component was a device that had an effect on the functioning of the machinery.

Mr Chielens for NB-M thought it would be useful to consult VG 11.

The CHAIR pointed out that the content of Annex V supported the French view. He suggested to examine existing definitions of 'safety function' in standards and consult VG 11 of NB-M to investigate current practice. He asked Member States to prepare their opinion on the UK proposal for the next meeting.

20. **Information on the ORGALIME market surveillance web platform**

Ms Piccinni for Orgalime informed the Working Group about the development of an industry market surveillance web platform. The purpose was to provide information and guidance on different categories of machinery to help the market surveillance authorities to recognise and deal with non-compliant products. A more detailed presentation would be made at the open session of the Machinery ADCO Group to be held on 5 July 2012 where the initiative could be discussed.

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182 EN 15695-1:2009 Agricultural tractors and self-propelled sprayers - Protection of the operator (driver) against hazardous substances - Part 1: Cab classification, requirements and test procedures; EN 15695-2:2009 Agricultural tractors and self-propelled sprayers - Protection of the operator (driver) against hazardous substances - Part 2: Filters, requirements and test procedures
21. **Status of the installer of a lift subject to the Machinery Directive (WG-2012.20)**

The **CHAIR** explained that the solution proposed in Doc.WG-2012.20 had been discussed in an exchange between the Commission services and a Spanish manufacturer of lifts subject to the Machinery Directive. Under the Lifts Directive, the installation of a lift was covered by the conformity assessment procedures. Under the Machinery Directive, the manufacturer was responsible for the conformity of the lift and must provide installation instructions, but no specific responsibility was given to installers.

The solution adopted by the manufacturer concerned was to appoint his installers as authorised representatives entrusted with the tasks of applying the manufacturer’s installation instructions, checking the fitness for purpose of the installed lift, drawing up the EC Declaration of Conformity and affixing the CE marking. This seemed to be a good solution.

**SPAIN** said that the Spanish authorities had not been involved in the discussion. The proposed solution could lead to problems of traceability and responsibility. It would require clear documentation.

**GREECE** had examined the document carefully and thought the wording needed to be improved. The solution could also be applied for other lifting machinery subject to the requirement relating to fitness for purpose. More discussion was needed before such a solution could be approved.

**DENMARK** could agree with the proposed solution. If the Machinery Working Group accepted this solution for lifts subject to the Machinery Directive, Denmark would suggest to the Council that the same approach should be taken under the Lifts Directive.

The **CHAIR** said the document only concerned the Machinery Directive. He indicated that the solution proposed required a written mandate for each authorised representative. Under the Machinery Directive, the manufacturer was fully responsible for the conformity of the product but could entrust certain of his duties to an authorised representative by means of a written mandate. The EC Declaration of conformity must indicate the name and address of the manufacturer and the name and address of the authorised representative, so there was no problem of traceability. He asked the Member States to consider the document and prepare their position for the next meeting.
### Agenda Item | Subject | Action by | Action required | Documents
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3.4 | EN 690 Manure spreaders | CEN | Progress on amendment | 
3.7 | Attachment of interchangeable work platforms on telehandlers | CEN | Reference in EN 280 | 
3.10 | Formal objection to EN 474-1: Semi-automatic quick hitches | CEN | Amendment | 
3.14 | Formal objection to EN ISO 11681-1 Chain saws for forest service | COM | Publication of reference | 
3.12 | Formal objection to EN 12151 Machinery for preparation of concrete | COM, CEN, FR | Progress on revision | 
3.13 | prEN ISO 4254-12 Rotary mowers and flail mowers | CEN | Progress on revision | 
3.14 | Homelifts with open travel path | NB-M | Progress on RfU | 
3.25 | Air handling units | COM | Check CPD | 
3.16 | Guide to application of the Machinery Directive 2006/42/EC | COM | Publication of translations | 
3.17 | Emergency stop control devices | All | Ad hoc group | 
3.18 | Powered gates, doors & shutters - Status of standards Formal objection against EN 12635 | CEN, CENELEC, UK | Update on formal objection | 
3.19 | Earthmoving machinery used for lifting operations, visibility | All | Ad hoc group | WG-2010.38rev1
3.20 | Lifts for access to wind generators | NB-M, CENELEC, CEN, All | Progress on RfU | 
3.22 | Decision 2012/32/EU | All, COM | National implementation | 
3.23 | Mandate M 501 equipment for the offshore oil and gas industry | CEN, CENELEC, All | Refusal of mandate | 
3.24 | Variable reach trucks and loaders | COM, All | EC type approval as tractors? | 
4.1 | Adaptation of standards to the MD/LVD borderline | CENELEC | Update | 
7 | Chassis mounted tanks | FR | Revision of WG-2011.02 | 
10 | Standard for combined firewood processing machines | CEN | Progress | 
11 | Revision of EN 12965 - PTO drive shafts and their guards | CEN, IT | Progress | 
13 | Lifting platforms with enclosed carriers | CEN | Progress | 
14 | Guidance document on lifting accessories | COM | Publication of revised document | 
15 | Formal objection to EN 1501-1 | CEN | Response of TC 183 | 
16 | Publication of the reference of EN 1459 | COM | Publication of reference | OJEU 23.03.12
17 | Draft ISO 5395 Ride-on lawnmowers: - Standing operator - ROPS and seat switch | CEN | Progress | 
19 | Load-moment indicators on excavators Warning devices and safety components | All, NB-M | Opinion on warning devices and safety components | 
21 | Installers of lifts as authorised representatives | All | Opinion of the Working Group |
Minutes of the Machinery Working Group held on 4 July 2012

Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairs: Mr Ian FRASER (ENTR/G4)
EC Participants: Mr Mario GABRIELLI COSSELLU, Mr Michael THIERBACH, Ms Nathalie BOUTTEFEUX (ENTR/G4)

1. Welcome and approval of the agenda

The CHAIR welcomed participants.
The agenda was approved.

2. Minutes of the meeting of 14/15 February 2012 (Doc.WG-2012.24)

The minutes of the meeting of 14/15 February 2012 were approved.

3. Follow-up of questions from the meeting of 4 July 2010

3.1 EN 690 (Manure spreaders)
Mr Steiger for CEN reported that the revised standard had been submitted for a second public enquiry ending in June. Work would then start immediately on a separate amendment to deal with the Italian proposal for improved protection at the rear of certain types of spreader would be the subject of a separate amendment.
ITALY had followed the work and had made proposals supported by Italian manufacturers. However consideration of these proposals had been postponed. Italy was thus still concerned about the revised standard that still did not address major problems that had been encountered in Italy.

3.2 Attachment of interchangeable work platforms on telehandlers
The CHAIR recalled that an amendment was being prepared to standard EN 1459-3 on variable reach trucks. The only outstanding issue was the proposal for a cross reference to these new requirements in the MEWPs standard, EN 280.
Mr Steiger for CEN considered that, since clause 4.1 of the revised EN 1459-3 now made a general reference to EN 280 and the two standards were fully aligned, it was not necessary to insert a cross reference to EN 1459-3 in EN 280.
The CHAIR closed this item.

3.3 Formal objection to EN 474-1 (Semi-automatic quick hitches)
Mr Steiger for CEN reported that agreement had been reached on the text of the amendment in the WG and with the CEN consultant. The amendment would be subject to a UAP procedure and publication was expected early in 2013. Further work was being carried out at ISO level to revise standard ISO 13031 and, in future, it was expected that EN 474-1 would make a reference to that standard.
The UK was satisfied with this progress.
The CHAIR said the item could be closed.

3.4 Formal objection to EN ISO 11681-1 (Chain saws for forest service)
The CHAIR confirmed that the reference of the revised standard had been published in the OJEU on 29 February 2012.

3.5 Formal objection to EN 12151 (Machinery for preparation of concrete)

183 ISO/DIS 13031 Earth-moving machinery - Quick couplers - Safety
Mr Steiger for CEN reported that there was a proposal from France to develop a 2-part standard with perhaps a third part dealing with some smaller machinery. The proposal would first be discussed at national level and the first meeting of the CEN WG to discuss the proposal would be held in September 2012.

3.6 Concerns about prEN ISO 4254-12 (Rotary mowers and flail mowers)
Mr Steiger for CEN reported that the standard had been ratified in June 2012. Mr Hawken for CEMA said the standard was ready for publication in the OJEU. ITALY was satisfied with this outcome.

The CHAIR closed this item.

3.7 Homelifts with an open travel path
The UK, in the interest of consistency, had been hoping for a recommendation from VG9 of NB-M for lifts that were not in the scope of the harmonised standard EN 81-41, but this was proving difficult. In the meanwhile, NBs in the UK were certifying such lifts. The CHAIR thought that, since this type of lift seemed to be mainly present on the UK market, the UK NBs could adopt a common position that might be taken over by NB-M later if necessary. The item was closed for the time being.

3.8 Air handling units
The CHAIR had no progress to report.

3.9 Guide to application of the Machinery Directive 2006/42/EC (translations)
The CHAIR informed the Working Group that the Portuguese translation had been published. The Commission had received corrected versions of the Maltese and Romanian translations that were being prepared for publication. The Commission was still awaiting corrections from Estonia and the corrections of the comments on the Annexes of the Directive in German. GERMANY reported that the check on the German translation had been completed and the text was now being checked in Austria and Switzerland. Mr Kraus for Orgalime reported that the Austrian and Swiss manufacturers had been asked to read through the corrected translation but might need more time. AUSTRIA had received a request for an extension of the deadline and had agreed to the end of August. Mr Hawken for CEMA asked whether a Turkish translation could be envisaged since Turkey applied the Directive and would benefit from the Guide. The CHAIR replied that the Commission had no plan to translate the Guide into Turkish but would have no objection if a translation was undertaken by Turkish stakeholders. It should be possible to ask the Turkish authorities to check a draft translation.

3.10 Emergency stop control devices
GERMANY said the work on the document should be linked to the standardisation work on revision of EN ISO 13850 184.
Mr Hoyland, CEN Consultant, reported that the next meeting of ISO TC 199, WG 8 would take place in September 2012. The revision of EN ISO 13850 was on the agenda. Industry generally considered that power disconnection devices could be used as emergency stop devices if they were located close to the hazard. This was reflected in EN 60204 which was the general standard for electrical equipment for machinery. GERMANY thought this solution was only acceptable under certain well defined conditions. Germany would like to participate in the WG 8 meeting.

3.11 Powered doors, gates and shutters
The UK said that the formal objection had been made against EN 12635 185, which concerned installation and use, because this was only standard listed under the Machinery Directive at the time, although it was clearly not the fundamental standard. Since then, the reference of the revised standard EN 13241-1 186, the product standard for powered doors and gates, had been published in the OJEU. CEN TC 33 - WG 5 was revising several of the standards referred to in the formal objection, including EN 12453 187 and the UK had provided detailed input. Mr Heptner for CEN TC 33 - WG 5 made a presentation on the issues raised in the Machinery Working Group. For powered doors and gates, there was a basic product standard, EN 13241-1, and several supporting standards. The product standard was harmonised under the MD, the CPD and the EMCD. The safety device and installation standards were also harmonised under the MD.

185 EN 12635:2002+A1:2008 Industrial, commercial and garage doors and gates - Installation and use
186 EN 13241-1 Industrial, commercial and garage doors and gates - Product standard - Part 1: Products without fire resistance or smoke control characteristics
187 EN 12453 Industrial, commercial and garage doors and gates - Safety in use of power operated doors - Requirements
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The comments from the UK mainly concerned the standards relating to safety in use, EN 12453 and EN 12445. There had been several discussions with UK experts to address the issues raised by the accidents that had occurred.

Outstanding issues to be solved included clarifying the concept of a drive kit as complete machinery and the relationship with the Cenelec EN 60335 series. TC 33 also recognised that there were too many standards in this field. The TC intended to reorganise the standards to make them easier to understand and use.

The UK welcomed the proposal for simplification of the structure of the standards. Most powered gates were manufactured by the installer in situ from components. Simplification was needed to facilitate their task. The UK had still had concerns about the adequacy of the specifications relating to forces in EN 12453 with respect to the protection of vulnerable persons such as children.

The UK also had concerns about the performance and reliability of drives covered by standards of the EN 60335 series.

The CHAIR asked the UK to consider whether they intended to maintain the formal objection. If so, it would have to be updated in the light of the discussion on the relevant standards.

DENMARK asked for clarification of the status of drives.

The CHAIR recalled the decision taken in 2002 ago to consider drive kits (i.e. the drive plus transmission elements and controls) intended to be fitted to existing garage doors as complete machines. This decision had been confirmed for all powered doors and gates in the table presented in Doc.WG-2007.56 that had been approved by the Machinery Working Group in March 2008.

He stressed that clarification and simplification of the system of standards applicable to powered doors and gates was urgently needed. This would require work by CEN TC 33 and also further cooperation with Cenelec TC 61. He asked the UK whether they intended to maintain the formal objection. If so, it would have to be updated in the light of the discussion on the relevant standards.

3.12 Earthmoving machinery

a) Use of earthmoving machinery for lifting operations (WG-2010.38rev1)

The UK recalled that document WG-2010.38 had been intended to respond to disagreements about what was to be considered as a lifting operation. This had consequences for the equipment to be fitted to the machinery. There were also issues related to periodic inspection under the regulations on use of work equipment. Many of the earthmoving equipment manufacturers had based their decision on the specifications of EN 474 relating to object handling, which was defined as an operation involving the use of lifting accessories and requiring the presence of persons close to the load. The UK considered that ‘object handling’, as defined in EN 474, was not equivalent to the term ‘lifting operation’ in the Machinery Directive. The Directive did not link lifting operations to the presence of persons, although the presence of persons would affect the risk assessment and the need for particular protective measures. The UK thought a consistent approach should be discussed and agreed by the Machinery Working Group.

ITALY thought it was necessary to distinguish normal use from exceptional use of earthmoving equipment. A circular was being prepared in Italy on this subject.

FRANCE pointed out that more and more earthmoving machinery was designed for multiple functions including lifting operations. The question was to identify when Part 4 of Annex I was applicable. This was to be distinguished from the question as to whether particular requirements of Part 4 were applicable or whether particular protective measures were needed, which depended on the risk assessment. France said these issues were being examined in the framework of the ADCO ad hoc group on earthmoving machinery.

GERMANY said that representatives of industry had been invited to take part in the ad hoc group. The next meeting would be held in Stuttgart.

Mr Belaen for CECE thought that some of the borderline cases presented in the UK document could be referred back to the standardisation group for further study in light of the risk assessment and the text of the Directive.

DENMARK thought that recourse to a lifting accessory was not relevant for deciding whether an operation was a lifting operation or not. The interpretation of the Directive should also be consistent between categories of machinery.

The CHAIR suggested that the conclusions of the ADCO ad hoc group should be used to complete the UK document and report to the Machinery Working Group. It had already been agreed to reformulate the guidance given in §328 of the Guide in order to state that, as a general rule, earth moving equipment was designed for lifting as well as earth moving and was therefore subject to Part 4 of Annex I. Only earthmoving equipment designed exclusively for earthmoving was not subject to Part 4.

b) Visibility from the driving position

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188 EN 12445 Industrial, commercial and garage doors and gates - Safety in use of power operated doors - Test methods
The CHAIR recalled that the subject of visibility from the driving position of construction machinery had been raised by a petition to the European Parliament. The Commission had initially replied that the situation had been improved by amendment of the relevant standards. The petitioner had come back with evidence that machinery designed according to the amended standards still had inadequate visibility. He had also provided reports of a large number of fatal and serious accidents involving inadequate visibility. The Commission had asked the ADCO ad hoc group to examine these issues.

Mr Thierbach for the Commission reported that the ad hoc group had concluded that the specifications of the relevant standards relating to visibility, ISO 5006 and EN 474-1, did not represent the current state of the art, in light of the development of technical aids to visibility such as camera monitor systems. Representatives of the standardisation group had promised that the improvement of the standards would be given high priority.

Mr Steiger for CEN confirmed that the Chairman of ISO TC 127 had stated that the issue of visibility would be addressed with high priority.

AUSTRIA explained that construction equipment in Austria had been fitted with sensor systems which, combined with special clothing worn by workers on site, provided an acoustic or visible signal if persons were present in the danger zone. In summer, workers tended to remove the clothing so special summer clothing was needed. Graz University was also conducting a research project on detection systems able to distinguish the human form. When such systems had been validated, they would probably be required on construction sites in Austria.

Mr Steiger for CEN said that there was already an ISO standard on transponder systems.

The UK was not happy with the use of such systems to protect the persons wearing the clothing, since other persons were not protected. On the other hand, such systems could be used to ensure that only authorised persons were able operate the machinery. The UK also reported that new camera monitoring systems were now available that combined the input from several cameras into a single image, thereby improving the interface with the operator. However, it was difficult to assess the reliability of the software incorporated into such systems.

FRANCE agreed that the state of the art for visibility had evolved. It would also be necessary to consider retrofitting improved visibility aids to existing machines. Recommendations on this question would be included in the document being prepared by the ADCO ad hoc group.

The CHAIR thought that systems that required persons to wear special clothing could be considered as complementary protective measures to be taken by the user that were outside the scope of the Machinery Directive. He pointed out that many of the accidents reported by the petitioner to the European Parliament involved persons who not directly involved in the work who were circulating in the vicinity of the construction site.

In conclusion, he stressed that the situation required an urgent response both from the authorities and from the standardisation organisations.

3.13 Lifts for access to wind generators

Mr Steiger for CEN said that the draft standard FprEN 50308\(^{189}\) had been prepared by CENELEC TC 88 with input from CEN TC 10. The draft had been sent for approval in May 2012. It was planned in future to develop a separate standard for access lifts.

Mr Borzelli, CEN Consultant, had examined the draft standard and had made a negative assessment. The standard needed to be restructured since the guidelines for drafting machinery standards had not been followed. In particular, the limits of the machinery were not clearly defined. The scope was very broad, including turbines of different sizes and offshore installations. The draft included a section on access lifts. The specifications of this section were very general and important specifications were missing, such as the working coefficient for ropes and the maximum speed. It might be better to refer to relevant lifts standards. Considerable work was needed before the standard could be positively assessed and he was ready to help the working group if required.

Mr Gharibaan for CEN TC 10 confirmed that there was agreement that a specific standard was necessary for access lifts in wind turbines but it had not been possible to develop such a standard in parallel with EN 50308.

The UK reported that the Machinery ADCO ad hoc group had met in Stuttgart and had defined some basic requirements for access lifts for wind turbines. Inspection of some recent installations confirmed that the industry now had technical solutions to comply with the Machinery Directive. However the attempt to bring the necessary requirements into the wind turbine standard had clearly not been successful so far. The UK agreed that it would probably be better to refer to a lifts standard. It would take time to develop such a standard, but there was at least some agreement on the way forward. The UK had hoped that NB-M would be able to make a RfU to deal with the situation while awaiting the standard.

AUSTRIA recalled the need for measures to prevent the spread of fire within and around the turbine and measure to deal with the risk of ice formation on the blades. The standard could also include information relating to the installation such as the resistance of supporting structures and prevention of nuisance due to noise and stroboscopic visual effects.

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\(^{189}\) FprEN 50308 Wind turbines - Protective measures - Requirements for design, operation and maintenance
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Mr Boy for ETUI thought that it was not the job of the CEN Consultant to develop technical solutions. Given the complexity of wind turbines, it might be necessary to develop a technical report based on current knowledge. The CHAIR said it was important to distinguish the health and safety requirements covered by the Machinery Directive from the environmental protection aspects that were a matter for national provisions on the implantation of wind turbines and wind farms.

He thought it was disappointing that, while IEC and CENELEC had developed a comprehensive body of performance standards, they had not yet produced an adequate safety standard for wind turbines. Many thousands of turbines were being designed, manufactured and installed all over the EU. Many turbines were also being supplied from outside the EU. Manufacturers needed clear guidance on how to apply the essential health and safety requirements of the Machinery Directive. Mr Borzelli’s offer of help was welcome. The CHAIR asked the Machinery ADCO group to communicate their findings to CENELEC TC 88 and to Mr Borzelli.

He also asked NB-M to give high priority to the development of a RfU for access lifts, taking account of the findings of the ADCO ad hoc group.

3.14 Dangerous cutting attachments for brush cutters

The CHAIR recalled that Commission Decision 2012/32/EU Member States had been applicable since 30 April 2012. Some questions had been raised about the scope of the Decision. The first question was whether the Decision concerned cutting attachments with articulated metal blades as well as cutting attachments with chains. The answer was yes.

The second question was whether the Decision concerned attachments with brushes intended to be fitted to brush cutters. The answer was that, if the function of such attachments was to cut brush, they were concerned by the Decision, but if they had other functions, such as cleaning surfaces, they were not concerned since the Decision only applied to cutting attachments.

3.15 Mandate M 501 - equipment used in the offshore oil and gas industry

The CHAIR informed the Working Group that CEN and CENELEC had refused mandate M 501. The ESOs were proposing to carry out a pilot project on 3 standards to see if they could be adapted as harmonised standards supporting the EU legislation. The Commission did not consider that the refusal of the mandate was justified and intended to discuss the issues raised by the ESOs in order to find a way forward.

NORWAY, presenting document WG-2012.29 reported on the work of a market surveillance project organised within the North Sea Offshore Authorities Forum. The active members of the project were Denmark, the Netherlands the UK, and Norway. The group had collated the views of participants on the refusal of the mandate. The group was surprised that the ESOs could reject such a mandate. From the point of safety, incident investigations had shown the failure of several types of equipment to comply with the principles of safety integration. Today, it was left to manufacturers to deal with the gap between the essential requirements of the EU legislation and the specifications of the existing standards. The group stressed that an immediate mandate was needed for the drilling machinery equipment in the oil and gas sector. The group thought the mandate could be prioritised to deal with the most safety-critical equipment.

Mr Steiger for CEN underlined that a mandate was a request and could be accepted or refused. After due consultation, CEN and CENELEC considered that the mandate was not the best way to deal with the problems that had been identified. Existing harmonised standards for equipment such as pumps, compressors and generators were already used in the offshore oil and gas sector. ISO TC 67 considered that the Deepwater Horizon disaster was not linked to weakness in equipment standards. The restriction of the mandate to offshore equipment was also unwise since much equipment was common to offshore and onshore operations. The ESOs were willing to consider standardisation requests for particular types of equipment under the existing general mandates for the Directives concerned. CEN TC 12 was undertaking a pilot project, in cooperation with the relevant product-specific TCs. A first meeting had taken place in London in May 2012 and the project would last 2 years. The NSOAF document was the first to identify specific equipment that was posing problems on the basis of experience. It would be better to work on these subjects rather than discuss an amended mandate.

The UK thought that the underlying problem was the different approach to safety of equipment in the US and in Europe. The API/ISO standards dealt with all aspects of safety including design and use, the principles of safety integration were not applied in the same way and greater emphasis was placed on the role of users. The API/ISO standards could provide a starting point for developing harmonised standards, but it was unlikely that they could be adapted as such. If the Member States were prepared to identify priority subjects, harmonised standards could be developed on the basis of existing mandates.

The CHAIR confirmed that standardisation in response to mandates was voluntary. He recalled that M 501 had been preceded by both an informal and a formal consultation of stakeholders. After both consultations, the Commission had prepared detailed replies to comments and had amended the text of the mandate accordingly. The fact that there were existing harmonised standards for equipment used in the offshore industry was explicitly recognised in the mandate. The ESOs had been asked to check whether these standards were adequate or
whether they needed to be supplemented with specific requirements for offshore equipment. However it was also clear that there was specific equipment for which there were no harmonised standards.

Concerning the Deepwater Horizon disaster, it was true that the main weaknesses identified in the investigations concerned organisational aspects, although the disaster had also involved the failure of several items of safety-critical equipment. The mandate was not based on identified causes of this disaster, but on a decision to carry out a critical review of all aspects of safety in the offshore sector, which included the design of equipment.

The ESOs had been asked, in the first phase of the work, to identify the categories of equipment to which priority should be given in terms of risk and in terms of widespread use. This was based on the usual principle that the stakeholders, including the national authorities, were best placed to do this work. The ESOs were returning the request to the Commission, suggesting that standardisation requests should be made for particular categories of equipment.

In general, the Commission did not issue mandates for particular sectors or products. However in this sector, CEN had been developing European standards for many years outside the framework of EU product safety legislation. In that context, the Commission considered that a specific mandate was needed. The Commission would respond to the refusal of M 501 and would discuss the issues raised by the ESOs in order to find a way forward.

3.16 Variable reach trucks and loaders

The CHAIR said the Commission had not yet examined the question of type-approval of variable reach trucks and loaders as tractors. He asked the Member States to also investigate this matter at national level.

3.17 Adaptation of standards to the MD/LVD borderline

The CHAIR asked CENELEC to provide a progress report for the next meeting.

3.18 Chassis mounted tanks

FRANCE considered that the conclusion to Doc.WG-2011.02 could be approved.

The CHAIR indicated that the Machinery Working Group could only conclude on the questions relating to the Machinery Directive. The questions relating to the application of Directive 2009/104/EC on the use of work equipment were a matter for DG Employment and could be discussed by the MACHEX Group.

Conclusion:

Tanks designed and constructed exclusively for the transport of a fluid, permanently fixed to a road vehicle and fitted with connections for the loading and unloading of the transported product are considered as part of the means of transport subject to Directive 2007/46/EC on type-approval of motor vehicles and their trailers and are thus outside the scope of the Machinery Directive 2006/42/EC.

Where vehicles fitted with tanks fulfil functions in addition to that of transport, such as, for example, sewer-cleaning trucks or bitumen sprayers, the equipment required for the additional functions such as the sewer cleaning equipment or the bitumen spraying equipment, is to be considered as "machinery mounted on these vehicles" that is in the scope of the Machinery Directive.

3.19 Combined firewood processing machines

Mr Steiger for CEN reported that CEN TC 144 – WG 8 had met in June and decided to revise standard EN 609-1 with a new scope excluding firewood processors – the draft would be available in September 2012. There would be a new work item for EN 609-3 on stave splitters and also a new work item on firewood processors. The text was scheduled for mid-2014. For this work, WG 8 was seeking to involve new experts, particularly health and safety experts.

The UK added that a market surveillance project on firewood processors and log splitters had started and the results should provide input for the standardisation work.

3.20 Revision of EN 12965 – PTO drive shafts and their guards

Mr Steiger for CEN indicated that the working group was awaiting an initial proposal from Italy.

ITALY said that here would be a further meeting with manufacturers in July and it was hoped that a proposal could be forwarded to CEN shortly afterwards.

3.21 Lifting platforms with enclosed carriers

Mr Gharibaan for CEN TC 10 presented Doc.WG-2012.35. He stressed that before developing a standard, it was important to define the intended use of the machine in order to carry out the risk assessment, identify the risk scenarios and assess the probability and gravity of the associated risks. EN 81-41 currently covered lifting platforms for persons with impaired mobility with a carrier that was not fully enclosed and hold-to-run controls in the carrier. The requirements of the standard were based on this scope and intended use.

Following the modification of the scope of the Lifts Directive, the scope of standards EN 81, parts 1 and 2 had been modified. They now only covered lifts with a travel speed superior to 0.15 m/s that were subject to the Lifts Directive. Consequently there was now no standard for lifts with an enclosed carrier with a travel speed equal to or less than 0.15 m/s. To develop such a standard, it was necessary to assess the influence of speed on the risks.
Many risks were independent of speed, for example, the risk of crushing in extreme positions during maintenance. Some hazards might be different at lower speed. Other standards dealing with specific aspects should also be considered, such as EN 81-21 relating to the crushing risk or EN 81-28 relating to the risk of being trapped in the car. These standards had not been considered in EN 81-41 because of the limited scope. A standard for slow moving lifts should provide a level of safety equivalent to that provided by other lifts standards. CEN TC 10 had launched a questionnaire to national SOs and other relevant stakeholders, including EPSA, and a decision would be taken on the way forward in light of the results.

Mr Marchetti for EPSA recalled that CEN TC 10 had already been asked by the Machinery Working Group to consider enlarging the scope of EN 81-41 to lifting platforms without an enclosed travel path. That would require a change to the scope of the standard. It should also be possible to extend the scope of the standard to cover lifts with an enclosed carrier. This would be preferable to a new standard, since many manufacturers designed lifting platforms with alternative solutions. EPSA thought the revision of EN 81-41 provided the best opportunity for developing a comprehensive standard for slow lifts subject to the Machinery Directive.

The UK pointed out that there were several different types of lifting platforms subject to the Machinery Directive, including platforms for private homes and platforms installed in public places. Standards were need for all of these types. It was for CEN to decide whether the existing standards were modified to cover the different types, whether the different types were dealt with in specific parts of the standard or whether new standards were needed. The decision should be taken in light of the technical arguments, not in order to influence competition on the market.

SPAIN was concerned with the limitation of the scope of EN 81-41 to lifting platforms for people with limited mobility. If such lifting platforms were installed for general use there would be new risks.

Mr Kraus for Orgalime thought that the different categories of users should be taken into account.

The CHAIR concluded that slow moving lifts with enclosed carriers should be subject to a harmonised standard. The question of whether to revise an existing standard or to develop a new standard was a matter to be decided by CEN. It was also important to ensure that standardisation was not used to influence competition or to restrict the activity of SMEs. All interested parties should be duly represented in the work. The item would be closed. The question could be discussed again if problems arose during the standardisation work.

### 3.22 Guidance on lifting accessories

The CHAIR explained the changes made in the revised guidance presented in document WG-2011.03rev2. There were 4 changes:

- A new item 15A had been added, in response to the suggestion by CECE, to distinguish forks fitted to industrial trucks from lifting forks suspended from cranes;
- 3 new items had been added relating to transport frames for wind turbine blade, stillages for flat glass and dynamometers for lifting.

The revised document with the new date would be published on EUROPA.

### 3.23 Formal objections to EN 1501-1

The CHAIR proposed to deal with the French formal objection set out in Doc.WG-2012.01 together with the new formal objection from Greece against the same standard set out in Doc.WG-2012.28 which raised similar issues.

GREECE supported the French formal objection but wished to underline certain issues relating to footboards. Greece agreed that the Greek and French formal objections could be considered together.

Mr Steiger for CEN said that WG2 of CEN TC 183 had met twice in March and June 2012. Some issues needed to be clarified with the French authorities in order to make a precise response to the formal objection at the next meeting.

FRANCE shared the Greek objections to the specifications for footboards. The French formal objection concerned the specifications relating to the dimensions of footboards and folding footboards. There was a consensus in the French mirror group between manufacturers and major users of refuse collection vehicles. Users were concerned about the reliability of sensors used to detect the presence of footboards. There were also concerns relating to reversing – in France there were 10 serious accidents per year during reversing.

The UK explained that use of footboards was not allowed in the UK and this practice was accepted by the users. The UK was neutral with respect to the requirements for footboards since they were removed from machinery used in the UK.

The NETHERLANDS reported that in many cities, there was a development towards refuse collection in containers that could be loaded by an operator in the cab.

Mr BOY for ETUI questioned whether there had been any progress since the similar discussion in 2006.

The CHAIR noted that repeated attempts to make footboards safer seemed to have failed and thought that it might be necessary in future to reconsider whether a footboard could be considered as a safe transport position for operators required by section 3.2.3 of Annex I. This issue was linked to refuse collection methods that could...
not be settled in the framework of the Machinery Directive. That question could be discussed within the SLIC or MACHEX Groups.

He asked France to ensure that all the necessary information and explanations on the formal objection were made available to WG2 of CEN TC 183. He asked TC 183 to respond to the French formal objection in writing at the next meeting.

### 3.24 Publication of the reference of EN 1459

The CHAIR confirmed that, as agreed at the last meeting, the reference of EN 1459:1998+A3:2012 had been published in the OJEU on 23 March 2012.

### 3.25 prEN ISO 5395-3 – ride-on lawnmowers – standing operator, ROPS, seat switch.

Mr Steiger for CEN reported that a task force had been set up by ISO TC 23 – SC 13 to deal with ROPS and stability. 2 meetings were planned in June and July 2012. Regarding standing operators, it had been decided to take these specifications out of prEN ISO 5395-3. They would be dealt with in a future EN ISO 5395-4 that would be discussed in the meeting of WG 7 planned in October 2012.

### 3.26 Load-moment indicators on excavators – warning devices and safety components

Mr Belaen for CECE explained the Doc.WG-2012.33 tried to answer question 3 in the UK document using diagrams. The first diagram summarised the provisions of the Directive: logic units to ensure safety functions were listed in both Annexes IV and V and monitoring devices for loading and movement control in lifting machinery were included in the indicative list of safety components in Annex V. The second diagram summarised the answer proposed by the UK: monitoring devices which included logic units would be in Annex IV and monitoring devices without logic units would be in Annex V. CECE thought that the best interpretation was to consider that the monitoring devices with or without logic units were in Annex V.

The CHAIR explained that the question was whether a logic unit incorporated into a device was in Annex IV?

### 3.27 Installers of lifts as authorised representatives

The CHAIR recalled that a manufacturer of lifts subject to the Machinery Directive had decided to appoint his installers as authorised representatives.

Spain thought that the task of testing the lift after installation was the manufacturer's responsibility. This task could be carried out by the manufacturer himself or by other persons under his responsibility. The NLF Decision 768/2008/EC, although not directly applicable, indicated that authorised representatives were not to be involved in conformity assessment or the drawing up of technical documentation.

Mr Kraus for Orgalime thought there might be a contradiction between Article 2 (j) of the Machinery Directive and Decision 768/2008/EC.

The CHAIR observed that section 4.1.3 of Annex I of the Machinery Directive required the manufacturer to take the appropriate measures to check the fitness for purpose of lifting machinery or have them taken, before it was put into service. In this case, the manufacturer had these measures taken by his installers. It was true that the NLF Decision included restrictions on the duties that could be entrusted by the manufacturer to an authorised representative. The Machinery Directive did not yet include such restrictions, but that was not an issue in this case. The installers had been appointed as authorised representatives of the manufacturer for the purposes of drawing up and signing the EC Declaration of conformity and affixing the CE marking after the installation and testing of the lifts.

He concluded that the solution outlined in Doc.2012.20 was acceptable but that there was no agreement to recommend it.

### 4. Report on standardisation

Mr Steiger for CEN presented Doc.WG-2012.26.

Work was going on for the revision of ISO/IEC Guide 51 Safety aspects - Guidelines for their inclusion in standards. A second CD would be launched in the coming weeks. The objective of the machinery sector was to keep the guide in line with EN ISO 12100, but compromises were necessary with other approaches used for consumer products.

ISO Guide 78, Safety of machinery - Rules for drafting and presentation of safety standards, was also being revised and should be published in the last quarter of 2012. Revision of the corresponding CEN Guide 414 would then start immediately. This involved both alignment with ISO Guide 78 and also some points relating to the revised Machinery Directive.
The latest publication of the consolidated list of harmonised standards in the OJEU was on 5 June 2012 and included 673 references. CEN was satisfied with the regular publication of such lists by the Commission.

5. Report from the coordination of Notified Bodies - NB-M

Mr Chielens for NB-M reported that the meeting of the Horizontal Committee had been held on 28/29 June in Helsinki.

The NB-M group had already migrated to CIRCABC. There had been a discussion of the differences between the list of NBs for machinery in NANDO and the NBs registered in CIRCABC. There were 161 NBs for machinery in NANDO of which 44 were not registered in CIRCABC, which meant that they received no documents or information about the activities of NB-M. 21 of these NBs had been contacted with no result. There were also NBs in CIRCABC that were not listed in NANDO. This was due to problems with the national accreditation and notification system. A body could not act as an NB until it was notified by the Member State concerned.

A revised version of a Horizontal RfU relating to the intervention of 2 NBs in EC type-examination, that had been subject to comments by Sweden at the last Machinery Working Group meeting, had been approved.

From the Vertical Groups, there had been discussion of 3 RfUs for woodworking machinery, 2 RfUs for presses, 1 RfU for injection moulding machinery and 1 RfU for refuse collection vehicles.

The CHAIR recalled that section 8 of Annex XI of the Machinery Directive required NBs to participate in coordination activities. They could participate in NB-M directly or be represented by a national coordination organisation. All NBs should be registered in CIRCABC in order to be informed about the activities and recommendations of NB-M. He urged the Member States to ensure that all of the Bodies they notified either participated or were represented in NB-M and were registered in CIRCABC.

RfUs in oral procedure:

CNB/M/01.084 Revision 01
The CHAIR said that this RfU concerned the interpretation of ‘material with similar characteristics to wood’ in item 1 of Annex IV. The RfU concerned rigid PVC. This was in line with §388 of the Guide to application of the Machinery Directive. Rigid PVC could be added to §388 in the next edition.

RfU CNB/M/01.084 Revision 01 was endorsed.

CNB/M/11.045 Revision 05
The CHAIR said this RfU had been drawn up by the Vertical Group for safety components and concerned the interpretation of item 21 of Annex IV – logic units to ensure safety functions. The RfU was in line with §388 of the Guide but included a more extensive list of examples. The next edition of the Guide could include a reference to this RfU.

The UK thought the list was useful. Following a discussion in the UK, it had been considered that a logic unit could only be considered to ensure a safety function if it was intended for a specific safety application. Unlike Directive 98/37/EC, Annex IV of Directive 2006/42/EC did not distinguish between machinery and safety components. It might therefore be argued that item 21 also applied to logic units incorporated into machinery.

Mr Borzelli, CEN Consultant recalled out that Directive 98/37/EC only included logic units for two-hand controls. The Council had decided to extend Annex IV to any logic units for safety components that could be placed on the market separately.

DENMARK pointed out that Annex IV listed categories of machinery, in the broad sense. Consequently all the items in the list must be machinery and the logic units concerned by item 21 must therefore be safety components.

The CHAIR agreed that the conformity assessment procedures referred to in Article 12 (3) and (4) could only be applied to products subject to the Directive as such. It was thus clear that items 20 to 23 of Annex IV only concerned safety components and his was clearly stated in the comments on these items in §388 of the Guide.

RfU CNB/M/11.045 Revision 05 was endorsed.

CNB/M/06.043 Revision 02
The CHAIR said that this RfU concerned refuse collection vehicles and dealt with the question of what was subject to EC type-examination.

RfU CNB/M/06.043 Revision 02 was endorsed.

6. Request for an ad hoc group on misuse of restraint systems on industrial trucks

ITALY presented Doc.WG-2012.25. In 2011, 5 fatal accidents had been recorded recently involving the tip-over of industrial trucks. The trucks had protective structures and restraint systems for the operator. However, since operators had to get on and off the machines frequently during their work, they tended not to use the restraint
systems. Standard EN 1726-1 would soon be replaced by FprEN ISO 3691-1 that required a restraint system to be fitted. Various different systems could be fitted, but the standard did not specify which type of system was most appropriate. At the same time, a Technical Specification, ISO TS 3691-8, set out 'regional' requirements for restraint systems. For example, some regions of the world required that where safety belts were fitted, they should be interlocked so that the truck could not move until the belt was closed. ITALY considered that the reference of EN ISO 3691-1 should be published since the new standard represented progress, but was asking CEN to set up an ad hoc group to consider including some of the more stringent requirements that were already in force in other parts of the world. In particular, the group should consider to means of preventing the bypass of restraint systems.

FRANCE was in favour of the Italian proposal but thought that the proposed ad hoc group should have a broader scope. The current EN ISO 3691-1 did not yet include improved requirements for stability. France also pointed out that the issues raised by Italy were valid for other categories of mobile machinery such as variable reach trucks and small earth moving machinery. France agreed that seat belts were not necessarily the best solution. It was necessary to take into account the constraints due to the real work of the operators.

The UK and Germany agreed with Italy and France.

Mr Kuhn for CEN TC 150 replied the TC had agreed to follow the Italian suggestion to set up an ad hoc group and would welcome participation by national health and safety experts.

The CHAIR explained that a decision had to be taken on the publication of the reference of EN ISO 3691-1 since the new standard still did not fulfi mandate M 301 with respect to stability. He asked Member States to consider their position in order to reach a decision at the next meeting.

7. Formal objection against EN 13525 - Forestry machinery - Wood chippers (WG-2012.27)

FRANCE explained that the formal objection concerned clauses 4.2.4 and 4.3.3 of the standard in relation to sections 1.3.7 and 1.3.8.2 of Annex I of the Directive on risks of contact with the moving parts involved in the process: the chipping components. The machines concerned had a manual infeed into a nearly horizontal chute. Following several fatal and serious accidents in recent years, the French authorities had come to the conclusion that the protective means specified in the standard were not sufficient to prevent the risks, for the following three reasons:

a) Contact with the chipping components was prevented by means of an emergency stop control in front of the infeed chute combined with the dimensions of the chute itself. Accidents had occurred when operators had been caught up so quickly that they had been unable to act on the emergency stop and no part of their body had come into contact with the bar to activate the emergency brake;

b) the activation of the emergency brake only stopped the infeed components while the chipping components continued to function. In one case, an operator had been dragged into the chute after the infeed components had stopped by a rope that had become entangled in the chipping components;

c) the standard only covered machines with manual feed. There were also machines on the market with a mechanical feed which had a shallower infeed chute. However, the infeed equipment concerned was interchangeable with other machines. In some cases, a machine with a chute intended for mechanical infeed had used for manual feed with the result that the operator had no protection.

France requested that a mandate be given to CEN to develop a standard including more adequate protective measures. In order to help, the French Ministry of Agriculture had ordered a study by public body with a view to improved design of such machinery. The report should be ready by the end of November 2012 and would be communicated to CEN TC 183.

GERMANY supported the French position and recalled the KAN study on agricultural and forestry machinery standards which included forestry wood chippers. The report was available on the KAN website.

Mr Hostens for CEMA said that the industry did not consider that the French objections justified withdrawal of the reference of the standard from the OJEU, but could accept the proposed mandate. On the 3 issues raised by France:

a) CEMA agreed that the design specifications for the infeed emergency stop control could be improved to minimise the risk of the control not being activated in an emergency. There were already some improved designs on the market;

b) on the suggestion that the infeed emergency stop control should also stop the chipping components, CEMA considered that the means needed to achieve this would not be proportional to the risk involved. Since the chipping components usually included a heavy flywheel, an emergency stop could also create additional risks.

c) CEMA considered that manual feed of a chipper designed for mechanical feed was misuse of the machinery. The standard could not deal with possible misuse of a product that was not in its scope.

Mr Steiger for CEN had received a response from the convenor of WG 8 of CEN TC 144 that was broadly in line with the remarks made by CEMA. In addition, he had indicated that the dimensional specifications relating to the dimensions of the infeed chute were based on standard EN ISO 13857 - Safety of machinery - Safety
distances to prevent hazard zones being reached by upper and lower limbs. The French document had not yet been discussed by WG 8.

FRANCE explained that reason (a) was the main ground for the formal objection. France stressed that such wood chippers were being used more and more frequently due to the promotion of biomass as a renewable source of energy. If the problem was not solved, there would inevitably be an increase in the number of serious and fatal accidents.

The CHAIR asked members of the Working Group to prepare their position on the formal objection for the next meeting.

8. Warning about cutting means for lawn mowers (Docs.WG-2012.31 and WG-2012.34)

FRANCE was concerned about the specifications of standards EN ISO 5395, Parts 2 and 3 relating to openings in the enclosure of the cutting means. The function of the enclosure of the cutting means was to protect the operator and other persons against ejected objects as well as to protect other persons against possible contact with the cutting means. Openings were required for the discharge of grass cuttings. Many lawnmowers could be used in two modes: a mode using a discharge chute or grass box to scatter or collect the cuttings and a mulching mode without a discharge chute or grass box. In the mulching mode, the discharge opening must be closed. For this purpose, the relevant standards specified self-closing guards, which closed automatically by means of a spring. These guards were not fitted with fixing systems and consequently could be easily opened by third persons while the blades were still running. France considered that such self-closing guards were not acceptable. To prevent access to moving parts involved in the process, the Machinery Directive required fixed guards that could only be opened with a tool or interlocking moveable guards. It appeared that fixed guards were likely to be defeated, while the manufacturers considered that interlocking moveable guards were not practicable. France did not oppose the publication of the references of the standards, but had asked CEN TC 144 to set up an ad hoc group to study the question. This proposal had been accepted and two aspects were currently being examined: the force of the spring needed to keep the guards closed and the fitting of a locking device that could be operated without a tool.

Mr Hoyland, CEN Consultant, explained that the possibility being investigated was a self-closing guard that locked automatically and that required 2 independent actions to be opened.

EGMF had taken note of the establishment of the ad hoc group by TC 144 and would report the views of member at the next meeting.

LUXEMBOURG thought that self-closing guards without interlocking were dangerous. When cutting long or wet grass, cuttings tended to get tangled inside the enclosure and block the cutting means. Operators would then tend to lift the guard to remove the cuttings, then the cutting means started again. Interlocking should be considered.

9. EN 12717 – guard for drilling machine

Question carried to the next meeting.

10. Greek formal objection against EN 1501-1

See follow-up item 3.22.

11. Any other business

Call for tender

The CHAIR informed the Working Group that the Commission would soon publish a call for tender for an impact assessment study on the possible extension of the scopes of the Machinery, ATEX and Pressure Equipment Directives to cover equipment used on mobile offshore units. He asked members of the Working Group to draw the attention of potential contractors to the call for tender.

Migration to CIRCABC

The CHAIR informed the Working Group that the CIRCA document exchange system for the Machinery Working Group and ADCO would soon be replaced by CIRCABC. The migration to the new system was planned for August 2012. CIRCABC would therefore be used to circulate the documents for the Machinery Working Group and ADCO meetings planned in the second half of 2012.

Status of the Machinery Working Group

The CHAIR reported that, in the context of the implementation of the Lisbon Treaty, the Machinery Committee would have to adapt its rules of procedure. The Machinery Working Group would become a Machinery Expert Group that would be included in the Commission’s Register of Expert Groups. The membership of the Expert
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Group would be made public. The list of members of the Expert Group would not be nominative: it would be a list of the European stakeholder organisations that were invited to send representatives to the Expert Group.

Forthcoming meetings
The next meeting of the Machinery Working Group was planned for 6/7 November 2012 – to be confirmed.
### Questions to be followed up at the next meeting

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Minutes of the Machinery Working Group held on 23/24 May 2013

Subject: Machinery Working Group
Place: Albert Borschette Conference Centre, Brussels
Chair: Mr Ian FRASER (ENTR/F5)

1. Welcome and approval of the agenda

The CHAIR welcomed participants.
In the absence of the Italian delegation, it was agreed to postpone items 9 and 10 to the next meeting.
AUSTRIA wished to raise a question relating to MEWPs under item 14 – any other business.

With these modifications, the agenda was approved.

2. Minutes of the meeting of 6/7 November 2012 (Doc.WG-2012.38)

The NETHERLANDS suggested that the names of participants should be included in the minutes in order to facilitate communication after the meetings.
The CHAIR replied that it was not usual to include the names of the representatives of the Member States, but agreed to circulate the presence list which included the contact details of the participants.

The minutes of the meeting of 6/7 November 2012 were approved.

3. Follow-up of questions from the meeting of 4 July 2010

3.1 EN 690 - Manure spreaders (WG-2012.59, WG-2012.60)

CEN reported that the revised standard would go to formal vote from June to August 2013. The final draft had received a positive assessment by the CEN Consultant. Following the formal vote, a work item for a further amendment would be opened in order to address the Italian concerns relating to unintentional contact with the spreading device.
The CHAIR said that this item would be followed up at the next meeting.

3.2 Formal objection to EN 12151 (Machinery for preparation of concrete)

CEN reported that there had been 2 meetings of TC 151 and a further meeting would be held in September. Good progress had been made on the preliminary work although the objectives were not easy to attain.
FRANCE indicated that the main problem areas that had been identified concerned the risk assessment for small machines the proposal to introduce different operating modes.

3.3 Emergency stop control devices

GERMANY said that the draft guidance document was being revised in light of progress in the revision of EN ISO 13850. The revised document should be presented to the next meeting.
The CEN Consultant reported that the enquiry on the ISO Committee Draft of the revised standard had been completed.

3.4 Powered doors, gates and shutters - formal objection to EN 12635 and EN 13241-1 (WG-2013.08)
The UK reported on two recent accidents. In October 2012, a child had been trapped in the space between the gate and the supporting post. There was a space of 144mm between the post and the moveable part of the gate. In April 2013, a powered gate had collapsed on to an elderly lady.

The Chairman of CEN TC33-WG5 reported on progress with respect to the revision and reorganisation of standards for powered doors and gates. A revised version of EN 12453 would soon be checked by the CEN Consultant before being sent for public enquiry. Work would then start on EN 12604, EN 12978 and EN 12635. Commenting on the UK formal objection, he welcomed UK participation in the revision of EN 12453 but was disappointed at the renewal of the UK objection. He thought that the accidents recorded in the UK were not necessarily linked to deficiencies in the standards but were also explained by installation errors.

DENMARK recalled the request made to CEN about risks associated with the rollers of garage doors. Denmark would have to consider a formal objection if this matter was not solved.

ETUI stressed that installers were often small or one-person companies who did not have full knowledge of the relevant standards. That was why more accessible guidance was needed.

The CHAIR agreed that guidance was needed to clarify the responsibility of the different actors with respect to the applicable legislation (MD and CPR) and to direct them to the standards needed to fulfil their responsibilities correctly. Such guidance was not a substitute for improved standards. The drafting of such guidance and the revision of the standards could be carried out in parallel.

Orgalime confirmed that there was uncertainty in practice about who was responsible for the conformity of the final product when components from several suppliers were assembled on site or when existing gates were converted to powered gates.

GERMANY considered that, in such cases, the installer was to be considered as the manufacturer of the final product.

The CHAIR, in conclusion, asked the UK to assess the revised drafts of EN 12635 and EN 13241-1 and to report on the status of the formal objection.

3.5 Earthmoving machinery (WG-2013.05)

FRANCE reported that the ADCO ad hoc group on earthmoving machinery had met in Munich but, due to limited attendance, some issues had not progressed. However the questions raised by the petition to the European Parliament relating to visibility and means of access had been discussed. Further discussion was needed on these issues. A summary report would be presented to the ADCO meeting in June 2013.

AUSTRIA welcomed the work of the ADCO ad hoc group and reported a research project relating to a camera system capable of distinguishing a human being from objects. It was hoped that this project would have applications for mobile machinery but also for road vehicles.

The CHAIR said that the Commission was disappointed with CEN’s response to the petitions. On visibility, the ADCO Group had indicated that the current standard did not reflect the state of the art. There was serious evidence that machines designed to meet the current standard were being placed on the market with unacceptably large blind spots. The Commission would consider suggesting to the European Parliament to make a formal objection. On means of access, the Commission noted that the maximum height of the first step in the standard for earthmoving machinery was not in line with ergonomics standards. It should be possible to deal with the need for clearance by means of retractable steps.

CEN replied that the question of visibility was complex, but the current standard was not considered far from the state of the art. Work to revise the standard was on-going. The test standard ISO 5006 would be adopted in parallel as a European standard which would enable the CEN Consultant to provide input. The requirements for means of access had been revised in 2011. The maximum height of the first step had been reduced to 600mm in all but exceptional cases. Retractable steps could provide a solution to the problem of clearance from the ground, but they could be problematic in emergency situations. We should see how the new standard works in practice.

The CHAIR concluded that these questions would be followed up when the ADCO ad hoc group presented its conclusions.

3.6 a) Access to wind turbines (WG-2013.02)

The UK presented the summary of the conclusions of the ADCO ad hoc group on vertical transport in wind turbines. These conclusions had been agreed with the industry. The UK would also provide input for the proposed Recommendation for Use to be prepared by the Notified Bodies.

GERMANY said that it was important that the document recommended the fitting of a lift in turbines more than 60m high. The document also included important conclusions on issues such as interlocking of gates, rescue and communication.

FRANCE thought that the value of 60m required justification.
DENMARK would have preferred 45m since this was the practice in Denmark, but Denmark could live with 60m. ETUI considered that 60m was a reasonable compromise. Lifts could sometimes be fitted in lifts with a height of between 40m and 60m, depending on the diameter of the tower. The CHAIR recorded the agreement of the Working Group with the conclusions of the ad hoc group. He asked CENELEC to report to the next meeting about progress with the draft harmonised standards.

b) Rigid or flexible guides (WG-2012.44rev1)

The CEN Consultant raised the issue of rigid or flexible guides for lifts fitted in wind turbines. This issue, raised by France at the last meeting, was not covered in the conclusions of the ad hoc group. GERMANY thought that flexible guides were sometimes needed in wind turbine towers with a conical shape. IRELAND considered that rigid guides should be used wherever possible but that derogations could be permitted when rigid guides were not technically feasible. FRANCE recalled that the French and English versions of section 4.1.2.8.1 differed. The French version stated that “rigid guides” were required; the English version used the expression “rigidly guided” which seemed less prescriptive. The revised French paper suggested that rigid guides should be the general rule but that flexible guides could be used when rigid guides were not technically possible, under certain conditions. GERMANY agreed with the revised answer formulated by France. The CHAIR recorded general agreement with the revised French answer. He proposed to re-word the conclusion in line with the terms of the Directive.

Conclusion:

The terms “rigid” or “rigidly” are used in section 4.1.2.8.1 of Annex I to Directive 2006/42/EC because the legislator wished to specify that, for machinery serving fixed landings, rigid guides are necessary to allow safe movement of the carrier to landings and safe access to the carrier at landings. The objective of this requirement, explained in §345 of the Guide to application of the Machinery Directive, is to prevent risks of collision of the carrier with the structures and devices at the landings and to permit the safe transfer or persons and goods between the carrier and the landings. Rigid guides are to be used in so far as the state of the art permits. Otherwise, a flexible guide, such as a wire rope, can be used to attain the objective, provided it is associated with a device that checks the strain of the rope and a trim.

3.7 Equipment used in the offshore oil and gas industry (WG-2013.11rev1)

NORWAY explained that the document had been drawn up with input from the Netherlands, Denmark and Norway. It was intended to provide input to help the Commission to draft a new mandate for machinery used on offshore oil and gas platforms. The existing standards often did not comply with the fundamental principles of the Machinery Directive. AUSTRIA queried whether the mandate should be limited to offshore equipment. There were also problems with onshore equipment designed to American standards. CEN thought the targeted approach of the document was a good way forward. If the same equipment was used offshore and onshore, any new standards or revised standards should cover both, unless there were good reasons not to do so. IRELAND welcomed the document, but pointed out that the full benefit of the work would not be obtained if mobile offshore units remained outside the scope of the Directive. The CHAIR said that the focus of the mandate on the offshore part of the industry was explained by the follow-up to the ‘Deepwater Horizon’ disaster. However the mandated standards could also cover onshore equipment where appropriate. The issue was not just of concern to the coastal states, since equipment was manufactured throughout the EU. The mandate would set out the standardisation objectives, but it was up to the ESOs to determine how the work was carried out. It would be possible to develop or revise the necessary standards in the framework of ISO, according to the Vienna agreement, provided sufficient agreement could be reached at international level. The new mandate would be limited to the Machinery Directive and would concern equipment that was already in the scope of the Directive. The question of a possible extension of the scope of the Directive to cover equipment used on mobile offshore units would be the subject of a separate study (see item 12).

3.8 Variable-reach trucks and loaders (WG-2013.12, WG-2013.15)

The CHAIR reported that a note on the status of variable-reach trucks and loaders with regard to the Machinery Directive and the EU Tractors type-approval legislation had been drawn up following discussions between the Commission services in charge of tractors and machinery. The Commission considered that variable-reach lifts
trucks did not correspond to the definition of a tractor since their main function was not tractive power but lifting and moving loads. As had been foreseen when Directive 2006/42/EC was adopted, the new tractors Regulation (EU) No 167/2013 amended the Machinery Directive to fully exclude tractors. This meant that it would no longer be possible to apply both the Machinery Directive and the Tractors Regulation to the same product. 

**FEM** observed that about 50% of variable-reach trucks were intended for use in agriculture. They were equipped with towing devices and upgraded braking systems for road circulation. Approval of such machines as tractors provided several benefits to farmers in matters such as registration, financing and insurance. The FEM wished to find a solution permitting such approval to continue. 

**BELGIUM** questioned whether all the risks associated with variable-reach trucks were covered by the tractors legislation. 

**DENMARK** thought the issue was not limited to variable-reach trucks. For example, similar issues were raised for towed machinery. The Danish authorities thought such towed machinery should be type-approved while the machinery mounted on it was subject to the Machinery Directive. 

**The CHAIR** recalled that the Machinery Directive applied to machinery intended to be mounted on a means of transport. For this type of machinery, there was a clear distinction between the mounted machinery that was subject to the Machinery Directive and the means of transport that was subject to the vehicles type-approval legislation. However it seemed difficult to apply this concept to variable-reach trucks which had always been considered as integral machines. Currently, variable-reach trucks for agricultural use had the same status as other self-propelled agricultural machinery that were subject to the Machinery Directive and that could be approved for road circulation at national level. The Commission had now made a commitment to develop harmonised rules for the road circulation of such machinery. Discussions on this subject would continue with stakeholders.

### 3.9 Adaptation of standards to the MD/LVD borderline

In absence of new information, this item was postponed to the next meeting.

### 3.10 Combined firewood processing machines

**CEN** reported that TC144-WG5 would have a first draft for the revision of EN 609-1 ready before the summer. 

**The UK** said that a market surveillance project was on-going and several Member States had responded with information. The UK would report to the Machinery ADCO Group in June 2013. This project should provide input both for the revision of EN 609-1 and also for the planned new part of the standard on firewood processors. 

**The CHAIR** urged the Member States to follow the standardisation work closely.

### 3.11 Revision of EN 12965 – PTO drive shafts and their guards

**CEN** reported that a work item had been adopted at the end of 2012 and work was proceeding normally.

### 3.12 Formal objections to EN 1501-1 (WG-2013.01rev1, WG-2013.13)

**GREECE** said that their revised document provided additional information relating to accidents recorded in Greece. In most cases, the RCVs involved in the reported accidents were compliant with the standard. 

**FRANCE** said that French experts had attended two meetings of CEN TC183-WG2 in December 2012 and March 2013 on the issues raised by the formal objection. There had been progress on the dimensions of footboards and leg space. There was agreement on the need to amend the standard using the UAP procedure. 

**CEN** confirmed that a work item for amendment had been agreed and that work would start in the autumn. 

**GREECE** asked CEN to indicate a precise timetable for amendment of the standard. Greece would then consider whether to maintain or withdraw the formal objection. 

**The UK** recalled that the use of footboards was not permitted in the UK in view of the high residual risk of serious and fatal accidents. 

**The CHAIR** said that as long as footboards were used, they should be made as safe as possible. However the evidence provided by Greece tended to show that footboards could never constitute a really safe position for operators as required by section 3.2.3 of Annex I. This conclusion had already been drawn by the UK several years ago. However the supply of machinery with footboards was clearly linked to methods of work practice and the organisation of refuse collection. The eventual replacement of footboards with an alternative safe position for operators would thus require a thorough discussion not just with the manufacturers of the machinery but also with the users. 

**FRANCE** agreed with these remarks and intended to open a discussion with all interested parties, including manufacturers, notified bodies, user companies and trades unions, in France. France hoped to launch a similar
discussion at EU level. The subject could be discussed at the Machinery ADCO meeting to be held in Paris in October 2013.

3.13  \textit{prEN ISO 5395-3 - ride-on lawnmowers - standing operator, ROPS, seat switch}

\textbf{CEN} reported that TC144-WG7 had started a project under the Vienna agreement with CEN lead. CEN would have to check with ISO whether an amendment using the UAP procedure was possible.

3.14  \textit{Load-moment indicators on excavators - warning devices and safety components}

\textbf{The CHAIR} said that the Commission had not yet had time to draft an explanation for the next edition of the Guide.

3.15  \textit{Registration of NBs in CIRCABC of NB-M}

\textbf{The CHAIR} had contacted 13 Member States having notified bodies not registered in the NB-M Group of CIRCABC. In several cases, the notified bodies concerned had subsequently registered. The CHAIR asked the Member States concerned to ensure that the matter was followed up.

3.16  \textit{Formal objection against EN 13525 - Forestry machinery - Wood chippers (WG-2012.68)}

\textbf{FRANCE} reported on a recent accident which confirmed the grounds for the formal objection. The accident involved a machine manufactured in 2012 designed according to EN 13525 (type B). The operator had been drawn into the in-feed chute despite the safety distance. He had not been able to activate the emergency stop bar that was fitted to the top and sides of the in-feed chute. The machine had been stopped by a colleague before freeing the operator who suffered very serious arm injuries. The accident highlighted the fact that the protective measures specified by the standard did not prevent a person being drawn into the in-feed chute and coming into contact with the cutting components. France had asked the Technical Institute IRSTEA to develop proposals for the revision of the standard.

\textbf{CEN} reported that TC144-WG8 was waiting for the appointment of a project manager and a first draft. There was also a discussion within ISO on the need for a standard for wood chippers with a mechanised feed.

\textbf{The UK} said that experts in the UK agreed with the need to improve the standard but were against the withdrawal of the reference of the current standard from the OJEU.

\textbf{SWEDEN} thought that there were several deficiencies in the standard and that the reference should be withdrawn.

\textbf{GERMANY} thought that the evidence provided by France showed that there were serious risks. It might be possible to add a warning to the reference in the OJEU.

\textbf{IRELAND} thought that more research was needed before the reference was withdrawn. There were currently no alternative solutions available.

\textbf{ETUI} pointed out that, following similar accidents in the USA, additional protective measures had been proposed.

\textbf{FRANCE} considered that, in view of the accidents involving machinery designed according to the harmonised standard, the Member States could not take the responsibility to maintain the presumption of conformity conferred by the standard. France was also considering the need to take action against particular machines. France would propose a project leader for work on revision of the standard and hoped that technical solutions would be available soon. France also urged the manufacturers to work on improved protective measures.

\textbf{The CHAIR} said that the Commission would prepare a draft decision that would be submitted to the standardisation Committee.

3.17  \textit{Openings in the enclosure of the cutting means on lawn mowers – EN ISO 5395}

\textbf{CEN} said that a draft amendment, taking account of the French concerns, would be presented to the meeting of TC 144-WG7 in June 2013.

\textbf{FRANCE} hoped that the solution proposed by the manufacturers at the meeting of the Machinery Working Group of 6/7 November 2012 would be confirmed.

3.18  \textit{Paint booth standards}

\textbf{CEN} confirmed that following the agreement between the French, German and UK authorities, work on revision of the standards was on-going. A draft was expected by the end of 2013.
3.19 Italian concerns on guards for drilling machines

The CHAIR recalled that there seemed to be agreement on derogation to the general requirement for interlocking moveable guards for drilling machines with low risk. GERMANY suggested the criterion of maximum torque of 6 Nm. The CHAIR suggested that, in the absence of the Italian delegation, the conclusion should be postponed to the next meeting.

3.20 Metal plate folding machines

CEN reported that the standardisation work on this subject would be carried out within ISO TC39. Either the necessary requirements additional or modified requirements for folding machines could be included in the standard for press brakes, or, if there was sufficient interest, a separate standard could be developed for folding machines.

3.21 Radial arm saws – EN 1870-17

CEN reported that TC 142-WG4 had agreed to an amendment in response to the French concerns. FRANCE said that despite this announcement, no progress had been made. This had led France to make a formal objection. The CHAIR asked France and CEN to check the state of play and report to the next meeting.

3.22 Publication of the reference of EN 16307-1

FRANCE recalled that standard EN 16203 on dynamic stability of industrial trucks was not clearly cited in EN 16307-1. Consequently, EN 16307-1 could not be considered to confer a presumption of conformity with the requirements of the Directive relating to stability. CEN said that as soon as EN 16203 was available, EN 16307-1 would include a reference to it. The CHAIR recalled that, since Directive 2006/42/EC had become applicable, there had been no publication of the references of harmonised standards for industrial trucks. The Commission did not wish to recommence publishing truck standards with warnings about stability. In the interest of clarity, the objective of the Commission was to publish together the references of all the standards needed to ensure full presumption of conformity: EN ISO 3691-1, EN 16307-1 and EN 16203.

3.23 Scissor lifts – EN 280

IRELAND asked CEN to provide a written justification of the extension of the derogation relating to the guarding of the scissor mechanism, previously foreseen only for small machines, to all scissor lifts regardless of size. In light of this explanation, Ireland would decide whether or not to make a formal objection against EN 280:2013.

3.24 Mini-loaders – EN 474-3

CEN was still awaiting information from Spain. The UK said that the summary document presented to the Lisbon ADCO Group meeting could be communicated but the more detailed report contained confidential information. The CHAIR suggested that the confidential information could be removed so that the detailed document could be circulated to the Machinery Working Group and communicated to CEN.

3.25 Top-handle chain saws

EGMF said that European manufacturers of chain saws would do everything possible to prevent top-handle chain saws from entering the consumer market. GERMANY recalled that top-handle chain saws were needed for professional tree service, but were very dangerous if used by untrained people. Responsible manufacturers were making efforts to restrict sales to trained professionals, but cheap products were now easily available on the Internet. It appeared that some Chinese manufacturers were proposing top-handle saws to get round emissions requirements. BELGIUM expressed doubts about the possibility of restricting sales to certain categories of user.
DENMARK said that when the standard on top-handle chain saws was first proposed, Denmark was against. Denmark would have to re-examine whether the standard was acceptable.

The CHAIR welcomed the constructive attitude of the European manufacturers but thought that if there was a development of consumer sales of top-handle chain saws, restrictive measures might be necessary. The placing on the market of such products could be banned under Article 9 of the Machinery Directive, but that would penalise tree service professionals. The Directive did not foresee the possibility to restrict the sale of a product to trained professionals, which was a matter for the distribution chain. It might be possible to restrict distribution under national provisions relating to consumer protection.

4. Reports on standardisation (WG-2013.16)

CEN presented a report. ISO/IEC Guide 51 on the inclusion of safety aspects in standards was being revised. Publication was expected early in 2014. The Guide should be in line with EN ISO 12100. ISO Guide 78 on the rules for drafting and presentation of machinery safety standards had been published in December 2012. This would enable work to start on the revision of the equivalent CEN Guide 414. 704 harmonised standards had now been published in the framework of the Machinery Directive.

The Commission said that the next consolidated list of harmonised standards to be published in the OJEU would distinguish A, B and C-type standards and include an explanation of the status of each type, based on the Guide to application of the Machinery Directive.

ETUI asked whether it would be possible to give free access to the Annex ZA of harmonised standards to enable users to check which essential health and safety requirements were covered.

CEN replied that this was not currently foreseen, but abstracts of the content of standards were available on the CEN Website. There were on-going discussions about the structure and content of the Annex ZA in other fora.

POLAND pointed out an error in the Polish version of the list in the OJEU relating to EN ISO 13850.

The Commission thanked Poland for this information and encouraged all stakeholders to report any such errors directly to CEN or to the Commission services so that they could be corrected.

5. Report from the coordination of Notified Bodies

NB-M reported that the 38th meeting of the Horizontal Committee had been held in Brussels in December 2012 with 44 NBs represented. It was noted that attendance of NBs at the meetings of the Vertical Groups was generally poor. The work was carried out by a core of active NBs. The next meeting of the HC would be held in Rome on 26 June 2013.

EPSA, with respect to lifting platforms and slow-moving lifts, asked about the interpretation by the NBs of the expression “completely enclosed” in the requirement set out in section 6.2. of Annex I relating to control devices. In §371 of the Guide to application of the Machinery Directive, the expression “completely enclosed” was explained as referring to full material enclosure of the carrier. However, certain NBs were accepting lifts with single impulse control devices where the carrier was enclosed by means of safety devices such as light curtains. This was giving rise to confusion on the market.

ETUI pointed out that a derogation had been discussed previously for the special case of a disabled user who was not able to use a hold-to-run control device. However this should not become a general rule. A Recommendation for Use could deal with the matter.

The CEN Consultant thought the wording of section 6.2 of Annex I was clear. Derogations could only be permitted if a specific risk assessment or the state of the art showed that complete enclosure of the carrier was not possible.

The CHAIR recalled that the question had already been raised and the answer had confirmed the Guide: complete enclosure was understood in the same way as in the Lifts Directive. He suggested that EPSA submit a document explaining the situation with examples.

Discussion of RfU: CNB/M/04.082/R/E Rev 03

The CHAIR explained that this RfU aimed to define the status of moulds intended for use with injection and compression moulding machinery with respect to the scope of the Machinery Directive. Injection and compression moulding machinery itself was in Annex IV. The questions to be answered included whether the moulds were in the scope of the Directive and, if so, whether they were to be treated as interchangeable equipment, partly completed machinery or machinery in their own right. Since these questions concerned the interpretation of the scope of the Directive, they could not be settled by NB-M alone. The RfU should be taken as a basis for a discussion in the Machinery Working Group.
The RIU classified moulds into 3 groups:
- Group (a): moulds consisting of 2 metal parts without any additional components;
- Group (b): moulds similar to Group (a) but with additional components such as hydraulic cylinders, valves, heating systems etc.;
- Group (c): moulds similar to group (b) but with additional drive and control systems delivered by the mould manufacturer.
Moulds of Groups (a) and (b) were driven and controlled by the injection or compression moulding machinery and their safe use was ensured by the protective systems of the machinery. The RIU considered such moulds as machinery components and specified the information to be provided by the mould manufacturer.
Moulds of Group (c) had their own drive and control systems. Some (Group c1) were of the plug-and-play type and could be used safely without modifying the protective systems of the injection or compression moulding machinery. Others (Group c2) required adaptation or modification of the protective systems of the injection or compression moulding machinery to ensure safe use. The RIU proposed to consider moulds of Group (c) as partly completed machinery.

Orgalime said that this subject had been widely discussed and was not sure that the classification proposed by the RIU covered all cases.

GERMANY agreed with Orgalime. It seemed clear that moulds of Group (a) were components or tools, but other moulds had to be considered on a case-by-case basis. Germany thought they could be treated as interchangeable equipment. Germany supported the idea of a specific guidance document on this subject. There was already a document on this subject in German that could be translated.

The CEN Consultant agreed that a solution should be found by the Machinery Working Group. The classification proposed by the RIU was useful, but did not mention the concept of tools that were outside the scope of the Machinery Directive. Moulds were added to the basic machinery by the user. Moulds of Group (c) with their own drive and control system might be considered as interchangeable equipment to be fitted by the user. This would avoid the need to re-certify the combination of mould and moulding machine.

The CHAIR agreed with most of the CEN Consultant’s remarks. The classification proposed by the RIU was very useful, but the conclusions were questionable. Machinery components were supplied to the machinery manufacturer to be incorporated into machinery. The machinery manufacturer must choose appropriate components to ensure that the final machinery complied with the Directive. Moulds were not supplied to or assembled by the machinery manufacturer but were supplied to and fitted by the user according to the specifications of his production. In that respect, moulds of Groups (a) and (b) were not components of the basic machinery but tools intended to be used with the machinery. According to section 1.7.4.2 of Annex I, the machinery manufacturer must specify, in his instructions, the characteristics of tools that were outside the machinery components and specified the information to be provided by the mould manufacturer.

As for moulds of Group (c) with their own drive and control system, there seemed to be agreement that they should be covered by the Machinery Directive. Such moulds were sometimes very large and were associated with several serious risks that were not dealt with by the protective systems of the injection or compression moulding machinery. The solution proposed by the RIU to consider them as partly completed machinery was problematic since, as Spain had pointed out at the last meeting, the user would then be considered as the manufacturer of final machinery subject to Annex IV. The other possible solutions were to consider moulds of Group (c) as interchangeable equipment or as machinery in their own right, intended to be used with injection or compression moulding machinery.

FRANCE recalled that the status of tools was problematic, as had been shown by the discussion on brush-cutter attachments. France agreed that a pragmatic solution was needed and was willing to participate in the development of guidance.
IRELAND had doubts about treating moulds as interchangeable equipment since they did not change the function of the basis machinery.

AUSTRIA supported the idea of a specific discussion and stressed that industry should be involved.
The CHAIR concluded that the RIU could not be endorsed as such. There was agreement to organise an ad hoc group involving the Member States, the industry and the Notified Bodies with the view of drawing up a practical guidance document on the status of the different kinds of moulds for injection and compression moulding machinery.

6. Suspended access machinery (WG-2013.17)

FRANCE presented the document relating to standard EN 1808. Suspended access machinery could be installed temporarily or permanently on buildings for activities such as cleaning or recladding. The machines could be manually or power operated. France had made many comments at the enquiry stage but had not been invited to
take part in the work, although 2 experts had been designated. Consequently, most of the issues raised by France had not been resolved in the final draft. France wanted the temporary and permanent machines to be covered separately. Requirements for the guide rails were covered in an informative Annex, whereas they were an integral part of the machinery. France was concerned that the recommendation relating to the use of PPE restraint systems would encourage operators to climb on to the platform. France wanted the discussion of these issues to be re-opened.

AUSTRIA shared the French concerns. The standard needed improvement.

CEN was not in a position to reply to the French remarks. The French document would be communicated to the TC but the draft was almost ready for formal vote.

The CHAIR noted the lack of communication between the French delegation and the CEN working group. He urged CEN to investigate the matter and report to the next meeting in order to avoid the risk of a formal objection.

7. Comments on prEN 1459, parts 1 and 2 - Variable reach trucks (WG-2013.07)

ETUI presented the document prepared jointly with a variable-reach truck manufacturer. There had been extensive consultation of industry and workers to provide input for the revision of the standard which would soon be sent for public enquiry. ETUI urged all Member States to participate actively in the enquiry.

FRANCE said that the French authorities were actively involved. The new standardisation Regulation had provisions aiming at better involvement of all stakeholders and asked what the Commission was doing to implement these provisions.

The CHAIR replied that implementation of these provisions was managed by the horizontal standardisation unit in DG Enterprise and Industry which might be able to present a reply at a later meeting.

8. Machinery installed on warships (WG-2013.03)

FRANCE submitted a question on machinery installed on warships following a query from a Notified Body. The machinery concerned was a lift that was not covered by the Lifts Directive. The Machinery Directive excluded seagoing vessels and machinery installed on board such vessels. The Guide indicated that this was because such vessels were subject to the IMO conventions, but warships were not covered by these conventions. The French Navy had established its own specifications, based on the essential health and safety requirements of the Machinery Directive, and wished to use the conformity assessment procedure of the Directive. FRANCE asked for the view of the Commission and the other Member States.

LUXEMBOURG pointed out that the Directive itself did not refer to the IMO conventions. Warships were undoubtedly seagoing vessels. The exclusion of machinery specially designed for military purposes should also be considered.

The NETHERLANDS recalled that only machinery specially designed for military purposes was excluded. Machinery designed for general use should be CE-marked.

AUSTRIA had dealt with equipment installed on police patrol boats on the Danube. Equipment for general use or dual use should comply with the applicable EU legislation.

POLAND, GERMANY and DENMARK considered that machinery for installation on board warships was excluded.

The CHAIR also agreed with Luxembourg. He thought that the Guide gave a correct explanation of the reason for the exclusion of seagoing vessels and equipment installed on such vessels, but this did not mean that seagoing vessels not covered by IMO conventions were not excluded. Warships were undoubtedly seagoing vessels so machinery designed for installation on board such ships was excluded. Much of the equipment installed on board warships was also specifically designed for the armed forces and was thus excluded for that reason as well. The French Navy could ask a Notified Body to assess the conformity of the product with the essential requirements of the Machinery Directive, but, since the product was not in the scope of the Directive, the Body would not be acting as a Notified Body and the product should not bear the CE marking.

9. Roll-over risk (WG-2013.09)

In the absence of the Italian delegation, this item was postponed to the next meeting.

10. Cutting attachments for brush cutters (WG-2013.10)
In the absence of the Italian delegation, this item was postponed to the next meeting.

11. **Implications of new horizontal legislation (WG-2013.06)**

The **CHAIR** presented a note explaining the implications for the Machinery Directive of three horizontal measures:

- Regulation (EU) N° 1025/2012 on European standardisation;
- A proposal for a Regulation adapting a number of instruments to Articles 290 and 291 TFEU (Lisbon Treaty) – delegated acts and implementing measures;
- A proposal for a Regulation on market surveillance.

**ORGALIME**, commenting on the proposed market surveillance Regulation, was not sure it constituted an improvement. In particular, it was important to clarify that market surveillance was required not just for safety requirements but also for legislation with other requirements such as energy efficiency. However Orgalime welcomed the perspectives for better coordination between the Member States.

**THE NETHERLANDS** asked when the revision of the Machinery Directive was foreseen.

The **CHAIR** replied that it would be necessary to revise the Directive in light of the NLF. Several other issues that were currently being examined could be dealt with at the same time. There was currently no definite timetable.

12. **Studies in the machinery sector**

The **CHAIR** informed the Machinery Working Group about two studies:

- One study was examining the noise requirements of the Machinery Directive and the provisions of the Outdoor Noise Directive to see if improvement and simplification were possible in this area. This study was on-going and the final report would be delivered early in 2014.
- The second study was to examine the possible extension of the scope of the Machinery Directive, the Pressure Equipment Directive and the ATEX Directive to equipment used on mobile offshore units in the oil and gas industry. This study would be carried out by the JRC of the Commission and would start in 2014.

The results of both studies would be presented to the Machinery Working Group in due course.

13. **Any other business**

**AUSTRIA** informed the Working Group about a recent fatal accident involving a mobile elevating work platform (MEWP). During work on uneven ground, the work platform had tipped over and the operator had been thrown out. The machine involved complied with EN 280 but it appeared that some requirements of the standard needed improvement. In particular, EN 280 required the anchorage point for PPE on the platform to resist a force of 3kN, while the standard on anchor devices for PPE, EN 795, required a resistance of 10 kN. It was not clear why there was such a difference. Austria was aware that the revised version of EN 280 had been subject to formal vote, but nevertheless asked CEN to consider these concerns.

**CEN** was not able to reply on the technical issues, but confirmed that the formal vote had taken place. There had been an appeal by the Swedish Standards Organisation, but this had been resolved and the standard was ready for ratification and publication. However the Austrian comments would be forwarded to the TC for urgent consideration.
### Points to be followed-up at the next meeting

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**Notes:**
- **WG-2013.21** indicates a reply from CEN.
- **WG-2013.22** indicates a reply from CEN.
MINUTES OF THE MACHINERY WORKING GROUP MEETING
HELD ON 25-26 MARCH 2014

Subject: Machinery Directive 2006/42/EC Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairperson: Mr Luis GIRÃO (COMM)
COMM Participants: Ms Birgit WEIDEL, Ms Felicia STOICA, Mr Mario GABRIELLI COSSELLU, Mr Michael DODDS (ENTR/F5)

1. Welcome and approval of the agenda (Doc. WG-2014.01 rev.4)

The Chairperson welcomed participants and introduced the COMM representatives, in particular Ms STOICA, replacing Mr FRASER as Policy Officer in charge of the Machinery Directive 2006/42/EC.
AUSTRIA asked for providing more information and updates, under the point “Any Other Business”, regarding the interpretation work on the Directive and the new Blue Guide, the “Goods package” on product Safety and market surveillance.
The Chairperson agreed to deal with those issues at the AOB point.

With this addition, the agenda was approved.

2. Approval of the minutes of the meeting held on 23/24 May 2013 (Doc.WG-2013.23)

The Chairperson introduced the draft minutes of the meeting of the Machinery Working Group held on 23 and 24 May 2013. He thanked the delegations of UNITED KINGDOM and FRANCE for kindly providing their notes to help on the drafting process.
The NETHERLANDS inquired on the possibility to add the list of participants to the minutes.
The Chairperson replied that the list could not be made publicly available for a matter of protection of personal data. It would be necessary to obtain a written statement from each participant to agree on disclosing their attendance to the meeting.

The minutes of the meeting of 23/24 May 2013 were approved.

3. Information on studies in the machinery sector

3.1 Road circulation of mobile machinery
COMM informed on an on-going study on road circulation of mobile machinery.

3.2 Evaluation study on MD under REFIT - start in 2015
The Chairperson informed on an evaluation study on the Machinery Directive operation in the framework of the REFIT exercise and the “Smart regulation” initiative of the Commission. Such study should be launched in 2015 and the Working Group would be duly informed. The full revision of the Machinery Directive would take place in the next years, taking into consideration the alignment to the New Legislative Framework as well as different technical aspects, but it would be still something to think about, to ensure some legislative stability for all the parties.

3.3 Study on possible amendments of Machinery Directive, ATEX, PED with regards to oil and gas equipment used in offshore

COMM provided an update on the on-going study on the impacts of possible amendments to the ATEX, Pressure Equipment and Machinery Directives concerning equipment for offshore oil and gas industry, in particular for mobile offshore drilling units (MODU). According to the results, the Commission would take into consideration the different possible options, including the extension of the scope of the concerned directives to include also mobile offshore units. The study was carried out by the Joint Research Centre (JRC) of the European Commission and started in January 2014, to be developed until September 2015; an intermediate report should be provided in September 2014.

3.4 Study on the merger of the Outdoor Noise Directive with the Machinery Directive

COMM informed on the results of the study on the possible merger of the Directive Noise emissions from Outdoor Equipment with the Machinery Directive, to examine the respective provisions and requirements to check whether improvement and simplification were possible in this area. On this basis, the Commission would take a decision on the next steps to be followed. The final report of the study was delivered by the external contractor in January 2014 and it is available on the EUROPA website.

4. Information on the Machinery ADCO group activity during 2013 (Doc. WG-2014.21-EN)

FRANCE offered a presentation on the activities and conducted actions of the French Presidency of the Machinery Administrative Co-operation (ADCO) group in the year 2013. They mentioned the main issues on points under discussion, meetings held, planning, documents, etc.

ETUI made reference to the risk assessment aspects mentioned in the presentation, in particular for SMEs and the related problems on safety. Three main elements should be considered: manufacturers, non-compliance and the RAPEX system with its categories. This should be improved and simplified, implementing the same approach in all the directives.

The Chairperson expressed interest on the question and confirmed that a specific point on risk assessment would be added to the Agenda of the next Machinery WG meeting.

5. Follow-up of questions from the last meeting (Annex)

3.1 Manure spreaders - EN 690

CEN-CENELEC reported on the formal vote and progress on the revision and amendment to the standard, to take into consideration the concerns expressed by ITALY. The latest proposals from ITALY at the meeting in November 2013 had been kept in a preliminary stage; the next meeting of the working group dealing with this work item would take place in June 2014, to be reported to the plenary in November 2014.

ITALY expressed their agreement in principle with the first amendment proposed, even not yet dealing with all the problems pointed out. They relied on further developments with new technical solutions, to be included in a second amendment to the standard.

The Chairperson confirmed that the item would be followed up at the next Machinery WG meeting in November 2014.

3.2 EN 12151 - Machinery and plants for the preparation of concrete and mortar

CEN reported on the progress on the revision of the standard, after the formal objection by FRANCE. A meeting of TC 151 took place in September 2013 and the next one would be in April 2014. The work was in the good track, aligning opinions of the members in view of a satisfactory solution.

FRANCE confirmed that their concerns had been taken into consideration and their proposals accepted. They would participate to the announced meeting, considering that a good solution would be obtained.

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192 EN 690:2013 Agricultural machinery - Manure spreaders - Safety

193 EN 12151:2007 Machinery and plants for the preparation of concrete and mortar - Safety requirements
GERMANY agreed with CEN and FRANCE. The issue could be considered as solved and closed. The Chairperson confirmed that the item could be deleted from the Agenda of the Machinery WG.

3.3 Emergency stop control devices (Doc. WG-2010.03-DE rev.2)

GERMANY introduced the revised version of the draft guidance document on different types of emergency stop control devices, taking into consideration the latest developments in the revision of the standard EN ISO 13850\(^{194}\). See in particular the point on “Disconnecting device as emergency stop”. It would be a good basis for the future.

SWEDEN announced that they had been carried out some market surveillance activities related to these products, with some success regarding non-acceptance of common emergency stop devices. GERMANY also would carry out specific market surveillance activities, to keep a close eye on these devices fitted in machinery. The Chairperson noted the general agreement to endorse the German paper as a guidance document. Consequently, the item could be closed.

3.4 Powered doors, gates and shutters - formal objection to EN 12635\(^{195}\) and EN 13241-1\(^{196}\)

The UNITED KINGDOM offered a presentation on powered gates, updated from the document presented in March 2013, mentioning the recent fatalities in the UK and related investigations and criminal prosecutions. On this basis, revision of gate standards was ongoing, making reference to the current UK guidance in view of the enforcement of existing law and the interest on promoting safe powered gates. Regarding the formal objection and the revision process, some progresses had been made, also to reduce the number of standard dealing with the issue; but for the time being, they would maintain the formal objection until the revised drafts of the new standards would be published, addressing the relevant question: this should be ready by the end of this year 2014. It would be necessary to consider relationship with the Construction Product Regulation, to clarify the position of the Machinery Directive on powered gates and to conclude successfully the standardisation work.

ETUI agreed on the need to further discuss the question, to solve it correctly.

The Chairperson asked the members of the Machinery WG to deliver an opinion on the formal objection to carry on the relevant procedure, for the Commission Decision and the submission to the Standardisation Committee.

GERMANY expressed support to the UK formal objection, for placing a warning to the reference of both standards. The related group of standards should be restructured and simplified; when the package of new draft standards would be ready, this should be carefully checked, with a pragmatic approach.

BELGIUM thanked UK for the contribution but thought that the problem could be even worse with no references of standards on the OJEU.

FRANCE also supported the UK formal objection, considering it as justified and useful.

CEN-CENELEC said that a meeting of the relevant Technical Committee would take place at the end of the month, so they should be able to publish some result already next year, even probably not the whole package of standards. Other working item would start next year, so more time would be needed to complete the work in its entirety.

BELGIUM suggested a possible compromise by having a warning note added to the references on the OJEU.

The Chairperson said that this would be a possibility. According to the information by CEN, the full revision of the relevant standards should be ready by 2015 or 2016 at least. In the meantime, it would be necessary to take action, considering the fatal accidents already occurred: so, withdrawing the references of the standards from the OJEU or adding a warning. There would be different legal possibilities to move forward.

The UNITED KINGDOM considered that, with the current timeframe to deal with the formal objection, in the meantime it would be convenient to notify people on the concerns raised about the current standards. In fact, people would need to know about those safety issues and problems with the standards.

GERMANY agreed with BELGIUM on a possible warning, for CEN and the manufacturers.

IRELAND said that SMEs did not read the OJEU, so a warning would not be enough. It would be necessary also to provide practical indication to interested people regarding those standards.

The Chairperson summarised the discussion underlining the need to clarify the situation by a legal point of view with the currently harmonised standards on powered doors and the formal objection raised by the UK: at least, it would be necessary to publish the standards with a warning note. So, the Commission would draft the corresponding decision: this should be consulted with the members of the Machinery WG, in written form.

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\(^{195}\) EN 12635:2002+A1:2008 Industrial, commercial and garage doors and gates - Installation and use

\(^{196}\) EN 13241-1:2003+A1:2011 Industrial, commercial and garage doors and gates - Product standard - Part 1: Products without fire resistance or smoke control characteristics
through CIRCABC, and then this should be submitted to the Standardisation Committee, according to the relevant procedure. Concerning practical provisions in the meantime, the Commission would be open to receive suggestions and proposals on how to provide guidance to the people involved, to make them aware of the situation. The point would be followed up at the next Machinery WG meeting.

3.5 Earthmoving machinery (Docs. WG-2014.13-EN, WG-2014.22-EN)

FRANCE, as Machinery ADCO Chair, presented a summary report with the state of play and the main conclusions and proposals of the ADCO task force on earthmoving machinery, in particular on the four main issues: means of access, lifting operations, quick couplers and visibility.

CEN introduced a document from the Secretariat of the Technical Committee CEN/TC 151 on safety of construction equipment and building material machines, with more information on the claim of defective standards for earth-moving machinery (EN 474-1, ISO 5006).

The Working Group of ISO/TC 127 dealing with visibility issues, decided to start an official amendment of ISO 5006, which is the standard referred in EN 474-1, where all the points concluded by ADCO group will be taken into consideration.

The Chairperson said that the Commission would move forward to raise a formal objection against the harmonised standard EN 474-1, with the aim to withdraw the reference from the OJEU, to be submitted to the Standardisation Committee. The rationale of such decision would make reference to the previous long-time discussions on the question.

FRANCE considered necessary to keep prudence. They did not see clear interest in launching the formal objection, as the question should be checked and followed up by the national market surveillance authorities. It was a quite complex issue and a formal objection could not give so much relevant contribution to solve it for the time being.

The UNITED KINGDOM agreed with FRANCE. They had contacted the industry and a formal objection would not be very helpful at this stage. It would be better to work on the standard for some improvement.

GERMANY also thought that a formal objection would not be appropriate. Visibility issues were quite important by the point of view of safety and possible accidents; maybe it would be better to add a warning to the standard, instead of withdrawing it.

IRELAND did not see clearly the extent of the formal objection, against the European standard but also related to the ISO standard.

The Chairperson admitted the possibility to consider a warning for the standard. But the problem was that such reference was providing presumption of conformity to machines which caused fatal accidents. This could not be acceptable: it would be necessary to take action regarding those clauses.

ETUI said that it would be necessary to consider the state of the art on the question. It would be possible to add a warning note on the visibility-related parts of the standard, but keeping the rest in place.

CEN confirmed that the standard covered safety requirements not only on visibility, but also on other aspects; it would not be convenient to completely withdraw its reference from the OJEU.

The Chairperson said that the Commission would consider the situation in whole; looking into the possibility to have a warning to the standard. The opinion of the member of the Machinery WG would be asked for in written form through CIRCABC. As there were evidences of fatal accidents with product in compliance with the standard, it would be necessary to do something as soon as possible, at list with the clauses dealing with visibility. Such procedure should be launched already before the next Machinery WG meeting.

3.6 Access to wind turbines

CEN-CENELEC reported about the progress with the draft standards related to lifts for access for maintenance and inspection of wind generators. A specific section of EN 50308 had been drafted by the Technical Committee CLC/TC 88 in cooperation with CEN/TC 10: in the future, a specific standard for lifts in wind turbines might be developed.

AUSTRIA considered that the results of the work were negative, and further work should be developed. According to the information on specific situations and solutions, it would be necessary to move forward on the question quickly: wind turbines were a growing market in Europe.

GERMANY also was disappointed for not reaching an agreement yet. As AUSTRIA said, it would be necessary for the Commission to speed up the work, by using benchmarking references for wind turbines, involving the

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198 ISO 5006:2006 Earth-moving machinery - Operator’s field of view - Test method and performance criteria
199 EN 50308:2004 Wind turbines - Protective measures - Requirements for design, operation and maintenance; FprEN 50308:2013
opinion of experts, market surveillance authorities, etc. Not having yet a specific standard on that would damage the internal market in Europe, with no clear rules.

CEN-CENELEC took note of the comments and invite AUSTRIA and the other members to participate to the works of the relevant Technical Committees.

The UNITED KINGDOM recalled the summary of the conclusion of the ADCO ad-hoc sub-group on vertical transport in wind turbines, which was agreed with the industry, as a reference for future work.

The Chairperson confirmed that the Commission would directly contact the relevant CEN-CENELEC experts. The point would remain open, to be further discussed at the next Machinery WG meeting.

3.7 Equipment used in the offshore oil and gas industry - mandate to CEN

COMM informed on the preparation of a mandate on standardisation under the Machinery Directive for equipment in the offshore oil and gas industry, making also reference to the ongoing study mentioned in item 3.3. Comments and recommendations had been received by CEN on the draft proposal: they would be considered as much as possible, taking into account that pictures/definitions should not be included in an implementing act. The final draft of the mandate would be shared and circulated through CIRCABC for comments from the Member States, in view to the submitted to the comitology procedure for the formal adoption.

3.8 Variable-reach trucks and loaders

The Chairperson reported on the last developments regarding the relationship between the Machinery Directive and the new Regulation (EU) No 167/2013 on tractors which include type-approval of variable-reach trucks and loaders (telehandlers), excluding the application of the Machinery Directive for risks not covered by the tractors legislation. Discussions were still ongoing between the Commission services in charge of Machinery and of Tractors, as well as with the other interested parties, to seek a feasible and acceptable solution for the manufacturers as well as for the Member States and the Commission. This could be related to possible changes in the legislation, by adding definitions or classifications, for example clarifying that there were two categories of machinery mounted on a basic machine: interchangeable and permanently fixed.

ITALY recalled large discussion on the question also with manufacturers. As a conclusion, it would be necessary to improve the safety level for this equipment. EU Type-approval would represent a relevant advantage for manufacturers, instead of single national procedures. The proposal from manufacturers could be considered as acceptable, in any case keeping the safety level as high as possible.

FRANCE agreed with ITALY, in particular on the safety issues. It would be possible to introduce a definition for “permanently fixed machinery” in the framework of the Machinery Directive; but it would be necessary to have a satisfactory coverage of the risks related to this kind of machinery, with the new situation of the Regulation on tractors that could not be easily modified.

The Chairperson explained that it would be possible to consider telehandlers as tractors with permanently fixed machinery. It would be necessary to reach a common understanding in the Machinery Committee to apply such solution everywhere in the EU, with clear concepts and definitions. In order to make clear the current situation to all the members, the Commission would circulate the letter sent by manufacturers’ associations with their suggestions and proposals, as done also in the Committee on Tractors.

Orgalime said that the risks related to structures as telehandlers could be considered covered under the Machinery Directive, according to the definition in Art. 2 (a), first subparagraph, machine as a whole, for machinery permanently fixed to a vehicle. It would be a similar legal approach for cranes, as structures mounted on a vehicle, when mobile; they could support such approach by analogy.

The Chairperson replied that such approach could not be applicable in this case, because it was a permanent one and such concept did not exist in the Machinery Directive.

FRANCE said that this equipment doesn't stand alone. Legally, it would correspond to a “quasi-machine”, like a hybrid, not responding to any definition in the Directive.

CEMA mentioned the need to have clear interpretation of a specific reference to interchangeable equipment and the definition of a tractor. He expressed concerns on the effective coverage of risks with the new situation from the Regulation on Tractors: many aspects should be considered, regarding type-approval procedures for different kind of interchangeable or permanently fixed equipment, declarations of conformity to deliver, etc., also to prevent additional, unnecessary burdens for manufacturers.

DENMARK disagreed on considering cranes as interchangeable equipment: they were machinery in itself, as stated in the Machinery Directive.

GERMANY remarked the way telehandlers were manufactured and marketed. They were considered an integral mobile machine.
ETUI considered that this confusing situation came from the past, in situations when manufacturers included also other equipment. The condition of workers with telehandlers should be considered as well, within the possible alternative solutions by a legal point of view, in the legislation of Tractors and/or Machinery. The UNITED KINGDOM would provide further comments and proposals for solutions after consulting with experts from the transport sector and from the industry.

The Chairperson confirmed that the document from industry would be circulated in order to get further views on the issue. The points to be considered could be summarised as follows:
- telehandlers were an innovative part of EU industry;
- the situation as it was now appeared to be appropriate;
- it would be necessary to ensure legal certainty on the issue;
- if a revision of the Machinery Directive would be necessary, it would be something not applicable now;
- a delegated act in tractors legislation could be more possible;
- if the situation would change, with no longer type-approval for these vehicles, this could be bad for manufacturers.

The joint work of the Commission services in charge of Machinery and Tractors would continue to find a solution and a way to proceed, ensuring some kind of legal certainty.

ETUI said that the same equipment could be sold in two different ways – as tractor or telehandler – and it could be very dangerous in terms of safety, when used in different ways. This should be the real concern and problem.

The risk to people working with or near telehandlers should be considered within the possible alternative legal solutions, in legislation on tractors and/or machinery.

The Chairperson said that such confusion should not occur if compliance with the law was ensured. At present a telehandler could not be sold as a tractor, otherwise it would be illegal. They could use type-approval but must comply with the Machinery Directive. The question would continue to be discussed at the next Machinery WG meeting.

3.9 Adaptation of standards to the MD/LVD borderline (Doc. WG-2014.19-EN)

CEN-CENELEC introduced a document on adaption of standards in the borderline between the Machinery and the Low Voltage Directives, and their current status with regard of publication of references in the OJEU.

SWEDEN noted that some standards were not in the document but were listed under the LVD. The question would be: how to deal with standards for Machinery not excluded from the Machinery Directive but listed under other directives?

CEN-CENELEC said that the situation should be checked in a case-by-case basis, to clarify it with the relevant Technical Committees.

3.10 Combined firewood processing machines

CEN-CENELEC provided an update on the standardisation work under development by CEN TC 144 - WG 5 for the revision of EN 609-1. A first draft was still under discussion.

The UNITED KINGDOM recalled the report on a specific market surveillance project given at the Machinery ADCO Group meeting in June 2013, as a useful contribution for the revision process.

The Chairperson confirmed that the point would continue to be followed up at the next Machinery WG meeting.

3.12 Formal objections to EN 1501-1 - refuse collection vehicles

CEN reported on the final stage of the amendment of the standard on RCV, to be published in mid-2014. This would cover most of the issues of the formal objections.

FRANCE said that the discussion was closed on part 1, starting the revision of part 2, submitting specific contributions. They considered withdrawing their formal objection.

The Chairperson noted the absence of GREECE; it would be necessary to check their opinion regarding their formal objection. The question would be followed up at the next meeting.

3.13 Ride-on lawnmowers - standing operator, ROPS, seat switch

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200 EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
201 EN 1501-1:2011 Refuse collection vehicles - General requirements and safety requirements - Part 1: Rear loaded refuse collection vehicles
CEN-CENELEC provided updates on the progress of the amendment of EN ISO 5395-3\textsuperscript{202}. It was an ISO-lead project and the WG 7 of the CEN TC 144 had been working under the specific international agreements, to take into consideration the Italian proposals.

ITALY said that they were participating to the ongoing work in different groups related to the question. Progresses had been made but too slowly, when more accidents took place: it would be necessary to speed up the work, overcoming technical problems. Further delays could not be acceptable.

FRANCE agreed with the concerns expressed by ITALY. The amendment process under the ISO-lead could not take in due consideration the European essential requirements to get a harmonised standard.

CEN recalled the need to follow the applicable Vienna agreement and the characteristics of this kind of work.

The Chairperson invited CEN to ask for more specific expertise to ensure that the standard could comply with the essential health and safety requirements of the Machinery Directive.

3.14 Load-moment indicators on excavators – warning devices and safety components

The Chairperson said that the Commission had not the time yet to work on the new edition of the Machinery Guide to clarify the question. Nevertheless, a draft would be circulated as soon as it will be finalized.

3.15 Registration of NBs in CIRCABC

The Chairperson recalled the need to check whether all the Notified Bodies in NANDO had been registered also in the NB-M Group of CIRCABC.

NB-M described the current situation in NANDO: there were at present 177 Notified Bodies under the Machinery Directive, and still about 18 of them not yet in CIRCABC. Some work was still to be done to definitively improve the situation.

The Chairperson invited the relevant Member States authorities to ensure that all the Notified Body would be in CIRCABC as the best way to follow the coordination work at EU level. This would be continuously followed up.

3.16 Formal objection against EN 13525\textsuperscript{203} – Wood chippers (Doc. WG-2014.09-EN/FR)

FRANCE presented the outcomes of a study on “Improvement of the safety of wood chippers”, proposing different concept solutions. The work is linked to the formal objection lodged by France against EN 13525.

CEN-CENELEC reported on the progress of the amendment to the standard. Current proposal was based on the French study, to carry out a systematic revision by October 2014.

The Chairperson recalled from the last meeting that the Commission would prepare a draft decision on the formal objection, to be submitted to the Standardisation Committee, with the aim to withdraw the reference of the standard from the OJEU.

BELGIUM thanked FRANCE for the study and asked for more clarification on the position of the operator, whether it would be related also to ergonomic aspects.

FRANCE confirmed that also ergonomic aspects had been considered in the position of the operator when feeding the machine.

DENMARK appreciated some improvement in the amendment process, and wondered how to deal with the situation if the presumption of conformity of the current standard is withdrawn.

The Chairperson explained that, according to the New Approach legislation, there were no mandatory standards, so it would be possible to apply other technical solutions to comply with the essential requirements of the directive. The question would be further discussed at the next Machinery WG meeting.

3.17 Openings in the enclosure of the cutting means on lawn mowers - EN ISO 5395\textsuperscript{204}

Convenor CEN TC 144 - WG 7 presented an update, following the meeting held in June 2013. A 6th draft amendment to the standard had been prepared; further steps would be taken.

The Chairperson confirmed that the issue would continue to be followed up.

3.18 Paint booth standards


\textsuperscript{203} EN 13525:2005+A2:2009 Forestry machinery - Wood chippers - Safety

\textsuperscript{204} EN ISO 5395-1:2013 Garden equipment - Safety requirements for combustion-engine-powered lawnmowers - Part 1: Terminology and common tests (ISO 5395-1:2013)
CEN reported on the ongoing revision process, following the agreement reached on the formal objection to the standards EN 12215\textsuperscript{205} and EN 13355\textsuperscript{206}. Draft revision texts were available at the end of 2013; discussion would continue.

**The Chairperson** confirmed that the issue would continue to be followed up at the next meeting.

### 3.19 Guards for drilling machines

**The Chairperson** recalled the question raised by ITALY, related to the standard EN 12717\textsuperscript{207}, GERMANY presented the current situation from discussions and agreements at the ADCO meeting in Copenhagen.

BELGIUM thought that it would be necessary to distinguish between consumer or professional users of such machines, to correctly apply the requirements of the Machinery directive.

ITALY agreed with BELGIUM with regard to possible solutions. Some safety requirements for these machines would be addressed to professional users, so, interlocked guards should be considered.

FRANCE made reference to the point 1.7.4 of Annex I to the Machinery Directive.

GERMANY thought that it would be necessary to be guided by the risk, rather than consideration on consumer user or not.

AUSTRIA, DENMARK and SWEDEN confirmed and supported the conclusions from the ADCO group meeting as presented by GERMANY.

**The United Kingdom** underlined the need for the higher level of standardisation.

**The Chairperson** said that the conclusions of the ADCO group would be circulated among the members to confirm their agreement, in a couple of months.

### 3.20 Metal plate folding machines

CEN reported on the progress of the standardisation work for metal plate folding machines, within the ISO Technical Committee 39.

### 3.21 Radial arm saws - EN 1870-17\textsuperscript{208}

CEN-CENELEC reported on the state of play on the standardisation work at the CEN TC 142 - WG 4 to revise the standard, in response to the formal objection raised by FRANCE.

FRANCE confirmed their concerns.

**The Chairperson** said that the Commission would propose a draft decision for the Standardisation Committee.

### 3.23 Scissor lifts - EN 280\textsuperscript{209} (Doc. WG-2014.14-EN)

CEN presented the written answer to the request express by IRELAND at the last Machinery WG meeting, regarding the clause 5.4.3 of the standard EN 280:2013. He made reference in particular to the additional requirements introduced in order to deal with specific risks.

IRELAND considered the information provided very useful and satisfactory. Consequently, they were not going to lodge a formal objection against the standard.

**The Chairperson** noted that the point could be closed.

### 3.24 Mini-loaders - EN 474-3\textsuperscript{210}

CEN recalled the question with their concerns on the standard EN 474-3.

SPAIN said that they were still considering the possibility to introduce a formal objection, in view of possible improvement of the standard.

**The Chairperson** would wait for more information at the next Machinery WG meeting.

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\textsuperscript{205} EN 12215:2004+A1:2009 *Coating plants - Spray booths for application of organic liquid coating materials - Safety requirements*

\textsuperscript{206} EN 13355:2004+A1:2009 *Coating plants - Combined booths - Safety requirements*

\textsuperscript{207} EN 12717:2001+A1:2009 *Safety of machine tools - Drilling machines*

\textsuperscript{208} EN 1870-17:2007+A2:2009 *Safety of woodworking machines - Circular sawing machines - Part 17: Manual horizontal cutting cross-cut sawing machines with one saw unit (manual radial arm saws)*

\textsuperscript{209} EN 280:2013 *Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests*

\textsuperscript{210} EN 474-3:2006+A1:2009 *Earth-moving machinery - Safety - Part 3: Requirements for loaders*
3.25 Top-handle chain saws

The Chairperson recalled the background of the discussion, on how to prevent sale of top-handle chain saws for professional forestry workers, to ordinary consumers, not adequately trained in their use, with the related risks. GERMANY remarked that the issue had been brought to the attention of authorities already 10 years ago. The use of such equipment could be tolerated for professionals but not for consumers. A campaign had been launched to convince manufacturers associations not to place them on the EU consumer market, but at present they still were on the market, even being very expensive. Maybe this item could be closed, remaining under the control and follow-up of the national market surveillance authorities, confirming that marketing of top-handle chain saw should be restricted for professional use only. BELGIUM objected that it would not be possible to restrict selling of this equipment, as there was no clear legal basis. SWEDEN agreed with BELGIUM. The same problems had been found also in the Swedish market. GERMANY thought that the Commission should take a position to clarify the matter. The Chairperson summarised the discussion putting in evidence the need to investigate the possibility to limit the free circulation of this kind of product for non-professional users, through a specific delegated or implementing act, etc. Probably it would be necessary to have a safeguard clause, as standards could not include restrictions not in the law. The question would be followed up in view to propose a legal basis to restrict these products for professional users only.

6 Suspended access machinery - EN 1808

CEN provided updates on the standardisation work on the standard EN 1808 with regard to the concerns expressed by FRANCE. A meeting had been held in March 2014 and a solution was envisaged. The Chairperson considered that CEN was moving in the right direction in order to avoid a formal objection.

9 Roll-over risk (Doc. WG-2013.09)

ITALY presented a paper on “Roll-over risk of self-propelled ride-on machines having a mass less than 600 kg”, postponed from the previous meeting. With reference to the powered ride on lawnmowers, they asked to be ensured that Decision 204 of CEN TC 144 - WG 7, related to the reduction of the minimum weight limit from 600 kg to 400 kg at which ROPS would be required to be fitted, would take effects with a delay taking into account the need of the industry to re-design the current production. The question was related also to the item “3.13 Ride-on lawnmowers – standing operator, ROPS, seat switch” already discussed at this meeting. They asked for comments from the members. FRANCE shared the Italian concerns. They asked whether at ISO level there were any standard on this, regarding stability. An agreement on a solution appeared not reached yet. The Chairperson invited the members to send written comments on the Italian document within 6 weeks, in order to be able to prepare a summary of the different positions for the next Machinery WG meeting.

10 Cutting attachments for portable hand-held brush cutters – grass trimmers (Doc. WG-2013.10)

ITALY presented a paper on “Cutting attachments for portable hand-held brush cutters – grass trimmers”, postponed from the previous meeting. They explained that the metal parts of flail type cutting attachments of brush cutter and their linkages were subject to repeated high mechanical stress when coming into contact with stones, rocks and other obstacles, so they would be liable to break-up and be ejected at high speed. In this sense, they asked to give a mandate to CEN in order to improve accordingly the standard EN ISO 11806-1, defining specific tests for different types of cutting attachments. The UNITED KINGDOM said that these products had been involved in fatal accidents, being marketed as “interchangeable equipment”. The Chairperson invited the members to look at the Italian document and to express written comments within 6 weeks.

13 Concerns about EN 280 (Doc. WG-2014.15-EN)

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212 EN ISO 11806-1:2011 Agricultural and forestry machinery - Safety requirements and testing for portable, hand-held, powered brush-cutters and grass-trimmers - Part 1: Machines fitted with an integral combustion engine (ISO 11806-1:2011)
CEN-CENELEC presented the written answer to the observation from Austria to clause 5.6.14 of the standard EN 280:2013, related to fall protection equipment anchor points (see also the answer to the request from IRELAND on the same standard, already discussed at the item “3.23 Scissor lifts” of this meeting). The question was also related to the standard EN 795:2012 on anchor devices.

AUSTRIA expressed satisfaction with the answer; they would not be necessary to meet again. But it would be useful to have some warning in the standard, regarding fall arresters and some specific indication in the instructions.

FRANCE agreed with AUSTRIA on the need to make clear in the instructions that they could not be considered as devices against fall.

CEN-CENELEC said that she would inform the Technical Committee in charge of the standard, about the comments expressed, to be taken into consideration in the next revision of the standard.

The Chairperson said that the question would be kept for the next Machinery WG meeting for further follow-up.

6. New questions submitted

6.1 KAN Study – Operating forces on agricultural machinery (Docs. WG-2014.03-EN, WG-2014.23-EN)

GERMANY presented the KAN study on “Operating forces on agricultural machinery - Analysis and measurement of manual operating forces; resulting recommendations”. It described measurement methods of operating forces on agricultural mobile machinery to be taken into account by agricultural standardisation technical committees, as there were no existing standards on operating forces, to which reference could be made in agricultural machinery standards. The study was in German but they were working in an English translation, to make it available to all the members; it could be downloaded from the KAN website. KAN developed special functions in Germany as health and safety occupational institute, with the participation of all social partners.

FRANCE thanked GERMANY for the study. They considered that forces were too high for many different kinds of operators.

BELGIUM agreed, recognising the usefulness of the study for the concerned standards.

CEN-CENELEC said that the Technical Committee CEN TC 144 would be interested to cooperate on the basis of the study, also on ergonomic issues.

The UNITED KINGDOM also expressed appreciation for the study, offering cooperation also for the translation in English.

SWITZERLAND also acknowledged and supported the German work.

The Chairperson said that discussions on the matter could continue at the next Machinery WG meeting.

6.2 Safety fences as safety components under the Machinery Directive (Doc. WG-2014.04-EN)

GERMANY introduced a paper on “Safety fences as safety component under the Machinery Directive 2006/42/EC”, as a guidance document on the legal definition of such products, suggesting that:

- Safety fences for whose design and construction the machinery manufacturer has planning responsibility, would not be a safety component,
- Safety fences for whose design and construction the fence manufacturer has planning responsibility, would be a safety component.
- Individual components/elements of safety fences which are supplied separately are simple components, but not safety components

It would be necessary to check the correspondent liability.

SWEDEN thought that it was a clarifying paper; this discussion was ongoing in Sweden too. They agreed on the first two cases, not fully for the third one. It would be difficult to give strict lines on safety components.

FRANCE agreed in general on the document. It would be necessary to have effective safety function on the market, according to the indicative list provided in Annex V to the Machinery Directive and its interpretation.

BELGIUM agreed with SWEDEN, on the function of safety barriers.

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LUXEMBOURG agreed with FRANCE on the need to further discuss the issue. Accidents took place as safety fences were often not sold with the machine. It should be clarified who had the responsibility to affix the CE marking.

AUSTRIA agreed with LUXEMBOURG. Taking a decision regarding safety fences as safety components would be something new for the industry. The definition of the whole system should include different kinds of safety fences as safety components. Legal clarification would be needed referred to Annex V, to provide legal certainty to the industry. The German document was good but it could not be a legal text; litigations and court cases should be avoided. In order to make sure that the Machinery Directive could cover these questions, the Commission could have a look to Annex V, to improve clarification and interpretation.

DENMARK though that the question was different than mentioned by LUXEMBOURG. The manufacturer would be responsible for the whole system, including guarding, for its whole safety. If a manufacturer delivered safety fences separately, in this case they could agree on the German paper; otherwise, they could rather agree with SWEDEN for the third case.

Orgalime considered the German paper good and supported the point of view of DENMARK on responsibility of manufacturers. The document could solve the problem for different situations of safety fences on the market, it should be clarified the relationship with the safety components as defined and listed in Annex V to the Directive.

The UNITED KINGDOM found good explanations in the German paper. They also agreed with DENMARK on responsibilities of manufacturers, considering all safety features as integral part of the package. But they also tended to agree on other considerations raised by the other members, in particular with the different cases related to definition of safety components.

GERMANY replied to the comments of DENMARK. Single safety functions should be considered, the intended use being very important for single components in some cases. The Annex V could be amended: for instance, safety fences could fit in “protective mechanisms”. In any case, a machine should be safe as a whole product, and it would be necessary to focus on safety functions.

The Chairperson proposed to invite GERMANY to take another look to the paper, in particular item 3 (according to the Swedish comments), to gather the agreement of the working group. Thus, it would be possible to reach a conclusion and investigate the way to amend Annex V to the Machinery Directive. In this case, members would be invited to propose other cases of safety components for Annex V, in view of a possible amendment exercise: written proposals on safety components and definitions of safety function, as well as any other comments on the German document, would be requested in 6-8 weeks to be circulated and discussed at the next meeting. In addition, a specific Agenda item on responsibilities and other questions raised by LUXEMBOURG, could be added for the next meeting as well.

6.3 Show and projection lasers within the scope of the Machinery Directive (Doc. WG-2014.11-EN)

GERMANY introduced a paper to pose two questions on show and projection lasers, with respect to the scope of the Machinery Directive.

LUXEMBOURG agreed in principle with GERMANY, but remarked differences in projecting videos or lasers, in terms of hazards.

FRANCE agreed with GERMANY on the second question, for the exclusions, but the first question was not clear and it could be problematic. They should need to consult experts for further discussion.

Orgalime also needed to better analyse the questions, taking into consideration the risks involved.

IRELAND thought that the German paper raised quite interesting questions; also the Low Voltage Directive could be involved, in particular Art. 3, to be checked.

The Chairperson agreed to come back on the point, asking for written contributions to circulate a consolidated document in view of the next Machinery WG meeting.

6.4 Hovercraft and the Machinery Directive (Doc. WG-2014.05-EN)

The UNITED KINGDOM introduced a paper on hovercrafts, asking whether the Machinery Directive applied. According to the definition of hovercrafts as air cushion vehicles which move by air, they should be considered as “means of transport by air, on water” and thus excluded from the scope of the Directive/

DENMARK, FRANCE and GERMANY agreed with the UNITED KINGDOM, considering hovercrafts out of the scope of the Directive.

The Chairperson noted the general agreement on the point but, if any members could have different opinions, he asked for written comments in 4 weeks. If no divergent opinion is provided, the opinion of the Machinery working group stating that hovercraft were not in the scope of the Directive would be confirmed, as in the UK paper.
6.5 **The risk of lateral tip-over/roll-over of the industrial tractors with a drawbar pull up to and including 20,000 N within the scope of EN ISO 3691-1**\(^{215}\) (Doc. WG-2014.06-EN)

**ITALY** introduced a paper on the risk of lateral tip-over/roll-over of industrial tractors. They asked CEN to revise the standard EN ISO 3691-1 in order to include provisions on lateral tip-over risk of industrial tractors, with laboratory tests and performance requirements of TOPS structures.

**CEN-CENELEC** said that the document had been forwarded to the relevant Technical Committee, and invited the Italian representatives to attend the next meeting in July 2014, to take into consideration their suggestions. Also the other Member States representative would be invited to participate, if interested, with any kind of contributions, in particular regarding accidents etc.

**ITALY** confirmed their interest to attend the meeting, with a specific expert, to contribute to the revision work of the standard.

**The Chairperson** said that the point would be followed up at the next Machinery WG meeting.

6.6 **Roll over hazard of T3 tractor** (Doc. WG-2014.16-EN)

**ITALY** introduced a paper on the hazard of roll-over for T3 category tractors. Considering that most of those tractors were put on the market without ROPS, as the current tractors legislation did not cover this hazard, they asked whether the Machinery Directive should apply to T3 category tractors for the roll-over hazard of Annex I. In their opinion, the answer would be positive.

**LUXEMBOURG** though that such tractors should be equipped with ROPS, according to the applicable legislation.

**FRANCE** agreed on the need of adequate protection structures.

**CEMA** said that it would be a clear case where the remaining roll-over risk should be covered by the tractors legislation and an amendment should be made in agricultural regulations. The question should be dealt with under the tractors legislation rather than the Machinery Directive.

**The Chairperson** suggested that it would necessary to collect more written contributions from the members of the working group to clarify the question. In general terms, if a piece of legislation applied, another one could not apply: so, the situation should be checked from the Machinery Directive point of view, to see whether it could be applicable or not. He asked for comments in 4 weeks, to make progress in view of the next meeting.

**ITALY** agreed on the Chairperson’s proposal and underlined that it would be an urgent issue, needing clear answers, due to the real and recognised risk, and accidents occurred.

6.7 **Annex V on safety components** (Doc. WG-2014.07-FR)

**FRANCE** presented a paper with a proposal concerning the modification of Annex V on safety components, to include filters and filtration systems for the cabins of self-propelled sprayers.

**LUXEMBOURG, the NETHERLANDS, GERMANY** and **BELGIUM** supported the French position, to add a sentence to Annex V based on considerations on the need of protection for operators in the cabins. This could be added to point 6 of Annex V.

**AUSTRIA** asked for more clarification on the French paper regarding agricultural machines, tractors and cabins, ranging from filter systems and air-conditioned systems. This should be limited to agricultural cabins, avoiding extending it too much.

**The Chairperson** said that it would be necessary to investigate the specific procedure to follow to modify Annex V, according to the new applicable rule from the TFUE. In this sense, a specific meeting of the Machinery Committee should be convened, for Member States representative only, probably in the morning of the day of the next Machinery WG meeting; the new Rules of Procedure would be circulated for approval. In any case, possible changes in Annex V would be discussed in the working group, so all the members would be invited to submit their contributions on the matter (as indicated before in item 6.2 of this Agenda meeting). The Commission would check the relevant legal aspects of the exercise (implementing or delegated act) and would draft a comprehensive proposal to be discussed in the working group, in view of a formal vote in the Committee.

**FRANCE** explained that the rationale of the proposal was based on the situation on the field, to make more precise the contents of Annex V for cabins in agricultural machinery. Then, other issues could be considered, in a more general proposal.

**GERMANY** remarked that updating Annex V could take some time, but it would be necessary to take some action in shorter time. They proposed to confirm agreement on the French proposal, and then the legislative issues could be analysed.

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\(^{215}\) EN ISO 3691-1:2012 Industrial trucks - Safety requirements and verification - Part 1: Self-propelled industrial trucks, other than driverless trucks, variable-reach trucks and burden-carrier trucks (ISO 3691-1:2011)
FRANCE agreed with GERMANY. They recalled some debates on Annex V two years ago, making reference to Doc. WG-2012.24 (Minutes of the Machinery Working Group held on 14/15 February 2012, points 6 and 19); it would be useful to take these issues into consideration alongside the current one, after clarification of the legislative steps to be taken.

The Chairperson confirmed the way to follow, with written contributions from the members, discussion in the working group and forma approval in the Committee, in view of the applicable legal provisions.

6.8 Proposal on warning concerning EN 60745-1\textsuperscript{216} and EN 60745-2-3\textsuperscript{217} on grinders (Doc. WG-2014.18-EN)

FRANCE presented a paper with an alert about the standards relating to hand-held motor-operated electric tools, for insufficiency of technical specifications relating to some essential health and safety requirements of Annex I to the Machinery Directive, given the current state of the art. They requested to revise the draft amendment of the standard EN 60745-2-3 to satisfy the requirement 1.3.7 on “Risks related to moving parts”, and to revise the standard by incorporating the risk on grinders caused by kickback.

CEN-CENELEC said that the relevant Technical Committee would consider the proposal, inviting the French representative to attend the next meeting.

The Chairperson said that the question would be duly followed up.

6.9 Question-Answer on low loader trailer ramps up (Docs. WG-2014.08-FR)

FRANCE presented a question-answer paper, whether mechanised ramps of low loader trailer could be considered mounted machinery on a trailer and therefore being covered by the Machinery Directive. In their opinion, the answer was positive; this equipment would match the definition of machinery according to Art. 1.

IRELAND, GERMANY, the UNITED KINGDOM, ITALY and BELGIUM supported the French position.

The Chairperson noted the general agreement on the French paper and gave a period of 2 weeks to express any possible disagreement; otherwise, the common understanding would be confirmed.

6.10 Variable reach trucks (telehandlers) with integrated platforms (Docs. WG-2014.20-EN)

FRANCE offered a presentation on Variable reach trucks (telehandlers) with integrated platform, related to the draft standard prEN 1459-3\textsuperscript{218}. They asked to include the requirements for complete machinery (including truck), not only the interface between the truck and the platform; otherwise, they could consider the possibility to introduce a formal objection.

CEN-CENELEC said that the proposal had been forwarded to the experts. They would be able to come back to the issue at the next meeting.

The Chairperson confirmed that the issue would be followed up at the next meeting in view to reach a satisfactory solution.

6.11 Position paper on valves vs. Machinery Directive (Doc. WG-2014.02-EN)

CEIR presented comments and a proposal for a guidance document on the applicable legislation to different types of valves, in particular regarding the Machinery Directive. In their opinion, in principle valves should not be considered as machinery; but there were different possible situation, involving also the Pressure Equipment and the ATEX Directives, among others. The document included a list of examples of valves with their legal status/applicable directive and the relevant legal references.

FRANCE said that it would be necessary to check more in depth the subject, with experts.

GERMANY thought that the topic was interesting but the document did not cover all the related issues; they agreed on the need of further analysis, also comparing to available national information.

IRELAND pointed out the question of “stand-alone” valves, not being clear to consider them outside the scope of the Machinery Directive: probably both directives, PED and Machinery, would be applicable.

Orgalime supported the CEIR paper, trying to cover the different issues related to several legislation as well as guidance documents.

\textsuperscript{216} EN 60745-1:2009 Hand-held motor-operated electric tools - Safety - Part 1: General requirements (IEC 60745-1:2006 (Modified))


\textsuperscript{218} prEN 1459-3 Rough-terrain trucks - Safety requirements and verification - Part 3: Additional requirements for variable reach trucks fitted with work platform
CEIR agrees on the need of further reflections and development of the list, considering generic and industrial application. The Chairperson said that the paper would be circulated also in other interested sectorial working parties, as in PED, ATEX, LVD and EMC. More contributions and proposals on the subject would be very welcome: he invited the members to submit written comments in three months’ time.

7. Reports on standardisation (WG-2014.17-EN)

CEN-CENELEC presented a report on the current status of sector activities of European standardisation for safety of machinery. This included a list of actual items under development and the related figures, as well as a reference to the current suspension of the activities of CEN New Approach consultants

Publication of references

COMM said that the latest publication on the OJEU of the consolidated lists of references of harmonised standard under the Machinery Directive took place in November 2013. The lists were structured classifying CEN references in A, B and C-type standards, including the explanation of the status of each type based on the Guide to application. On the basis of the further sending from CEN and CENELEC, the next publication would take place probably in April 2014. As usual, all the information would be available on the EUROPA website

8. Report from the coordination of Notified Bodies

NB-M provided an oral report on the activities of the European Coordination of Notified Bodies under the Machinery Directive (NB-M), after the last meeting had been held in Rome in June 2014 and in Brussels in December 2013. Work was developed regarding cooperation of notified bodies in Europe, new recommendation for use, etc.

Discussion of RFUs (Doc. WG-2014.12-EN)

COMM introduced a paper with the updated list of the M-NB Recommendation for Use sheets (RFUs) still pending for endorsement by the Machinery WG under the oral procedure, and the related comments from the Member States. In addition, there were three new RFUs for endorsement under the oral procedure: CNB_M_14.001_RERev1, CNB_M_14.002_RERev1 and CNB_M_14.003_RERev1. He recalled also the ongoing written procedure for the endorsement of 10 RFUs, open in the relevant CIRCABC folder, until 15 April 2014. GERMANY recalled their comments on CNB_M_04.082_RERev3. It was a complex issue, going even beyond the Machinery Directive: it would be necessary further analysis. Orgalime also announced contributions on CNB_M_04.082_RERev3. DENMARK asked for reactions from NB-M on the RFUs under discussion, especially the oldest ones. SWEDEN expressed concerns on RFUs from the Vertical Group VG14. The Chairperson underlined the need to reach some consensual approach to solve the pending issues. He proposed to open a 4 weeks period of written comments from the members, summarising (confirming or withdrawing) their positions, in order to proceed with the procedure of endorsement, or not.

8.1 Interpretation of the Machinery Directive by Notified Bodies regarding ‘completely enclosed’ carriers (Doc. WG-2014.10-EN)

EPSA presented a paper on the interpretation of the Machinery Directive by Notified Bodies regarding “completely enclosed” carriers. According to it, the related requirements were treated differently in some cases: EPSA proposed to the NB-M coordination to issue a Recommendation for Use on the issue, in order to ensure a common approach. IRELAND said that the question would be related also to the Lifts Directive. They thought that neither of the two proposals in the paper would be acceptable; the solution should not be a RfU.

220 Machinery Directive Interest Group in CIRCABC: https://circabc.europa.eu/w/browse/0cc7579e-ef6b-4fbc-8e4f-c59389270586c?Library > 05-Recommendations for Use > 03-Written Procedure Consideration > Recommendations for Use approved at NB-Machinery Committee meeting on 2013.12.10 - latest date for comments 2014.04.15.zip
DENMARK underlined the risk to be prevented in such situations. A decision should be taken regarding the differences in lifts and slow speed, not being specified in the directive. The Chairperson recognised possible “grey zones” in the current legislation. It would be necessary to have the same approach and implementation everywhere.

AUSTRIA saw different issues there. Member States and Notified Bodies should cooperate for sound interpretation and application of the directive, as it would be not just a national question. In Austria, authorities required independent assessment for lifts covering the different aspects involved and to properly adapt the applicable requirements. Information on the situation in Austria would be available on the official webpage.

BELGIUM supported AUSTRIA, as other legislation could be involved in the issue, also LVD.

CEN-CENELEC said that the relevant Technical Committee had been informed and it could provide some help. The Chairperson asked the Machinery WG members for their views on the issues raised by the EPSA paper, by the end of April 2014. The question would be followed up at the next meeting.

9. Any other business

9.1 A common language for market surveillance correspondence

GERMANY presented a question related to market surveillance, based on a letter received from a manufacturer, concerning the language to be used, as an “English working translation”, when using the ICSMS system. The Chairperson took the point, to look for better solutions.

Information from the Commission

The Chairperson informed that the new “‘Blue Guide’ on the implementation of EU product rules - 2014” had been published and available on the EUROPA website. It was a digital document in English; it should be translated also to the other EU official languages soon.

Also, he informed that the Guide to application of the Machinery Directive would be updated soon, for the 3rd edition, but it was not possible yet to give a clear timeframe for that.

10. Date of the next meeting

The Chairperson announced that the next meeting of the Machinery Working Group should be take place in November 2014. The exact date would be confirmed as soon as possible, in principle 2 months in advance.

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221 Internet-supported information and communication system for the pan-European market surveillance (ICSMS): https://webgate.ec.europa.eu/icsms/
## Points to be followed up at the next meeting

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Minutes of the MACHINERY WORKING GROUP MEETING
held on 5-6 November 2014

Subject: Machinery Directive 2006/42/EC Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairperson: Mr Luis GIRÃO (COMM)
COMM Participants: Ms Birgit WEIDEL, Ms Felicia STOICA, Mr Mario GABRIELLI COSSELLU, Mr Michael DODDS (GROW/F5)

1. Welcome and approval of the Agenda (Doc. WG-2014.33rev4-EN)

The Chairperson welcomed the participants, introduced the COMM representatives and submitted the draft Agenda of the meeting to the approval of the Members.

GERMANY proposed that point 6.1 of the Agenda to be discussed during the first day of the meeting.

FINLAND suggested that the discussion on point 6.1 of the Agenda should continue on the next day because the convener of TC 147/WG3 will be present only on the second day.

The agenda was approved.

2. Approval of the minutes of the meeting held on 25-26 March 2014 (Doc.WG-2013.32-EN)

The Chairperson introduced the draft minutes of the meeting of the Machinery Working Group held on 25 and 26 March 2014.

GERMANY asked to introduce changes in the comments on point 3.4, 3.8 and 8 of the draft minutes, to better reflect their statements.

ETUI requested to consolidate their comments on the point 3.8, regarding the risk to people working with or near telehandlers.

In light of the changes requested, the minutes of the meeting of 25-26 March 2014 will be recirculated and the revised version will be considered for endorsement at the next meeting.

3. Information on studies in the machinery sector

3.1. Road circulation of mobile machinery

COMM informed on the latest developments on the on-going impact assessment study on road circulation of mobile machinery and the timeline for the new Commission legislative proposal.

3.2. Study on possible amendments of Machinery Directive, ATEX and PED with regards to oil and gas equipment used offshore

COMM provided an update on the on-going study on the impacts of possible amendments to the ATEX, Pressure Equipment and Machinery Directives concerning equipment for offshore oil and gas industry, in particular for mobile offshore drilling units (MODU).

3.3. Study on the noise limits for equipment within the Outdoor Noise Directive

COMM informed that, after concluding the study on the possible merger of the Directives on Noise emissions from Outdoor Equipment with the Machinery Directive, a new study is to be launched in view of the revision of the Noise Directive. The study will assess if the noise limits for equipment covered by the Directive need to be
changed, if the equipment which is covered by the Directive and not subject to the limits should be predisposed to noise limits and if the equipment which is not covered by the directive should be brought in.

3.4. Evaluation study of the Machinery Directive

The Chairperson confirmed that an evaluation study on the Machinery Directive operation will be launched in 2015. Further information will be provided as soon as possible. CEMA inquired about the relationship with the study on road circulation. The Chairperson explained that it should rather be an independent piece of legislation, as the Machinery Directive is already complex as such. In any case this will be established at the end of the study.

4. Information on the Machinery ADCO group activity & ADCO Task Force on Standardization (Doc. WG-2014.43-EN)

POLAND, as the current ADCO MD Chair, presented the activities of the Machinery Administrative Cooperation (ADCO) group in 2014, including the specific operative structures (Working Groups and Task Forces) and the related meetings and results. He also underlined a call for proposals for joint actions under the multi-annual market surveillance plan, to be carried out by Member States with co-financing by the European Commission. For the next year 2015, the ADCO MD Chair will be Switzerland.

GERMANY presented a report on the Machinery ADCO Task Force “Standardisation”, dealing with generic standards issues, with the aim of contributing to improve conformity of products and standardisation quality through the involvement of market surveillance authorities and activities. CEN-CENELEC said that it would be positive to participate in such initiative. GERMANY said that this was a first instance to decide what to do, and then it will be possible to involve and co-operate also to other actors, as the standardisers CEN and CENELEC, the Consultants, the Commission etc. ETUI remarked that most of the items of the Agenda of the Machinery Working Group deal with standardisation issues. The organisational system for standardisation itself creates problems, with different instances involved. GERMANY said that working with standards is always difficult, due to complex technical questions and to limited budget conditions. Involvement of CEN-CENELEC and other interested parties will be useful. FRANCE agreed on the importance of good coordination between market surveillance experiences in practice, and the standardisers. The Chairperson clarified that the Commission does not directly participate in standardisation activities, but it is indeed in favour of the widest participation as possible. Dialogue and cooperation between market surveillance and standardisers would be very positive on how it could be better done.

All the presentations offered will be made available on CIRCABC.

5. Follow-up of questions from the last meeting (Annex (5.1 to 5.35))

5.1 (3.1) Manure spreaders

CEN-CENELEC reported on progress on the amendment of the standard EN 690223. No complete news were available, apart those on the latest meetings held. ITALY underlined the need to reach a solution, as more accidents took place with this kind of equipment. There are different technical aspects to be dealt with through amendments according to solutions proposed by ITALY and FRANCE.

The Chairperson confirmed that the item would be followed up at the next Machinery WG meeting in 2015.


The Chairperson recalled the question concerning the standards EN 12635224 and EN 13241-1225. The Commission is preparing the Decisions on the formal objections, to be submitted to internal inter-service consultation and then to the Standardisation Committee, to be adopted.

5.3 (3.5) Earth-moving machinery (Docs. WG-2014.38-EN, WG-2014.38-1-EN)

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223 EN 690:2013 Agricultural machinery - Manure spreaders - Safety
225 EN 13241-1:2003+A1:2011 Industrial, commercial and garage doors and gates - Product standard - Part 1: Products without fire resistance or smoke control characteristics
The Chairperson recalled the question concerning the standard EN 474-1\(^{226}\), where the Commission is preparing the Decision on the formal objection. The UNITED KINGDOM and FRANCE introduced a paper on visibility maps for earth-moving machinery, as well as a presentation on the same subject from the ADCO Task Force, after their meeting in October 2014. CEN confirmed the status of the question as presented. IRELAND considered as an option to withdraw from the documents the references to ISO standards. The Chairperson agreed on the possibility to take out only some clauses and not to withdraw the standard as a whole. He asked for more comments to continue following-up the question at the next Machinery WG meeting.

5.4 (3.6) Access to wind generators

CEN-CENELEC provided an update on the progress of the safety standard EN 50308\(^{227}\). The draft has been sent to vote for the final revision, also taking into consideration a Danish proposal for improvement.

5.5 (3.7) Equipment used in the offshore oil and gas industry

COMM informed on the latest developments on a mandate for standardisation covering for equipment in the offshore oil and gas industry under the Machinery Directive. There are still some questions to clarify in order to proceed to the formal adoption.

5.6 (3.8) Variable reach trucks and loaders

The Chairperson reported on the conclusions from consultations to the Member States on variable reach trucks and loaders (telehandlers). In light of the written comments received from the Working Groups on Machinery and on Agricultural Tractors, the Commission proposed a solution which regulates telehandlers fully under Regulation (EU) 167/2013 and applies also the Machinery Directive for machinery mounted on the vehicle. In consequence, the Machinery WG has to be consulted to update the Guide to the Machinery Directive, to indicate that type-approval as a tractor shall be granted to any type of vehicle with machinery mounted falling under the definition of tractor, as set out in Art. 3(8) of the Regulation, and complying with the technical requirements and the administrative provisions set out in the Regulation as well as in the delegated and implementing acts adopted pursuant to that Regulation. Machinery mounted will have to comply with the Machinery Directive 2006/42/EC.

5.7 (3.9) MD/LVD borderline

CEN-CENELEC provided an update on the work carried out on adaptation of standard on the borderline between the Machinery and the Low Voltage Directives.

5.8 (3.10) Firewood processors

CEN-CENELEC informed on progress of the revision of the standard EN 609-1\(^{228}\). There was no proposal yet.

5.9 (3.12) Formal objections to EN 1501-1 - Refuse collection vehicles

The Chairperson confirmed that FRANCE withdrew their formal objection against the standard EN 1501-1\(^{229}\). It is still necessary to check the position of GREECE, whether they want to maintain or not their formal objection.

5.10 (3.13) Ride-on lawn mowers
5.13 (3.17) Openings in the enclosure of lawn mowers

CEN-CENELEC provided an update on the progress of the amendment of EN ISO 5395-3\(^{230}\) and EN ISO 5395-1\(^{231}\), covering both points 5.10 and 5.13. More details need to be discussed further, in particular with ITALY.

\(^{227}\) EN 50308:2004 Wind turbines - Protective measures - Requirements for design, operation and maintenance; FprEN 50308:2013
\(^{228}\) EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
\(^{229}\) EN 1501-1:2011 Refuse collection vehicles - General requirements and safety requirements - Part 1: Rear loaded refuse collection vehicles
ITALY said a final vote was carried out in June but the results are not available yet. Progress is still slow and not taking into due consideration safety as a priority, as more accidents occurred. It should be necessary to speed up the work with the amendments.

The Chairperson confirmed that the issue would continue to be followed up at the next Machinery WG meeting.

5.11 (3.14) Load-moment indicators - Safety components?

COMM confirmed that the question would be clarified by updating the Guide to the Machinery Directive, to be carried out as soon as possible.

ETUI and GERMANY asked for more information on how the work to update the Guide will be carried out, concerning this question as well as other pending issues, as for the pesticide application, etc.

The Chairperson said that the Commission will organise the work accordingly in due time and will communicate more concrete details at the next meeting.

5.12 (3.16) Formal objection against EN 13525 - Wood chippers

The Chairperson said that Commission Decision on the formal objection raised by FRANCE against the standard EN 13525 is going to be published, to withdraw the reference from the OJEU.

CEMA asked for more information about the ground of the formal objection and the Commission Decision and guidance for manufacturers who have type approved wood chippers today as well as those about to be placed on the market. Manufacturers wish to know how to homologate products in the next three years that the revision will take.

The Chairperson said the requirements of Machinery Directive shall be followed.

FRANCE confirmed that the formal objection was lodged on the basis of specific problems of the standards, as well as accidents occurred.

The Chairperson recalled the procedure to be followed in these cases, which involve consultations and dialogue with all the parties involved, as well as with each of the 28 EU Member States in the Standardisation Committee.

5.14 (3.18) Paint booth standards

CEN reported on the ongoing revision process of the standards EN 12215 and EN 13355. Further information will be provided at the next meeting.

5.15 (3.19) Guards for drilling machines

The Chairperson recalled the question related to the standard EN 12717 and asked for the opinion of the Machinery WG to conclude, on the basis of the latest information available, including the conclusions of the ADCO meeting in Copenhagen in 2010.

ITALY underlined the need to clarify the status of certain guards preventing access to the tool zone on bench drills, whether they can be considered in compliance with the Machinery Directive or not. It is necessary to define a valid criterion for a correct assessment of the equipment.

GERMANY thought that, after discussions, it can be concluded that the proposed solution for small guards, as decided in ADCO, is satisfactory.

The Chairperson asked for confirmation on the agreement of all the members on the conclusions from the ADCO in Copenhagen, regarding the machines and the criterion adopted. Opinions can be sent until mid-January 2015, before the next Machinery WG meeting probably in March, in order to get the final endorsement of the WG.

ETUI considered that the solution is covered by the state of the art. It is not clear how the ADCO decision fits into the standard.

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DENMARK said that the standard was not clear, making necessary to discuss the problem in ADCO. From there, a pragmatic solution was adopted.

FRANCE agreed on the need to draft a solution on the basis of the decision taken in ADCO, to solve the technical difficulties in the Machinery Directive on the issue.

IRELAND pointed out that the ADCO decision was taken on the basis of specific technical information that was not made available to the WG members.

The Chairperson asked the ADCO Chair to provide such information.

GERMANY suggested that ITALY, FRANCE and the ADCO Chair could provide some written information, setting out the issue in more detail, to be able to better clarify the situation of the standard.

The Chairperson confirmed that written contributions should be provided by 16 January 2015.

5.16 (3.20) Metal plate folding machines

CEN reported on the progress of the standardisation work within the ISO/TC 39.

5.17 (3.21) Radial arm saws

The Chairperson said that Commission Decision was under approval, to add a warning to the publication of the reference of the standard EN 1870-17

CEN-CENELEC informed on the revision process of the standard, currently to the formal vote.

5.18 (3.24) Mini-loaders

CEN-CENELEC provided an update on the progress of revision of the standard EN 474-3

SPAIN considered that the issue is not making progress, so they asked to remove the item from the agenda until more information can be available.

5.19 (3.25) Top-handle chain saws

GERMANY thought that it is necessary a decision stating that this equipment can be sold only to suitable persons as professionals.

The Chairperson explained that a legal basis is requested for such a decision. It could not be found in the Machinery Directive; maybe in the General Product Safety Directive by using art. 13 as suggested by BELGIUM.

The UNITED KINGDOM remarked that the harmonised standard on chain saw clearly states for instructions, to be sold to professionals only.

The Chairperson confirmed that the point remains open, to further investigate a possible and legally grounded solution.

5.20 (6) Suspended access machinery

CEN-CENELEC provided and update on the progress of revision of the standard EN 1808. The relevant CEN/TC 98 reached a compromise agreement on the questions raised by FRANCE; there are still some editorial work to do.

FRANCE expressed satisfaction with the solution.

5.21 (9) Roll-over risk of self-propelled ride on machinery having a mass less than 600 kg

ITALY recalled the paper presented at the previous meeting and asked the Commission to report on the written consultation with the Member States.

The Chairperson said that written comments had been received by FRANCE and CZECH REPUBLIC, supporting the Italian position and claiming to address the question to standardisation work.

CEN-CENELEC agreed on taking on board the Italian document, to further discuss at the next meeting.

5.22 (10) Cutting attachments for portable hand-held brush cutters (Doc. WG-2014.28-1-EN)

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ITALY recalled the question as presented at the previous meeting, asking the Commission to revise the decision on portable hand-held brush cutters. The available evolution of the state of the art could lead to have safer products: CEN standards should be revised and improved, in particular EN ISO 11806-1\(^{239}\), defining specific tests for different types of cutting attachments.

The Chairperson asked for the opinion of the Working Group, on the basis of the paper presented at the last meeting. FRANCE recalled a study on the Italian report. The NETHERLANDS and GERMANY agreed with the French study and support their position. The UNITED KINGDOM welcomed the Commission decision and thought that it could be revised only with very strong evidence of problems with the tests. ITALY explained that their paper was drafted on the basis of technical solutions adopted by the industry, already beyond the decision taken some time ago. They proposed for the next WG meeting to ask for documents and the opinion of experts on the tests to revise the situation, and at the same time to give mandate to CEN to validate the necessary tests.

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The Chairperson agreed on collecting documents, to be circulated, even not necessary to be discussed at the WG meeting, for being quite technical.

CEMA recognised that it is a quite difficult and complex question, also related to different experiences with the tests. But for the time being they would keep the legal reference as it is. ETUI though that they are dangerous elements, to which some manufacturers gave different solutions. They support the opinion of CEMA.

The Chairperson invited the WG members to provide contributions and technical papers to be circulated. For the time being, the Commission decision would not be revised; however, taking into consideration the risks related to this equipment, specific action should be considered, possibly to include dangerous equipment into the decision. Comments and contribution should be sent by 16 January 2015.

5.23 (13) Concerns about EN 280

CEN-CENELEC provide an update on the improvement of the standard EN 280:2013\(^{240}\). There were still problems with the UK delegation in CEN/TC 98, comments to be addressed in view of publication.

The Chairperson confirmed that the question will be followed-up at the next Machinery WG meeting.

5.24 (6.1) KAN Study - Operating forces on agricultural machinery

GERMANY said that the KAN study, presented at the previous meeting, was not translated in English yet. When available, the Machinery WG will be informed.

5.25 (6.2) Safety fences as safety components under the Machinery Directive (Doc. WG-2014.04-ENrev1)

GERMANY introduced the revised version of the document after the ADCO meeting in Poland.

The Chairperson noted the general agreement on the paper, with no objections; so it can be considered as approved by the Machinery WG. On request, it will be made available on the Commission website and then integrated into the Machinery Guide. And of course, also national authorities can circulate the document.

5.26 (6.3) Show and projection lasers within the scope of the Machinery Directive (Doc. WG-2014.11rev1-EN)

GERMANY introduced the revised, consolidated version of the document presented at the previous meeting.

The Chairperson noted the general agreement on the paper: it can be considered as approved by the Machinery WG.

5.27 (6.4) Hovercraft and the Machinery Directive (Doc. WG-2014.05-EN)

The Chairperson noted that no comment has been received on the UK paper. So, it can be considered as endorsed by the Machinery WG: hovercrafts are out of the scope of the Directive.

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239 EN ISO 11806-1:2011 Agricultural and forestry machinery - Safety requirements and testing for portable, hand-held, powered brush-cutters and grass-trimmers - Part 1: Machines fitted with an integral combustion engine (ISO 11806-1:2011)
240 EN 280:2013 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests
ETUI mentioned a possible problem when hovercrafts are not considered as means of transport. The reason for exclusion as mean of transport should be better clarified.

The Chairperson invited ETUI to submit written comments if necessary. In the meantime the document is approved.

5.28 (6.5) The risk of lateral tip-over/roll-over of the industrial tractors with a drawbar pull up to and including 20.000 N within the scope of EN ISO 3691-1

CEN-CENELEC reported on the revision of the standard EN ISO 3691-1\(^{241}\). It is necessary to carry out investigations on the issue as well as the accidents presented by ITALY and others, to initiate appropriate steps.

ITALY recalled the accidents mentioned and express availability to provide more information. They attended the meeting of CEN/TC 150 in July 2014 and also other Member States had been asked to inform on similar accidents. They agreed on carrying out detailed analysis, but it is necessary to develop the work quickly, as accidents were serious due to problems on this kind of equipment.

FRANCE supported ITALY. They are also concerned about the situation, being an ISO standard to be checked in its full adaptation as European standard harmonised under the Machinery Directive. Questions related to stability need to be addressed urgently.

The Chairperson invited standardisers to revise the standard in order to prevent any problem from an ISO standard to a European harmonised one with regard to the essential health and safety requirements of the Directive.

5.29 (6.6) Roll over hazard of T3 tractor

ITALY recalled the question raised at the last meeting and the conclusions of the written consultation. This is very important in terms of prevention and safety, for quite dangerous machines, with roll-over hazards which have led to serious accidents, according to information from market surveillance activities.

CEMA thought that it would not be necessary to take specific measures, as discussed some time ago, but to be related to the tractor legislation and the adaption to the new legislative framework. CEMA is in agreement with the automotive unit, in charge of the tractor legislation, who addressed itself in an email to CEMA: “ROPS, which has been addressed but declared not applicable under Directive 2003/37/EC for certain tractor categories, cannot be considered as mandatory for these categories by way of application of the Machinery Directive”. CEMA states that the current applicable European legislation should be respected and not disregarded. By 2016 the new framework regulation will make ROPS on T3 >400 kg mandatory. The Commission services have not requested any mandatory insertion of ROPS for T3 category tractors before the application of Regulation 167/2013. This question raised is therefore a concern and relates to a legal issue in respect to the field of application for which the Commission should bring clarity.

ITALY said that according to Directive 2003/37/EC, not all the risks are considered, because seat-belt attachment points are required but not roll-over protective structures. The question is only partially covered; it would not be acceptable to have tractors on the market only with seat-belt attachment points and considering roll-over protective structure just as an “optional”.

FRANCE agreed with ITALY. As OECD codes for narrow tractors were amended to take into account tractors with unladen mass of 400 to 600 kg concerning the ROPS, it means that technical solutions exist to cover the roll over risk of these tractors. Consequently, since this risk is not covered by the Tractor Directive 2003/37/EC, it should be covered by the Machinery Directive.

The Chairperson said that the question will be discussed with the services in charge of tractor legislation, in order to solve this safety problem. The Machinery Directive should apply to such risks. For that, the Commission will need also the opinions of the Member States on how to proceed: contributions are requested by the end of this year 2014.

5.30 (6.7) Annex V on safety components (Doc. WG-2014.07-1-EN)

FRANCE presented a proposal to update the indicative list of the safety components referred to in Article 2(c) and set out in Annex V to the Machinery Directive 2006/42/EC, by adding two new points related to filtration systems. This was discussed at the Machinery Committee meeting and an agreement was reached by integrating a suggestion by DENMARK, on the text:

18. Filtration systems, intended to be integrated into machinery cabins, in order to protect operators or other persons against hazardous substances.
19. Filters for filtration systems mentioned in point 18.

\(^{241}\) EN ISO 3691-1:2012 Industrial trucks - Safety requirements and verification - Part 1: Self-propelled industrial trucks, other than driverless trucks, variable-reach trucks and burden-carrier trucks (ISO 3691-1:2011)
The Chairperson noted the agreement of the Machinery Committee and said that the Commission will prepare the necessary Implementing Act to modify Annex V. He asked for the opinion of the Working Group prior to submitting the modification for formal approval at the next Machinery Committee meeting in 2015: a draft will be circulated as soon as possible.

5.31 (6.8) Proposal on warning concerning EN 60745-1 and EN 60745-2-3 on grinders

CEN-CENELEC informed that concerns raised by FRANCE on the standards EN 60745-1 and EN 60745-2-3 have been considered by the relevant Technical Committee CLC/TC 116, at their last meeting in Paris in June 2014. FRANCE acknowledged the consideration and made reference to the activities in the specific sub-working group as well as with the German body KAN and manufacturers. Technical solutions are possible but manufacturers disagree on having them into the standards. They hope to have effective results from this work, to deal with very dangerous risks.

GERMANY also attended the TC meeting in June and will welcome any improvement from this work. The Chairperson confirmed that the point will be followed-up at the next Machinery WG meeting.

5.32 (6.9) Question-Answer on low loader trailer ramps up

COMM said that, after the written consultation carried out, the position of FRANCE is supported by other Member States, on the basis of common understanding of the question-answer paper presented at the last meeting. A specific suggestion was received from FINLAND: at least the ramps which are placed independently on the market (and are mounted later to the trailer) are in the scope of the Machinery Directive. FRANCE accepted the suggestion for the scope of the directive.

The Chairperson confirmed that the point will be followed-up at the next Machinery WG meeting.

5.33 (6.10) Variable reach trucks (telehandlers) with integrated platforms

CEN-CENELEC provided an update on the progress of the draft standard prEN 1459.

FRANCE welcomed the latest position as a first stage, useful for manufacturers; but in the next future, further work should be carried out.

5.34 (6.11) Position paper on valves vs. Machinery Directive (Docs. WG-2014.02-EN, WG-2014.02-1-EN, WG-2014.02-2-EN)

CEIR recalled the question as presented at the previous meeting. Comments on the position paper on valves had been received by Member States; these arguments will be taken into consideration to manage to update their position.

The UNITED KINGDOM presented their observations on CEIR paper.

FRANCE also presented a document on the status of valves.

GERMANY agreed on the need to clarify the question by discussing more intensively, with the latest contributions.

The Chairperson considered better to have further detailed discussion on that at the next Machinery WG meeting, checking the opinions of the delegations and asking for more written contributions. The results could be assumed also in view of updating the Machinery Guide.

5.35 (8.1) Interpretation of the Machinery Directive by Notified Bodies regarding 'completely enclosed' carriers (Docs. WG-2014.10-1-EN, WG-2014.10-2-EN, WG-2014.10-3rev1-EN)

The Chairperson noted that, on the EPSA paper presented at the last meeting, written contributions had been submitted by the UNITED KINGDOM as well as by ELA, SWEDEN and CEN. According to the assessment carried out by the Commission, the Machinery Directive is clear: the current text does not allow “light barrier”
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curtains. The proposal about a possible exception to the application of the Directive does not seem not be acceptable.

DENMARK intended to clarify the subject of the discussion: light curtains in combination with other systems. The Directive does not say that it is not allowed.

ETUI said that hold-to-run control systems could be a cheap solution; but problems can arise with the Machinery Directive, for large platform lifts. This could be taken into consideration when revising the Directive.

The Chairperson explained that the Commission position is based on a legal point of view, checking the Machinery Directive and the Lift Directive at the same time, in order to ensure safety of the concerned technologies.

FRANCE agreed on the Commission position. There are no problems in interpretation of the Machinery Directive, taking into account the conditions of use, cabin, platform etc. The case should be analysed whether a derogation of legislation could be considered.

IRELAND would agree with the Commission point of view, but they see problems with the essential requirement 6.4.1.

The UNITED KINGDOM made reference to their paper and agreed with IRELAND, as well as with the Commission regarding the potential safety problem and the legal issue involved.

UK mentioned that since light curtains are out there, they are being used and pragmatism is needed. Light curtains may be permissible on risk, but maybe not in all cases. More examination of the legal issues is needed.

The Chairperson said that a specific risk assessment should be provided for the technology used. The Commission did not argue on safety, but on the interpretation of the Machinery Directive: in this sense, such solution is not allowed.

FRANCE explained the concept of “completely close” cabin, and an immaterial barrier.

GERMANY said that, whether it would be admissible or not, the WG should make a decision on the question.

The Chairperson asked for further written comments by 16 January 2015; the Commission will prepare a summary document, to be circulated, to help for a common understanding on the interpretation and implementation of legislation in this case.

6. New questions submitted

6.1 Formal objection against EN 13135:2013 “Cranes - Safety - Design - Requirements for equipment” (Doc. WG-2014.34-EN)

GERMANY introduced a memorandum regarding a formal objection to the harmonised standard EN 13135:2013245, based on concerns on the safety and reliability of control systems, as well as on duplicate provisions with regard to another standard. They asked to remove the reference of the standard from the Official Journal of the European Union.

The Chairperson asked for comments by the WG members by the end of February 2015.

EFM/FEM expressed concerns about the German memorandum and the formal objection. They agreed on the need to urgently revise the standard, but not to remove the reference from the OJEU.

ITALY said that national experts analysed the German document and they would like to further discuss the question with them. They tend to agree with FEM, but in any case they will send their comments by the date indicated.

FRANCE showed some perplexity on the formal objection. They considered the risk assessment as too theoretical, not very pertinent with respect to practical conditions of use. Such horizontal standard makes reference to a type-C standard for the exact determinations.

NORWAY also consulted the question with their experts and considered that the standard does not improve safety, and appears to be contradictory with other systems.

The Chairperson summarised the positions expressed and invoked rapid action from standardisation in this area to solve the problem, involving in particular the Convener of the relevant Technical Committee CEN/TC 147. It would be necessary to receive more comments in view to agree a solution. In the meantime, the steps related to the formal objection lodged by GERMANY should be taken, both by a technical and formal point of view.

6.2 Application of Machinery Directive to turnouts (Docs. WG-2014.35-EN, WG-2014-35-1-EN)

UNIFE introduced a paper and a presentation on CE marking for turnouts, asking for clarification on their status and claiming for an explicit exclusion from the scope of the Machinery Directive.

The Chairperson pointed out that it is both a safety and legal question.

245 EN 13135:2013 Cranes - Safety - Design - Requirements for equipment

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AUSTRALIA considered that there is a gap between the legislation on Machinery and the interoperability directive with respect to turnouts. It is necessary to close such gap as soon as possible, for not imposing unnecessary burdens to industry.

DENMARK consulted their experts and turnouts are products covered by railway legislation, so the Machinery Directive does not apply.

GERMANY thought that turnouts fall under interoperability legislation and railway national systems. It would not be possible to talk about assemblies in structures and infrastructures, so they would not come under the Machinery Directive. If there is a gap in legislation as indicated by AUSTRALIA, this problem should be addressed.

POLAND also thought that these products are outside the scope of the Machinery Directive.

GERMANY said that the conclusions of this discussion should be clearly reported in the minutes, in particular regarding not considering turnouts as installations, according to AMA. The Chairperson asked GERMANY to provide more information on that, in written form, to make it clear that turnouts are not to be considered under the Machinery Directive. Contributions should be sent by 16 January 2015 and they will be circulated in view of conclusions for the next WG meeting.

6.3 Logic Units for Safety Functions (Docs. WG-2014.46-EN, WG-2014.46-1-EN)

The UNITED KINGDOM presented a paper on logic units for safety functions, submitting some questions to the Machinery WG members. GERMANY, DENMARK and ETUI appreciated the paper and agreed on the need for clarification on the issue, to be inserted into the Machinery Guide.

The Chairperson also agreed and suggested to cooperate with the UK delegation, by creating a shorter group of experts to develop the question. A meeting could be held in spring 2015.

GERMANY, SWEDEN and FRANCE accepted to cooperate with the UNITED KINGDOM, to contribute and to participate to the proposed meeting.

The Chairperson noted the availability of 4 delegations. The question will be followed-up at the next Machinery WG meeting.

6.4 Agricultural Machines - Balers (Doc. WG-2014.39-EN)

ITALY introduced a paper on pick-up balers, a type of agricultural machinery, pointing out a major safety issue that should need a clarification regarding a clause of the standard EN ISO 4254-11:2010246, on how it should be applied. A question and a possible answer is proposed to the WG.

CEMA said that the relevant Technical Committee (ISO) will hold a meeting in December 2014, to discuss also on similar products. Work is in progress, to have an answer in the incoming months.

FRANCE considered the question very important. They see the standard clear, so they would like to have more details on the Italian proposal.

The Chairperson proposed to wait for the results of the meeting of the TC, to follow up the work on progress. Bilateral contacts should be also useful to clarify all the points of the question.

6.5 Agricultural Machines - Flail Mowers (Doc. WG-2014.40-EN)

ITALY introduced a paper on flail mowers, a type of agricultural machinery, pointing out a major safety issue that should need a clarification regarding the application of the standard EN ISO 4254-12:2012247. They clarified that it would not be a criticism against the standard, but it is rather a need of clarification on its scope.

FRANCE considered the question interesting. According to the pictures, could the protections be opened when the machine is in operation? Are there risks of projection/throwing of objects? This could lead to problems in the application of the Machinery Directive.

CEMA noted that the ISO group would consider any enhancement of safety, if proposals were received, and explained that the open guard versions that could not meet the thrown object test criteria, would be subject to machinery directive EHSR’s and not to the standard EN ISO 4254-12:2012. The ISO group could insert a statement in the scope of the standard that would show those types of open guarded machines to be outside its remit.

GERMANY underlined the need to clarify the conditions of use of such machines.

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ITALY explained that there are machines with openable protections on the market: after some accidents, market surveillance authorities required to avoid dangerous operations when opening protections during the work, being not acceptable for the involved risks.

The Chairperson clarified that the question concerns the standard to prevent such misuse of the machine. He asked for written contributions from the relevant TC and the Member States, about the situation in their countries.

6.6 Earth moving machinery - Compact machines (Doc. WG-2014.41-EN)

ITALY introduced a paper on earth-moving compact machines, requesting clarification on the application on the standard EN 474-1 \(^{248}\) in particular the 1994 version (already superseded). In their opinion, the standard could have not dealt with all the risks of the Machinery Directive.

CEN observed that the Italian document is rather new and made reference to the old version of the standard.

ITALY explained that the problem is related to the 1994 version of the standard due to accidents with machines placed on the market when this version was in force. The new version of 2006 was modified, but there are doubts on the interpretation of the previous version. They need some clarification on possible action to take.

The Chairperson said that the Italian authorities could ask for clarification to CEN but in any case they should analyse the specific cases in order to take action in case of unsafe products on the market.

6.7 Industrial trucks - Equipment (Doc. WG-2014.42-EN)

ITALY introduced a paper on industrial trucks and equipment for handling loads. They proposed a question and an answer on the definition of interchangeable equipment according to art. 2 of the Machinery Directive.

The Chairperson asked for comments, to follow-up the question at the next WG meeting.

6.8 Crazy carts - Questions & answers (Doc. WG-2014.45-EN)

FRANCE proposed a question-answer paper on “crazy carts”, to know whether this kind of products is subject to the Machinery Directive.

GERMANY supported the French position, considered those products under the directive.

DENMARK and POLAND also share the same view.

The Chairperson invited the delegations to check the document and to provide their opinions and contributions by 16 January 2015, to be able to reach a conclusion at the next WG meeting.

6.9 Electrical beds/armchairs and height adjustable tables within the scope of Machinery Directive or Low Voltage Directive? (Doc. WG-2014.49-EN)


DENMARK said that it would not be up to the LVD WG to interpret the Machinery Directive. It would be better to keep separate the questions.

ETUI mentioned some accidents happened with this equipment. They involve different kind of risks for patients and operators, related also to the Medical Devices legislation.

CEN said that, after forwarding the question to the CENELEC/TC 61, these products should be covered by LVD when used in domestic environment and not Machinery Directive.

The Chairperson invited the delegations to analyse the question also in light of the Guide to the Machinery Directive. He asked for written contributions by 16 January 2015, to co-operate with the LVD colleagues to adequately cover the point.

7. Reports on standardisation (Doc. WG-2014.44-EN)

CEN-CENELEC presented an updated report on the current status of sector activities of European standardisation for safety of machinery.

Publication of references

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COMM said that the latest publication on the OJEU of the consolidated lists of references of harmonised standard under the Machinery Directive took place on 11 July 2014. The next publication would take place by the end of the year or beginning of 2015. As usual, all the information would be available on the EUROPA website.

8. Report from the Coordination of Notified Bodies

NB-M provided an oral report on the activities of the European Coordination of Notified Bodies under the Machinery Directive (NB-M), after the last meeting held in June 2014.

Discussion of RfUs (Doc. WG-2014.47-EN)

COMM introduced a paper with the updated list of the M-NB Recommendation for Use sheets (RfUs) still pending for endorsement by the Machinery WG under the oral procedure, and the related comments from the Member States. No further progresses had been made.

9. Any other business

9.1 Revision of EN 12965 - PTO drive shafts and their guards

ITALY offered a presentation on the standard EN 12965. They mentioned several accidents due to removing protections difficult to use. They ask for the revision of the standard, to solve the problems related in particular to test methods.

CEMA agreed on the need to improve the situation and supported the significant work that was currently in progress with a potential revision in CEN envisaged.

FRANCE referred to accidents also in France. The question is a serious one and rather complicated, as it would be necessary to deal with the whole system. They asked ITALY to send their prototype.

The Chairperson said that the Italian presentation will be circulated through CIRCABC, and asked the WG member to provide their comments to discuss the question at the next meeting.

9.2 ErgoMach platform (Doc. WG.2014.36-EN)

ETUI sent a paper on “ErgoMach” as an open platform for discussing ergonomics issues of machinery design. To be discussed at the next Machinery WG meeting.

9.3 Goods Lifts and Application of the Machinery Directive (Doc. WG.2014.48-EN)

IRELAND sent a paper with a query on good lifts and application of the Machinery Directive. To be discussed at the next Machinery WG meeting.

10. Date of the next meeting

The Chairperson announced that the next meeting of the Machinery Working Group should be take place in March 2015. The exact date would be confirmed as soon as possible, in principle 2 months in advance.

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250 EN 12965:2003+A2:2009 Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety
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<td>5.33</td>
<td>Variable reach trucks (telehandlers) with integrated platforms</td>
<td>CEN-CENELEC</td>
<td>Update on progress of the draft standard</td>
<td></td>
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<tr>
<td>5.34</td>
<td>Position paper on valves vs. Machinery Directive</td>
<td>All</td>
<td>Provide further opinions and contributions</td>
<td></td>
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<tr>
<td>5.35</td>
<td>Interpretation of the Machinery Directive by Notified Bodies regarding 'completely enclosed' carriers</td>
<td>All</td>
<td>Provide written comments</td>
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<tr>
<td>6.1</td>
<td>Formal objection against 13135:2013 “Cranes - Safety - Design - Requirements for equipment”</td>
<td>COM CEN-CENELEC All</td>
<td>Decision on the formal objection Revision of the standard Provide comments</td>
<td></td>
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<tr>
<td>6.2</td>
<td>Application of Machinery Directive to turnouts</td>
<td>DE All</td>
<td>Provide written contributions for conclusions</td>
<td></td>
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<td>6.3</td>
<td>Logic units for safety functions</td>
<td>UK DE SE FR</td>
<td>Co-operate to discuss and clarify the question</td>
<td></td>
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<tr>
<td>6.4</td>
<td>Agricultural machines - Balers</td>
<td>CEN-CENELEC</td>
<td>Provide update on the work of the relevant TC</td>
<td></td>
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<tr>
<td>6.5</td>
<td>Agricultural machines - Flail mowers</td>
<td>CEN-CENELEC</td>
<td>Provide update on the work of the relevant TC</td>
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<tr>
<td>6.7</td>
<td>Industrial trucks - Equipment</td>
<td>All</td>
<td>Provide comments</td>
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<td>6.8</td>
<td>Crazy carts - Questions &amp; answers</td>
<td>All</td>
<td>Provide comments</td>
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<tr>
<td>6.9</td>
<td>Electrical beds/armchairs and height adjustable tables within the scope of Machinery Directive or Low Voltage Directive?</td>
<td>All</td>
<td>Provide comments</td>
<td></td>
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<tr>
<td>9.1</td>
<td>Revision of EN 12965 - PTO drive shafts and their guards</td>
<td>All</td>
<td>Provide comments</td>
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Minutes of the MACHINERY WORKING GROUP MEETING  
held on 23-24 March 2015

Subject: Machinery Directive 2006/42/EC Working Group  
Place: Albert Borschette Conference Centre, Brussels  
Chairperson: Mr Luis GIRÃO (COMM)  
COMM Participants: Ms Birgit WEIDEL, Ms Felicia STOICA, Mr Mario GABRIELLI COSSELLU (GROW/15)

1. Welcome and approval of the Agenda (Doc. WG-2015.01rev3)

The Chairperson welcomed the participants, introduced the COMM representatives and submitted the draft Agenda of the meeting to the approval of the Members.

The draft Agenda was approved.

2. Approval of the minutes of the meetings held on 25-26 March 2014 and on 5-6 November 2014 (Docs. WG-2013.32rev1, WG-2014.53rev3)

The Chairperson introduced the revised version of the draft Minutes of the meeting of the Machinery Working Group held on 25 and 26 March 2014, for the final approval after some changes requested; and the latest version of the draft Minutes of the meeting of the Machinery Working Group held on 5-6 November 2014. Once approved, the Minutes will be made publicly available on the Machinery website on EUROPA.  
CEMA asked that any future changes to draft minutes made after circulation to MDWG to be highlighted. This was accepted by COMM.

With no further changes, the draft Minutes of the meetings on 25-26 March 2014 and on 5-6 November 2014 were approved.

3. Information on studies in the machinery sector

3.1. Impact Assessment study on road circulation of mobile machinery

COMM said that the Impact Assessment study on road circulation of mobile machinery had started. Information on the development would be circulated in due time when available.  
The Chairperson, at request of DENMARK, explained that the future Commission legislative proposal would cover any kind of machines that could go on the road, apart those covered by other EU legislation, in order to harmonise requirements and to reduce costs for operators. The Machinery WG would be deeply involved into the discussion.  
CECE welcomed the COMM initiative. The Machinery WG was not dealing with road circulation harmonisation, related to tractors etc. It would be very useful to set up a group to exchange views on the progress of the work.  
The Chairperson said that the question would be discussed also with Member States authorities in charge of transport, but in any case the Machinery WG should be fully involved. When necessary, COMM could build some structured group to work on that.  
DENMARK remarked the importance to keep dialogue between transport authorities and the Machinery WG, to reach agreements. Difficulties could arise regarding requirements and assessment methods, among other issues.
The Chairperson confirmed that the Impact Assessment study would identify such possible difficulties, to overcome them. The external contractor carrying the study would probably contact the members of the Machinery WG to collect information.

3.2. Evaluation study of the Machinery Directive

COMM said that the technical specifications for the evaluation study on the operation of the Machinery Directive were under development, to launch the tendering procedure for an external contractor. The Working Group will be informed on the next steps and fully involved in the development of the study. The results of the study would be expected by the end of 2016.

3.3. Study on possible amendments of Machinery Directive, ATEX and PED with regards to equipment used in offshore oil and gas industry

COMM said that the study on the impacts of possible amendments to the ATEX, Pressure Equipment and Machinery Directives concerning equipment for offshore oil and gas industry was ongoing, waiting for the intermediate report to be delivered in the next months; it would be circulated among the Working Group. The study should be concluded by the end of 2016.

3.4. Study on the noise limits for equipment within the Outdoor Noise Directive

COMM said that the Commission has launched a technical study to investigate the current noise limits, to assess whether they are still valid or not for equipment in the scope of the Noise emissions from outdoor equipment Directive. The conclusions of the study would be the basis for the impact assessment for a possible revision of the legislation.

4. Information on market surveillance activities

4.1. Information on the Machinery ADCO group activity

SWITZERLAND, as the current ADCO MD Chair succeeding to POLAND, informed about the most recent activities of the group. The last meeting had been held in Brussels and the next one would take place in Switzerland in November 2015. The MD ADCO group is very active, setting up different task forces on specific issues, as for machinery standardisation, earth-moving machinery, horizontal guidance, etc., as well as carrying out activities regarding market surveillance, risk assessment and other issues related to the implementation of the Machinery Directive.

4.2. Report on the ADCO Task Force on earth moving machinery (Doc. WG-2015.12)

FRANCE given a presentation on the meeting of the ADCO Task Force on earth-moving machinery, held in Munich in March 2015. A set of conclusions was reached, in particular about the revision of the standard ISO 5006251 on visibility.

The Chairperson welcomed those results and made reference to the follow-up point on the Agenda on earth-moving machinery (5.3).

5. Follow-up of questions from the last meeting (Annex (5.1 to 5.35))

5.1 (5.1) Manure spreaders

CEN-CENELEC reported on progress on the improvement of the standard EN 690252 by the responsible Technical Committee CEN/TC 144. A meeting in June 2014 proposed the adoption of the new work item to develop the amendment; currently they were waiting for the results of the study by ITALY.

ITALY confirmed that the study had been carried out, and, on this basis, a prototype will be produced, with the necessary requirements to solve the problem. It would be tested next April, in a public session, so interest colleagues could participate.

251 ISO 5006: 2006 Earth-moving machinery - Operator's field of view - Test method and performance criteria
252 EN 690:2013 Agricultural machinery - Manure spreaders - Safety
FRANCE said that they participated in the work developed by CEN/TC 144 and good progresses had been made, also with the Italian study, to solve the questions raised in the standard. They asked the members of the Working Group to help making the point on real practices of users with these products, situations of accidents etc.

The Chairperson confirmed that the Working Group would continue following up the point, waiting for the conclusions from the study and for further progresses by CEN.

5.2 (5.2) Powered doors, gates and shutters

COMM said that the Commission Decisions on the formal objections submitted by the UNITED KINGDOM on the standards EN 12635\(^253\) and EN 13241-1\(^254\) had been approved by the Standardisation Committee. Now they had to be formally adopted by the Commission and published on the Official Journal of the European Union, to add the warnings to the references of the standards. The members of the Working Group will be kept informed accordingly.

The UNITED KINGDOM made reference to the ongoing work to revise the standard EN 12453, having been submitted to public enquiry in 2014 with many comments received. These are now being taken into consideration, several meetings have already been held, more to come, UK actively participating. The UK is going to publish some new webpages on powered gate safety - now available, see http://www.hse.gov.uk/work-equipment-machinery/powered-gates/introduction.htm.

CEN said the convenor of the concerned Technical Committee CEN/TC 33 would give a presentation on the subject.

CEN/TC 33 (Working Group 5) presented the latest activities developed for the revision of the standards. He expressed some surprise for the formal objection with regard to the ongoing developments and the possible consequences.

The Chairperson recalled the regime of formal objections to harmonised standards and the related procedures and responsibilities: from the Member State lodging the objection until the submission to the Standardisation Committee, passing through discussion and non-binding opinion of the Working Group, with the necessary treatment by the Commission services. In this case, the Standardisation Committee had already discussed and voted, agreeing on the proposal to add a warning to the referred standards, and not to withdraw them.

5.3 (5.3) Earth-moving machinery

COMM confirmed that the Commission Decision on the formal objection on the standard EN 474-1\(^255\) had been published on the Official Journal of the European Union (OJEU) of 7 January 2015 and integrated into the latest list of references on the OJEU through a Corrigendum published on 13 March.

GERMANY recalled the discussions at the AdCo Task Force meeting in Munich, about the visibility objects test at 1 meter, when 1.20 m would be more realistic: this would be a good step forward for improving visibility and safety in the future. Good common solutions should be reached.

DENMARK asked for more clarification on the current status of the standard with regard to presumption of conformity and the consequences on machines already on the market: should they be withdrawn, or just inspected and updated when necessary?

The Chairperson underlined the need to ensure a common understanding of the relevant authorities of the Member States to have the same kind of measures implementing the decision through the UE.

ETUI though that it was a complex issue, involving relationship between the manufacturer under the Machinery Directive and the users with the work equipment Directive (2009/104/EC), as well as the requirements on health and safety, CE marking, market surveillance etc. It would be necessary to keep close cooperation with the Commission services dealing with the legislation and other working parties such as MACHEX, inspection bodies, etc. in order to provide some guidance to prevent different or even confusing actions in Member States.

The Chairperson confirmed that such mechanisms for cooperation are active, in particular to deal with the issue of products on the market after withdrawal of presumption of conformity of some clauses of a harmonised standard on the basis of a warning on the OJEU. The views of Member States are required to ensure common and sound implementation.

GERMANY considered that, on the basis of the Machinery Directive which covers products to be placed on the market, in other cases, for machinery already in circulation, it should be necessary to check each case specifically, concerning problems of lack of visibility and work protective measures. This would require working together with the MACHEX Group in Luxembourg, and with the current users of those machines.

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254 EN 13241-1:2003+A1:2011 Industrial, commercial and garage doors and gates - Product standard - Part 1: Products without fire resistance or smoke control characteristics
The **UNITED KINGDOM** said this was not quite as simple as placing on the market or user legislation. We can take action against machinery presenting risk. But at what point do we know when the standard was defective. There is a potential grey area

**DENMARK** acknowledged the comments expressed, about the need for action concerning machines already on the market. By national law, compliance of machinery should be checked.

The **Chairperson** confirmed that actions should be taken by the Member States, on the basis of EU legislation as well as national provisions, due to the identified shortcomings in the standard which lead to fatal accidents. Taking such actions, the same approach and common understanding should be implemented through the Union.

**GERMANY** fully agreed on the need to take action, but just remarking how the question was not very clear for machines already on the market.

**POLAND** asked for more clarification on who should take action and the related responsibilities in case something could happen to users: the manufacturers for their products?

**SWEDEN** mentioned a similar situation in the past, when it was decided that the situation of machines already placed on the market should be treated by using basic national legislations on health and safety in workplaces, to modify the machines to make them safer and acceptable as safe products.

**CEN** reported on the revision of standards on earth-moving machinery carried out by the relevant Technical Committee CEN/TC 151. The AdCo meeting was positive with good understanding on what should be achieved by a new improved standard. Amendment 4 was put forward on the reached agreement to incorporate a statement on visibility, now with rare field reduced to 1.2 m instead of 1.5, and installation of mirrors, monitors etc. The TC was managing also normative references from ISO on earth-moving machines, through the short-track procedure to be done in June 2015; without unforeseeable delays, these new contents should be included into the new standard by publishing the amendment by the end of 2015.

The **Chairperson** invited the Member States to send their opinions, at latest by 15 May 2015, on which measures should be taken by national authorities on how to deal with machinery already placed on the market and in use, manufactured in line with the standard EN 474-1. The Commission will make a summary of the received opinions, to be circulated among the members. It would be very important to have the same kind of implementation in EU as a question of interpretation of legislation, to do the same everywhere.

**FRANCE** remarked the need to have an acceptable level of adaptation when necessary for manufacturers and users.

**ORGALIME** thought that the requirements for employers should not be affected, as the risk assessment should be carried out before the machine is used in the workplace and organisational measures could be taken by the employer. If the assumed legal conformity is questioned, this could be prejudicial for users of standards and people in general. Concerning machinery already in use, the publication of the Decision on the OJEU should be taken as the key date for responsibility, tending not to go too far back into history, not to undermine the concept of harmonised standard.

The **Chairperson** recalled the need of action by Member States authorities when products are dangerous even when a product complied with the applicable legislation, when the risk was not identified then.

**ETUI** agreed with the Commission. Problems could arise with machines used in different situations and scenarios, some of them with possible danger, others not.

The **Chairperson** concluded that the views of the Member States, all of them, would be very important, for the Working Group and the Administrative Co-operation Group, taking into consideration the different aspects of the question, to be able to move forward towards the same direction. Opinions to be sent until 15 May 2015.

### 5.4 (5.4) Access to wind generators

**CENELEC** provided an update on the progress on the revision of the safety standard EN 50308\(^2\). It is developed with IEC, and a new proposal was expected to be presented by the Technical Committee in charge, IEC TC 88, at the next meeting in April 2015. This should be assessed to produce a standard to be harmonised. Further work should continue in parallel.

### 5.5 (5.5) Equipment used in the offshore oil and gas industry (Doc. WG-2015.14)

The **Chairperson** provided an update on the new mandate to be issued by the Commission. The latest version of the draft mandate was currently under internal scrutiny within the Commission (Inter-Service Consultation), in view to be submitted to the Standardisation Committee for voting before adoption. Comments from the relevant CEN/TC 12 had been circulated, oriented to reject the mandate. Contacts are ongoing to clarify the contents and the extents of such opinion, raising important questions related to the work of CEN with regard to relationship with IEC; the consequences of such a situation should be carefully assessed.

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\(^2\) EN 50308:2004 Wind turbines - Protective measures - Requirements for design, operation and maintenance; FprEN 50308:2013
CEN said that the situation in CEN/TC 12 was not very clear at the moment. The most critical issue concerning the draft mandate was about the sanction regime against Iran and Russia: the sector of gas and oil could be particularly impacted. CEN wrote a letter to the Commission to clarify the question, whether it could be possible to exempt standardisation activities from the sanction regime.

The Chairperson considered that the exact point of the question was difficult to understand, as the mandate would concern existing standardisation to be assessed and revised. The Commission will continue bilateral dialogue with CEN and keep informed the Working Group.

ETUI observed that sanction regime should prevent development of standards at national level, but not at the international ISO level.

CEN explained that ISO standards were developed in parallel with the European Standardisation Organisations: also CEN/TC 12 participated in similar exercises, taking the necessary measures to adapt international standards to the EU legal system. But in this case, problems came from the legal experts of big European companies, recommending to their employees not to participate to standardisation activities that could be affected by sanctions regime. A possible solution could come from same kind of exoneration for standardisation activities.

The Chairperson confirmed that more discussions will be held to find a solution, but in any case legal provisions must be complied with, rather than harmonised standards: machinery to be placed on the EU market must comply with the requirements of the Machinery Directive, to be ensured by market surveillance authorities of Member States. In this case, if the mandate is rejected, consequences should be assessed with regard to the need of developing harmonised standards covering the requirements of legislation.

5.6 (5.7) MD/LVD borderline

CEN-CENELEC provided an update on the work carried out on adaptation of standards on the borderline between the Machinery and the Low Voltage Directives. The relevant Technical Committee CLC/TC 61 had developed two new standards, EN 60335-2-95257 and EN 60335-2-103258, and new amendments for EN 60335-2-23259 and EN 60335-2-97260. Those references would be submitted for harmonisation.

GERMANY commented on the referred CENELEC standards, asking for better clarification on the way they would be presented concerning the MD/LVD borderline, possible exclusions and the way to use them.

DENMARK mentioned also the case of the standards EN 60534261, to be checked with regard to borderline issues.

The Chairperson said that any necessary clarification on the scope of the concerned Directives could be made in the guides, making reference to specific products.

5.7 (5.8) Firewood processors

CEN provided an update on progress of the revision of the standard EN 609-1262 by the responsible Technical Committee CEN/TC 144. The enquiry on the new draft was closed in February 2015, receiving several comments to be discussed at a meeting to be held in May 11-12. As a result, the new standard could be proposed for a second enquiry phase or to the final formal vote.

The UNITED KINGDOM added that the Machinery AdCo Group carried out a survey exercise about these machines on the market and the state of the art. A report would be presented at the next AdCo meeting in May 2015 and the conclusions will be made available in due course to the Working Group and the CEN Technical Committee.

FRANCE observed that there were different types of machines potentially concerned, and asked CEN and the UNITED KINGDOM for clarification on the subject of the ongoing work.

CEN said that more detailed feedback will be requested to the TC, for clarification on the specific kind of machinery dealt with in the revision of the standard.

The Chairperson said that, when available, such information would be circulated among all the members of the Working Group.

257 EN 60335-2-95:2015 Household and similar electrical appliances - Safety - Part 2-95: Particular requirements for drives for vertically moving garage doors for residential use

258 EN 60335-2-103:2015 Household and similar electrical appliances - Safety - Part 2-103: Particular requirements for drives for gates, doors and windows

259 EN 60335-2-23:2003/A2:2015 Household and similar electrical appliances - Safety - Part 2-23: Particular requirements for appliances for skin or hair care

260 EN 60335-2-97:2006/A12:2015 Household and similar electrical appliances - Safety - Part 2-97: Particular requirements for drives for rolling shutters, awnings, blinds and similar equipment

261 EN 60534 parts 1 to 9 Industrial-process control valves

262 EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
5.8 (5.9) Formal objections to EN 1501-1 - Refuse collection vehicles

The Chairperson said that, after the withdrawal of the French formal objection against the standard EN 1501-1\textsuperscript{263}, it was not possible to check the position of GREECE. In any case, a formal communication would be necessary to close the point.

FRANCE said that it was already done, but they would send again their official confirmation of withdrawal of the formal objection.

CEN informed that the amendment to the standard was made available in January 2015 as A1:2015. It would be proposed for harmonisation.

5.9 (5.10; 5.13) Ride-on lawnmowers / Openings in the enclosure of lawn mowers (Doc. WG-2014.50)

CEN provided an update on the amendments to the standards EN ISO 5395-1\textsuperscript{264} and EN ISO 5395-3\textsuperscript{265}, with the parallel work carried out by the relevant Technical Committee CEN/TC 144. The amendments would take into consideration the main technical issues raised by ITALY.

ITALY recognised some progress but they still expressed concerns for some substantial issues for machines up to 400 kg, to be solved.

FRANCE also expressed concerns on other aspects related to protection systems.

The Chairperson invited all the members and in particular ITALY and FRANCE to actively participate and closely follow-up the ongoing work in CEN, in order to solve the objections raised and to achieve good harmonised standard available for many years.

5.10 (5.11) Load-moment indicators - Safety components?

The Chairperson confirmed that changing the list of safety components in Annex V to the Machinery Directive would require a delegated act, on the basis of a specific and complex procedure including an impact assessment study, inter-institutional consultation, etc.: this should take long time. The question could be clarified by updating the Guide to the Machinery Directive: a draft proposal in this sense should be discussed and endorsed by the Working Group with a consensual approach, to be sure that the implementation would be the same everywhere in the EU. The Commission had asked Mr Fraser, the former official in charge of the Machinery Directive, to prepare a draft to update the Guide: the draft would be circulated when available.

GERMANY said that within the revision of the Guide, more suggestions could be made in particular regarding partly completed machinery, interfaces with other legislations, etc. They could participate in a small group of experts to support Mr Fraser with the work.

AUSTRIA also pointed out other possible aspects to be improved in the Guide to improve its interpretation, as well as on Declaration of Conformity and on some ambiguities in the German translation.

The Chairperson draw the attention on the difference between a fully revision of the Guide, which would be a more ambitious exercise, at a larger extent and with more participation, and an update of the Guide, that would be the case, as a more limited exercise concerning the inclusions of comments to the amendment on pesticide application, and some more issues such as safety components, partly completed machines, etc. More in-depth revision would involve another kind of work, more related to future legislative revision. In any case, possible way of co-operation for the update of the Guide could be taken into consideration.

ORGALIME offered their availability to participate, as they did in 2010 for the first edition of the Guide.

GERMANY also confirmed their interest in participation, and mentioned other guidance documents adopted in the past Machinery Working Group meetings, that could be inserted in the updated Guide.

FRANCE also volunteered for participating.

The Chairperson said that those guidance documents would be checked for the update of the Guide. A small group of experts co-operating in the work could be useful; in any case the updated Guide should be submitted to the endorsement of the Working Group. In the meantime, inputs for the updated of the Guide could be already sent, by 30 of May.

5.11 (5.14) Paint booth standards

\textsuperscript{263} EN 1501-1:2011 Refuse collection vehicles - General requirements and safety requirements - Part 1: Rear loaded refuse collection vehicles

\textsuperscript{264} EN ISO 5395-1:2013 Garden equipment - Safety requirements for combustion-engine-powered lawnmowers - Part 1: Terminology and common tests (ISO 5395-1:2013)

\textsuperscript{265} EN ISO 5395-3:2013 Garden equipment - Safety requirements for combustion-engine-powered lawnmowers - Part 3: Ride-on lawnmowers with seated operator (ISO 5395-3:2013)
CEN reported on the revision of the standards EN 12215\textsuperscript{266} and EN 13355\textsuperscript{267}. New work items were ongoing and the enquiry phase on the drafts would start soon.

The Chairperson asked FRANCE to consider withdrawing the formal objection, in view of the progress made in the revision.

FRANCE said that they would check the situation to confirm.

5.12 (5.15) Guards for drilling machines (Doc. WG-2015.13)

COMM recalled the conclusions of the Machinery AdCo Group meeting on 23\textsuperscript{th} in Copenhagen, concerning the standard EN 12717\textsuperscript{268} and presumption of conformity for bench drilling machines.

GERMANY confirmed such conclusions as in their document, with the agreement reached by the Member States authorities. Having such rules, possible exemptions should be duly justified, coming across specific cases.

SWEDEN asked for the effective implementation of the agreement concerning the standard and the related products.

The Chairperson said that it would be incorporated into the standard, but always taking into consideration the necessary compliance with the requirements of the Directive. He asked to check whether the German document can be endorsed by the Working Group, by inviting all the members to send their opinions and comments on it by 30 May 2015.

5.13 (5.16) Metal plate folding machines

CEN provided an update on the progress on the standardisation work within the ISO/TC 39. A meeting had been held some weeks ago; not enough members actually participated, so for the time being, no further work can be developed, unless having more participation.

The Chairperson called to all the interested parties to participate in such standardisation work.

5.14 (5.17) Radial arm saws

COMM confirmed that the Commission Decision linked to the French formal objection against the standard EN 1870-17\textsuperscript{269} had been published in the OJEU on 6\textsuperscript{th} January 2015, adding a specific warning.

CEN informed that the amendment was adopted in January 2015 and the new version of the standard should be proposed for harmonisation in April 2015 as EN 1870-17-2012+A1:2015.

5.15 (5.19) Top-handle chain saws

COMM reported on the analysis carried out to investigate a possible and legally-grounded solution to the question of preventing sale of this kind of equipment to non-professional users. Article 9 of the Machinery Directive could not be used to issue a decision to prevent sales to consumers; it would be rather a matter of market surveillance enforcement and appropriate actions to be taken by national authorities. In any case, chainsaws are part of a Joint Action project proposed by PROSAFE, SWITZERLAND and other 10 Member States, and co-financed by the Commission: this should be useful to carry out market surveillance actions in the future.

ITALY asked whether a Member State could decide to limit sales of this equipment to non-professional users.

The Chairperson answered affirmatively, but this could be made not on the basis of Article 9; another legal basis should be used, to be verified.

GERMANY considered regrettable that Article 9 could not be used to take measures in this case. Probably, national provisions should be used, with possible differences through the EU; this could lead to difficulties for implementation, without a common legal basis.

The Chairperson recalled the need that instructions for those products should clearly indicate that they are for professional users only. This could be used by market surveillance authorities to take actions when necessary.

ETUI raised the question of definition of professional users, on the basis of competences or qualifications, to have a clear picture of the situation.

The Chairperson concluded that this would be a matter for national authorities.

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\textsuperscript{266} EN 12215:2004+A1:2009 Coating plants - Spray booths for application of organic liquid coating materials - Safety requirements

\textsuperscript{267} EN 13355:2004+A1:2009 Coating plants - Combined booths - Safety requirements

\textsuperscript{268} EN 12717:2001+A1:2009 Safety of machine tools - Drilling machines

\textsuperscript{269} EN 1870-17-2012 Safety of woodworking machines - Circular sawing machines - Part 17: Manual horizontal cutting cross-cut sawing machines with one saw unit (radial arm saws)
5.16 (5.20) Suspended access machinery

CEN provided an update on the progress of revision of the standard EN 1808\(^{270}\) at the relevant CEN/TC 98. The new version was ready for the formal vote; the previous draft had been adjusted on the basis of complaints expressed by FRANCE on some technical details.

5.17 (5.21) Roll-over risk of self-propelled ride on machinery having a mass less than 600 kg (Doc. WG-2013.09)

CEN informed on the latest developments on the basis of the contents of the Italian document. Discussions involved a wide range of issues and no specific progress had been made on the related standards so far. The Chairperson invited all the members to participate and follow-up the standardisation work.

5.18 (5.22) Cutting attachments for portable hand-held brush cutters (Doc. WG-2014.28-2)

COMM made reference to the paper with the Member States comments on the question, after the Commission Decision\(^{271}\) prohibiting the placing on the market of flail-type cutting attachments consisting of several linked metal parts for portable hand-held brush cutters. The conclusion would be that it should not give a mandate to CEN to define specific tests for "metallic flail-type attachment", because they are already prohibited by the decision. Concerning the remarks on the other types "more than one non-metallic part" and "non-flail type and more than one metallic part", in order to clarify the relevance and reliability of the tests, ITALY is invited to provide technical documents to support their position.

ITALY said that they will forward the comments from Member States to the industry, as well as the related supporting documents.

The Chairperson asked all the members for comments on the conclusions, in two-month' time, until 23 May 2015. With no further comments, the point would be closed.

5.19 (5.23) Concerns about EN 280

CEN provided an update on the standard EN 280\(^{272}\), concerning ongoing discussion with the responsible Technical Committee CEN/TC 98. The general opinion is that it would be too difficult to deal with the current amendments; it would be done with a new revised version to be launched later.

5.20 (5.28) The risk of lateral tip-over/roll-over of the industrial tractors with a drawbar pull up to and including 20,000 N within the scope of EN ISO 3691-1

CEN, concerning the ongoing revision of the standard EN ISO 3691-1\(^{273}\), informed that there were no news since the last meeting in November 2014.

5.21 (5.29) Roll over hazard of T3 tractor (Doc. WG-2014.16-2)

COMM made reference to the document with Member States comments. Concerning the requirements for fitting roll-over protection structures (ROPS) to T3 tractors (mass between 400 kg and 600 kg), it would be necessary to take into consideration the interaction with the current tractor legislation: Directive 2003/37/EC requires only seat-belt points, but no ROPS or seat belts. Using the Machinery Directive to enforce ROPS requirements retroactively would be inconsistent with the current tractor regulation. Roll-over risks should be considered by the manufacturer, and the essential requirements 3.2.2 (seat belts) and 3.4.3 (roll-over) of the Machinery Directive should be applied if such risk exists.

CEMA recalled the positions of the Automotive unit of the Commission, as well as of the Italian ministry. ITALY said that the meaning of the exclusion would not be understandable. It would be necessary to clarify the use of ROPS under the Machinery Directive, keeping in mind serious accidents related to roll-over risks in tractors. Should manufacturers assess whether there are risks to require the protection structure?

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\(^{271}\) 2012/32/EU: Commission Decision of 19 January 2012 requiring Member States to prohibit the placing on the market of flail-type cutting attachments for portable hand-held brush cutters (OJEU L 18, 21.1.2012, p. 5)

\(^{272}\) EN 280:2013 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests

\(^{273}\) EN ISO 3691-1:2012 Industrial trucks - Safety requirements and verification - Part 1: Self-propelled industrial trucks, other than driverless trucks, variable-reach trucks and burden-carrier trucks (ISO 3691-1:2011)
COMM explained that it would not possible to apply the Machinery Directive to impose the use of ROPS; such requirements were not mandatory under the Directive. The manufacturer could do so, but not under the current regulatory framework, before 2016, when the new tractor legislation becomes applicable. ROPS would be mandatory only for new vehicles, but not for old ones.

CEMA considered that the question would be really relevant for the Working Group on Tractors, rather than the Machinery Working Group.

ITALY understood that the risk could not be dealt with under the Machinery Directive; but the problem would not be solved on 1st January 2016, because until 2018, tractors without ROPS would continue to be allowed. The question could be clear by the legal point of view but not concerning safety.

The Chairperson confirmed that it was a question of legal assessment. This could not be done until the new tractor legislation comes into force. If there were different understandings, to be agreed on the interpretation of the Machinery Directive, the Commission would be always open to receive and to circulate contributions.

5.22 (5.30) Annex V on safety components (Doc. WG-2015.15)

The Chairperson recalled the question on the possible modification of Annex V on safety components.

FRANCE presented the proposal concerning "Filtration systems and filters for filtration systems intended to be integrated into machinery cabins" for Annex V, as agreed at the latest Machinery AdCo meeting and the draft Commission decision.

The Chairperson confirmed that this should be considered within the framework of the update of the Guide to application of the Machinery Directive [as already mentioned in the previous point 5.10 on "Load-moment indicators"], in order to provide clarification about the situation of such components in the meaning of the Directive. The Commission asked for the opinion of the members of the Working Group, whether they agree on updating the Guide this way. Comments on the paper WG-2015.15 and opinions on the update of the Guide should be provided by 15 May 2015.

5.23 (5.31) Proposal on warning concerning EN 60745-1 and EN 60745-2-3 on grinders

CENELEC provided updates on the revision of the standards EN 60745-1274 and EN 60745-2-3275. An ad-hoc group had been set up between the relevant Technical Committee CLC/TC 116 and FRANCE, to identify risks and requirements to be considered, holding a meeting in November 2014. The problem was quite complex, more discussions and investigations should be necessary, also with the technical solutions proposed by FRANCE. Some manufacturers had incorporated safety devices but there were no evidence on their effectiveness so far. The next meeting of the ad-hoc group would take place in 19 May 2015, in Paris, at the French Ministry of Labour, in view of agreement on common understanding and possible ways forward.

5.24 (5.33) Variable reach trucks (telehandlers) with integrated platforms

CEN provided an update on the progress of the draft standard prEN 1459-3276. The formal vote was completed in March 2015: the result should be positive so the publication of the standard should take place soon. For the time being it would not be foreseen as a harmonised standard; just to be a European standard.

The Chairperson acknowledged the results achieved and considered that the point can be closed and withdrawn from the Agenda.

5.25 (5.34) Position paper on valves vs. Machinery Directive (Docs. WG-2014.02, WG-2014.02-1/ to 5)

COMM recalled the point from the previous meeting and introduced the comments received on the CEIR proposal on valves: from FRANCE, the UNITED KINGDOM, GERMANY, SWEDEN and DENMARK, as well as a position paper by VDMA.

CEIR thanked the contributions received and would draft their paper taking them into account.

The Chairperson confirmed that a new draft paper would be provided by CEIR at the next Machinery Working Group meeting, to develop further discussion on the subject.

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274 EN 60745-1:2009 Hand-held motor-operated electric tools - Safety - Part 1: General requirements (IEC 60745-1:2006 (Modified))
276 prEN 1459-3 Rough-terrain trucks - Safety requirements and verification - Part 3: Additional requirements for variable reach trucks fitted with work platform
5.26 (5.35) **Interpretation of the Machinery Directive by Notified Bodies regarding ‘completely enclosed’ carriers (Docs. WG-2014.10, WG-2014.10-1 to 8)**

COMM recalled the point from the previous meeting and introduced the comments received on the EPSA paper: from the UNITED KINGDOM, SWEDEN, FRANCE, DENMARK and GERMANY, as well as from CEN/TC 10 and from ELA. To try to summarise the question, the Commission also drafted a document WG-2014.10-8, analysing the question and making reference to the legal requirements in the Machinery Directive: on this basis, completely enclosed carriers would need full length doors and walls; light barrier curtains could not be used to achieve a full enclosed carrier; and the use of a completely enclosed carrier would be based on risk assessment. A possible solution could come through a modification of the Guide according to such conclusions; and the issue of a Recommendation for Use by the Notified Bodies, to harmonise the practice of providing completely enclosed carrier and the use of light barrier curtains for slow speed lifts, in light of the comments provided by the Machinery Working Group members and the Commission.

EPSA asked for more clarification on the COMM proposal, concerning in particular machinery already installed with light barriers instead of physical ones. Could it be possible for Notified Bodies to allow its use? The Chairperson said that the Commission would like to know the opinions of the members on the COMM document, and whether the interpretation and proposed solution could be shared and supported, in particular the most appropriate approach on what measure should be taken with respect to light barrier curtains installed in slow speed lifts already placed on the market, not in line with the provisions of the Machinery Directive. This would be very important in order to ensure the same interpretation through the whole European Union. Comments are expected from all 28 Member States by 15 May 2015.

5.27 (6.1) **Formal objection against EN 13135:2013 “Cranes - Safety - Design - Requirements for equipment” (Docs. WG-2014.34-1 to 4)**

COMM recalled the point from the previous meeting and introduced the comments received on the formal objection to the harmonised standard EN 13135:2013 lodged by GERMANY, from a number of Member States (DENMARK, SWEDEN, UNITED KINGDOM, FINLAND and ITALY) as well as from CEN/TC 147 and from FEM. According to these contributions, it appeared that the formal objection had not the support of the Working Group, just agreeing to advise the relevant Technical Committee to revise the standard. For that, the FEM proposal could be a good starting point.

GERMANY explained more in detail the reasons for the formal objection. The aim was to improve the standard, so they would like to continue with the formal objection to reach a positive outcome as soon as possible. According to the progress made, it would be possible to withdraw the formal objection later on.

The Chairperson confirmed that the formal objection would be kept but for the time being it would not be further processed, waiting for progress in the standardisation work for revision.

CEN agreed on analysing the FEM proposal to start working on an amendment to the standard, taking into consideration the discussions in the Working Group.

5.28 (6.2) **Application of the Machinery Directive to turnouts (Doc. WG-2014.35-2)**

COMM recalled the point from the previous meeting and introduced the comments received by the Member States on the UNIFE paper. It could be concluded that turnouts were not considered as machinery under the scope of the Directive; they would be rather covered by the Rail Interoperability Directive (2008/57/EC).

The Chairperson recalled the need to have the same interpretation and approach all over the European Union.

GERMANY remarked the complexity of the issue, but in any case they would accept the majority decision of the Working Group.

The Chairperson noted that the general understanding on the question was not to consider turnouts within the scope of the Machinery Directive, so this should be the common interpretation approach to apply. If necessary, further discussions or revisions could be taken into consideration.

5.29 (6.3) **Logic units for safety functions (Doc. WG-2014.46)**

The UNITED KINGDOM said that no further comments had been received on their paper. Discussions were still open.

The Chairperson recalled that, at the last Machinery Working Group meeting, delegates from GERMANY, SWEDEN and FRANCE offered to contribute and to participate to a meeting proposed by the UNITED KINGDOM, to be organised in spring 2015.

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277 EN 13135:2013 Cranes - Safety - Design - Requirements for equipment
GERMANY confirmed their interest to work together. A report on that would be presented at the next meeting.

5.30 (6.4) Agricultural machines - Balers (Doc. WG-2014.39)

COMM said that, after the paper presented by ITALY, reports and clarifications were expected by the relevant Technical Committee ISO/TC 23/SC 7 mirrored by CEN/TC 144, following up their meeting in December 2014 and in particular on the application of clause 5.4.1.1 of the standard EN ISO 4254-11:2010\textsuperscript{278}.

CEMA informed on the ongoing standardisation work and open projects concerning balers. More experts would be involved at the next meeting in June 2015, including the industry point of view. This should lead to an amendment to the standard, covering different kind of machines.

ITALY acknowledged the ongoing work on the issue, in order to improve safety of machinery and to prevent serious accidents. In fact, market surveillance activities had detected machines not complying with the requirements of the standard, due to some lack of clarity, and in consequence not fulfilling the essential requirements of Annex I to the Directive.

The Chairperson agreed on waiting for progress in standardisation. In any case, for non-compliant machines on the market, appropriate action should be taken.


COMM recalled the point from the previous meeting based on the Italian paper asking for clarification regarding the application of the standard EN ISO 4254-12:2012\textsuperscript{279}, and introduced the comments received by the Member States – supporting the paper and the proposed answer – as well as from the relevant Technical Committee ISO/TC 23/SC 7.

CEMA informed that discussions were ongoing to improve the standard, with a possible amendment to be taken into consideration at the next meeting in June 2015.

The Chairperson confirmed the agreement on the Italian paper and the related interpretation on flail mowers. They were not covered by the harmonised standard but should comply with the legal safety requirements of the Directive. In case of different views on the question, the member should let the Commission know as soon as possible.

FRANCE asked for clarification about protection for machines not covered by the standard.

CEMA explained that any flail mower could comply with the requirements in the Directive, by using appropriate guards.

5.32 (6.7) Industrial trucks - Equipment (Docs. WG-2014.42, WG-2014.42-1, WG-2014.42-2)

COMM recalled the point from the previous meeting based on the Italian paper, and introduced the comments received by Member States, basically agreeing on their position: where the referred attachments are placed independently on the market, they should be considered as interchangeable equipment. However, the UNITED KINGDOM suggested some clarifications to be added, to emphasize the difference between attachments placed independently on the market, and those which are supplied with the base machine as an integrated part. Once revised, the paper could be included into the Guide.

DENMARK said that manufacturers should have a choice as to whether to CE mark the whole machine or just the interchangeable equipment.

ITALY made reference to the section of the Guide dealing with interchangeable equipment (§ 41), stating that, when it is sold with the basic machinery, it should bear the CE marking.

GERMANY agreed with ITALY on the reference to the Guide to clarify the question.

ORGALIME also agreed with ITALY and GERMANY.

SPAIN mentioned possible different situations when placing on the market interchangeable equipment with other machines, bearing or not the CE marking. This should be further clarified.

POLAND agreed on the need of a clear statement on that.

The UNITED KINGDOM pointed out that the question would be related not to the nature of the equipment, but on how it is placed on the market: with the machine or separately.

The Chairperson noted the general agreement on the need to slightly revise the Italian paper, according to the comments and discussion, to be circulated and endorsed by the Working Group by e-mail.

5.33 (6.8) Crazy carts - Questions and answers (Docs. WG-2014.45, WG-2014.45-1)


\textsuperscript{279} EN ISO 4254-12:2012 Agricultural machinery - Safety - Part 12: Rotary disc and drum mowers and flail mowers (ISO 4254-12:2012)
COMM recalled the point from the previous meeting based on the French paper, and introduced the comments received by Member States. On this basis, it could be concluded that crazy carts were subject to the Machinery Directive.

The Chairperson noted the general agreement on the conclusion.

5.34 (6.9) Electrical beds/armchairs and height adjustable tables within the scope of the Machinery Directive or Low Voltage Directive? (Docs. WG-2014.49, WG-2014.49-1)

COMM presented the comments received by the Member States on the Swedish paper submitted at the previous Working Group meeting. On this basis, it could be concluded that the Machinery Directive did not distinguish between private and commercial use, except for household appliances. Electric furniture for domestic use is subject to the Low Voltage Directive (2006/85/EC), whereas electric office furniture is subject to the Machinery Directive – also making reference to section § 64 of the Guide. Considerations should be made concerning the Medical Devices legislation (Directive 93/42/EEC and others) for products designed for medical application, such as some related to personal care robots.

Germany considered that differentiation between private and office use should be better clarified, taking into consideration the appropriate legal basis and specific uses with regard to the scopes of the Machinery and Low Voltage Directives. More clarification should be made, avoiding being too vague.

The United Kingdom remarked that the central issue is, what do we mean by a household appliance? A food mixer is, but perhaps not a powered door (or platform lift). Where do powered furniture fit? If not household appliance then MD will apply.

The Chairperson agreed on the need to clarify the point in the Guide, in particular the concept of household appliances and its consequences. This could be made within the update of the Guide.

The CEN Consultant also agreed on clarification for household appliances as well as on the question of domestic or commercial use. He made reference to the standard EN 60335-1\(^{280}\) which includes useful annexes with a list of elements and indications with respect to the Machinery or Low Voltage Directives.

Orgalime supported the idea of clarifying the question through section § 64 of the Guide.

The Chairperson invited all the members to submit their comments for clarifications in section § 64 of the Guide, in particular about the definition of "household appliance for domestic use", in order to determine whether electrical beds/armchairs and height adjustable tables intended for use in home environment are to be considered to be "household appliances". The update of the Guide would be brought to the Machinery Working Group, to be consensually endorsed.

5.35 (9.1) Revision of EN 12965 - PTO drive shafts and their guards (Docs. WG-2014.52, WG-2014.52-1)

COMM recalled the point from the previous meeting based on the Italian presentation on the standard EN 12965\(^{281}\), and introduced the comments received by three Member States. The relevant Technical Committee CEN/TC 144 should analyse the problem highlighted by Italy, Germany and the other Member States and in consequence revise the standard to improve safety of drive shafts.

CEMA said that the preliminary work item had been adopted: two meetings already took place (November 2014 in London, March 2015 in Bologna) and some ideas had been proposed concerning locking systems, on the basis of prototypes produced by Italy. A new version of the standard taking into account the results of such discussion should be elaborated soon. The next meeting would take place in October 2015 in Rome.

Italy confirmed that they were actively participating, with positive developments in the TC. They invited also Germany and the other Member States to contribute and to express opinions on the prototype. The question was quite important and urgent because of serious and fatal accidents, involving also little children: it is necessary to achieve a standard which could really fulfil the safety requirements of the Machinery Directive.

France supported the work and agreed on its importance.

CEMA was pleased to see relevant progress on the matter. The work would take time, because the question would be complex and difficult to solve.

The Chairperson confirmed that the question would be followed up at the next Working Group meeting.

6. New questions submitted

6.1 Query relating to good lifts and application of the Machinery Directive (Doc. WG-2014.48)

\(^{280}\) EN 60335-1:2012 Household and similar electrical appliances - Safety - Part I: General requirements

\(^{281}\) EN 12965:2003+A2:2009 Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety
IRELAND presented a paper with a query on good lifts and application of the Machinery Directive, related to the standard EN 81-31\(^2\). FRANCE said that they would need to consult their experts to take a position on the question. ETUI remarked that the question was related to the general issue on safety integration. This could be used to make the requirements more explicit, including activities of maintenance, restyling, etc. POLAND was not able to express an opinion yet, needing more information, as the question would involve several aspects related to the standard and its use, as well as compliance with the requirements of the Directive. The Chairperson asked to all the members to submit their comments on the issues raised by IRELAND in their document, by the end of May 2015.

6.2 ErgoMach platform (Doc. WG-2014.36)

ETUI presented a paper on “ErgoMach” as an open platform for discussing ergonomics issues of machinery design, to contribute to a good match between machines and operators, from the work of the group on ergonomics for Machinery based on the essential requirement 1.1.6 of the Directive. The platform, available on http://ergomach.wordpress.com, is open to stakeholders for any contribution to make it a useful tool for all the interested parties; in particular for standardisation, making reference to technical reports on ergonomics such as ISO/TR 22100-3\(^3\).

CEN added that it would be important to handle elements from technical reports on ergonomics aspects, as well as on safety controls, etc.

6.3 FprEN 1870-6 (Doc. WG-2015.02)

GERMANY introduced a paper on the draft standard FprEN 1870-6\(^4\) concerning different safety levels on sawing machines with pivoting log carriage. They consider necessary some improvements in the draft, as in the current situation the reference should not be published on the OJEU to give presumption of conformity, especially concerning the machines indicated as type b) compared to those a).

CEN said that they would forward the paper to the relevant Technical Committee CEN/TC 142, to ask for their feedback and to report at the next meeting.

SWEDEN supported the German comments, to make these machines as safe as possible.

The Chairperson invited delegations to submit comments on the issues raised by GERMANY, until 15 June 2015. This would help to have clear indication on the progress of the standardisation work.

6.4 Collaborative robots (Doc. WG-2015.03)

DENMARK gave a presentation on collaborative robots for industrial purpose. They proposed a set of questions to the members of the Machinery Working Group.

GERMANY considered the issue quite interesting, related to a new and innovative area of products. This could involve safety issues when interacting with users, so specific solutions should be analysed for all the operators.

The UNITED KINGDOM made reference to the essential requirement 1.3.7 on moving parts. These machines could have different effects in different situations, affecting the different parts of the human body in different ways. It would be useful to further discuss the question.

ETUI mentioned some research works in the past, carried out by Universities with collaborative robots. This could be useful to develop the discussion.

CEN made reference to the International Technical Committee ISO/TC 184/SC 2 on Robots and robotic devices, with study groups built up for investigation, also connected to research studies.

The Chairperson welcomed all contributions, better in written form, for the next meetings, with no closed deadline, as the issue would remain open for long time. In fact it is linked to technological innovation, representing new challenges for machinery legislation in the EU. The Danish document would be a good basis to develop discussions, in view to reach common understandings on collaborative robots.

In addition, he informed the members that the Commission would open a dialogue with Japan about some specific kinds of robots, involving aspects on standardisation, conformity assessment procedures, etc. A first

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\(^2\) EN 81-31:2010 Safety rules for the construction and installation of lifts - Lifts for the transport of goods only - Part 31: Accessible goods only lifts


\(^4\) FprEN 1870-6 rev Safety of woodworking machines - Circular sawing machines - Part 6: Circular sawing machines for fire wood
meeting would take place at the end of April 2015: the members of the Machinery Working Group would be kept updated on that, and it would be useful to have their cooperation and participation.

6.5 Inquiry on EN 12331 "Food processing machinery - Mincing machines - Safety and hygiene requirements" (Doc. WG-2015.04)

The UNITED KINGDOM presented a set of questions on the standard EN 12331285, seeking the views of the members of the Working Group on possible safety problems.
CEN said that they have provided the relevant Technical Committee CEN/TC 153 with the UK presentation, to ask for their feedback as soon as possible.
The Chairperson asked to submit comments on the questions raised by the UNITED KINGDOM, by the end of June 2015, to come back to this point at the next Machinery Working Group meeting.

6.6 Mobile machinery - Falling objects (Doc. WG-2015.08)

The UNITED KINGDOM gave a presentation on operator protection of mobile machinery, in particular against falling objects (FOPS) and the standards EN 474-1 and 474-3286, raising some question to the Working Group members and to CEN.
DENMARK supported the UNITED KINGDOM, agreeing on the need to clarify the requirements related to FOPS and the risks to prevent.
CEN recalled long-time discussions at CEN/TC 151 on earth-moving machinery, in particular for excavators, considering front guards in addition to FOPS to prevent debris to operators. They have forwarded the UK presentation to the Technical Committee to receive some feedback on the question, in view of a possible revision of the related standards. Risks from the practical use of these machines should be considered, as well as the aspects related to accidents, to have protective structures respecting also the requirements on stability of machines (as FOPS could be quite heavy).
The Chairperson invited all the members to analyse the UK document and said that the point would be followed up at the next meeting of the Machinery Working Group.

6.7 Drive restraint systems (Docs. WG-2015-05, WG-2015.05-1, WG-2015.05-2)

FRANCE introduced a document on driver restraint systems for industrial trucks and self-propelled trucks, including a presentation and a video on the results of a study carried out by INRS. They asked for the members' opinions on the possible future revision of the Machinery Directive or, in the short term, of the Guide.
The UNITED KINGDOM asked for clarification on seat belts and the risks to the head of the operator.
FRANCE answered that the structure should prevent blows to the head, as indicated in the study.
DENMARK considered that the situation could be improved for seatbelts, to be analysed.
FRANCE said that the system should foresee possible misuse of the protection in different working situations.
The NETHERLANDS asked for the availability of the INRS study.
ITALY said that it would be necessary to further discuss the practical application and use of protective systems for these industrial trucks. Different alternative solutions could be valid.
ETUI recalled that the question had been discussed several times, especially for fork lifts trucks, with the related tip-over risks and the necessary protections as ROPS. Guidelines could be improved in this particular area.
FRANCE said that some points should be reformulated, to improve protection to the driver from later tip-over, where more accidents take place.
ORGALIME thought that it was a quite critical area, especially when the driver did not use seat belts. Similar questions could be discussed about manual doors, restraint systems, etc. The state of the art should be taken into consideration for possible solutions to improve safety conditions, to be implemented in practice.
The Chairperson invited all the members to provide their written opinions and comments on the issues raised in the French documents, by 30 June 2015, in order to find some kind of solution, at least an interim one by modifying the Guide. This could be also considered for future revision of the Directive, following the necessary formal steps. It would not be an issue to discuss technical solutions, that should be for the standardisation work, but to give more clarification on how apply the Directive to these products.

6.8 Mechanically loaded woodchippers (Doc. WG-2015.10)

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285 EN 12331:2003+A2:2010 Food processing machinery - Mincing machines - Safety and hygiene requirements
Earth-moving machinery - Safety - Part 3: Requirements for loaders
FRANCE gave a presentation on accidents related to mechanically loaded wood chippers, different from those under the scope of standard EN 13525 which reference had been withdrawn from the OJEU: in fact, they were not covered by any standard at the moment. Information on similar accidents was requested and, on this basis, the need for a specific standard could be discussed.

The Chairperson wondered whether these machines were in conformity with the Machinery Directive or not. If it would be the case, Member States should take action against non-compliant equipment. After analysing the question, it could be useful to consider the possibility to issue a mandate to CEN to develop a specific standard.

CEMA considered that the point was very interesting, dealing with mechanically loaded machines after those manually loaded covered by the standard EN 13525. These machines could present serious risks, so specific standardisation could be useful. CEMA asked why C54/1 OJEU 13 February 2015 on page 54 shows EN 13525 still allowing presumption of conformity.

The Chairperson clarified that the reference of the standard was withdrawn via a Corrigendum published in the OJEU C 87/13 on 13 March 2015.

The UNITED KINGDOM raised the question of combinations of machines with manual and mechanical feed, to be also taken into consideration.

The Chairperson invited Member States to share information if similar accidents occurred in their territory and if there are dual mode machines with both manually and mechanically loaded options, in order to have a complete picture of the situation on such serious issue. The information collected would be circulated to all the members. Also CEN was invited to think about the possibility to open a specific standardisation work item in this area.

6.9 Woodchippers action plan proposal (Doc. WG-2015.11)

FRANCE presented a proposal for a European joint action on wood chippers already in service, after the withdrawal from the OJEU of the reference of the standard EN 13525, so no longer providing presumption of conformity. They suggested to organise a meeting to discuss practical measures.

CEMA welcomed the idea, to achieve a common approach between the Member States authorities and manufacturers on the issue but stated that this is already inclusive within CEN/TC 144/WG 8.

ITALY said that machines already on the market before the withdrawal of presumption of conformity of the standard should not be the responsibility of the manufacturer; it would be rather necessary for the user to do something.

CEMA welcomed the idea to achieve a common approach between Member States, authorities and manufacturers on the issue but stated that this is already inclusive within CEN/TC 144/WG 8. CEMA confirmed that they would reply by letter as requested on the Wood Chipper issues to COMM, with specific input from Industry.

The Chairperson agreed on the convenience of the French initiative. The Commission would like to be informed on the ideas and proposal to deal with the situation. Information on participation and contributions to the "woodchippers action plan proposal" should be sent to FRANCE by the end of May 2015.

6.10 Lifting accessories for own use (Doc. WG-2015.09)

FINLAND proposed to consider lifting accessories manufactured for own use as subject to the Machinery Directive, and to insert this information into the Guide on application, section § 43 on "Lifting accessories".

DENMARK agreed on the Finnish proposal.

The UNITED KINGDOM also agreed but thought that definition should be better clarified as it seems to be restricted to those products “independently placed on market”.

POLAND supported the proposal, confirming the opinion they already had on this.

GERMANY also welcomed and supported the Finnish document. It would be necessary to check the part on “simple” and “complex” lifting accessories, to make the point fully understandable.

ORGALIME also broadly agree on the paper, making reference to Article 2 d) of the Machinery Directive. This could be added to the Guide for clarification.

The Chairperson noted the general agreement considering lifting accessories manufactures for own use under the Machinery Directive.

7. Reports on standardisation (Doc. WG-2015.06)
CEN-CENELEC presented their report on the current status of sector activities of European standardisation for safety of machinery. Among the actual items, they mentioned the still pending question of the New Approach Consultants.

ETUI, CECE and ORGALIME shared concerns about the situation of Consultants, asking for urgent action to solve the problem. The Chairperson confirmed the importance of the work of Consultants for standardisation within the New Approach system. The still pending issues should be solved soon.

**Publication of references**

COMM said that the latest publication on the OJEU of the consolidated lists of references of harmonised standard under the Machinery Directive took place on 13 February 2015, with a Corrigendum issued on 13 March. All the information would be available on the EUROPA website, currently revamped for the new Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (Growth).

8. **Report from the Coordination of Notified Bodies**

NB-M provided an oral report on the activities of the European Coordination of Notified Bodies under the Machinery Directive (NB-M), after the last meeting held in November 2014. The next one should be held in December 2015.

**Discussion of RfUs (Doc. WG-2015.07)**

COMM introduced a paper with the updated list of the M-NB Recommendation for Use sheets (RfUs) still pending for endorsement by the Machinery WG under the oral procedure, and the related comments from the Member States. He draw the attention in particular to RfU 03.162 Rev. 08, to confirm the endorsement after the withdrawal of the Swedish comment to a previous version. The Chairperson recalled the need to ensure a sound management of the RfUs to be endorsed, to avoid to have them in a “limbo” for too long time. Concerning RfU 03.162 Rev. 08, all the members were invited to confirm that it can be considered as endorsed, with no further comments, until 21 April 2015; for the other RfUs, concerned Member States and Horizontal/Vertical Groups of Notified Bodies should bilaterally discuss the still pending issues, as indicated in the document.

9. **Any other business**

9.1 **Safety standards for industrial trucks and the status of EN 16307-1**

COMM said that the standard EN 16307-1, which reference had been published on the OJEU on 5 April 2013, was part of a package, and it could not give presumption of conformity without the other standards, not ready for publication yet. So, this reference should be removed from the OJEU as soon as possible, following the necessary procedure.

CEN reported on their ongoing internal procedures to complete the other standards within the package. A positive outcome should take place soon.

9.2 **Report from MACHEX meeting**

COMM reported on the latest meeting of the MACHEX Group which took place in Luxembourg on 11-12 March 2015. The participants discussed on different issues related to market surveillance in the Machinery sector, work safety, enforcement approaches and other initiatives relating to the application of European legislation on Machinery. Member States representatives could liaise with the members of the MACHEX Group in order to provide their contributions to the different ongoing initiatives, in particular to the report to be submitted by the end of May 2015.

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289 EN 16307-1:2013 *Industrial trucks - Safety requirements and verification - Part 1: Supplementary requirements for self-propelled industrial trucks, other than driverless trucks, variable-reach trucks and burden-carrier trucks*
10. Date of the next meeting

The Chairperson announced that the next meeting of the Machinery Working Group should be take place in November 2015. The exact date would be confirmed as soon as possible, in principle 2 months in advance.
### Points to be followed up at the next meeting

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Minutes of the MACHINERY WORKING GROUP MEETING
held on 25 November 2015

Subject: Machinery Directive 2006/42/EC Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairperson: Mr Luis GIRÃO (COMM)
COMM Participants: Ms Birgit WEIDEL, Mr Mario GABRIELLI COSSELLU, Ms Nathalie BOUTTEFEUX (GROW/C3)

1. Welcome and approval of the Agenda (Doc. WG-2015.21rev5)
   The Chairperson welcomed the participants, introduced the COMM representatives and submitted the draft Agenda of the meeting to the approval of the Members.
   
   The draft Agenda was approved.

2. Approval of the draft Minutes of the meeting held on 23-24 March 2015 (Doc. WG-2015.16rev3)
   The Chairperson introduced the draft Minutes of the meeting of the Machinery Working Group held on 23 and 24 March 2015, evidencing the changes made to the previous version, according to the inputs of the members.
   Once approved, the Minutes will be incorporated into the Consolidated Minutes publicly available on the Machinery website on EUROPA.

   The draft Minutes of the meeting on 23-24 March 2015 were approved.

3. Information on studies in the machinery sector

   3.1. Impact Assessment study on road circulation of mobile machinery

   COMM informed that the Impact Assessment study on road circulation of mobile machinery was being carried out, to be finalised in March/April 2016. Based on the results, COMM would possibly develop, in the course of 2016-2017, a legislative proposal with the related impact assessment, to analyse the different policy options.

   CEN mentioned the existence of a standard on circulation on the road of earth-moving machinery, EN 15573, elaborated by CEN/TC 151, with could be relevant for harmonisation of road circulation requirements for mobile machinery across the EU.

   3.2. Evaluation study of the Machinery Directive

   COMM informed that the evaluation study on the operation of the Machinery Directive during the period 2010-2014 should start in January 2016, lasting 17 months until mid-2017, to be carried out by an external contractor, on the basis of the technical specifications and the offer received. The evaluation study can be considered as the very first step towards a possible revision of the Directive, involving also open and targeted consultations with the different sectorial involved parties. Information on the development of the study will be regularly provided.

   3.3. Study on possible amendments of Machinery Directive, ATEX and PED with regards to equipment used in offshore oil and gas industry

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290 http://ec.europa.eu/growth/sectors/mechanical-engineering/machinery/
291 EN 15573:2008 Earth-moving machinery - Design requirements for circulation on the road
COMM informed that the study continued ongoing, to deliver its final report in 2016, after a second interim report delivered in October 2015. The findings and results of the study will be analysed by COMM and it may result in further policy initiatives in the field.

3.4. Study on the noise limits for equipment within the Outdoor Noise Directive

COMM informed on the technical study currently working on recommendations on noise limits in respect of products in the scope of the Directive on Noise emissions from outdoor equipment. The final report should be produced in January 2016 and it would be the basis for a legislative proposal and the related impact assessment.

4. Information on market surveillance and Machinery Administrative Co-operation activities

COMM, noting the absence of SWITZERLAND as the current Chair of the Machinery AdCo group, briefly reported on the last meeting held in Berne (Switzerland) on 6-7 October 2015, making reference to the documents to be made available on the relevant CIRCABC Interest Group.

5. Follow-up of questions from the last meeting (Annex (5.1 to 5.35))

5.1 (5.1) Manure spreaders

CEN reported on progress on the amendment of the standard EN 690 by the responsible TC 144. Two studies were ongoing on the subject: the French one was completed and it is currently under translation; and the Italian one is to be completed.

5.2 (5.2) Powered doors, gates and shutters (Docs. WG-2015.24, WG-2015.36)

COMM confirmed the publication on the OJEU of the Commission Decisions concerning the standards EN 12635 and EN 13241-1, adding specific warnings after the formal objections raised by the UNITED KINGDOM.

CEN presented a paper requesting for reconsideration of the referred Decisions, and providing an update on the ongoing revision of the standard prEN 12453, to address the key issues put forward by the UNITED KINGDOM.

The Chairperson recalled the procedure to follow dealing with the formal objection, until the final results. Any further development should be checked with the UNITED KINGDOM, also on the basis of their new document on "Standards for powered gates".

ETUI expressed their interest on providing contributions to the very technical work related to the issue, to take into due contributions the different aspects involved.

The Chairperson said that the point will continue to be followed up at the next Machinery WG meeting, with the presence of representatives of all the parties more directly involved.

5.3 (5.3) Earth-moving machinery (Doc. WG-2015.17rev1)

COMM recalled the situation after the publication on the OJEU of the warning on the standard EN 474-1 and presented the paper with the contributions from the Member States on the measures for earth-moving machinery already placed on the market. As a conclusion, machinery placed on the market before the warning came into force has to be assessed on a case-by-case basis by the competent national authorities. The user would be responsible for fulfilling the requirements in line with Directive 2009/104/EC on Use of Work Equipment.

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292 Machinery Administrative Cooperation Group: https://circabc.europa.eu/w/browse/27c76fd2-cb47-4885-9d87-d28486d2eb8c
293 EN 690:2013 Agricultural machinery - Manure spreaders - Safety
295 EN 13241-1:2003+A1:2011 Industrial, commercial and garage doors and gates - Product standard - Part 1: Products without fire resistance or smoke control characteristics
296 prEN 12453 Industrial, commercial and garage doors and gates - Safety in use of power operated doors - Requirements
CEN reported on the revision of standards ISO 5006 and EN 474-1, on the basis of the Machinery AdCo group recommendations and the agreed requirements. The new work item for amendment should be completed by the end of 2016, to be able to remove the warning for the new version of the European standard.

IRELAND informed that, from the Machinery AdCo task force on visibility issues, a paper will be issued to contribute to the progress on the revision of the standard.

The Chairperson confirmed that the point will continue to be followed up at the next Machinery WG meeting.

5.4 (5.4) Access to wind generators

CENELEC provided an update on the revision of the standard EN 50308, making reference to the activities with IEC. The kick off meeting on the new work item on technical specifications should take place at beginning 2016, to make improvements towards a European standard to be harmonised.

IRELAND asked for a more specific timeframe, as no harmonised standard is currently available in the field, and this should be a priority for power generators.

CEN answered that, according to the concerned TC, the new standards would not be developed very soon. The work would be based on IEC activities, starting only new, and it would take some time.

5.5 (5.5) Equipment used in the offshore oil and gas industry (Doc. WG-2015.23)

The Chairperson informed on the last developments on the draft standardisation mandate on Machinery and in particular for new harmonised standards for equipment in the offshore oil and gas industry. The draft mandate was submitted to the Standardisation Committee meeting on 7 October 2015 but, due to objections raised by CEN and by some Member States representatives, the discussion was postponed to give more time to solve the still pending problems, mainly concerning the question of the "embargo law" at international level and also the structure of the mandate itself. The situation would be carefully assessed to explore all the possibilities and to take into due consideration the potential consequences not only on the Machinery sector but also on the whole European standardisation system.

ETUI recalled the support they provided to the Commission's draft mandate at the Standardisation Committee meeting. Availability of specific European harmonised standards in the field would guarantee the highest levels of health and safety of workers at work and would improve market surveillance activities to prevent accidents.

CEN underlined the cooperative and open approach from standardisation on the issue, consulting all the concerned technical bodies and the involved parties to accept the mandate and to carry out the work, with the appropriate resources; but three main problematic issues were raised. First, the draft mandate deals with two topics, a specific one on offshore equipment and the general one on machinery: they should be better separated, by decoupling them it would be possible to develop the work for machinery standards as an open mandate; but with a single document which included also standards for equipment in the oil and gas industry, the mandate could not be accepted for the question of sanctions. Secondly, in the field of offshore equipment there is a close cooperation of CEN at international level with ISO and API, due to the global nature of the sector: there, the issue of sanctions laws is very relevant, preventing participation and co-operation of international experts; this could be solved only by providing legal security to them, through possible exemptions of standardisation activities from the sanction laws. Then, as the third issue, there is the question of adding new working items to the open mandate, for a satisfactory solution for all the parties.

The Chairperson explained that the draft mandate is already an open mandate. The Commission services, too, are always open to further discuss the still pending questions, but it would not be acceptable that CEN would not be able to carry out the requested standardisation work, as the mandate is addressed to the European Standardisation Organisations to develop European harmonised standards, and not to ISO/IEC. This is a very sensitive issue, in the framework of the EU harmonisation legislation, to be analysed and followed up.

5.6 (5.6) MD/LVD borderline

CENELEC provided an update on the ongoing adaptation of standards on the borderline between the Machinery 2006/42/EC and the Low Voltage 2006/95/EC Directives, with the activities carried out by different TCs on a set of new standards and revised standards. When available, the references would be submitted for harmonisation.

5.7 (5.7) Firewood processors (Docs. WG-2015.27, WG-2015.32)

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298 ISO 5006:2006 Earth-moving machinery - Operator's field of view - Test method and performance criteria
299 EN 50308:2004 Wind turbines - Protective measures - Requirements for design, operation and maintenance: FprEN 50308:2013
CEN provided an update on the ongoing revision of the standard EN 609-1 by the responsible TC 144. In particular, new information on the scope was provided in June 2015, to be modified accordingly. FRANCE also made reference to the documents from the Machinery AdCo and considered that the scope of the standard would be very well clarified. The Chairperson noted the documents sent by the UNITED KINGDOM as a report from the Machinery AdCo group, with recommendations for improving the safety of firewood processors. The point will be followed up at the next Machinery WG meeting.

5.8 (5.8) Formal objections to EN 1501-1 - Refuse collection vehicles
COMM confirmed that, after the withdrawal of the French formal objection against the standard EN 1501-1, no communication was received from GREECE. The point can be closed.
CEN informed that the amendment to the standard A1:2015 was proposed for harmonisation. A revision of the standard is planned.

5.9 (5.9) Ride-on lawnmowers / Openings in the enclosure of lawn mowers
CEN provided an update on the amendments to the standards EN ISO 5395-1 and EN ISO 5395-3, taking into consideration the main technical issues raised by ITALY.

COMM informed on work in progress, making also reference to the document reproducing the technical specifications and the tasks required for the external contractor in charge of the update. The work should be completed by January 2016 and the results will be presented to the members of the Machinery WG at the next meeting in March 2016.

5.11 (5.11) Paint booth standards
CEN provided an update on the revision of the standards EN 12215 and EN 13355. Ongoing discussions confirmed that it is not an easy issue; in any case, further progresses should be made in the next six months. The Chairperson noted the absence of the French representative following up the question, to inquire on their position about a possible withdrawal of the formal objection, and reported the point to the next Machinery WG meeting.

5.12 (5.12) Guards for drilling machines (Doc. WG-2015.13-1)
COMM presented the paper with the comments received from some Member States: DENMARK, SWEDEN and the UNITED KINGDOM supported the German document, which should be integrated into the Machinery Guide. The Chairperson invited the Member States to provide comments on the proposed conclusions by 31 December 2015.

5.13 (5.13) Metal plate folding machines
CEN provided an update on the standardisation work within the ISO/TC 39. The question was recognised not to be in the scope of the TC, and no other Technical Committee appears to have the expertise to deal with it. The Chairperson agreed on putting apart the point for the moment.

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300 EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
301 EN 1501-1:2011 Refuse collection vehicles - General requirements and safety requirements - Part 1: Rear loaded refuse collection vehicles
**25 NOVEMBER 2015**

5.14 (5.14) Radial arm saws (Doc. WG-2015.35)

CEN presented a paper from TC 142 with the position on the standard EN 1870-17306, explaining in detail the situation after the publication on the OJEU of a warning on the basis of the French formal objection. The questions raised by FRANCE have been addressed in the amendment A1:2015, proposed for harmonisation. COMM will check the situation with FRANCE to proceed accordingly.

5.15 (5.16) Suspended access machinery

CEN confirmed that the 2015 version of the standard EN 1808307 was published and proposed for harmonisation. COMM will check the situation to proceed accordingly.

5.16 (5.19) Concerns about EN 280

CEN confirmed that the amendment A1:2015 to the standard EN 280308 was published and proposed for harmonisation. COMM will check the situation to proceed accordingly.

5.17 (5.20) The risk of lateral tip-over/roll-over of the industrial tractors with a drawbar pull up to and including 20.000 N within the scope of EN ISO 3691-1

CEN confirmed that the 2015 version of the standard EN ISO 3691-1309 was published and proposed for harmonisation, replacing the 2012 version that was not harmonised. With respect to the question raised by ITALY, it seems that it is not an issue anymore. In any case, the relevant TC forwarded it at ISO level, to possibly develop a new work item on stability. COMM will check the situation to proceed accordingly.

5.18 (5.23) Proposal on warning concerning EN 60745-1 and EN 60745-2-3 on grinders

CENELEC provided an update on the revision of the standards EN 60745-1310 and EN 60745-2-3311. The relevant TC is on the right track to solve the questions raised by FRANCE. A first agreement was reached by further investigation is needed to obtain additional information. Concerning the amendment A12:2014 of EN 60745-2-3 proposed for harmonisation, it does not deal with the issues under revision. COMM will check the situation to proceed accordingly.


COMM noted the absence of the representatives of the most concerned parties (CEIR, the UNITED KINGDOM, etc.) who submitted documents. The point was reported to the next Machinery WG meeting.


COMM presented the paper with the comments received by the Member States on the first version of the Commission's answer regarding the interpretation of "completely enclosed carrier" and the use of light barrier curtains under the Machinery Directive 2006/42/EC. The Commission paper was revised, proposing that there should be no requirements to upgrade or recall the slow speed lifts with light curtains in the carrier combined with automatic function, unless there are specific cases where they represent a risk; as such, the measurers should be taken according to the Directive on use of work equipment.

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306 EN 1870-17:2012 Safety of woodworking machines - Circular sawing machines - Part 17: Manual horizontal cutting cross-cut sawing machines with one saw unit (radial arm saws)
308 EN 280:2013 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests
310 EN 60745-1:2009 Hand-held motor-operated electric tools - Safety - Part 1: General requirements (IEC 60745-1:2006 (Modified))
CEN presented the document from TC 10, stating that the approach proposed by the Commission in its paper could create inconsistencies in the application of the Directive, leaving a possibility to deviate from the general rule for risk assessment.

DENMARK shared the same opinion of CEN. The revised COMM paper seems unclear and contradictory. "Light curtains" are not an emergency device, but a safety device. The first version of the paper would be preferable.

EPSA agreed with DENMARK: as indicated in their document, in the first version of the COMM document, the answer proposed was clearer, when stating that light curtains were not permitted, not being physical barriers. It is necessary to have the same interpretation criteria for notified bodies all over the EU.

The Chairperson said that COMM will think again on the document, in light of the comments received, including the latest ones at the meeting, and any new comment to be sent until 18 January 2016. A revised draft answer will be submitted at the next Machinery WG meeting.

5.21 (5.27) Formal objection against EN 13135:2013 "Cranes - Safety - Design - Requirements for equipment"

COMM noted the absence of the representatives of GERMANY to follow up their opinion on the formal objection against the standard EN 13135:2013\(^\text{312}\), in particular about the possibility to withdraw it, taking into consideration that it appears not to have the support of other Member States.

CEN provided an update on the revision of the standard. The relevant TC 147 - WG 3 held a meeting on May 2015, with proposals to solve the problem and to have the formal objection withdrawn. This should be further developed in the next meeting in January 2016.

The Chairperson confirmed that the German position will be checked at the next Machinery WG meeting.


COMM noted the absence of the representatives of the UNITED KINGDOM. The issue was reported at the next Machinery WG meeting, to present and discuss the reports from the recent ad-hoc meeting.

5.23 (5.30, 5.31) Agricultural machines - Balers and Flail mowers

CEN provided an update on the revision of the standards EN ISO 4254-11:2010\(^\text{313}\) and 4254-12:2012\(^\text{314}\), under the responsibility of TC 144.

CEMA confirmed that progresses had been made, also with the cooperation of ITALY, towards new amendments to the standards, especially for part 11.

The Chairperson confirmed that the question will be followed up at the next Machinery WG meeting.

5.24 (5.32) Industrial trucks - Equipment

COMM noted the absence of the representatives of ITALY, to revise their paper in light of the comments made by the UNITED KINGDOM. The point was reported to the next Machinery WG meeting.

5.25 (5.34) Electrical beds/armchairs and height adjustable tables within the scope of the Machinery Directive or Low Voltage Directive? (Doc. WG-2015.29)

COMM recalled the question on "household appliances" and "domestic use" related to the relationship between the Machinery 2006/42/EC and the Low Voltage Directives 2006/95/EC, trying to reach a conclusion on the basis of the previous working documents WG-2014.49 and WG.2014.49-1. A new comment was received from GERMANY, as in Doc. WG-2015.29.

DENMARK mentioned an answer given by the Commission to a Danish manufacturer, stating that the Machinery Directive excludes from its scope "household appliances for domestic use" and that electrical powered furniture intended for domestic use with a low-voltage supply is excluded from the Machinery Directive, according to Art. 1(2)(k). They supported this position.

COMM considered that the question should be definitely clarified in the Guide to the application of the Machinery Directive, in particular in section § 64, also in connection to the LVD Guide. Problems could arise with equipment supply with the same use.

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\(^{312}\) EN 13135:2013 Cranes - Safety - Design - Requirements for equipment


\(^{314}\) EN ISO 4254-12:2012 Agricultural machinery - Safety - Part 12: Rotary disc and drum mowers and flail mowers (ISO 4254-12:2012)
5.26 (5.35) Revision of EN 12965 - PTO drive shafts and their guards

CEN provided an update on the revision of the standard EN 12965315, as a quite complex process. After the preliminary work already carried out, it is still ongoing, to solve the questions raised by ITALY. The Chairperson confirmed that the question will continue to be followed up at the next Machinery WG meeting.

5.27 (6.1) Query relating to good lifts and application of the Machinery Directive (Doc. WG-2015.30)

COMM recalled the question raised by IRELAND related to the standard EN 81-31316 and noted that only one comment was produced, by GERMANY. More comments were announced, also from delegations not represented at the meeting, so the point would be reported to the next Machinery WG meeting.

5.28 (6.3) FprEN 1870-6 "Safety of woodworking machines - Circular sawing machines for fire wood" (Doc. WG-2015.02-1rev1)

COMM presented the paper with a number of comments received on the question raised on the draft standard FprEN 1870-6317 by GERMANY. As indicated, DENMARK and SWEDEN supported the German position; CEN also sent a comment.

CEN explained their comment, stating that the reason of application in the draft standard of different technical solutions, but the levels of safety of the two types or machines are the same. The draft standard was currently in the final stage of the process, under formal vote and waiting for comments from the Consultants. IRELAND expressed concerns on the logic used, as it could create a breach for other kind of machines.

The Chairperson proposed to come back with the issue at the next Machinery WG meeting, in particular on the issue on "foreseeable use or misuse", by one or more persons. More comments would be useful to clarify the question.

5.29 (6.4) Collaborative robots (Docs. WG-2015.31, WG-2015-33)

COMM recalled the questions raised by DENMARK. Comments were provided by GERMANY and the UNITED KINGDOM as in the papers; noting the absence of representatives from these two Member States, the point would be reported to the next Machinery WG meeting.

DENMARK considered that the comments expressed by GERMANY and UNITED KINGDOM supported their positions.

The Chairperson informed about the ongoing contacts and project on collaborative robots with Japan, in the framework of the industrial policy and regulation cooperation with the EU. The most recent meeting with experts took place in October 2015, in view of the possible next steps. This would involve the analysis of legislation to comply with by these products, in the borderline between the Machinery Directive and the Medical Devices Directives. The Ministry of Economy, Trade and Industry of Japan (METI) should submit a paper on borderline cases for personal care robots, to be proposed to and discussed by the Machinery Working Group.

CEN mentioned a new standardisation project under consultation with the Member States, to deal with safety data about interaction humans-robots, in particular on the acceptable speed for collaborative robots. This would be based on studies carried out in Germany and other countries. The relevant ISO/TC is active on "Robotics devices for non-medical applications".

The Chairperson ensured that appropriate information would be provided to involve the interested parties in the process, including standardisation.

5.30 (6.5) Inquiry on EN 12331 "Food processing machinery - Mincing machines - Safety and hygiene requirements" (Doc. WG-2015.04-1rev1)

COMM recalled the questions raised by the UNITED KINGDOM on the standard EN 12331318. Comments were received from SWEDEN, expressing their interest in a revision of the standard that would concentrate on hazards at the outlet on mincers of all sizes, and by CEN.

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315 EN 12965:2003+A2:2009 Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety
316 EN 81-31:2010 Safety rules for the construction and installation of lifts - Lifts for the transport of goods only - Part 31: Accessible goods only lifts
317 FprEN 1870-6 rev Safety of woodworking machines - Circular sawing machines - Part 6: Circular sawing machines for fire wood
CEN explained their position, making reference to the work carried out in TC 153, with the 2015 version of the standard published and proposed for harmonisation. The questions raised by the UNITED KINGDOM were not known in the revision process; when this would be clarified and further information would be provided, in particular on accidents, it would be possible to develop a specific discussion to address the problem. The Chairperson confirmed that the question will be further checked, in particular with the UNITED KINGDOM and SWEDEN, and followed up in the next Machinery WG meeting.

5.31 (6.6) Mobile machinery - Falling objects

COMM recalled the questions raised by the UNITED KINGDOM on operator protection of mobile machinery, in particular against falling objects (FOPS) and the standards EN 474-1 and 474-3. As no written comments have been received, and given the absence of the representatives of the UNITED KINGDOM, the item will be reported to the next Machinery WG meeting.

5.32 (6.7) Drive restraint systems (Doc. WG-2015.05-6rev2)

COMM recalled the questions raised by FRANCE and presented the paper with the comments received by some Member States as well as from CEN/TC 150. CEN explained their position on the two questions, as expressed in the paper. FRANCE considered that, concerning the belts, there is the need to add the exigency of protection against lateral tipping over. The Chairperson confirmed that the point will be followed up at the next Machinery WG meeting, asking to provide further comments.

5.33 (6.8) Mechanically loaded woodchippers (Doc. WG-2015.10-1rev2)

COMM recalled the question raised by FRANCE on accidents related to mechanically loaded woodchippers and the need to collect more information and for a specific standard for products different from those in the scope of the standard EN 13525 which reference was withdrawn from the OJEU. Comments had been received from SWEDEN and GERMANY, as well as from CEN. CEN explained their position, on the possibility to have a standard for products not covered by the current revision of EN 13525. It is a complex issue because the inclusion of mechanically loaded woodchippers to the ongoing revision would significantly delay the standardisation work on the new draft EN 13525: it would be better to focus the efforts on the ongoing revision to solve the French formal objection. In the future, a new work item could be launched, also on the basis of information on accidents. The Chairperson asked the members of the Machinery Working Group to provide their contributions as requested by FRANCE and comments on the position of CEN. This would be followed up in the next meeting.

5.34 (6.9) Woodchippers action plan proposal (Doc. WG-2015.11-1rev2)

COMM recalled the proposal from FRANCE for a European joint action on woodchippers already in service, after the withdrawal from the OJEU of the reference of the standard EN 13525. As in the paper with the comments received, DENMARK, SWEDEN, the UNITED KINGDOM and GERMANY supported the proposal and expressed their wish to contribute to the action plan. FRANCE confirmed their intention to organise a meeting to discuss practical measures, also involving manufacturers and users of these machines, to make progresses on the question. Waiting for more contributions, as discussed also in the Machinery AdCo group, this should start in 2016 with the situation in the French market. The Chairperson asked the members of the Machinery Working Group to provide more information on participation in the action plan and contributions, for the next Machinery WG meeting.

5.35 (9.1) Safety standards for industrial trucks and the status of EN 16307-1

COMM informed on the completion of the package of standards for industrial trucks.

318 EN 12331:2003+A2:2010 Food processing machinery - Mincing machines - Safety and hygiene requirements
CEN confirmed that the Amendment A1:2015 to the standard EN 16307-1\textsuperscript{321} was proposed for standardisation. The citation on the OJEU would allow to use this standard together with EN ISO 3691-1.2015 to get presumption of conformity.

6. New questions submitted

6.1 Situation after the application of Regulation 167/2013 on tractors (Doc. WG-2015.20)

COMM presented the document summarising the relationships between the Machinery Directive 2006/42/EC and the new Regulation (EU) 167/2013 concerning tractors, as by the 1\textsuperscript{st} January 2016 until the end of the transition period on 1\textsuperscript{st} January 2018. Further clarification on this point would be proposed for insertion into the updated Guide to application.


FRANCE presented a paper on the ongoing revision of the standard EN 1853:1999+A1:2009\textsuperscript{322}, pointing out some problems with the draft prEN 1853. This should be addressed before proposing the new standard for harmonisation.

ETUI asked for information on the possibility to submit comments during the CEN inquiry phase.

CEN said that the inquiry phase is still open in November 2015, and comments can be still be taken into consideration.

CEMA agreed on the need of improving the standard concerning the points raised by FRANCE, and wonder how to address the possible comments from industry in the correct and most effective way.

The Chairperson clarified that the concerns expressed by FRANCE would not be considered as a formal objection against the standard yet, but rather as possible actions by the market surveillance authorities on products which could be considered as unsafe, if the essential requirements of the Machinery Directive are not met.

CEN said that it would be necessary to have much better information on the different aspects related with these products and the standard, such as their technical characteristics, existing standards, accidents etc., to be able to carry out a real improvement of the draft standard at this point.

IRELAND informed that they are currently investigating a fatal accident with an agricultural trailer, different from those presented by FRANCE.

The Chairperson asked the members of the Machinery WG to provide comments on the French document by 31 January 2016, to continue discussing at the next meeting.

6.3 Slurry agitators and the Machinery Directive (Doc. WG-2015.34)

IRELAND introduced their document, requesting to the members of the Machinery WG their opinion on the safety requirements for slurry agitators.

The Chairperson asked the members of the Machinery WG to provide comments on the Irish document by 31 January 2016, in view of the next meeting.

6.4 Safety with boom mounted circular saws on mobile work equipment (Doc. WG-2015.38)

The Chairperson noted the absence of the representatives of the UNITED KINGDOM and reported the point to the next Machinery WG meeting, asking the members to provide comments on the document by 31 January 2016.

7. Reports on standardisation (Doc. WG-2015.44)

CEN-CENELEC presented their report on the current status of sector activities of European standardisation for safety of machinery.

COMM said that the next publication on the OJEU of the consolidated lists of references of European harmonised standards under the Machinery Directive should take place by the end of the year 2015, on the basis of the last sending of proposals from CEN and CENELEC in October, after the resolution of the problems

\begin{itemize}
  \item \textsuperscript{321} EN 16307-1:2013 Industrial trucks - Safety requirements and verification - Part 1: Supplementary requirements for self-propelled industrial trucks, other than driverless trucks, variable-reach trucks and burden-carrier trucks
  \item \textsuperscript{322} EN 1853:1999+A1:2009 Agricultural machinery - Trailers with tipping body - Safety
\end{itemize}
related to the activities of the New Approach Consultants. As usual, all the information would be available on the EUROPA website.\footnote{Machinery standardisation: http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/machinery/index_en.htm}

8. **Report from the Coordination of Notified Bodies – Recommendations for Use (RFUs)**

NB-M (Technical Secretariat) informed on the latest activities of the European Coordination of Notified Bodies under the Machinery Directive (NB-M), from the last meeting held in Amsterdam (the Netherlands) in June 2015. The next meeting will be held in Brussels on 2-3 December 2015. COMM informed on the last publication of endorsed Recommendations for Use on the EUROPA website, updated in September 2015 (horizontal RFUs) and in November 2015 (vertical RFUs).

9. **Any other business**

No any other business was discussed at the meeting.

10. **Date of the next meeting**

The Chairperson announced that the next meeting of the Machinery Working Group is planned on 10-11 March 2016. Confirmation of dates should take place as soon as possible, in principle 2 months in advance.
### Points to be followed up at the next meeting

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Minutes of the MACHINERY WORKING GROUP MEETING
held on 10-11 March 2016

Subject: Machinery Directive 2006/42/EC Working Group
Place: Albert Borschette Conference Centre, Brussels
Chairperson: Ms Birgit WEIDEL (COMM)
COMM Participants: Mr Mario GABRIELLI COSSELLU, Ms Elżbieta PAPRZYCKA, Ms Nathalie BOUTTEFEUX (GROW/C3)

1. Welcome and approval of the Agenda (Doc. WG 2016.01 rev.2)

The Chairperson welcomed the participants, introduced the COMM representatives and submitted the draft Agenda of the meeting to the approval of the Members.

COMM mentioned to documents received after the last version of the Agenda, submitted by the UNITED KINGDOM on "Status of spring supported pallet leveller/table" (Doc. WG-2016.13) and by FRANCE on "Q&A on the stability of concrete truck mixers" (Doc. WG-2016.14). They will be presented in the item 9 "Any other business".

The draft Agenda was approved.

2. Approval of the draft Minutes of the meeting held on 25 November 2015 (Doc. WG-2016.02)

The Chairperson introduced the draft Minutes of the meeting of the Machinery Working Group held on 25 November 2015, recalling that it was a one day meeting and with reduced attendance due to the special security conditions in Brussels at that time: for that, a number of issues was not discussed and directly reported to the following meeting. As usual, once approved, the Minutes will be incorporated into the Consolidated Minutes publicly available on the Machinery website on EUROPA.

The draft Minutes of the meeting on 25 November were approved.

3. Information on studies in the machinery sector

3.1. Impact Assessment study on road circulation of mobile machinery

COMM informed that the Impact Assessment study on road circulation of mobile machinery was going to be finalised in March/April 2016. When completed, the study will be circulated through CIRCABC and it would be probably published also on the COMM website. On the basis of the results, an impact assessment report would be prepared by the COMM services in charge of the Machinery sector – also in co-operation with the Automotive sector – in the course of 2016-2017, to analyse the different policy options in view of a possible legislative proposal concerning these products, in order to harmonise at EU level the current national provisions.

The Chairperson explained that this exercise would be carried out in the usual way as for any possible legislative proposal from the Commission, with the consultation and involvement of the relevant EU-wide interested parties and stakeholders. Further information will continue to be provided in due time.

3.2. Evaluation study of the Machinery Directive

http://ec.europa.eu/growth/sectors/mechanical-engineering/machinery/
COMM informed that the evaluation study on the operation of the Machinery Directive during the period 2010-2014 started in January 2016, lasting 17 months until mid-2017, carried out by the Technopolis group as external consultant. A representative of Technopolis was invited to the meeting to present more details on the ongoing work.

Technopolis gave an introductory presentation to the Machinery WG of the study. It included the aims and objectives of the evaluation of the Machinery Directive, the scope and the focus on specific product categories, the evaluation questions to address, the methodological approach and the timeline. He concluded asking the members for comments, reflections and in particular for information, evidences, suggestions and any kind of contribution and co-operation that could be useful for the best outcome of the study.

COMM confirmed that the presentation from Technopolis would be circulated in CIRCABC for all the members.

ORGALIME pointed out some of the main elements of the evaluation, in particular on the added value of the Directive, the indicators, the costs and benefits, the standards, etc. It would be difficult to produce cost figures on the implementation, also for issues on confidentiality, as well as for accidents.

IRELAND asked for more information on the product categories chosen for specific focus, in particular on "engines and turbines".

The Chairperson explained that contributions on the assessment of EU legislation through individual companies’ data would be not necessarily in absolute terms, but in percentage of economic figures, or by estimations, etc. Concerning the product categories chosen in the study, it is a kind of narrowing the quite large scope of the Directive, not for being "problematic" but to try to cover a sufficient representative sample, and to facilitate a quantitative analysis.

Technopolis said that they would ensure confidentiality of any data collected, both directly and through questionnaires based on classification of companies.

ETUI welcomed the study and offered their support and co-operation, also from the users' side. It would be difficult to quantify the impact of decisions on costs of safety or not safe machines. They asked whether a public event would be organised within the development of the study, to provide an opportunities for stakeholders for direct contact, interchange of ideas, etc.

The Chairperson explained that in the contract there is a strict description of the tasks to carry out for the study, but it could be possible to explore the possibility to organise a workshop on the evaluation.

3.3. Study on possible amendments of Machinery Directive, ATEX and PED with regards to equipment used in offshore oil and gas industry

COMM informed that the final report of the study was delivered in February 2016; after clarification of some pending issues, a definitive version should be formally approved, to publish the study on the COMM website. The results and conclusions will be duly assessed in view of possible legislative initiatives in the field.

ETUI expressed concerns on the need to have clear legislative references for the products in the scope.

COMM confirmed that the final report of the study would take into due consideration the coherence of legislation; in any case, the results are not binding for possible initiatives in the future.

3.4. Study on the noise limits for equipment within the Outdoor Noise Directive

COMM informed that the final report of the "ODELIA" study was released in January 2016, with some further editorial changes in February 2016. The study will be circulated through CIRCABC and it would be probably published also on the COMM website. On the basis of the results, the COMM services will analyse the different policy options and would develop a proposal and the related impact assessment to revise and improve the legislation on noise emissions from outdoor equipment. This would be done keeping continuous communication with the Noise Emissions Working Group.

4. Information on market surveillance and Machinery Administrative Co-operation activities

SWITZERLAND, as the current Chair of the Machinery AdCo group, reported on the ongoing activities, from the last meeting held in Berne (Switzerland) on 6-7 October 2015, and in view of the next meeting planned in Brussels on 25-26 May 2016. In addition to information on market surveillance initiatives and projects, several items in the Agenda were directly related to those under discussion in the Machinery WG. More detailed information and the Machinery AdCo working documents are available on the relevant CIRCABC Interest

325 OutDoor Equipment noise Limit Assessment: Study on the suitability of the current scope and limit values of Directive 2000/14/EC relating to noise emission in the environment by equipment for use outdoors"
5. Follow-up of questions from the last meeting (Annex (5.1 to 5.30))

5.1 (5.1) Manure spreaders

CEN reported on progress on the amendment of the standard EN 690\textsuperscript{327}. The standardisation work item was already launched in the responsible CEN/TC 144, making good progress. The concerns raised by members of the Machinery WG were taken into account, but still there is a need for further investigations, also on the basis of the outcome of two studies carried out by FRANCE and by ITALY. ITALY recognised the progress made and recalled the technical solutions they proposed, also using prototypes – a second one is under development. Economic aspects are also to be considered for the feasibility of technical solutions: for the next meeting of the Machinery WG they would provide more information on technical issues and the economic influence.

FRANCE confirmed their interest in following up the issue and in participation to the next standardisation group meeting in April 2016, to discuss both technical and economical points.

5.2 (5.2) Powered doors, gates and shutters (Doc. WG-2015.36)

The UNITED KINGDOM made reference to their paper on "Standards for powered gates" and provided information on the current situation from the most recent meetings of TC33 WG5 dealing with the revision of the standard EN 12453\textsuperscript{328}, to address the basic problems related to the standards EN 12635\textsuperscript{329} and EN 13241-1\textsuperscript{330}. The process is at an advanced stage, heading towards the formal vote hopefully later this year 2016. It is hoped that the new package of this and related standards should solve many of the questions raised in the formal objections.

CEN recalled their paper presented in the November 2015 meeting. Also through a good co-operation with the Machinery AdCo, the pending issues were addressed on the ongoing revision process. The standardisation process is making progress, expecting the formal vote draft in April 2016.

COMM clarified the legal references on the management of the formal objections and the publication on the OJEU of the Commission Decisions with the specific warnings. In any case the most important thing is that a new improved standard should be available soon.

5.3 (5.3) Earth-moving machinery (Doc. WG-2015.46)

CEN provided an update on the revision of the standards ISO 5006\textsuperscript{331} and EN 474-1\textsuperscript{332}, with the ongoing enquiry on visibility requirements, reflecting the contents recommended by the Machinery AdCo group, to solve the problem at ISO level. In April 2016, the responsible TC is going to integrate that into the European project for Amendment 5 to EN 474-1, by an exception procedure, to be submitted next year 2017, around September, and to have it completed by the end of the year.

ORGALIME presented the VDMA position concerning visibility on earth-moving machinery, making reference in particular to the situation of machinery already in operation before the publication on the OJEU of the warning on EN 474-1. This would involve different safety aspects concerning the state of the art and the means to improve the current situation in charge of manufacturers and users, by using different systems as for example visibility maps, camera systems, etc.

GERMANY welcomed the good news coming from the progresses made in standardisation, to solve the problems raised. Concerning the VDMA position paper, the proposed solutions could not be sufficient to improve the situation; they could not support such position. A meeting is announced to take place in the coming weeks to further discuss the point between the parties concerned.

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\textsuperscript{326} Machinery Administrative Cooperation Group: https://circabc.europa.eu/w/browse/27c76fd2-cb47-4885-9d87-d28486d2eb8c

\textsuperscript{327} EN 690:2013 Agricultural machinery - Manure spreaders - Safety

\textsuperscript{328} prEN 12453 Industrial, commercial and garage doors and gates - Safety in use of power operated doors - Requirements

\textsuperscript{329} EN 12635:2002+A1:2008 Industrial, commercial and garage doors and gates - Installation and use

\textsuperscript{330} EN 13241-1:2003+A1:2011 Industrial, commercial and garage doors and gates - Product standard - Part 1: Products without fire resistance or smoke control characteristics

\textsuperscript{331} ISO 5006:2006 Earth-moving machinery - Operator's field of view - Test method and performance criteria

\textsuperscript{332} EN 474-1:2006+A4:2013 Earth-moving machinery - Safety - Part 1: General requirements
The Chairperson confirmed that the point will be reported at the next Machinery WG meeting, following the activities in standardisation as well as in the Machinery AdCo group.

5.4 (5.4) Access to wind generators

CENELEC provided an update on the revision of the standard EN 50308333 in the relevant TC 88. No new information was available, waiting to reinitiate the work in IEC.

5.5 (5.5) Equipment used in the offshore oil and gas industry (Doc. WG-2015.23)

The Chairperson recalled the latest information on the draft standardisation mandate on Machinery and in particular for new harmonised standards for equipment in the offshore oil and gas industry already in the scope of the Directive. This was related also to the mentioned study and the possible gap in legislation. The still pending questions concerned the sanction law and the contents and structure of the draft mandate.

CEN said that the pending questions are still to be solved. About sanction, it would be necessary to seek a general solution also for the future, taking into consideration the specific situation of the sector, very much of global nature at international level. Possible solutions can be reached through a "guidance note" from COMM, or including exceptions for standardisation in sanction laws, etc. In any case, dialogue continued with COMM as well as with the AdCo group. Concerning the structure of the mandate, the draft document included two different topics, for offshore equipment and for the current mandate on Machinery. A better system would be necessary to add new work items for the large machinery work programme, also according to new available technologies, without heavy formal procedures. Then, the Annex I of the draft mandate was still quite vague and unclear, for example about item 6 on integrated systems/assemblies which should be removed.

The Chairperson wondered why the question of sanctions law was raised in this sector and not in others also potentially affected and very much related to international level. About the content of the draft mandate, it was necessary to "align" it to the requirements of the Standardisation Regulation 1025/2012 and at the same time to consolidate the two existing mandates (M/396 and M/471) into a single one. The technical details cannot be specified the standardization request and it would be up to the technical experts of the standardisation bodies to understand and develop them.

CEN replied that the offshore oil and gas industry is a very particular sector, where voluntary participation in standardisation activities by experts could be affected by sanction laws. The need to re-structure the mandate to decouple the general mandate from the offshore equipment would avoid confusion.

ETUI considered that the problems with the draft mandate were related also to the specific position of international industry, very much based in the USA and more interested in using API standards, rather than European standards. COMM should investigate all the possible alternatives to develop technical specifications in the field.

NORWAY supported the COMM position, mentioning that in TC 12 there were no specific problems related to sanctions when developing activities in the ATEX sector. About item 6 on integrated systems/assemblies, this would be an important matter for market surveillance activities, being for example part of the Machinery programme in Norway; this is the point of view also of other market surveillance authorities in AdCo.

The NETHERLANDS underlined the need of continuing working on the topic, being so difficult and challenging for the industry and their experts. Positive results in standardisation should provide benefits for them too, to prevent accidents and other problems.

The Chairperson confirmed that it was necessary to find solutions, continuing the dialogue with the European Standardisation Organisations as well as with the Machinery AdCo group and the relevant sectorial stakeholders.

5.6 (5.6) MD/LVD borderline

CENELEC provided an update on the ongoing work to adapt standards on the borderline between the Machinery 2006/42/EC and the Low Voltage 2006/95/EC Directives. In TC 116, new series of standards EN 62841334 were under development, to replace three existing standards; in TC 61, new standards on household appliances, on drives for gate doors and windows and on dishwashing machines were developed in 2015, and new ones are ongoing in 2016 as for shavers, etc.

GERMANY asked for a brief written report, to be made available before the next meeting, on these activities and in particular on the numbering of the referred standards, to have a clear overview on the activities.

CENELEC agreed to provide such report with the list of concerned standards.

COMM confirmed that it would be very useful also to be registered in the minutes of the meeting.

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333 EN 50308:2004 Wind turbines - Protective measures - Requirements for design, operation and maintenance; FprEN 50308:2013
334 EN 62841 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery
5.7 (5.7) Firewood processors (Docs. WG-2015.27, WG-2015.32)

CEN provided an update on the ongoing revision of the standard EN 609-1\textsuperscript{335} by the responsible TC 144. A formal vote was carried out in mid-October 2015, adding questions from the consultant. The scope was changed accordingly to the last discussions held, as in the paper drafted by CEN and the contributions received from the Machinery AdCo group.

The \textbf{UNITED KINGDOM} presented the document on behalf of the Machinery AdCo group with recommendations for improving the safety of firewood processors. Concerning the standardisation work, not all the questions were addressed yet but it would be a good starting point for preparing the proposed new standard; communication with the relevant TC will be maintained for discussion of the issue. On the other question, about the status of firewood processors in Annex IV, they proposed two questions, suggesting the more restrictive interpretation as: the list is an exhaustive one and the machine should be exactly as described by Annex IV. The members of the Machinery WG were invited to think about the questions proposed to reach a common approach on the interpretation of Annex IV which potentially has much wider significance.

The \textbf{Chairperson} remarked the importance of this issue also in view of the ongoing evaluation study on the Machinery Directive, to take into consideration the evolution of products in the market.

\textbf{DENMARK} shared the same restrictive interpretation of Annex IV, so not to incorporate other products not specifically described.

\textbf{FRANCE} agreed on the need to interpret the text of Annex IV in a quite restrictive way, also on the basis of discussions with Notified Bodies in particular on agricultural machines. In this sense, they would not be in favour to consider all firewood processors also as combined machinery, under Annex IV.

\textbf{ITALY} had the same opinion of FRANCE. Not all these machines should be included under point 5 of Annex IV; for circular saw they should be considered but for others, it would be rather a matter of opportunity. That point 5 is not clear and complete.

\textbf{SWEDEN} also thought that Annex IV should be interpreted very narrowly, but if part of a combined machine consists of an Annex IV machine with adherent risks, then that part should still to be considered as an Annex IV machine, in analogy with e.g. the refuse collection vehicles that are listed on the Commission’s website “Manually loaded trucks for the collection of household refuse incorporating a compression mechanism - interpretation of the term "manually loaded" in relation to the scope of Annex IV 13” . It would be necessary to have a look at these questions more in detail, to reach a common solution.

\textbf{GERMANY} agreed with most of the previous speakers, preferring a narrow interpretation of Annex IV. This would be indeed an important subject for the evaluation study.

\textbf{ETUI} agreed with SWEDEN and GERMANY, in particular on the need to consider the issue for the evaluation study and even for a future revision of the Machinery Directive.

\textbf{IRELAND} supported a restricted interpretation of Annex IV, in particular on the contents of “manual loading”.

\textbf{ORGALIME} also agreed on a strict interpretation of Annex IV, as a legal act that can be further clarified in the Guide (section § 388). Otherwise, an extended interpretation could generate enormous amount of work for the working group. It would be a matter of legal certainty.

\textbf{ITALY} pointed out to the need to consider the additional costs to certificate machines included in Annex IV when no specific harmonised standards are available, with the intervention of a Notified Body. Solutions should not be too rigid; and in this sense the evaluation study would be useful.

\textbf{The UNITED KINGDOM} suggested the way forward on the basis of a restrictive interpretation of Annex IV and asked the topic to be considered as an important one for the evaluation study. Comments on the UK paper should be collected and forwarded to the contractor, for due consideration and for further discussion at the next Machinery WG meeting.

The \textbf{Chairperson} agreed on the suggestion, in particular on providing written comments and information to the contractor in charge of the evaluation study within the next weeks.

5.8 (5.9) \textit{Ride-on lawnmowers / Openings in the enclosure of lawn mowers}

CEN provided an update on the ongoing amendments to the standards EN ISO 5395-1\textsuperscript{336} and EN ISO 5395-3\textsuperscript{337} . Work was under development in cooperation with ISO, with two projects for part 3 and a new work item for part 1 launched in November 2015. The results should be submitted to formal vote, to be achieved soon.

\textsuperscript{335} EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
\textsuperscript{336} EN ISO 5395-1:2013 Garden equipment - Safety requirements for combustion-engine-powered lawnmowers - Part 1: Terminology and common tests (ISO 5395-1:2013)
\textsuperscript{337} EN ISO 5395-3:2013 Garden equipment - Safety requirements for combustion-engine-powered lawnmowers - Part 3: Ride-on lawnmowers with seated operator (ISO 5395-3:2013)
ITALY expressed satisfaction for the results that can be reached after several years of discussion, for the need to have protection frames for all garden equipment above 400 kg.

CEN Consultant explained that the work took so long time for the need to reach an agreement at ISO level to revise the standards accordingly.

COMM welcomed the progress made and reported the item to the next meeting of the Machinery WG to confirm that a satisfactory solution was reached, and to close the point.

5.19 (5.11) Paint booth standards

CEN provided an update on the revision of the standards EN 12215\textsuperscript{338} and EN 13355\textsuperscript{339}. Positive developments were ongoing, to start the public enquiry in April until July 2016; members are requested to contribute in support of the results.

FRANCE expressed satisfaction with the results and informed that they can withdraw the formal objections on these standards.

The Chairperson noted this and announced that the point can be closed.


COMM presented the revised papers with the positions of different Member States on guards for drilling machines. DENMARK, SWEDEN and the UNITED KINGDOM supported the German document, when the NETHERLANDS disagreed on the suggestion to introduce a 6 Nm boundary to distinguish between large and small bench drilling machines.

The NETHERLANDS explained their position. They appreciated the proposed solution but it would be a more formal problem: the Machinery Directive did not introduce any distinction between "large" and "small" drilling machines. No deviation from the Directive should be allowed, as explained in the conclusions.

DENMARK supported the German paper, as discussed in the Machinery AdCo group, concerning in particular those "very small" machines with interlocking guards. It would be a matter or risk assessment and the related market surveillance activities, according to the Directive.

GERMANY considered that the Dutch position was not wrong, as the provisions of the Directive are, but other facts should be taken into account on risk assessment, state of the art and proportionality in intervention. The proposal addressed those issues.

The UNITED KINGDOM confirmed their support to the German paper from the beginning, as in the comments they sent. For further clarification, maybe this would be a matter also for the revision of the concerned standard EN 12717\textsuperscript{340}.

The NETHERLANDS agreed with the UNITED KINGDOM on the possible revision of the standard.

ORGALIME summarised the discussion, taking the German paper as a matter for the Machinery AdCo group, to reach a common agreement on how to deal with drilling machines and their guards, rather than having a guidance document approved by the Machinery WG as such; and at the same time, forwarding the question to standardisers to take into consideration the possibility of revising and improving the standard. In this sense, the point can be closed.

CEN agreed on the approach, to forward the results of discussions to the responsible Technical Committee.

5.11 (5.18) Proposal on warning concerning EN 60745-1 and EN 60745-2-3 on grinders

CENELEC provided an update on the revision of the standards EN 60745-1\textsuperscript{341} and EN 60745-2-3\textsuperscript{342}. Also on the basis of good cooperation with FRANCE who raised the question, the first draft of the new standard EN 60745-2-3 would cover some relevant improvements as for symbols, safety signs, etc. The next meeting of the relevant TC would take place after the summer break in 2016.

FRANCE confirmed that they were developing test benches, alerting on kick-back effects, to be forwarded to the CENELEC working group. Further analysis would be carried out with INERIS, for improvements in the next standards, taking into consideration the evolution of protection systems.


\textsuperscript{339} EN 13355:2004+A1:2009 Coating plants - Combined booths - Safety requirements

\textsuperscript{340} EN 12717:2001+A1:2009 Safety of machine tools - Drilling machines

\textsuperscript{341} EN 60745-1:2009 Hand-held motor-operated electric tools - Safety - Part 1: General requirements (IEC 60745-1:2006 (Modified))

COMM said that the point will continue to be followed up at the next Machinery WG meeting.


COMM recalled the point on the basis of the doc. WG-2014.02 as a position paper proposed by CEIR and the comments received by Member States and industry, to be taken into consideration to re-work the document in view of a possible consensus.

CEIR said that the re-worked position paper was not available yet, but it should be completed later on, probably in April or May 2016. For the time being, they gave a presentation on the current situation from their side, making reference to the questions received by customers on the status of valves with respect to the Machinery Directive, and to the main points under discussion. The revised paper will take into consideration the comments received, in particular the "further thoughts" from the UNITED KINGDOM as presented in doc. WG-2015.37, including the issues related also to the Pressure Equipment Directive (PED) 97/23/EC.

COMM said that the CEIR presentation will be circulated in CIRCABC, waiting for the revised position paper for the next Machinery WG meeting.

ORGALIME mentioned their VDMA Guide on significance of the Machinery Directive for valves (doc. WG-2014.02-5) and considered that the situation was not clear yet or even going back with respect to the comments provided by some Member States.

IRELAND expressed concerns on the relationship with the PED, as it could be a mistake to focus the question on particular properties.

COMM agreed on the need to be quite careful when discussing guidance questions on specific products, to prevent any possible "invasion" into the scope of other potentially applicable legislation.

The UNITED KINGDOM recalled the need to apply all the relevant directives for the relevant risks covered.

ITALY referred to the risk analysis to identify the applicable requirements from the Machinery Directive and the PED, in particular the "prevalent risk".

The Chairperson confirmed that it would be a matter of risk assessment indeed, when several EU legislative acts could apply. In this case it would be necessary to have more clarification on the references and how to proceed in practical terms.

FRANCE said that, concerning valves with defined application, they have a restrictive interpretation, in particular for industrial use; but other countries have different approaches, for example for motorised valves, that could be considered machines or partly completed machines according to the specific application. This question would be quite complex by a legal point of view, especially when more than one directive is to be considered.

The Chairperson reported the point to the next Machinery WG meeting, with the re-worked position paper from CEIR for further discussion.


COMM presented the newly revised version of the "COMM answer regarding the interpretation of 'completely enclosed carrier' and the use of light barrier curtains under the Machinery Directive 2006/42/EC", taking into consideration the latest comments provided by the members and the results of discussions at the last Machinery WG meeting, in particular in the paragraph stating that the use of light barrier curtains should not be permitted when the control devices of the carrier are other than the hold-to-run type; therefore, automatic controls cannot be permitted in concomitance with a light barrier curtain.

GERMANY presented their comments to the revised version of the COMM paper. They considered, on one hand, that automatic controls without completely enclosed carrier for slow speed lifts would be in line with the requirements of the Machinery Directive 6.2 and 6.4.1 of Annex I, if there is no risk due to contact between persons and/or objects in/on the carrier with any fixed or moving elements; and on the other hand, they disagreed on the prohibition of automatic controls without completely enclosed carrier, permitting only hold-to-run controls. Other possible technical solutions should be considered, not focusing on only one, in terms of practical implementation: they could provide examples in this sense, to share it with the Machinery WG members through CIRCABC.

The Chairperson recognised that the question was quite complex; the document would be a way to clarify the provisions of the Directive, to promote uniform application.

IRELAND remarked the difficulty for market surveillance authorities to deal with the expression "when necessary" for the requirement of completely enclosed carrier. Probably, more guidance on risk assessment would be needed.
POLAND considered that the COMM paper was good and understandable and they agreed with the comments there.

EPSA thought that the contents of the COMM paper were right and quite clear, just noting that in the last sentence of the third paragraph, it would be better to have "... automatic controls shall not be permitted..." instead of "can not". They recalled that the question on completely enclosed carriers and the use of light barrier curtains was raised in the EPSA document WG.2014.10; the problem was not the technical solutions, but the different answers given by Notified Bodies, when the approach should be the same all over Europe. The COMM paper would give more light on the question, stating what should not be permitted, and it is necessary a common agreement on that.

The UNITED KINGDOM said that the COMM paper provided good guidance. The Machinery Directive had very clear requirements on safety of products, and on this basis the Notified Bodies should take a decision with a common position and conclusions.

DENMARK expressed their support to the COMM paper as well, for this interpretation, to find a comprehensive approach there.

SWEDEN also supported the proposal. The German comments could be also interesting, taking into consideration other technical solutions.

GERMANY agreed with IRELAND concerning the possible problems related to the expression "when necessary" when dealing with concrete situations, in particular when manufacturers used other technical solutions: a correct interpretation of the requirement should focus on the results, rather than on a specific solution. As said, they would provide examples in this sense.

EPSA said that the terms "where necessary" were in the Directive, section 6.4.1 of Annex I, but in the COMM paper there was a clear statement about the use of light carrier curtains with respect to automatic controls "other than the hold-to-run type".

FRANCE agreed on the interpretation of COMM. Also the standards on lifting platforms had similar interpretation, according to the state of the art.

The Chairperson noted the general agreement on the COMM paper, taking into consideration the acceptable technical solutions among those possible, with some editorial issues to be improved. A revised version would be presented for the final approval in the next Machinery WG meeting.


CEN provided an update on the revision of the standard, carried out by TC 147, dealing with the questions related to the formal objection raised by GERMANY, towards a positive solution.

GERMANY recalled that it was a sensitive matter to be solved. They recognised the good progresses made by CEN and said that, as soon as the new standard is finalised, the formal objection can be withdrawn.

The Chairperson noted the results reached and considered that the point can be closed.


The UNITED KINGDOM introduced the documents produced in the ad-hoc meeting held on 19 June 2015 in London – including the summary notes and the presentations from the UNITED KINGDOM and GERMANY – already circulated in view of the previous Machinery WG meeting in November 2015 – as well as the report of the “Machinery Directive Logic Units Task Force”, addressing in particular the questions related to the Recommendation for Use 11.045 on “Logic units to ensure safety functions”. This was a quite complicate technical issue, starting from the definition itself of "logic units" as indicated in Annex IV to the Machinery Directive. The report in Doc. WG-2016.11 was submitted for consideration and comments from the members, to reach consensus in view of drafting a paper on the issue, to be discussed and approved by the Machinery WG. This could also sent to the Coordination of Notified Bodies, to revise the RIU accordingly, as well as to the market surveillance authorities in the Machinery AdCo group. Comments on the paper would be in principle requested by 15 April 2016, to revise the proposed text especially on its rationale; this kind of feedback would be very important as an opportunity for discussion, involving experts and also manufacturers, to have the most complete document as possible, including examples of these systems.

The Chairperson acknowledged the efforts made to improve the approach to the question, for the present and for the future, and invited the members to send their comments, to be forwarded to the UNITED KINGDOM representative.

The NETHERLANDS informed that they had held a preparatory meeting with stakeholders, with very positive reactions, indicating that this was the right track.
5.16 (5.23) Agricultural machines - Balers and Flail mowers

CEN provided an update on the revision of the standard 4254-12:2012343, under the responsibility of TC 144. They clarified that part 12 should not be questioned because the product with potential guarding issues was out of the scope of the machinery covered by Part 12; a new piece of work addressing the point was to be launched at ISO level and would result in another Part (15) to EN ISO 4254. For the revised version of part 11 on pick-up balers, the ballot operations would take place in mid-May 2016, to be reported to the next meeting ISO/TC 23/SC 7/WG 11 in July 2016.

ITALY recalled the main question related to the revision of the Part 11 of the standard, the typology of these products and accidents occurred. When the standard was published in 2010, it was satisfactory on the fundamental principles; but then, problems appeared when applying it and discussing to clarify the interpretation with manufacturers and national market surveillance authorities themselves. Now, in Italy's opinion, the ongoing revision would probably not going towards the right direction: modification proposed could represent a step back of 10 years, which would not be acceptable. They hope that in the next steps, such idea would be changed. It would be useful to have the largest participation as possible in this standardisation work.

CEMA said that everybody would be welcome to the meeting in July to contribute to the ongoing revision process. They considered that positive moves have been actioned, to try to improve the situation for part 11. Then, for the other standards, including part 12 on flail mowers, the work was going on at ISO level in a leading role, as a separate point.

CEN Consultant said that the recent separate amendment to part 12 received a positive assessment, being very limited with a small number of changes, not concerning the standard in general.

ITALY confirmed that such amendment concerned a limited aspect of the standard, but quite technical and very important, related to fatal accidents in Italy. With respect to part 12, they agreed with CEN and CEMA recognising that it was a different question, on typology of those machines for open spaces.

CEMA explained that the amendment to part 11 should remain in the MWG programme, but for part 12, there would be nothing to do in the Machinery WG for the time being, as a different issue; maybe it could be retaken in the future.

The Chairperson confirmed that the point on EN ISO 4254-11 will continue to be followed up at the next Machinery WG meeting, dismissing the other one on part 12.

5.17 (5.24) Industrial trucks - Equipment

COMM recalled the question on the paper presented by ITALY (Doc. WG-2014.02) to be revised according to the comments made by the UNITED KINGDOM at the Machinery WG meeting in March 2015.

ITALY said the revised paper was ready, even if it was not available for circulation yet. This should be done as soon as possible.

COMM said that the revised paper will be uploaded on CIRCABC and comments could be made by the end of June 2016.


COMM recalled the question on “household appliances” and “domestic use” related to the relationship between the Machinery 2006/42/EC and the Low Voltage Directives 2006/95/EC, to reach a common approach conclusion on the basis of the document submitted by SWEDEN, the comments received from DENMARK, SWEDEN, GERMANY and the CZECH REPUBLIC, and another comment from GERMANY.

The UNITED KINGDOM expressed sympathy with the latest German comments, agreeing that they should not be considered as household appliances

ETUI agreed on the German suggestions. The question would need further clarification, also concerning the relationship with the Medical Devices Directive.

COMM proposed to consider the point within the ongoing discussion on the updated Guide, to improve section § 64 of the Guide. On the basis of the written comments to be received, a conclusion should be reached.

5.19 (5.26) Revision of EN 12965 - PTO drive shafts and their guards

CEN provided an update on the revision of the standard EN 12965. Progress had been made on the complex issues involved. The next meeting of WG 1 would be held in March, in Rome.

ITALY considered that the proposals made so far did not really modify the standard: further work was needed, and it would be possible to reach some solution at the next meeting in Rome, by discussing applicable options coming from ITALY and FRANCE among others. This should involve also research programmes and analysis of prototypes, to reach solutions acceptable also for the agricultural workers in convergence with national authorities.

5.20 (5.27) Query relating to good lifts and application of the Machinery Directive (Docs. WG-2014.48, WG-2015.30)

COMM recalled the question raised by IRELAND related to the standard EN 81-31 and noted that only one comment was produced, by GERMANY.

IRELAND said that a comment from SWEDEN has been also received.

The UNITED KINGDOM was preparing an answer, concerning the essential requirements related to good lifts and their significant risks. They considered necessary to take specific measures to ensure compliance.

COMM asked for more comments to be addressed to IRELAND, to be able to summarise the position of the Machinery WG on the issue at the next meeting.

5.21 (5.28) FprEN 1870-6 "Safety of woodworking machines - Circular sawing machines for fire wood" (Docs. WG-2015.02, WG-2015.02-1rev.1)

COMM recalled the question on the draft standard FprEN 1870-6, from the letter sent by GERMANY and the comments received by DENMARK and SWEDEN, supporting the German position, and the contribution from CEN.

CEN commented on the different technical solutions with the same safety level, according to the information on the state of the art. They provided an update on the ongoing standardisation process, saying that progresses had been made with a formal vote on the draft; but, on the basis of the negative assessment from the Consultant, those issues should be addressed in a new draft, to be prepared by mid-April 2016.

GERMANY pointed out the questions raised in their letter, according to the experts in standardisation, asking for specific answers.

The Chairperson confirmed that the point will continue to be followed up at the next Machinery WG meeting.

5.22 (5.29) Collaborative robots (Docs. WG-2015.03, WG-2015.03-1, WG-2015.31, WG-2015.33)

COMM recalled the questions raised by DENMARK in their presentation on collaborative robots (also known as "cobots") for industrial purpose, and the first comments provided by GERMANY and the UNITED KINGDOM.

The UNITED KINGDOM introduced their paper, in particular on the legal situation of robots, and proposing a number of questions to the Machinery WG members.

GERMANY agreed on the need to exchange information about this point. They will analyse the question to provide answers.

CEN informed on the standardisation activities in the field of "robots and robot devices", carried out by TC 130 in cooperation with ISO.

FRANCE recognised the importance of standardisation but also of the legal references to be taken into consideration, with the notion of "collaborative work" to be clarified according to specific criteria. Reflection would be necessary to continue to discuss at the next meeting.

COMM invited the members to provide answers to the questions raised by the UNITED KINGDOM as well as other contributions on the different aspects involved. The point will be followed up at the next Machinery WG meeting.

ETUI underlined the risks potentially related to the interaction of this kind of robotic machines with humans, in terms of collisions for example, but also by the point of view of social risk, mental workload, etc. ETUI experts would be available to cooperate with their knowledge and experience on the matter.

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344 EN 12965:2003+A2:2009 Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety

345 EN 81-31:2010 Safety rules for the construction and installation of lifts - Lifts for the transport of goods only - Part 31: Accessible goods only lifts

346 FprEN 1870-6 rev Safety of woodworking machines - Circular sawing machines - Part 6: Circular sawing machines for fire wood
The NETHERLANDS asked for the latest developments on the dialogue with Japan, as reported at the last meeting.

COMM confirmed that the dialogue EU-Japan on collaborative and personal care robots continued, in the framework of the industrial policy and regulation cooperation, with representatives of the Ministry of Economy, Trade and Industry (METI). A formal meeting of the established "Robot Working Group" was planned in April 2016 in Japan, in view of mapping the respective regulatory frameworks; updated information would be provided at the next Machinery WG meeting.

5.23 (5.30) Inquiry on EN 12331 “Food processing machinery - Mincing machines - Safety and hygiene requirements” (Docs. WG-2015.04, WG-2015.04-1rev.1)

COMM recalled the questions raised by the UNITED KINGDOM in their presentation on the standard EN 12331\(^3\)\(^4\), with comments received from CEN and SWEDEN.

CEN made reference to their comments already explained and said that more detailed information would be necessary to effectively check the situation, in particular on the accidents reported. The new 2015 version of the standard was proposed for harmonisation: it represented an improvement compared to the current one, but there were no changes in respect to the potential problem mentioned by the UNITED KINGDOM.

The UNITED KINGDOM explained their document, based on the information obtained from investigation on an accident which took place with a food machinery in compliance with the harmonised standard: this raised doubts about the adequacy of the standard itself. Some information on that was provided in the presentation, in particular on the guarding and interlocking mechanism, but they would try to provide more detailed information for CEN as soon as able.

SWEDEN reaffirmed their concerns on the basis of severe accidents occurred also in Sweden. In their opinion, the standard should be revised and they would be ready to participate in the related work.

COMM asked all the members, and the UNITED KINGDOM and SWEDEN in particular, to provide more comments and contributions on the situation of the referred food processing machines and the use of the standard, to follow-up the point at the next Machinery WG meeting.

5.24 (5.31) Mobile machinery - Falling objects (Doc. WG-2015.08)

COMM recalled the questions raised by the UNITED KINGDOM on operator protection of mobile machinery, in particular against falling objects (FOPS) and the standards EN 474-1 and 474-3\(^3\)\(^8\). No comments have been received; a new call for contributions was made for the next Machinery WG meeting, in particular to the concerned CEN TC.

5.25 (5.32) Driver restraint systems (Docs. WG-2015.05, WG-2015.05-1; WG-2015.05-2, WG-2015.05-3, WG-2015.05-4, WG-2015.05-5, WG-2015.03-brev.2, WG-2015.05-7)

FRANCE made reference to their paper with questions/answers regarding driver restraint systems for industrial trucks, with the results of studies carried out by INRS, and the comments received from CEN/TC 150, SWEDEN, GERMANY and FEM. The aim would be to introduce into the Guide to application of the Machinery Directive, section § 295, a complementary solution related to the risk of sideways roll-over.

ITALY said that the question was under discussion since some time, and it would be useful to introduce into the Guide a common position.

CEN explained the statement of WG 11, in disagreement with the content of the French document.

The UNITED KINGDOM considered that the suggested point may not fully solve the problem as the proper use of seat belts minimise injury. The competent TC should further analyse the different position expressed.

POLAND supported the UK position. They appreciated the work developed by FRANCE but probably the proposal would not completely meet each point.

ETUI thought that the question should be dealt with in a new version of the related standards, covering the different cases.

FRANCE said that the use of safety belt should be unescapable to adequately protect the driver, as a complementary measure to the protection structures, as indicated by the available statistics.

The Chairperson agreed on the need to improve the contents of section § 295 in the Machinery Guide, taking into consideration the contributions provided by FRANCE and the other members. The point would be followed up at the next Machinery WG meeting.

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\(^3\) 12331:2003+A2:2010 Food processing machinery - Mincing machines - Safety and hygiene requirements

\(^4\) 12331:2003+A2:2010 Food processing machinery - Mincing machines - Safety and hygiene requirements
COMM recalled the questions raised by FRANCE and presented the paper with the comments received by some Member States as well as from CEN/TC 150.

CEN explained their position on the two questions, as expressed in the paper.

FRANCE considered that, concerning the belts, there is the need to add the exigency of protection against lateral tipping over.

The Chairperson confirmed that the point will be followed up at the next Machinery WG meeting, asking to provide further comments.

5.26 (5.33) Mechanically loaded woodchippers (Docs. WG-2015.10, WG-2015.10-1rev.2)

CEN provided an update on the revision of the standard EN 13525349, currently at an advanced stage, working hard to solve the problems behind the formal objection, even if it was not possible to include the question on mechanical load. The relevant TC was still waiting for more information on accidents, being crucial to find an appropriate solution and to change the standard accordingly. Concerning the work for mechanically loaded woodchippers, it was under consideration at ISO level.

FRANCE agreed on the need to separate the question for mechanically loaded woodchippers, from those related to the standard under revision, due to the differences in protections required according to the feeding mode. More information should be collected from the Member States.

CEN clarified that the relevant Technical Committee at ISO level is ISO/TC 23/SC 15 “Machinery for forestry”, with international participants, working on a long way ahead and asking for contribution on the issue.

The Chairperson confirmed that the point would be followed up in the next Machinery WG meeting.

5.27 (5.34) Woodchippers action plan proposal (Docs. WG-2015.11, WG-2015.11-1rev.2)

FRANCE informed that they continued working on the question, focusing on machines already on the market, in order to have a EU-level meeting to be convened very soon. The Machinery WG will be kept informed on the results of the initiative.

POLAND asked for more information on the current status of the standard EN 1352557 after the withdrawal of the reference from the OJEU, considering that it would be necessary to correctly inform all the people involved.

COMM recalled the procedures related to a formal objection and to the Commission Decision to withdraw the presumption of conformity of a harmonised standard, and the possible implications for products already placed on the market, with the need to assess the related safety issues on a case-by-case basis.

DENMARK considered that this kind of information should be found also on the COMM websites on standardisation, for the best transparency as possible.

CEMA agreed on the need to avoid possible distortions and misunderstanding in such situations.

The Chairperson confirmed that the point would be followed up in the next Machinery WG meeting.


COMM recalled the question raised by FRANCE on the ongoing revision of the standard EN 1853:1999+A1:2009350 and presented the comments received from the UNITED KINGDOM, DENMARK and GERMANY, sharing the French concerns and supporting their proposal.

CEN informed that the inquiry on the new version of the standard has been closed in mid-February 2016; the comments provided would be analysed for the next steps, and more information would be useful. The formal vote is planned on December 2016.

FRANCE expressed the hope that their remarks would be taken into consideration, to find good solutions.

The Chairperson confirmed that the point would be followed up in the next Machinery WG meeting.

5.29 (6.3) Slurry agitators and the Machinery Directive (Docs. WG-2015.34, WG-2015.34-1)

IRELAND recalled and summarised the point raised in their paper, in light of the comments received. The answer would be clear on the uncertainty in the conditions of use and on the possibility to endorse a particular solution. As such, the point could be removed from the Agenda of the Machinery WG; some discussions were still ongoing at the Machinery AdCo, to be retaken later on.

The UNITED KINGDOM explained the comments they expressed, in particular on the "state of the art" in a particular area. Maybe this could be taken into consideration for the evaluation study or for the update of the Machinery Guide, in particular in sections §§ 161 and 162.

350 EN 1853:1999+A1:2009 Agricultural machinery - Trailers with tipping body - Safety
ORGALIME agreed on the need to further analyse the concept of the "state of the art", on the basis of the experience, as well as in relation to harmonised standards covering the essential requirements of the Directive.

ITALY recalled the safety and legal aspects related to the "state of the art", both at EU and national level, and underlined the difference between "state of the art" and "[done] in accordance with best professional practice".351

The Chairperson considered that, waiting for possible future developments, the point on slurry agitators can be closed and removed from the Agenda.

5.30 (6.4) Safety with boom mounted circular saws on mobile work equipment (Docs. WG-2015.38, WG-2015.38-1)

The UNITED KINGDOM presented their paper, as a draft document open for comments and contributions for further development. The aim would be having safer products with the adequate information for users, to prevent accidents.

CEMA informed on their activities with those machines used in the agricultural sector, in particular through standardisation and in cooperation with the relevant experts.

FRANCE asked for more information on the use of such machines, for agricultural activities in small farms and also for road maintenance by local communities. It would be necessary to ensure an effective connection and communication with the relevant Technical Committees to deal with the related safety questions.

CEMA explained that in principle, TC 151 on construction equipment and building material machines should be the relevant one for road machines, but it would be possible an overlap with others, such as TC 144 on machinery for agriculture and forestry.

ETUI considered the question very important, for the risks related to blades and other devices in those machines with multi-use purposes. Not only standardisation but also the respect of the essential requirements of the Directive should be taken into due consideration, to ensure safety of people working with those machines.

The Chairperson, on the basis of the UK paper and the contributions of other members, invited to carry out some field work, contacting manufacturers and users to collect information on those machines, as a basis to take some action. The point would be followed-up at the next Machinery WG meeting.

6. New questions submitted

6.1 Update of the Guide to application of the Machinery Directive 2006/42/EC (Doc. WG-2016.03)

COMM presented the final draft of the updated Guide, after the work carried out by the external consultant (Phil Papard Consulting) between September 2015 and January 2016, and the revision of COMM, in track changes. The main points concerned the amendments for machinery for pesticide application (§§ 282-290) and for the new Regulation on agricultural and forest tractors (§ 53); the extension of the list of safety components (§§ 42 and 389); some clarifications on partly completed machinery (§ 46) and on assemblies (§§ 38-39); the integration of specific guidance documents (§§ 411-418); as well as different corrections and updated of references, etc. This draft updated Guide should be discussed to reach a consensus on the changes proposed, to approve and to publish it on the Machinery website; for the points which could remain controversial, they should be reported for further discussion.

Phil Papard Consulting explained the work carried out with the update of the Machinery Guide, giving a general overview on the contents of the changes proposed. Some of them could be duly taken into consideration also for the evaluation study and the future revision process for the Machinery Directive.

The UNITED KINGDOM asked to clarify the consideration for the new document, as an update of the 2nd edition or a new 3rd edition.

ORGALIME though the new Guide should be made available in as many official languages as possible, as a useful guide to apply the requirements of the Directive for manufacturers and national authorities.

ITALY and FRANCE also agreed on the need of translation in more languages.

The Chairperson confirmed that it should be regarded as an update of the 2nd edition, and it would be necessary to explore the concrete possibilities to have different language versions of the new text, according to the available resources of the COMM services as well as the cooperation of national authorities and other interested parties.

SPAIN considered necessary to include and to clearly indicate the different comments on points still under discussion.

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351 In Italian: "stato dell'arte" and "[fatto] a regola d'arte" respectively
COMM explained that traceability and coherence of the proposed changes and comments provided would be kept in the process of updating the Guide. All the written comments should be sent to the COMM services in the next weeks, until 31 May, to be able to collect and to consolidate them.

The Chairperson opened the discussion on the specific points of the updated Guide.

*Machinery for pesticide application (§§ 282-290)*

**Phil Papard Consulting** introduced the new contents added for the amendment to the Machinery Directive from Directive 2009/127/EC with regard to machinery for pesticide application. **FRANCE** said that they had already sent some written comments, focusing in particular on section § 282 for protection of operators in pesticide application; and on section § 285 about filling, to improve explanations on requirements according to capacity of tanks; etc. **GERMANY** would also send written comments after consultation with their experts. **DENMARK** referred to section § 418 "Classification of machinery for pesticide application", which should be better clarified for mounted machines, as interchangeable equipment, and the related requirements. **COMM** said that this point would be presented at item 6.3 of the Agenda. **The UNITED KINGDOM** and **ORGALIME** also announced written comments on the point.

*Agricultural and forestry tractors (§ 53)*

**Phil Papard Consulting** introduced the new contents for the amendment to the Machinery Directive from Regulation (EU) No 167/2013 on agricultural and forestry vehicles, and recalled the current situation between the Machinery Directive and the Regulation on agricultural or forestry tractors, also related to the question of telehandlers. **FRANCE** agreed on the proposals in the Guide. On telehandlers for agricultural purposes, it would be necessary to find a compromise, to make the difference as machines and not tractors, according to the current legislative framework.

*Safety components (§§ 42 and 389)*

**Phil Papard Consulting** introduced the new contents for the comments to the indicative list of safety components in Annex V, with the addition of filtration systems and filters for those filtration systems, as agreed in the Machinery WG meeting on 23-24 March 2015. **The UNITED KINGDOM** noted the point on "Powered gate controllers with a safety logic function", to be further discussed.

*Partly completed machinery (§ 46)*

**Phil Papard Consulting** presented the changes introduced concerning partly completed machinery, in order to try to clarify some problems coming from different interpretations of the legal definition of the Machinery Directive, as well as in cases when other legislation applied, with respect to the declaration of incorporation, instructions, marking, etc.

*Assemblies (§§ 38-39)*

**Phil Papard Consulting** presented the changes introduced concerning assemblies of machinery and assemblies comprising new and existing machinery. This point revealed to be quite critical in the past, in particular about the concept of "small" or "large" assemblies. The comments provided took into consideration also the situation for the Pressure Equipment Directive.

The Chairperson closed the discussion on the point confirming that written comments on the update of the Machinery Guide would be expected by the 31 May 2016.

6.2 *Standard EN 16228-2 - guard installation for moving parts in drilling rigs - different applications throughout the EU (Doc. WG-2016.04)*

**ORGALIME** introduced the contents of a letter drafted by the Italian industrial association ANIMA concerning the harmonised standard EN 16228-2352 not for its technical contents, but for its application, with different

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352 EN 16228-2:2014 Drilling and foundation equipment - Safety - Part 2: Mobile drill rigs for civil and geotechnical engineering, quarrying and mining
practical approaches. This could lead to safety problems for users, and also possible distortions in the EU market.

CEN said that the paper had been sent to the relevant CEN/TC 151, to analyse the question, needing some time to be able to provide an answer.

CECE said that WG 3 of CEN/TC 151 was aware of the letter from ANIMA and they should discuss about that at their next meeting in April 2016.

The Netherlands asked for more information on the pictures, whether they represented real market situations or not.

ORGALIME clarified that the pictures had been taken in a trade fair in France (November 2015), but presented as they would be in compliance with the Machinery Directive. They could be considered as representative of the current situation on the market.

POLAND suggested to forward this information to the Machinery AdCo group, to be discussed by the national authorities in charge of market surveillance.

ITALY understood that the problems related to distortions, and not only for safety, would be related to different interpretations on the use of cage installations for moving parts. They declared conformity with the standard but in fact the technical solutions were different.

FRANCE asked for more specific information on possible market distortions, to collect information for discussion. They knew the trade fair referred in the pictures and indeed they noted machines not really in conformity with the standard, according to different interpretations. They would follow the evolution of the situation and they would express their opinion at the next Machinery WG meeting.

ETUI remarked that the real issue would be the conformity to the Machinery Directive, rather than to the standard. It would be necessary to consider the risk analysis related to each technical solution, to check whether there were problems with respect to the requirements of the Directive. Later on, it would be possible to discuss about the standard itself.

ORGALIME explained that such assessment was done with respect to the Directive, and for that, a potential safety problem was identified, in particular concerning the access to moving parts. The technical solutions provided by the standard would be the reference point.

The UNITED KINGDOM also asked for more information, in particular on whether machines manufactured in the UK presented the same problems, to duly investigate the situation. They agreed with ETUI on focusing the attention on compliance of the essential requirements of the Directive.

COMM asked ORGALIME to provide more specific information as requested, and invited all the members to provide comments, to follow-up the point at the next Machinery WG meeting.

6.3 Classification of machinery for pesticide application (Doc. WG-2016.05)

COMM introduced the draft list for classification of machinery for pesticide application. Being related to the ongoing update exercise for the Machinery Guide (see item 6.1, sections §§ 282–290 of the Guide), this document was made on the basis of a previous paper discussed in the Machinery WG since 2008.

FRANCE considered the document useful, and wondered whether items N° 10 and 14 would be electrically powered. It appeared not very clear which kind of energy is used for movement.

GERMANY explained that those machines are pulled by tractors, from the movement of wheels on the ground: in this sense they are classified as interchangeable equipment.

FRANCE thought that this should be the same question for all agricultural machines, concerning the source of energy.

DENMARK proposed to change the classification for items N° 2 and 3, as interchangeable equipment.

The UNITED KINGDOM considered that, for item N° 14, the definition of interchangeable equipment would not be really adequate. They would send written comments on that.

IRELAND agreed on the definition of interchangeable equipment, different from a tool.

The NETHERLANDS agreed with DENMARK on the possibility of considering item N° 2 as interchangeable equipment, driven by tractors. Some clarification would be needed.

DENMARK supported the UK comments. Interchangeable equipment would not need the power, according to the definition in the Machinery Directive.

IRELAND considered that more details should be provided to clarify the classification of each item.

CECE informed that they drafted guidelines for construction equipment, which could be useful also for this kind of machinery, as a reference. They would send it for the group.

COMM asked all the members to provide comments and contributions on the list, within the exercise of the update of the Machinery Guide, by 31 May 2016.

6.4 Warning device on a local exhaust ventilation
**DENMARK** announced their intention to discuss whether a warning device on a local exhaust ventilation is covered by the Machinery Directive or not. But a paper on this had not been produced yet, as the question was more complicated as planned, so such a paper would be provided for the next Machinery WG meeting.

6.5 **Marking of machinery (Docs. WG-2016.07, WG-2016.07-1)**

**DENMARK** presented two papers on marking of machinery, when they are also covered by other Directives, and with new de facto manufacturer's name. They proposed three questions to the members of the Machinery WG, asking for their opinion making reference to the provisions of the New Legislative Framework for declaration of conformity, marking etc.

The **UNITED KINGDOM** commented on the situation of two Directives in place for the same product, and the necessary compliance with the applicable requirements. There would not be any impediment to provide more information in such cases, but it should not be made too complicated for manufacturers.

**ITALY** recalled the need to ensure conformity of products in all the EU territory, for free circulation in the internal market, not being acceptable any "specific agreements" in different countries, by the point of view of EU market surveillance.

**POLAND** remarked the importance of the UK position about compliance of legal requirements, as well as the market surveillance perspective, also when two Directives applied, as in the case of Machinery and ATEX.

**GERMANY** agreed with the UK and **POLAND**. They noted also that the situation when two Directives applied to the same product could be more complex when they are not aligned yet to the New Legislative Framework, as in the case of the Machinery Directive.

The **UNITED KINGDOM** considered that the question would be related also to the relevant conformity assessment procedures involving a Notified Body, coming from one or both Directive. The declaration of conformity should be very clear on the Notified Bodies participating in conformity assessment, when needed. This should be verified also for assemblies, in particular on who is taking the respective responsibilities.

**DENMARK** noted the comments already provided on questions 1 and 2, even being still a bit unclear. On question 3, about "de facto" manufacturers, in particular with conformity assessment procedures based on quality control, a document agreed in the ATEX Working Group could be useful, and it could be made "horizontal" also for other sectors, as a general guidance in similar situations.

**ETUI** considered that a point on brand/rebrand could be taken into consideration in the ongoing update of the Machinery Guide, in particular concerning the responsibility for the technical file, taking into consideration the formal arrangements or contract with the "original" manufacturer.

The **UNITED KINGDOM** considered that it is a complicated question, with different aspects to be considered, on branding, conformity assessment, responsibilities etc. It would be necessary in any case to keep the appropriate traceability in the whole process. It would be necessary to check the definitions of "manufacturer" in the Machinery Directive and also in the general reference of the New Legislative Framework.

**ITALY** said that the use of the brand would involve the responsibilities of the manufacturer, but it could lead to legal problems and disputes with respect to the relationships between the parts, the documents etc.

**DENMARK** recalled that these practices are relatively common in international companies, with different names and brands for products, with the involvement of Notified Bodies for the conformity assessment procedures. It would be useful to look forward for a common agreement and conclusions on how to deal with this kind of situations.

**ETUI** considered that section §§ 78-81 of the Machinery Guide, on the definition of manufacturer, could be further clarified.

**COMM** said that the question should be further analysed, also taking good references from other Directives, but being careful and respecting the current legal framework of the Machinery Directive. He invited all the members to provide their comments and contributions on the questions raised by **DENMARK** for the next Machinery WG meeting.

6.6 **Ropes and slings made with man-made fibres (Doc. WG-2016.08)**

**EUROCORD** presented a paper with a statement about the Machinery Directive regarding ropes and slings, in particular those made with man-made fibres.

**COMM** asked for comments and suggestions on the paper, for the next Machinery WG meeting.

6.7 **Q/A on mandatory controls on work platforms (Doc. WG-2016.09)**

**SWEDEN** presented their paper, asking for confirmation that it is mandatory that work platforms intended to be assembled to an earth moving machine (e.g. a loader) as an interchangeable equipment, are designed and constructed with control devices at the work platform.
POLAND said that, according to the Machinery Directive, it should be necessary to have controls. DENMARK also supported the Swedish proposal. ETUI appreciated the Swedish paper, to try to clarify a point that maybe it is not fully clear in the Machinery Directive. Also section § 371 on control devices in the Machinery Guide could be improved. COMM noted the general agreement on the Swedish paper. She asked for negative opinions until 15 April 2016; otherwise, the paper can be considered as approved by the Machinery WG.

6.8 Status of machinery control units which ensure safety (Doc. WG-2016.12)

The UNITED KINGDOM presented a document proposing a number of questions. Some extra guidance should be given on that, in particular concerning partly completed machinery – also related to the ongoing update of the Machinery Guide. COMM asked for comments on the paper, also in view of the update of the Guide, for the next Machinery WG meeting.

7. Reports on standardisation (Doc. WG-2016.10)

CEN-CENELEC presented their report on the current status of sector activities of European standardisation for safety of machinery. COMM made reference to the latest publication on the OJEU of the lists of references of European harmonised standards under the Machinery Directive, on 15 January 2016. The preparation for the next publication was ongoing, and it should take place in April or May 2016. As usual, all the information would be available on the EUROPA website353.

8. Report from the Coordination of Notified Bodies – Recommendations for Use (RIUs)

NB-M (Technical Secretariat) informed on the latest activities of the European Coordination of Notified Bodies under the Machinery Directive (NB-M). The last meeting took place in Brussels on 2-3 December 2015. COMM said that the situation of Recommendations for Use (RIUs) still pending to be endorsed, will be presented at the next Machinery WG meeting.

9. Any other business

The UNITED KINGDOM presented their paper on “Status of spring supported pallet leveller/table” (Doc. WG-2016.13). FRANCE presented their paper on ”Q&A on the stability of concrete truck mixers” (Doc. WG-2016.14). COMM reported these points to the next Machinery WG meeting. The documents would be uploaded on CIRCABC for discussion.

10. Date of the next meeting

The Chairperson announced that the next meeting of the Machinery Working Group is planned on 9-10 November 2016. Confirmation of dates should take place as soon as possible, in principle 2 months in advance.

## Points to be followed up at the next meeting

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Minutes of the MACHINERY WORKING GROUP MEETING
held on 9-10 November 2016

Subject: Machinery Directive 2006/42/EC Working Group
Place: Rue Van Merlaent, Brussels
Chairperson: Ms Birgit WEIDEL (GROW/C3)
COMM Participants: Ms Felicia STOICA, Ms Elżbieta PAPRZYCKA, Ms Anne-Lyse MINOUX-LEGER (GROW/C3)

1. **Welcome and approval of the Agenda (Doc. WG-2016.20rev.5)**

The Chair welcomed the participants and submitted the draft Agenda of the meeting to the approval of the Members.

The draft Agenda was approved.

The NETHERLANDS and CEN pointed out on the difficulty to follow up the most recent documents uploaded due to the fact that they were submitted too late.

The Chair took note of the remarks made by the NETHERLANDS and CEN indicating that for the future, new working documents will not be accepted later than two weeks before the meeting date.

2. **Approval of the draft Minutes of the meeting held on 10-11 March 2016 (Doc. WG-2016.18rev3)**

The Chair introduced the draft Minutes of the meeting of the Machinery Working Group held on 10-11 March 2016. Suggestions to amend the minutes were previously made by some members and the final draft version was submitted for approval.

CEMA suggested to clearly state the conclusions reached on point 5.16 Agricultural machines - Balers and Flail mowers as regards Part 12 of EN ISO 4254. Suggestions were accepted and the Minutes incorporating these corrections considered approved. The Final version will be circulated after the meeting.

3. **Information on studies in the machinery sector**

   3.1. **Evaluation study of the Machinery Directive**

COMM informed that the evaluation study on the operation of the Machinery Directive is lasting until April 2017, being carried out by the Technopolis group, an external consultant. The evaluation is part of COMM REFIT program. An Open Public Consultation in the form of a questionnaire via EU Survey is being carried out until 16 December, addressed to all stakeholders in the machinery sector and invited members to contribute.

The Chair explained that the Open Public Consultation receives a lot of importance internally in COMM, and launched the call to the Machinery Working Group members to also liaise with their community and inform about the consultation to ensure a good rate of participation.

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3.2. Impact Assessment study on road circulation of mobile machinery

COMM informed that the Impact Assessment study on road circulation of mobile machinery was finalised in April 2016. The study was published on the COMM website. On the basis of the results, an impact assessment report will be prepared by the COMM services in charge of the Machinery sector which will draft afterward the new legislative proposal. FRANCE asked clarifications on the interference of this new Regulation with other existing EU legislation such as the new Regulation on non-road mobile machinery engine emissions, from a market surveillance standpoint. The Chair explained that there is no connection between this legislation and the already existing Regulation on engine emissions. Environmental aspects are not taken into account by the new legislation on road circulation of mobile machinery, which will deal only with safety aspects. Environmental impacts of non-road mobile machinery from engine emissions are not under the competence of COMM services in charge with the machinery sector. EGMF announced that the industry group representing EGMF, CECE, CEMA, FEM EU United Municipal Equipment strongly supports this initiative and are willing to support further COMM in pursuing the work on finalising the draft proposal. ITALY expressed concerns about the confusion perceived at the community level for the application of many pieces of legislation to the same product and difficulties to liaise at a national level with competent authorities in charge of the legislation pertinent to the product in question. The Chair explained that COMM has examined in the past the possibility to have one big piece of legislation applicable to products but it resulted that such scenario was not feasible. A good example was the proposal to merge the Outdoor Noise Directive with the Machinery Directive, which the outcomes of a dedicated study showed that this solution was not possible. It was reminded that this new initiative will ease the manufacturers' life, given that they will need to comply with a single legislation instead of 28 national provisions. CECE indicated that it is important to have the right national experts to discuss these issues, which includes the transport ministries as well. CECE asked COMM if there is a possibility to organise a dedicated workshop. The Chair confirmed that COMM will look into organising a dedicated workshop in 2017 with relevant experts, including members from transport ministries. AUSTRIA emphasized that the option of self-certification is rejected by Austria. The Chair reiterated that the choice of policy options and the way forward on the new Regulation will be discussed with all parties concerned.

3.3. Study on possible amendments to Machinery Directive, ATEX and PED with regards to equipment used in offshore oil and gas industry

COMM informed that the final report of the study carried out by JRC was delivered in February 2016 and it can be found in the dedicated folder in CIRCABC interest group for Machinery Directive. COMM services still need further input in order to take a decision. The results of the study are not conclusive with respect to the safety issues. The study has brought up some elements which COMM will need to look into them in the future, within the revision of the Machinery Directive.

3.4. Study on the noise limits for equipment within the Outdoor Noise Directive (OND)

COMM informed that there were two studies carried out with respect to Outdoor Noise Directive: a study for the potential merger of OND with Machinery Directive and the second study on noise limits. COMM services are working on launching an impact assessment study to analyse the different policy options and would develop a proposal to improve the legislation on noise emissions from outdoor equipment.

4. Information on market surveillance and Machinery Administrative Co-operation activities (Doc. WG-2016.38)

SWITZERLAND, as the current Chair of the Machinery AdCo group, reported on the ongoing activities, from the last meeting held in Bilbao (Spain) on 5-6 October 2016. In addition to the information on market surveillance initiatives and projects, several items in the Agenda were directly related to those under discussion

357 http://ec.europa.eu/growth/sectors/mechanical-engineering/machinery_en
359 Outdoor Equipment noise Limit Assessment: Study on the suitability of the current scope and limit values of Directive 2000/14/EC relating to noise emission in the environment by equipment for use outdoors
in the Machinery Working Group. The call for future candidates for next chairmanship of the AdCo group has been launched, as Switzerland has finished their mandate. By the time of the meeting, no member has confirmed their interest (since the meeting, Belgium has agreed to Chair the Machinery AdCo group during 2017).

5. Follow-up of questions from the last meeting (Annex (5.1 to 5.36))

5.1 (5.1) Manure spreaders

CEN reported that the amendment of EN 690 is kept on preliminary status waiting for tests results from Italy. The standardisation work item was already launched by CEN/TC 144. The concerns raised by the members of the Machinery Working Group were taken into account, but still there is a need for further investigations, also on the basis of the outcome the studies carried out by FRANCE and ITALY. ITALY confirmed that they have taken over the task to carry out the tests and provide the results to CEN, but they encounter some difficulties regarding the experimental work which created delays. They will organise a meeting with CEN next year to provide the outcomes.

5.2 (5.2) Powered doors, gates and shutters (Doc. WG-2015.36)

CEN circulated their position regarding this matter. The final draft of the revised version was prepared but the adoption takes longer as the TC is collecting the comments. The TC has addressed in practice all three major arguments from the Formal Objection.
The UNITED KINGDOM reported on the outcomes of the meeting in Rome, particularly concluding all CEN consultant questions on prEN 12453:2016 and the good progress done. A short report was provided about the two recent court cases in the UK concerning accidents involving powered gates.

5.3 (5.3) Earth-moving machinery (Doc. WG-2016.29; WG-2016.30; WG-2016.33)

CEN provided an update on the revision of the standards ISO 5006 and EN 474-1, with the ongoing inquiry on visibility requirements. It confirmed that there are still some issues to be clarified between CEN and the Machinery Working Group, given the different positions submitted by the members. IRELAND made reference to the AdCo paper submitted to the Machinery Working Group and asked COMM to indicate as to whether a limited warning to EN 474-1, like that suggested in the AdCo paper, was feasible. FRANCE is not in favour to take on board GERMANY’s request for an exceptional warning for excavators in the absence of specific studies. It recalled that this question came too late in the process of AdCo task force work and particularly this issue should be discussed with all the experts and have a unanimous agreement. FRANCE requested more time to be able to analyse these concerns and also to gather feedback from users before laying new parameters in the standard. A thorough analysis is needed without blocking the procedures for adopting the standard as now revised. FRANCE further recalled that in 2015 there was a meeting of TC 151 in Bologna where it has been decided to create a follow up group to gather expertise and assess the issues raised by the study put forward by GERMANY. In the meantime, FRANCE takes the view that the proposed amendment should be considered for publication in the OJEU without a warning. The NETHERLANDS and ITALY support FRANCE views on this issue. GERMANY provided a presentation showing an analysis of severe accidents occurring in GERMANY, some of them fatal accidents. The analysis and the particular examples provided reflected the need to improve the visibility for excavators when slewing. CEN asked if the position paper put forward by AdCo reflects the views of the entire group or only of some members. IRELAND explained that the position paper submitted by AdCo reflects, in fact, the views of some of the task force members, even though at the last meeting it was understood that a uniform agreement was reached. It appeared that some members changed their views after that meeting and therefore AdCo position paper reflects the views of some of the members, not all. GERMANY considered that the amendment of the standards addresses different aspects such as quick couplers, visibility aids, etc. and there might have been confusion, given the fact that the COMM formal objection referred specifically to just the visibility part. GERMANY further suggested that COMM must regard this issue in isolation, specifically on visibility.

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360 EN 690:2013 Agricultural machinery - Manure spreaders - Safety
361 ISO 5006:2006 Earth-moving machinery - Operator's field of view - Test method and performance criteria
CEN said that procedure wise, the work is at the stage of consultant approval and will move afterward to the formal vote. There is no certainty on how the work will move forward in light of the discussions held in the Machinery Working Group meeting. With respect to GERMANY comments, there are different issues addressed by this amendment but CEN doesn't see any improvement if the visibility issue is addressed separately. IRELAND stressed that it is important to get an answer to the AdCo position paper as it affects the work at ISO level. The Chair acknowledged the progress made on certain aspects in the revision process and stated that COMM was expecting the new revised version to entirely address the issues and once published in the Official Journal to provide full presumption of conformity. In light of the discussions on this matter, COMM will expect comments from the Member States on the safety issues brought forward by GERMANY in their presentation, particularly to share their views if the issues evidenced are not safety related. From a legal point of view, COMM could consider publishing the standard with a limited warning. This can be envisaged as a way forward to recognise the improvements made in other areas. FRANCE will forward technical clarification and suggested that the study has to be accessible to anyone interested in looking at it. It emphasised that the proposed amendments will not prevent manufacturers to equip the machinery with cameras or other visual aids but there is a need for awareness on the cognitive charge for the operator. GERMANY explained that the study is publicly available and it was disseminated also to TC 151. GERMANY acknowledges that the standard was improved, but the question is on the degree of improvement where there are differences of views. An important question is how to promote this for the public at large, given that there is an improvement but amendment 5 is not entirely safe. The standards can be harmonised once this issue will be solved. GERMANY asked CEN to sit in a working group and discuss practical solutions on how to improve amendment 5. CEN explained that the goal is to have a solution relevant at international level also. It has to be checked if at this stage this work still can be pursued. FRANCE pointed that the study mentioned above should comprise all the calculations and necessary technical drawings. FRANCE does not believe that this level of detail and elements are available. GERMANY asked anyone who has questions about the study to get in touch with IFA363 who carried out this study. ETUI suggested that maybe it is a good time to think of developing a Type B standard on visibility. The Chair concluded that COMM is waiting for Member States' views on the issues raised by GERMANY and recalled that the safety of products is the main goal for which the whole community is striving for.

5.4 (5.4) Access to wind generators

CENELEC provided an update on the revision of relevant standards at IEC level. A proposal will be available by 2017 with a plan to transpose it at the European level. In parallel, CENELEC/TC 88 is working on standards addressing specifications for lightning, gearboxes and sound power level.

5.5 (5.5) Equipment used in the offshore oil and gas industry

COMM recalled the history of the standardization request for equipment use in drilling and well operations in the offshore oil and gas industry, which started in 2013 after the rejection by CEN of the previous mandate. The latest information refers to addressing the proposed standardization request in two separate mandates to better differentiate between the general mandate and the specific mandate for new harmonised standards for equipment in the offshore oil and gas industry. The split does not add any changes on the original text. CEN welcomed the separation of the initial standardisation request adding that the issues on sanction laws were overshadowing the general mandate which is of good quality and to which CEN does not have any objection. CEN asked to receive from the Commission the final version of the mandate before being presented to the Standardization Committee as their internal procedures require some consultations among the TCs concerned. There are also other questions put forward by CEN regarding a specific article in the standardization request. CEN further explained that they may not be in position to accept the offshore mandate due to sanction laws which exposes the work of experts and inquire whether this request could be postponed until a solution can be found within TC12. ETUI asked CEN why such work cannot be carried out at European level to avoid the sanction law problem, which exposes only the work at ISO level. CEN explained that the information received from some European experts is that the sanction laws exposes the work performed at European level as well.

363 http://www.dguv.de/ifa/index-2.jsp
The Chair explained that the point will be follow up at the next meeting with more updates on the progress of adoption.

5.6 (5.6) MD/LVD borderline

CENELEC provided an update on the ongoing work to adapt standards on the borderline between the Machinery Directive 2006/42/EC and the Low Voltage Directive (LVD) 2014/35/EU, specifying that the Annex ZF of Part 1 of EN 60335 contains criteria for the allocation of products to the Machinery Directive or the LVD.

5.7 (5.7) Log splitters and Firewood processors (Docs. WG-2016.15, WG-2016.25)

CEN provided an update on the ongoing revision of the log splitter standard EN 609-1\(^{364}\) by CEN/TC 144, informing that the standard was ratified. EN 609-2\(^{365}\) was already published. There is an ongoing cooperation between CEN and Machinery AdCo on firewood processors and at their first meeting, the UK provided important information for the progress of the work.

The UNITED KINGDOM expressed thanks to CEN for the opportunity to take AdCo's views into account at the beginning of the drafting process for the new standard on firewood processors. AdCo would also be willing to look at the initial text to be put forward for public inquiry. The UK also reminded the meeting of the outstanding paper (WG-2015.32) submitted to the Machinery Working Group last year questioning if firewood processors should be considered as products under Annex IV or not, specifically those employing a circular saw. It is not clear whether a manually fed firewood processor machine including a circular saw should be subject to conformity assessment procedures for Annex IV machinery. Most firewood processors employ chainsaws, but chainsaws are only subject to Annex IV if portable hand held machines. The UK suggests that the machines with chainsaw cutting means are not part of Annex IV, however the question is if a firewood processor with circular saw should be considered as part of Annex IV. The UK suggests that Annex IV should be interpreted restrictively, and as firewood processors are combined machines without manual intervention between cutting and splitting, they should not be considered in scope of Annex IV.

GERMANY recalled the discussions from the last meeting how to interpret Annex IV. In GERMANY, traditionally, Annex IV was interpreted restrictively to product listed in Annex IV.

The Chair mentioned that Annex IV is an exhaustive list of products. If there are considerations for other machinery to be part of this Annex, they could be added with the occasion of the revision.

SE addresses the question if an Annex IV machine which is not changed in characteristics but combined with another machine resulting in the same type of machine, with the same characteristics, e.g. manually fed, would not be an Annex IV machine.

COM took the view that the specific example provided by Sweden, marketed as a one machine showing the criteria of an Annex IV machine, should be considered as an Annex IV machine.

ORGALIME pointed that there was a degree of consensus regarding the interpretation of Annex IV machines which does not follow a risk based approach. In other words, this Annex gives the description of specific machines having certain features. If these features exist, then the machines are considered as Annex IV.

The Chair pointed that it is difficult to judge on abstract examples and the analysis should be made on a case by case basis.

POLAND agrees with ORGALIME views. As an example, the combination of an excavator with elevating cab, the latter being an Annex IV, does not create the final machinery to be Annex IV. Another example could be lifting platforms in wind generators, where the combination of these two will not create an Annex IV product.

DENMARK considers that the wind generator is a good example but supports COMM views for cases where the combined machinery meet the requirements of Annex IV, and they should be treated as Annex IV.

FRANCE suggests that it is important to distinguish between these combined machines, as a general approach. Combined machines with circular saws must be considered as Annex IV, see point 5 of Annex IV referring to “combined machinery for the types referred to in points 1 to 4 for working with wood and material with similar physical characteristics”. If the text of Annex IV is further analysed, such firewood processors cannot be considered as Annex IV. One other way to deal with this matter is raising the question of whether the circular saw part of the machine should never be seen by a notified body.

The Chair confirmed that this is a very complex issue as it needs to be addressed for specific cases which require more in-depth look.

ETUI agrees with COMM. One issue is to discuss about combined machines in general which is a simple question and another issue is to discuss about combined firewood processors which is a particular case, not combined in the way it is thought to be. It incorporates circular saws and these machines are dangerous due to having these parts incorporated. ETUI suggests COMM to have a thorough analysis of this particular case.

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364 EN 609-1:1999+A2:2009 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters
ITALY agrees to the fact that Annex IV should be considered as an exhaustive list.
COMM asked written comments limited to the question raised by Sweden, continuing the discussion at the next meeting.

5.8 (5.9) Ride-on lawnmowers / Openings in the enclosure of lawn mowers

CEN specified that the relevant standards for this discussion are EN ISO 5395-2\textsuperscript{366} and EN ISO 5395-3\textsuperscript{367}. The amendments for these parts were ratified and the formal vote will be launched soon.
ITALY recalls that the issue was discussed a long time ago. In the meantime, a technical agreement has been reached for publishing the standards. As a consequence, ITALY makes a call to CEN to publish the standard, stating that a request for delaying their publication is no longer justified.
The Chair asked CEN to provide the prospects for the publication of the two standards at the next meeting.

5.9 (5.11) Proposal on warning concerning EN 60745-1 and EN 60745-2-3 on grinders

CENELEC TC 116 is in charge with the revision which is carried out in parallel with IEC. There is an AdCo group set up with representatives of CENELEC and FRANCE, several meetings took place and an agreement was reached. The new standard will be more comprehensive with the previous version. TC 116 requests to remove this item from the Agenda.
The Chair concluded that in light of the progress and the agreement reached between concerned parties, the point can be closed.

5.10 (5.12) Position paper on valves vs. Machinery Directive

CEIR provided a presentation on the understanding the market has with respect to the applicable legislation to valves, particularly the interplay between the Machinery Directive and the Pressure Equipment Directive (PED), taking into consideration previous comments made by the members of the MWG. CEIR made a call to members to consider the situation pragmatically as from a risk standpoint valves have a low mechanical risks, whereas the risks of explosion and pressure are more relevant.
ORGALIME stated that there have been several discussions within their organisation on this issue, but no consensus was reached and therefore ORGALIME remains neutral on this matter.
The United Kingdom mentioned that they are sympathetic with CEIR as regards the remarks on the risks. The definition of machinery in the Machinery Directive catches a very wide range of products and when a product falls within its scope, a manufacturer needs to check if there are any obligations to be met, even if those obligations are relatively small (or concern low risk). The opinion received from PED AdCo is that PED is not a complete Directive, but the Machinery Directive and the LVD are complete Directives. In respect of hazards addressed by PED that are not covered, other Directives need to be applied alongside. There might be a difficulty on how the law is currently worded and an opportunity might come up with the revision of the Directive to amend the article on exclusions. The generalised solution is always difficult to interpret and an analysis on a case by case basis is needed. The interactions between Directives and the interactions between risks might be difficult to justify, but the absence of the risks does not mean that a Directive does not apply, it might mean that the compliance with that Directive is easier to fulfil.
GERMANY agreed that this is a complicated topic. The decisive aspects are with the definition of machinery within the Machinery Directive, where should valves fit? As a consequence, there are many valves under the scope of MD. As long as valves have a specific application, they would come under the MD. The size of the valves or the level of risks are not relevant criteria, but the compliance with the applicable law is.
ETUI explained that the presentation was very good in illustrating the problem where it seems that pressure is the major risk to be controlled. A solution might be to have all valves under PED.
FRANCE agrees with the views expressed by the UK and GERMANY that both Machinery Directive and PED apply to valves. It further suggested that the exclusion of products coming under Machinery Directive in the PED (reading through Guidelines) is very strict and there are very few cases because they are exclusively products to be incorporated into other machinery. All valves intended to be incorporated can have both Directives applicable to them. If technically speaking the problem is the pressure risk, then the manufacturer applies the PED and if the risk assessment shows mechanical risks due to moving parts then Machinery Directive applies. So from a pragmatic and legal standpoint there is a solution.

\textsuperscript{366} EN ISO 5395-2:2013 Garden equipment - Safety requirements for combustion-engine-powered lawnmowers - Part 2: Pedestrian-controlled lawnmowers

\textsuperscript{367} EN ISO 5395-3:2013 Garden equipment -- Safety requirements for combustion-engine-powered lawnmowers - Part 3: Ride-on lawnmowers with seated operator
ITALY explains that the section 2.6 of the Blue Guide\[368] covers the aspects of several pieces of legislation applicable to a product. ORGALIME underlines that they have a neutral position, but suggests that the pressure risks under PED are those relevant for valves higher than Cat 1. There are competition issues linked to this matter as it seems that manufacturers consciously ignore this and do not apply the law in the same way. There is a need to produce a paper to clarify the issues for everybody to follow.

ITALY stated that it is not a matter of choosing if we apply one Directive or another, we may need to apply both. The reaction time of the moving parts are important elements to classify the risks related to the moving parts. Such matter was discussed within AdCo in the past.

IRELAND would agree with CEIR that pragmatically the risk from mechanical hazards for powered valves is extremely low, but agrees also with the UK submission that the laws cannot be ignored. Whereas this issue may have legal implications for human safety, they may have huge financial implications for certain industries. Auditors auditing the industry would ask the question whether the products are compliant or not and depending on the result, it may lead to a financial issue for that company. A clear decision on this matter needs to be reached.

What came out from the discussions is that a significant number of powered valves are in fact not covered by PED. CEIR paper has raised a different question: how exclusions from the PED affect the valves market?

DENMARK agrees that valves are not excluded from the applicability of Machinery Directive. A lot of valves are simply components built into a machine, such a gearbox or hydraulic cylinder, and some valves are assemblies that can be partly completed machinery or machinery.

The Chair explains that there is a clear conclusion on the fact the Machinery Directive cannot be ignored for its application to valves. COMM will issue a guidance document on the applicability of the existing legislation to valves and clarify better the obligations to manufacturers.

5.11 (5.13) Interpretation of the Machinery Directive by Notified Bodies regarding 'completely enclosed' carriers (Docs. WG-2014.10-Srev.4, WG-2014.10-10)

COMM recalled the root of the discussion was triggered by EPSA paper WG-2014.JO. At the request of the Machinery Working Group, COMM presented a paper clarifying the provisions of the Directive with reference to the definition of a completely enclosed carrier and the requirements for using hold to run control devices. From a legal standpoint, the Directive is very clear on these two aspects, but the question remains on the prerequisite of using light barrier curtains for slow speed lifts. COMM is willing to ask the Notified Bodies to perform a risk assessment in order to better understand if these technologies would provide the same level of safety as hold to run control devices.

This would be a temporary solution until the revision of the Directive takes place which opens up the opportunity to clarify this issue and better reflect the state of the art.

The Chair reiterated that COMM has performed an analysis of the legal provision and the conclusion is that in this particular case the legal provisions seem restrictive for using the new technologies for control devices. The question remains on how to deal with the new control device technologies already on the market and if they do provide the same level of safety.

EPSA indicated that their paper did not ask if light barriers can substitute a hold to run, but if light barriers can be used to fulfil the definition of completely enclose carrier.

If the conclusion is that light barriers do not fulfil the definition of completely enclosed carriers, it is deduced that light barriers cannot be used. EPSA raised this question due to the fact certain Notified Bodies have divergent interpretation on this matter. EPSA is not in favour of a certain solution, but asks to bring certainty on the market, particularly among the practices of the Notified Bodies with respect to the use of light barrier curtains.

The Chair explained that there are few questions to be addressed on this issue and not only one and recalled the specific requirements reflected in the EHSR 6.4.1 and 6.2 of Annex I of the Machinery Directive. Everybody is aware which the problems of the market are but the issue needs to be treated step by step. It is important to have the possibility to look into these technologies and at the same time to look into the prescriptions of the Directive. As a general rule, the European legislation is technology neutral and that is the reason we need to better look into those products.

GERMANY suggest that the question should be asked first if the completely enclosed carrier is necessary and to incorporate this in the risk assessment, while an analysis is needed if there is a risk for individuals as regards the use of light barriers.

ETUI admitted that this is a very complex issue and sympathise with COMM on the proposed solution forward.

It is obvious an error incorporated into the Directive which might have slipped when the Directive was drafted.

\[368\] http://ec.europa.eu/DocsRoom/documents/18027/
There is no doubt on the need to use hold to run control for open carriers. But how to use hold to run in lifts where there is more than one individual using them. This would create a less safe situation which needs to be considered by the Notified Bodies.

The UNITED KINGDOM supports GERMANY’s remarks on the necessity for risk assessment linked with “where necessary” and the possibility to use light barriers as a solution where a hold to run device is not possible and which provides the same level of safety.

COMM emphasised that the Directive does not use the word ‘where necessary’ for the use of hold to run devices. That is why COMM suggestion is better to look into this issue in different ways and with the help of the NB. This subject matter will be brought by COMM at the next meeting of the horizontal committee for the Machinery Notified Bodies Group to explain the legal provisions on the requirements for slow speed lifts and at the same time to ask to receive input and information on existing novel technologies, to help us better understand the level of safety they can provide. Such information will be important also for the upcoming review of the Directive when the provisions on slow speed lifts will need to be amended to reflect the state of the art. For the time being this is a complicated issue both for Notified Bodies and market surveillance authorities.

ORGALIME would like to state that if a risk assessment will be carried out on this issue, ORGALIME members are willing to help.

The Chair explained that the solution forward might not be satisfactory but under current circumstances there is no straight forward solution.

POLAND cannot wait for the RfU from the Notified Bodies. It needs a conclusion and an agreement in this group.

The Chair explained that the fact that Notified Bodies are asked to carry out further work on this is because they have the knowledge to do it. There is a need for further assessment to reach an agreement which will take time. The point will be followed up at the next meeting, while COMM will stay in touch with the Notified Bodies and the industry.

5.12 (5.15) Logic units for safety functions (Docs. WG-2016.11-3, WG-2016.11-4)

The UNITED KINGDOM recalled the origins of the issue, triggered by a Recommendation for Use (RfU) in 2010. It was understood afterwards that there are some uncertainties with certain definitions and other aspects. The UK offered to host a meeting in 2015 setting up a Task Force group involving Member States, Notified Bodies and experts in control systems technologies and safety components. In June 2015, the task force meeting involved discussions with Notified Bodies as regards the rationale of drafting the RfU concerned. Vertical Group 11 produced a table submitted for discussions and approval to the last MWG. The task force had a further meeting in May 2016, where it was suggested to move forward with a classification table approach as used in other cases such a lifting accessories for example. A draft classification table has therefore been prepared for consultation with the MWG. The preference was towards a classification guidance document agreed by this meeting rather than a RfU. The information will also feed into the revision, because what exists for the moment in the Directive and in the Guide is quite minimum. The UK distributed among the participants physical samples of a three way mechanical key exchange interlocking unit to help all better understand the product and its functionalities. The UK asked for input and feedback on the classification table and to the proposed changes on para §388, item 21 in the Machinery Guide. The Task Force will further report on the areas in the table where consensus is reached and those areas that need further work.

ORGALIME appreciated the work carried out by the Task Force emphasising the good achievement of clarifying the definition of a safety function with respect to logic units. Orgalime will contribute further to the work.

The Chair suggested for the time being to keep the Guide as it stands and reminded members to send in their written comments.

5.13 (5.16) Agricultural machines - Balers and Flail mowers

CEN recalled that flail mowers are not concerned. The standard refers to balers. The ballot on the first draft will be completed in December. Next meeting of the ISO working group will take place in March 2017 in Toronto.

ITALY asks the Commission to keep the point on the agenda for follow up until after the meeting in March.

The Chair confirmed the follow up.

5.14 (5.17) Industrial trucks – Equipment (Doc. WG-2016.42rev; WG-2016.34)

ITALY stated that the proposal of GERMANY might lead to misunderstanding and suggest keeping the paper without any amendments.
FEM agreed with Italy's position that GERMANY comments might lead to misunderstanding and makes further suggestions for amending the paragraph by specifying that what defines an interchangeable equipment is the introduction of new risks or new functions when assembled with an industrial truck, as in line with the provisions of the Directive.

GERMANY agrees with FEM and suggests keeping the first sentence they proposed and delete the second one. Alternatively, FEM suggestion can be further amended by stating that "interchangeable equipment is designed to be assembled by the user with a forklift truck in order to lift suspended loads, is interchangeable equipment.

ITALY prefers the solution to delete the amendments suggested by GERMANY, including the first sentence as it would still create confusion for the industry.

FEM can compromise of leaving the first sentence as suggested by GERMANY.

The UNITED KINGDOM offered to edit proof the document as the ambiguities might be grounded in drafting and formulating the ideas.

ITALY could accept the proposals of GERMANY and FEM.

5.15 (5.18) Electrical beds/armchairs and height adjustable tables within the scope of the Machinery Directive or Low Voltage Directive?

COMM recalled the question on "household appliances" and "domestic use" related to the relationship between the Machinery 2006/42/EC and the Low Voltage Directives 2006/95/EC in Art. 1(2) (k) of the Machinery Directive, to reach a common approach conclusion on the basis of the document submitted by SWEDEN. It was recalled on the agreement reached that the electrical furniture is within the scope of the Machinery Directive and that should be reflected by §64 of the Machinery Guide.

DENMARK's understanding, backed by the practices on their market, was that electric furniture is subject to LVD.

COMM recalled that most delegations agreed that the electric furniture is part of the Machinery Directive and asked if anyone disagree.

SWEDEN made reference to their written comments stating that in SWEDEN's views, the electric furniture is intended for domestic use.

ETUI gave a general description of the products such as those for handicapped people under the Medical Devices Directive or for industrial use under the Machinery Directive. According to SWEDEN and DENMARK opinions, three directives need to be followed. The Medical Devices Directive for such products comprises the essential health and safety requirements of the Machinery Directive. Low Voltage Directive is not as comprehensive as the Machinery Directive when it comes to mechanical risks. It seems sensible that Machinery Directive and Medical Device Directive should be applicable to these products based on the considerations given above.

DENMARK explained that it is not so much the intended use, private or commercial, but more if it is a household appliance or not. Such question did not receive an answer in the last months.

GERMANY takes the view that these products are not household appliances and should be subject to the Machinery Directive.

DENMARK is of the opinion that if the majority considers these products not being household appliances, than DENMARK can endorse such position.

ORGALIME wanted to enforce what ETUI stated. Art 1(2) (k) is mainly referring to ‘white goods’ as it was thought when the Machinery Directive was drafted.

COM concluded that such products are subject to the MD and the Guide will be clarified accordingly. The point will be removed from the Agenda of the meeting.

5.16 (5.29) Revision of EN 12965 - PTO drive shafts and their guards

CEN reminds that the work item on this topic was activated. There is ongoing work on improving the standard EN 12965\textsuperscript{369} with respect to the entanglement clause, whereas the overall revision will take some time.

ITALY is satisfied with the amendments and therefore the question put forward by them can be regarded as solved.

FRANCE is also satisfied with the progress. However, a Working Group set up by CEN to put in place tests to address potential entanglement problems has commenced’. French Notified Body IRSTEA is involved but cannot do such work alone, therefore FRANCE launches an appeal for the involvement of other Notified Bodies as they believe that other countries are concerned by these issues.

NB-M can ask TUV to get involved in this project.

FRANCE stated that the other point they want to see moving forward is regarding EN ISO 4254-1\textsuperscript{370}.

\textsuperscript{369} EN 12965:2003+A2:2009 Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety

\textsuperscript{370} EN ISO 4254-1:2003 Safety of machinery - Part 1: General principles of design
ITALY thanked FRANCE for their contribution to this work and informed CEN that there was already a commitment for the protection guards.
CEN will follow up on this issue with the concerned CEN/TC 144 and asked FRANCE and ITALY to send the questions in writing to make sure the information was well captured.
The Chair stated that the item will be followed up at the next meeting.

5.17 (5.20) Query relating to good lifts and application of the Machinery Directive

COMM recalled the question submitted by IRELAND and presented the comments received from the UNITED KINGDOM and GERMANY which took the views that a lift without a safety system for suspension chain failure is not in compliance with the Machinery Directive.
IRELAND asked for a decision to be taken on this matter without a delay.
The Chair noted that there were no further comments or objections and therefore the conclusion reflecting the views of GERMANY and the UK were approved. The point is considered closed and removed from the Agenda of the next meeting.

5.18 (5.21) FprEN 1870-6 “Safety of woodworking machines - Circular sawing machines for firewood”

CEN informed that the CEN/TC addressed the comments of both consultants and the formal vote draft was finalised for being launched very soon.
GERMANY reminded that this point was originally introduced by them and asked if CEN/TC agreed to start the revision.
CEN stated that the revision can take place once the standard will be published.
The Chair concluded that the point will be kept on the Agenda of the next meetings for follow up.

5.19 (5.22) Collaborative robots

COMM recalled that this topic was triggered by a paper submitted initially by DENMARK (WG-2015.03). The UNITED KINGDOM further submitted a working document (WG-2015.33) which brings a series of questions on which COMM is asking a reaction from the members of the Machinery Working Group. Robotics is a topic which gets very much attention by the EU institutions. A report was put forward by the European Parliament asking the Commission to carry out an impact assessment on a future regulatory framework for robotics, calling also on the need to boost the availability of standards for robots. As such, the news from CEN of opening new standardization items for the security of robots was welcomed. COMM has received a request for collaboration in the area of robotics from Japan and Taiwan which expressed their interests to collaborate with the EU in ensuring a regulatory coherence as regards personal care robots.
ORGALIME stated that EN ISO 12100 is a good basis for standardization developments on collaborative robots. More work is needed on determining the admitted level of injuries which is difficult to establish in the area of collaborative robots. However, it will not have an impact on the essential health and safety requirements featured in Annex I of the Directive.
CEN will base all further activities on EN ISO 12100. There is ISO/TS 15066 covering safety requirements for collaborative robots and further reminded about EN ISO 13482 for personal care robots. Requirements for impacts are not addressed by this standard, which is an issue at the moment.
The Chair thanked for the input and encouraged on the exchange of updates especially on the future standardization activities.

5.20 (5.23) Inquiry on EN 12331 “Food processing machinery - Mincing machines - Safety and hygiene requirements” (Docs. WG-2015.04-1, WG-2015.04-2)

CEN mentioned that the responsible CEN/TC is still waiting for further details from the UNITED KINGDOM. Independently, they have checked the issue on the basis of the presentation reflected in the WG-2015.04 and concluded that based on the elements in the presentation there is no shortcoming in the standard. A different
issue was raised by SWEDEN and a risk assessment will be carried out in this way. CEN explained that there is a level of frustration generated by issues brought in the Machinery Working Group lacking sufficient details. The UNITED KINGDOM explained that their presentation comprised almost all the information available at that time. It was presented with the purpose to ask if other Member States have similar issues, and not to hold up any standardization work that was progressing. The presentation was forwarded to the British Standard Institute so that it could go to CEN through the appropriate channels. There were very few details which could not be provided, such as photos of the machines which have since been made available. There are not enough resources to be able to travel and attend CEN meetings, especially due to the fact that all the available significant information was provided at the when the issue was first time introduced. The UNITED KINGDOM doesn’t know the cause of the accident but knows that the accident happened on that part of the machine. That is the reason the UNITED KINGDOM raised the issue as an inquiry, and not as a Formal Objection.

SWEDEN does not have any comments on the matter raised by the UNITED KINGDOM, but do have an issue with the requirements in the standard for the outlet of mincing machines which are very dangerous products. A letter was sent to CEN concerning this issue which stated that the standard was changed after the SWEDEN safeguard action, but the responsible CEN/TC is willing now to introduce a note into the standard which seems to lower the requirements for interlocking. In SWEDEN views such note is not acceptable to reboot the requirements to the level before the safeguard action. The standard should not be published until this issue will be solved.

CEN asked if the other Member States have safety issues with such machines. As regards the issue highlighted by SWEDEN, there is an ongoing discussion with the Swedish experts to find a solution. The Chair invited other members to inform if they have similar issue with these machines and asked CEN to accept and work on the information already provided.

5.21 (5.24) Mobile machinery - Falling objects (Doc. WG-2015.08)

CEN informed about the revision work of EN 474\(^{375}\) regarding requirements for falling objects (FOPS) which will be more stringent.

5.22 (5.25) Driver restraint systems

COMM informed that as part of the update of the Guide, there has been brought forward suggestions by some member states to review section §295 “Seat Restraint systems” of the Guide to improve the interpretation of the essential health and safety requirements 3.2.2 of Annex I. At the same time COMM has been informed that CEN/TC 151 is carrying out standardization work related to this issue. Pending the results of this CEN's work, COMM has decided to suspend any modifications to section §295 of the Guide. FRANCE doesn’t think that the proposed changes are contradictory with standardization work. COMM explained that other members of the Machinery Working Group have objected to pursue any modifications to this section of the Guide pending the work carried out by CEN/TC 151. It is a matter of time only until the section will be updated.

5.23 (5.26) Mechanically load ed woodchippers

CEN informed that CEN/TC 144 decided to focus their work for the time being only on the revision of the standard pertinent to the manually loaded woodchippers and firewood processors. Upon the completion of this work, CEN will look into the aspects relevant to the mechanically loaded chippers. The Chair made a call to all members to provide information necessary to help CEN progressing with the revision work.

5.24 (5.27) Woodchippers action plan proposal (Docs. WG-2016.28; WG-2016.28-1/2/3/4/)

FRANCE explained that this point refers to the manually loaded woodchippers only. After the reference of EN 13525\(^{376}\) was removed from the OJEU list through the Commission Implementing Decision 2014/934/EU\(^{377}\) following a formal objection submitted by FRANCE, CEN has made a considerable progress on the revision of the standard. FRANCE launched an action plan for manually loaded woodchippers in service and conducted meetings with users and manufacturers in France looking at measures to be taken to ensure the safety of such machinery and, as consequence, a series of proposals have been published. An opinion for measures to be taken

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by manufacturers and users has been published in the Official Journal of the French Republic and this document as well as all the related ones have been shared with the members of the Machinery Working Group through CIRCABC. A timeline for adjusting the machinery was given depending on the risk level of that machinery, e.g. one year for most dangerous machines and 18 months for the rest. The manufacturers were asked to do all that is necessary to make these machines comply with the essential health and safety requirements of the Machinery Directive. In the upcoming months, French authorities will also issue a guidance document on these matters. During June's consultation meeting, FRANCE has sent a letter to CEMA, asking the communication to be disseminated to the European manufacturers regarding the information on the steps to be taken for producing the manually loaded woodchippers in service safer and to pass this information also to the users, since it is more difficult for them to obtain such information.

DENMARK thanked FRANCE for their work on this issue and asked more information on the update kits and if it is possible to correct all machinery in service.

FRANCE stated that the way forward is that each user should perform a risk assessment. FRANCE may come with more information on this matter in 2017.

CEMA explained that not all woodchippers manufacturers are members of CEMA and therefore the information put forward by FRANCE will not be captured by everyone. In reality, there are many machines already placed on the market in line with the withdrawn standard and they will have to be replaced with new machines since upgrading them it is more difficult.

COMM asked all Member States to ensure that the safety message is leveraged to all manufactures and users.

5.25 (5.28) Agricultural trailers: concerns on prEN 1853:2015 (Docs. WG-2016.22; WG-2016.22-1)

FRANCE made a presentation with a suggestion for the revision of the standard. Although on certain points the draft standard had been much improved, it doesn’t adequately addresses the crushing risks as required in the essential health and safety requirements 1.3.7 of Annex I. FRANCE does not want to block the progress made by CEN on other points of the draft standards and suggests to move ahead with the publication with a warning of the reference of the standard in the OJEU.

CEN confirms that the TC will continue with the standardization work in view of the publication of the standards and will work separately, in an amendment, on the issues highlighted by FRANCE.

COMM emphasizes that it is expected that the harmonised standards published in the OJEU will address all concerns in their entirety.

CEN informed that these issues have been raised very late in the revision process and CEN is bound to look only at two solutions, either to abandon the work on the standard or to cope with a tight timeline until its publication. CEN asked the other Member States share information about such issues if they have it.

THE UNITED KINGDOM has made available the details related to a number of incidents in their territory, involving such machinery and their experts are in contact with French authorities on this issue.

ITALY raised a concern related to the fact that many accidents occur during incorrect use, not only because of technical defects in machinery or shortcomings in standards.

IRELAND informed also of a fatal accident involving agricultural trailer and on long term there is a need for a greater coherence between the standards for agricultural machinery and those for construction machinery. From their experience, some agricultural machinery are used in construction activities and the visibility issues applies to those machines also, where mirrors are not enough and cameras are needed. There is a need to consider the interface with Regulation (EU) No 167/2013 on tractors378, e.g. camera fitted on trailer and screen in the tractor.

The UNITED KINGDOM reminded that there is a proposal to reawaken the Machinery AdCo Agricultural Task Force group in 2017.

SPAIN agrees with COMM comments of not publishing harmonised standards which do not give full presumption of conformity.

The Chair concluded that the point will be followed up at the next meeting.

5.26 (5.30) Safety with boom mounted circular saws on mobile work equipment (Docs. WG-2015.38rev1)

The UNITED KINGDOM brought forward a revised version of their initial paper, taking into account the comments received from the members. The consultation on the paper started the year before and the UNITED KINGDOM is willing to take on board any further suggestion. If this is not the case, it is proposed to close the item and remove it from the Agenda.

The Chair concluded that the point can be considered closed.

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378 OJ L 60, 2.3.2013, p. 1
5.27 (6.1) Update of the Guide to application of the Machinery Directive 2006/42/EC (Doc. WG-2016.03rev3)

COMM thanked all members who have contributed so far to improve the current version of the Guide to the application of the Machinery Directive 2006/42/EC. The last version circulated is a simplified one, which does not contain any controversial issues brought forward by the members. COMM is seeking the approval of the Machinery Working Group on this proposed version and in case there are any further comments or remarks, they should be made only on the amended sections. The scope of the updating exercise for the Guide was achieved, meaning that the comments pertinent to the amendments brought to the Machinery Directive by the new Tractor Regulation (EU) No 167/2013 or by Directive 2009/127/EC on machinery for pesticide application were integrated. Also, additional comments have been integrated as regards filters and filtration systems as part of Annex V. The guidance documents which are now published on the website will be integrated into the Guide, in separate Annexes. Some members of the Machinery Working Group wanted to seize the opportunity and go beyond the scope of this updating work on the Guide. However, COMM could not take into accounts all comments received and will continue the discussions on the future revision of the Guide in a separate forum, setting up an Editorial Group. A meeting will be organised in 2017 in Brussels. Any decision reached within the Editorial Group will be forwarded to the Machinery Working Group for approval.

POLAND asked if COMM foresees the translation of the Guide in all EU languages. COMM will first have the English, French and German versions. A request will be placed to the translation office for the rest of the languages but cannot confirm at this stage when these versions will be ready.

ORGALIME sent comments which partially were not taken into account due to disagreement by other members and asked about the way forward. COMM suggested for bilateral discussions between members who reacted to comments inserted by other members. The goal is to reach consensus. CEN wants to add comments on section §412 on lifting equipment, on behalf of the relevant CEN/TC. COMM explained that there has been a suggestion brought to expand the indicative list of lifting accessories as well as integrating a list with pesticide machinery. DENMARK does not agree with the expansion of the list of lifting accessories and suggested to revert to the original list and discuss separately the new examples suggested to be inserted. GERMANY agrees with DENMARK. There are even some contradictions with the examples suggested. EGMF supports the idea of setting up an Editorial Group and asks if, for discussions on specific sectorial issues, the relevant stakeholders affected by those issues can attend. COMM explained that the pan-European associations are welcomed to be part of the Editorial Group, mentioning that in any case the issues discussed within the Editorial Group will be brought to the Machinery Working Group. ORGALIME would like to be part as well of the Editorial Group. The Chair concluded that the point will remain on the Agenda of the upcoming meetings to update on the discussions in the Editorial Group.

5.28 Machinery for pesticide application (Doc.WG-2016.03-1; WG-2016.03-1.1)

GERMANY has reworked the list presented initially, integrating the comments received from the members of the Machinery Working Group. CEN will provide comments on behalf of CEN/TC 144 after the plenary meeting in December 2016. COMM suggested discussing this list within the remit of the Editorial Group. GERMANY agrees with this proposal.

5.29 (6.2) Standard EN 16228 - guard installation for moving parts in drilling rigs - different applications throughout the EU

ANIMA as a member of ORGALIME raised concerns with regards to differences in the interpretation of guarding in various Member States and asked the Member States to provide information on the situation in their territories. FRANCE has been committed over the last few years for safer drilling rigs, especially the small ones. FRANCE issued a Decision asking users to make their products safer asking for physical guards for the moving parts. Today all drilling rigs in FRANCE are put in conformity due to this action and due to a relevant standard available. The UNITED KINGDOM explained that they have been supporting to FRANCE in finding solutions for this issue.
GERMANY informed that the revision of the harmonised standard EN 16228\textsuperscript{379} has begun following the trigger from ANIMA and it gives options for safeguarding, providing requirements for a special protective mode. At the moment an ad-hoc working group will meet in December to shed some light on the current situation.

ORGALIME would like to ensure that physical protection installations respect the essential health and safety requirements of the Machinery Directive to the state of the art.

FRANCE does not have any problem with equivalent measures to the physical barriers as long as they are efficient but it appeared that detectors today do confer the best protection only if they are physical barrier.

The Chair noted that the point will be followed up at the next meeting.

5.30 (6.4) Warning device on a local exhaust ventilation (Doc.WG-2016.06)

The Chair reminded that the paper was introduced by DENMARK at the last meeting but due to lack of time it was not discussed.

DENMARK is asking to clarify the regime between the Machinery Directive and the Directive on the use of work equipment\textsuperscript{380} as regards the warnings on local exhaust ventilation systems. These systems ventilate fume hazards such as those generated in a welding environment. In DENMARK’s opinion these are machinery as defined by Art 2 of the Machinery Directive and in consequence they would have to fulfil the requirements set out in Annex I, section 1.7.1.2 "Warning Devices” of the Directive. DENMARK asks the Machinery Working Group members if they share their views, that the request of warning devices is addressed to a local exhaust ventilation system. They further ask COMM's opinion on the interplay between the Machinery Directive and Work Equipment Directive to such systems.

SWEDEN agrees with DENMARK that such local exhaust ventilation systems meet the definition of machinery in the Machinery Directive and they should comply with its essential health and safety requirements. It will be the obligation of the employer to buy the machine in line with the requirements of the applicable law.

FRANCE also agrees that exhaust ventilation systems are within the scope of the Machinery Directive, either as machinery or partly completed machinery. As far as the users are concerned, they have the obligation to maintain the systems in line with the requirements in the user instruction.

NETHERLANDS also agrees that these systems are within the scope of the Machinery Directive.

GERMANY indicates that such ventilation systems have different components and they should be assessed case by case if they are assemblies of machinery or not. If such a ventilation system is an assembly then warning devices are part of the system.

IRELAND raised concerns on the extension of the scope of Machinery Directive to include the whole ventilation system. An extraction fan would certainly be a machine but IRELAND would not see the related ductwork as a machine. There are potentially huge implications on whether such systems are within the scope of the Machinery Directive or not.

The UNITED KINGDOM agrees that an extraction system is machinery in the scope of the Directive, but only when it is first placed on the market, taking into account its intended use. If there is an existing extraction system in use at the workplace to which other machines are attached, then this is a worker protection issue. In any case, risks shall be managed at all stages.

FRANCE states that as long as the equipment is not considered machinery, than the user cannot maintain the machinery in conformity with the essential health and safety requirements of the Machinery Directive. Ultimately it is an issue of deciding if the exhaust ventilation systems are machines or partly completed machinery.

COMM stated that usually exhaust ventilation systems are customised systems put into service where the manufacturer has the obligation to fulfil all the essential health and safety requirements.

FRANCE agrees with COMM reasoning except that it cannot be concluded that the user must install a warning device which is not required by the Work Equipment Directive.

ORGALIME suggests that in drawing a conclusion it needs a clearer description of the circumstances.

IRELAND believes that the problem is in the precision of DENMARK’s question, if the system is subject to the Machinery Directive and then who is placing the system on the market.

ETUI explained that some systems are clearly machines, such an elephant trunk extractor but maybe not all of the ductwork. Machinery assembled on site must meet the same requirements as those supplied complete. The question is: who is manufacturing such systems?

IRELAND suggests that on the basis of the specific question “if the ventilation system is machinery”, maybe the simple answer is yes.

COMM asked if anyone objects to IRELAND’s suggestion. With no objections, the point is considered closed with the general conclusion that if the local exhaust ventilation system is subject to the Machinery Directive it

\textsuperscript{379} EN 16228-1:2014 Drilling and foundation equipment- Safety- Common requirements

should be equipped with warning devices in line with the essential health and safety requirements 1.7.1.2 of Annex I of the Machinery Directive.

5.31 (6.5) Marking of machinery

DENMARK proposed two questions to the members of the Machinery Working Group, asking for their opinion on the marking requirements under the Machinery Directive vs marking requirements in the New Legislative Framework and if the EC type-examination has to be carried out again after the importer or other economic operator put their own name on the product. ATEX group has produced guidance but asks for Commission wide agreement.

The UNITED KINGDOM makes reference to the procedure at Art 12 (4). Where the importer is not the manufacture or the authorised representative but they act as manufacturer, they may be taking advantage in a way that undermines the market since the type examination involves expenses. If the original EC-type examination can be transferred to other economic operators it opens the situation to potential abuse.

ETUI referred to the importance of the relationship between parties to ensure the availability of the technical file, in situations where the importer is acting with the manufacturer's permission. It is a common approach to have an agreement between the manufacturer and importer.

COMM agrees in principle. Importers who place products on the market take on all obligations. As far as commercial practices are, the importers who bring products to the EU market from outside EU will place their names on those products through commercial agreements. There is no need to redo the EC type examination as the importer can use the type examination certificate under an agreement with the manufacturer.

DENMARK agrees and asks for ATEX group to revise their paper.

NB-M informs that there will be a RfU on this matter. There must be an agreement between parties to clearly state that the original manufacturer will provide the technical file upon request and that the machinery will not be changed, as this is related to conformity assessment, including EC type examination.

The Chair concluded that the point will be followed up, waiting for the RfU to be issued and communicate with ATEX group on the need to revise their paper.

5.32 (6.6) Ropes and slings made with man-made fibers

The Chair informed that no comments have been made since the paper is not sufficiently precise and suggested to postpone this discussion to the next meeting since EUROCORD was not present.

5.33 (6.7) Q/A on mandatory controls on work platforms

SWEDEN reminded of their paper, asking confirmation for the need of automatic controls on work platforms intended to be assembled to earth moving machinery.

The UNITED KINGDOM agrees with SWEDEN. According to the essential health and safety requirements 6.2 of Annex I, operators must have controls at the work platform level.

The Chair concluded that the paper submitted by SWEDEN is endorsed since there are no objections to the views expressed by the UNITED KINGDOM and SWEDEN.

5.34 (6.8) Status of machinery control units which ensure safety (WG-2016.12)

The Chair reminded of the paper submitted by the UNITED KINGDOM at the last meeting and informed that there have been no comments received from the members.

ORGALIME suggests that there is a need for a case by case analysis. In partly completed machinery these elements would be built in. It is difficult to give a blank statement on this.

The Chair asked members for comments on the questions rose by the UNITED KINGDOM in their paper and will follow up the point at the next meeting.

5.35 (6.9) Status of spring supported pallet leveller/table (WG-2016.13)

The UNITED KINGDOM recalled the arguments presented in their paper.

The Chair has asked if there is any member having a different view than the UK.

FRANCE recalls the definition of the machinery. With regards to this specific case, FRANCE would ask to improve the definition of the machinery during the revision of the Directive. If the stored energy is higher than the forces exerted by humans, then such machine would appear within the scope of the Directive.

ETUI informed that there are many devices of similar nature which could fit in such scenario, e.g. spring related plate holders in restaurants, which are not within the scope of the Machinery Directive.
DENMARK agrees with the UNITED KINGDOM and ETUI that this is not a drive system. POLAND agreed with the UNITED KINGDOM's views, the table is not used for direct lifting and lowering of loads. GERMANY comes to the same conclusion and suggest that this product to not be included in the scope of the Machinery Directive. With the revision of the Directive the definition should be made clearer, but there is a dangerous grey area around this issue. ORGALIME suggests to not trying to redesign the definition and leave it as it is, which a well-established term is. COMM believes that FRANCE suggestion on clarifying the definition is helpful, but perhaps it is better to make such clarification in the Guide, rather than touching the legal elements. The Chair asked FRANCE to make a suggestion for clarification as proposed and considers the UNITED KINGDOM paper endorsed.

5.36 (6.10) Q&A on the stability of concrete truck mixers (Doc.WG2016.14rev)

FRANCE recalls on the questions raised in their paper. ETUI asked if there is a type C standard that covers the speed of the drum to affect the stability. FRANCE responded that there is no standard available but there is one under preparation. ORGALIME makes reference to intend §37 of the Guide. The driver must take account of the loading. The UNITED KINGDOM explained that due to the fact that the mixer is intended to operate while travelling, the associated risks are covered by the essential health and safety requirements 1.3.1 and 1.1.2 of the Machinery Directive. IRELAND suggests that the paper should look also to what the road circulation legislation foresees and the interface between this legislation and the Machinery Directive. There might be that the manufacturers design a particular chassis for this purpose. The Chair agrees that on the issue of stability, the manufacturer must take into account in the risk assessment all aspects including those during the travelling phase and the links with the road circulation legislation. CECE adds that the distribution of the load should be done through the specifications of the truck manufactures by taking into account the dynamic of the mixer also and agrees that this matter should be discussed and dealt in the standardisation sector. The Chair considers this point closed and the discussion to be moved to CEN/TC 151.

6.1 Propose to harmonise EN 1459-3 (Doc.WG-2016.16)

The Chair asked members to submit their comments on the paper submitted by ITALY and suggested to postpone any discussions on this item to the next meeting since the Italian delegation was no longer present.

6.2 Fitting interchangeable equipment to fork lift trucks (Doc.WG-2016.19rev, WG-2016.19-1 WG-2016.35)

The Chair explained ITALY is soliciting the Machinery Working Group to mandate CEN for starting the works on a standard for such equipment and invited FEM to intervene and present their views as reflected in the paper submitted at this point. FEM states that the interchangeable equipment manufacturers have the full responsibility on the combination of the interchangeable equipment and the basic machinery on which it is installed, while the fork lift truck manufacturer evaluates the capacity of the truck. The current procedure is well established and safe, and enables the final user to be equipped with all the necessary information. FEM do not agree with the alternative solution provided by ITALY. The intend of §41 of the Machinery Guide as well as the Directive is legally clear. EN ISO 3691-1381 sufficiently covers all the requirements that interchangeable equipment manufacturers need to fulfil. The Chair postpones the discussion to the next meeting to allow the Italian delegation to intervene. In the meantime, members are asked to present their views through written comments.

6.3 When a printer is no longer ordinary office equipment (Doc.WG-2016.21)

The UNITED KINGDOM presented a case with which they came across via an inquiry from a German user, asking what the right conformity procedure is for a printer which seemed to be at the borderline between the Machinery Directive and Low Voltage Directive.

381 EN ISO 3691-1:2012 Industrial trucks - Safety requirements and verification - Part 1: Self-propelled industrial trucks, other than driverless trucks, variable-reach trucks and burden-carrier trucks (ISO 3691-1:2011)
DENMARK does not have any proposal for clarifying the issue but the national authority dealing with the low voltage products legislation considers that the manufacturer has declared conformity with Low Voltage Directive and it would be better to leave this specific case as that.

COMM acknowledged that there is a need for further thoughts on this issue and suggests moving the topic to the Editorial Group for the update of the Guide and asked members to send their comments to the Commission in the meantime.

6.4 Hover boards/ Hover carts (Doc.WG-2016.23, WG-2016.23-1)

The UNITED KINGDOM made a presentation on hover carts suggesting that while the Machinery Directive applies to hover boards, the carts attachments should only be in the scope of General Product Safety Directive.

COMM agreed with the UNITED KINGDOM that hoverboards are within the scope of the Machinery Directive and the structure that comes on top of them are within the scope of the General Product Safety Directive.

DENMARK agrees with this approach.

NETHERLANDS believes that the carts will make the hoverboard a new machine.

SWEDEN mentioned that it is a similar case with tables connected to a hand held circular saw turning it into a new bench machine, also mentioned in the Guide.

GERMANY thinks that adding the cart structure on a hoverboard does not change the function of the basic machine.

The UNITED KINGDOM believes that the addition of the cart does not change the function or add a safety risk. The main safety issue up to now has been in the batteries leading to a fire and explosion risk.

FRANCE points that sitting instead of standing on the hoverboard does not change the function. The attachment cart is an accessory.

The Chair asked if there are any objections to the views presented by the UNITED KINGDOM. Since no objections were made, the position paper was endorsed.

6.5 Information on Feedback method (Doc.WG-2016.40)

ETUI provided a presentation on the principles reflected by CEN/TR 16710-1 seeking user's feedback at an early stage of the design of machinery. Such tool can be used for improving the ergonomics of machinery and can be a useful tool to also support the examination of 360° visibility of excavators.

The Chair explained that this is a very interesting project to improve the safety of machinery and it needs to be understood how all manufacturers and other interested stakeholders can make use of it.

6.6 Report on the revision of EN 280

COMM is asking CEN to report on the progress of the revision of EN 280 which aims to include requirements for operators leaving and entering the work platform at high altitude.

CEN reported that the work item developed by CEN/TC 98 is at a preliminary stage. There is an ongoing analysis into the national standards addressing these issues. Further information will be provided at the next meeting.

ETUI believes that this is a good example where the Feedback Method can be used in standardization activities, in which the users can report on how they make use of the platform at heights.

6.7 Control loads for certain types of equipment (Doc.WG-2016.27)

COMM invites the members to submit their comments to the paper submitted by ITALY and suggests postponing the discussions on this item to the next meeting since the Italian delegation was no longer present.

6.8 Safety alert – prEN ISO 19296 (Doc.WG-2016.31)

FRANCE introduced their paper which raises concerns related to development of EN 19296 where there should be many TCs involved in this work but there is no coordination from CEN and many hazards are not dealt with.

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382 CEN/TR 16710-1:2015 Ergonomics methods - Part 1: Feedback method - A method to understand how end users perform their work with machines

383 EN 280:2013 Mobile elevating work platforms - Design calculations - Stability criteria - Construction - Safety - Examinations and tests

CEN explained that the paper was submitted too late and there was no opportunity to consult the TCs for a reaction. CEN is aware of those concerns and thinks that some of the risks are covered by the standard replacing EN 1889-1. However, CEN consultant has given a negative assessment. The Chair asked for more comprehensive reaction from CEN by the next Machinery Working Group.

6.9 Safety alert – EN 12151 (WG-2016.32)

FRANCE is raising concerns about the progress of the standards EN 12151386, following the formal objection submitted by FRANCE, reflected in Doc.WG-2008.28. CEN informed that EN12151 was withdrawn completely as being out of date and a new work item is at the preliminary stage, intending to produce three parts, but currently there are no experts willing to start this work. The Chair explained that the point will be followed up at the next meeting hoping to receive more updates from CEN.

7. Reports on standardisation (Doc. WG-2016.10)

CEN-CENELEC presented their report on the current status of sector activities of European standardisation for the safety of machinery, which included the results of the Advisory Nucleus Meeting and the ongoing projects as regards new standards or revision of existing standards.

8. Report from the Coordination of Notified Bodies – Recommendations for Use (RIUs)

The Chair explained that the Machinery Working Group has always operated in a twofold procedure with respect to the RIUs, some were submitted for written procedure and others for oral procedure. Given that this point is always at the end of the Agenda of the Machinery Working Group meetings, most of the time, due to lack of time, this point was not properly discussed. The Chair makes a suggestion to move only to a written procedure, except if there is an objection on such approach. This will allow making the procedure more efficient and in the absent of comments, the RIUs will be considered endorsed.

NB-M asked if it is possible to bring clarification in the Guide on how the Notified Bodies can be accredited as there are different accreditation practices from one country to another. The Chair made reference to the Blue Guide where there are some recommendations to relevant standards for accreditation under the Machinery Directive.

DENMARK thinks it is a fair question. Maybe a best practice would be to import the same procedures under the New Legislative Framework Directives for appointing the Notified Bodies.

The Chair suggested to move this discussion at the next meeting especially that the participants of the Machinery Working Group are not in charge with the accreditation procedures. It will allow some time to take back the question to the national authorities in charge with the accreditation and return with suggestions for improvement. All the RIU foreseen for this meeting will pass to the written procedure, via CIRCABC with a specified deadline.

9. Any other business

None

10. Date of the next meeting

The Chair announced that the next meeting of the Machinery Working Group is planned on 28-29 March 2017. Confirmation of dates should take place as soon as possible, in principle 2 months in advance.

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385 EN 1889-1:2011Machines for underground mines - Mobile machines working underground – Safety - Rubber tyred vehicles
386 EN 12151:2007 Machinery and plants for the preparation of concrete and mortar - Safety requirements
## Points to be followed up at the next meeting

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Minutes

Meeting of the Machinery Directive 2006/42/EC Working Group

29 March 2017, Charlemagne Building, Brussels

1. Approval of the agenda and of the minutes of previous meeting (Points 1 and 2 of the agenda)

The agenda (Doc. WG-2017.02rev2) was approved by general consensus. The minutes of the meeting held on 9-10 November 2016 (Doc. WG-2017.01rev4) were approved by general consensus, with two corrections:
- at point 5.7, in POLAND's intervention, it is "cab" instead of "cup";
- at point 5.16, in FRANCE's intervention, the only referred standard is "EN ISO 4254-1".

2. Nature of the meeting

Non-public meeting of the Machinery Working Group within the Machinery Committee established according to Article 22 of Directive 2006/42/EC. It is chaired by the European Commission services in charge of the Machinery sector and it is integrated by representatives of the EU Member States, EEA/EFTA/MRA/CU Countries, European Standardisation Organisations, European Coordination of Notified Bodies, and European associations of manufacturers/industry, trade unions and consumers. See the “List of participants” at point 7.

3. List of points discussed

Points 1 and 2: Welcome and approval of the Agenda, Approval of the draft Minutes of the meeting held on 9-10 November 2016
See above.
Point 3: Information on ongoing activities in the machinery sector

3.1. Evaluation study on the Machinery Directive

COM confirmed that the final report of the evaluation study on the operation of the Machinery Directive will be issued in April 2017. It will be made available on the COM website, alongside with other supporting documents.
Technopolis (external consultant) gave a presentation on the first findings of the study.
COM said that the presentation will be uploaded on CIRCABC.

3.2. New Regulation on road circulation of mobile machinery

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COM informed that, after the Impact Assessment study carried out by external consultants, an Impact Assessment Report will be developed by COM, including an open public consultation. A workshop with the Member States, industry and other stakeholders is planned on 14 June 2017. COM proposal on new legislation can be expected by mid-2018.

3.3. Study on possible amendments of Machinery Directive, ATEX and PED with regards to equipment used in offshore oil and gas industry

COM informed that, on the basis of the findings and conclusions of the final report of the study carried out by JRC as delivered in February 2016, COM does not consider the need for further policy initiatives.

3.4. Impact assessment study on the Outdoor Noise Directive

COM informed that the study is going to start very soon, right after the signature of the contract with external consultants. The study will last 12 months and after that, COM will start to elaborate a legislative proposal for new EU legislation on noise emission in the environment by equipment for use outdoors, and the related Impact Assessment report.

3.5. Standardisation requests under the Machinery Directive

COM reported no further progress made since November 2016. The two separate draft standardisation requests, as a general mandate and a specific one for offshore equipment used in oil and gas industry, had been checked with the competent Legal Service, in view of completing them, to be submitted to the Standardisation Committee for discussion and approval.

CEN-CENELEC appreciated the positive developments on the issue as well as the open and transparent cooperation with COM.

3.6. Reports on standardisation activities (Doc. WG-2017.09)

CEN-CENELEC presented the written report on sectorial activities on European standardisation for safety of machinery.

COM informed that the next list of references of European harmonised standards under the Machinery Directive 2006/42/EC is under preparation and it would be published on the OJEU probably in April.

Point 4: Information on market surveillance / Machinery Administrative Co-operation activities and MACHEX

BELGIUM informed that they take over the Chair of the Machinery AdCo group for 2017. No new meetings took place since the last one in October 2016.

COM reported on the activities of the MACHEX Group, from the last meeting held in Luxembourg on 8-9 March 2017, in particular concerning some issues of interest also for the Machinery Working Group, as “Modifications to CE-marked machinery in use: implications to workplace safety” (especially with respect to visibility in earth-moving and agricultural machines) and on lasers, drones, robots etc.

ETUI also informed on ongoing projects within the MACHEX Group from the point of view of users.

Point 5: Follow-up of questions from the last meeting (Annex (5.1 to 5.36))

5.1 (5.3) Earth-moving machinery (Docs. WG-2016.29, WG-2016.41/-1/-2/-3, 2016.41-4)

CEN provided an update on the revision of the standards ISO 5006388 and EN 474-1389, with amendments under development to solve the issues related to the formal objection. Amendment 5 is expected to be completed in December 2017, while Amendment 6 was activated in November 2016.

COM recalled the issue, making reference also to the relevant working documents, indicating the safety concerns raised by GERMANY on visibility of excavators and the position of certain AdCo members on this matter, favouring the citation of the standard in the OJEU with a warning. On the contrary, FRANCE and CECE contested the publication with restriction. COM acknowledged the progress done with respect to certain aspects but the situation is not clear yet about visibility issues for excavators.

CECE underlined the importance of the principles involved in the question raised, with respect to European and international standardisation, compliance with the essential health and safety requirements of the

Directive, and the practical aspects of the standardisation process, in order not to create uncertainties to manufacturers and operators. 

**GERMANY** considered that the ongoing standardisation work does not correspond yet to the situation, as the requirements for excavators would not be sufficient for ensuring safety. The publication of the standard should maintain a warning with respect to excavators issue.

**FRANCE** said that, according to the recommendations of the task force on earth-moving machinery, standardisation is working to solve the problem raised by the formal objection and to remove the warning.

**ETUI** highlighted the need to work in a more efficient way in the standardisation process.

**IRELAND** recognised that the question is very complicated for the different aspects to be taken into consideration.

**COM** recalled the operational framework of standardisation in support of the Directive, with the publication of references on the OJEU, the formal objection etc., also in light of the recent ruling of the European Court of Justice in the "James Elliott" case. It is a common responsibility to ensure that all open safety issues with respect to standards that give presumption of conformity are adequately addressed.

**CECE** thought that the standardisation work is so advanced that it would be too late now to propose further comments. It would undermine confidence on the whole process.

**CEN** asked for not postponing too much time the decision of listing the standard and to take into account the opinion of the majority of the Member States.

**COM** emphasised their responsibility for publication of references of harmonised standards. Participation and comments from Member States are important and useful.

**SPAIN** supported the idea to wait until having standards which could adequately cover all the relevant requirements.

**GERMANY** reaffirmed that relevant information was provided in due time, also with respect to recurrent accidents. They asked for support in improving the standard.

**COM** concluded that there is still need and room for improvement of the standard. The aim is to have a high quality standard to be published in the OJEU to fully provide presumption of conformity. The point will be followed up at the next meeting with further updates on the revision.

5.2 (5.21) Mobile machinery - Falling objects (Doc. WG-2015.08)

**CEN** informed about the revision work of EN 474. Part 1 was already done; for Part 3, the final enquiry process is to be closed at the end of March 2017. Further updates will be provided at the next meeting.

5.3 (5.7) Log splitters and Firewood processors (Docs. WG-2015.27, WG-2016.25)

**COM** made reference to the two working documents: the first contains the AdCo recommendations for safety measures for firewood processors, the second is a presentation from AdCo after the market survey on firewood processors indicating the need for a new European standard anticipating the state of the art in the future. The two questions need to be clarified.

**CEN** informed that the new standard EN 609-1 on log splitters was published in January 2017, but it does not deal with firewood processors. Then, for the new part of EN 609, inputs from AdCo will be taken into consideration, at the next meeting of CEN/TC 144 in April 2017.

**COM** recalled also the discussion on Annex IV status for firewood processors. Annex IV must be interpreted restrictively; it would not be easy to give precise answers as to the interpretation of a combined Annex IV machinery with a non-annex IV machinery. A specific analysis should always be done on a case by case basis. Question remains whether manually fed circular sawing cutting firewood processors fit the criteria of point 5 of Annex IV, taking into consideration that it generally combines cutting (1.2 and 1.4) and splitting (7), so two processes in the same machine.

**UNITED KINGDOM**, said that, concerning point 5 of Annex IV for combined products, most machinery does not have such feature. In this case with circular saw, it does not fall in the scope of Annex IV.

**COM** thought that more legal analysis would be necessary. The point will be followed up at the next meeting, with further comments on the AdCo papers and on Annex IV status, as well as on the specific question raised by **UNITED KINGDOM**.

5.4 (5.18) FprEN 1870-6 "Safety of woodworking machines - Circular sawing machines for firewood" (Docs. WG-2015.02, WG-2015.02-1rev1)

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390 C-613/14 - James Elliott Construction: Judgment of the Court (Third Chamber) of 27 October 2016.
392 EN 609-1:2017 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters.
COM recalled that there are concerns raised by GERMANY on the revision of the standard, specifically as regards the provisions for safety levels of sawing machines with pivoting log carriage. CEN provided an update on the draft standard. It was ratified in February 2017, with the positive assessment by the New Approach Consultant, and it will be proposed for publication soon.

5.5 (5.23) Mechanically loaded woodchippers (Docs. WG-2015.10, WG-2015.10-1/rev2)

CEN confirmed that CEN/TC 144 was working on the issues related to the formal objection on the standard dealing with manually loaded woodchippers and firewood processors; those related to mechanically loaded woodchippers would be retaken later on.

COM considered that the point can be removed from the Agenda, until the related work item is reactivated.

5.6 (5.24) Woodchippers action plan proposal (Docs. WG-2016.28, WG-2016.28-1/2/3/4)

FRANCE informed on the ongoing work, to search for a solution in terms of standards for risk assessment of woodchippers in service. It is possible to be optimistic on the results from the action plan, to improve the situation. It would be necessary to get more information from the Member States and the different approaches on the market and the related technical documents, as well as concerning actions at national level, “best practices” and dissemination of information.

COM thanked FRANCE and asked the Member States to provide their opinion on the ongoing action plan, as well as to provide information related to “best practices” and dissemination of information to all stakeholders affected.

5.7 (5.10) Position paper on valves vs. Machinery Directive (Docs. WG-2016.39-1, WG-2017.05, WG-2017.05-1)

COM introduced the paper on "Clarifications for the applicable EU safety legal framework to valves", summarising the results of discussions and legal analysis on the question, involving also the aspects related to the Pressure Equipment Directive (PED) 2014/68/EU. It recognised that the current situation is not fully satisfactory and should be improved.

GERMANY appreciated the paper and considered that some aspects related to safety issues on the relationship between the Machinery Directive and other EU legislation should be better clarified. They will send written comments.

FRANCE also will submit written comments on grey areas related to valves as partly completed machinery, among other aspects.

ITALY considered that the last sentence in the paper "Such analysis could be envisaged in the context of the possible future revision of either the Machinery Directive or the PED" could be misleading and should be better removed. In addition, the paper should clarify that the main problem is for "category I" valves and not for all valves.

CEIR gave a presentation on their point of view on possible solutions to the problem, suggesting modification in the guidance documents as well as for future revision of legislation.

IRELAND indicated the need for more clarification on the concept of "specific application".

CECE said that the paper is a good contribution to solve possible overlaps between directives, in different kinds of products, valves and components, and to prevent unnecessary burdens.

UNITED KINGDOM supported IRELAND and considered very important to involve the PED Working Group in this work.

COM said that written contributions to further improve the paper will be taken into consideration, also for the future revision of the Guide with the editorial group. An action point will be fixed, until 30 June 2017, to express comments and drafting suggestions on COM paper.

5.8 (5.12) Logic units for safety functions (Docs. WG-2016.11-4rev1, WG-2016.11-6)

UNITED KINGDOM presented an update on the question, after the most recent comments provided by Member States and the task force. They expressed a proposal for the Working Group for further consultation and possible amendments to the Guide.

COM recognised the good work carried out by the UK and asked the members to provide further written comments on the latest version of the "Draft classification table for logic units to ensure safety function"

393 FprEN 1870-6 (November 2016) Safety of woodworking machines - Circular sawing machines - Part 6: Circular sawing machines for fire wood.
submitted by the UK, in particular to reply to the 4 questions on trapped-key systems. Such comments should be provided by 30 June 2017 in order to discuss them at the next meeting.

5.9 (5.19) Robotics / Collaborative robots (Docs. WG-2015.33-1rev1, WG-2017.08)

COMM introduced the discussion on current and emerging issues on robotics. With respect to the questions put forward by the UNITED KINGDOM, comments were received from the Member States agreeing with the UK views. The paper raises also food for thought about autonomous machines and "artificial intelligence" as regards the Machinery Directive. Also, a discussion paper from the European Agency for Safety and Health on Work was put forward for reflection and consideration: "A review on the future of work: robotics".

UNITED KINGDOM acknowledged the comments received and they have no further remarks.

DENMARK supported the UK proposals but they would like to find solutions on the question of "collaborative robots" with respect to CE marking etc. A proposal for developing standards for classification of applications/robot tools will be initiated by Denmark, aiming to ease the CE marking of robots.

VDMA made reference to EU legislation on workers' protection as Directive 2009/104/EC on the use of work equipment, with different questions to rise to prevent accidents, related to robots themselves and machines linked to them.

NETHERLANDS expressed their ideas in a presentation on "Robotics and artificial intelligence in relation to a recast of the Machinery Directive", making reference to the most recent developments in the field, in particular from OSHA394 and TNO studies, as well as the report from the European Parliament395.

COM confirmed that it is necessary to clarify a whole range of aspects for robots, including a clearcut definition, in view of industrial evolution and the new concepts of robots, for the Machinery Directive to provide adequate requirements, CE marking, etc. Considerations should be given as well to the global market within the framework of the ongoing industrial dialogues with Japan and other countries. The point will continue to be followed up at the next meeting.

5.10 (5.20) Inquiry on EN 12331 "Food processing machinery - Mincing machines - Safety and hygiene requirements" (Docs. WG.2015.04, WG-2015.04-1/2)

CEN provided an update on the revision of the standard396. With respect to the issues raised by UK, the relevant CEN/TC 153 said that the reported accidents are not related to the standard, according to the state of the art.

SWEDEN informed on a meeting held to discuss the question. They still prefer to postpone the publication of the reference of the standard in the OJEU until a new proposal is submitted to the Working Group to solve the issue of the note referring to interlocking at the outlet side of small mincers, which could be misinterpreted.

COM confirmed that for the time being the publication remains on hold. Further updates and follow up will be made at the next meeting.


COM presented the state of play. With the contribution of the editorial group, the work for updating the Machinery Guide is concluded; the editorial group will continue to participate to the future work for a more comprehensive revision. Now, in order to have the final version ready for publication on the Commission's sectorial website, the new version of Edition 2.1 of the Guide will be circulated through CIRCABC for further comments if necessary, to take onboard only "strong" objections/suggestions for the proposed changes and improvements, for approval via written procedure.

ORGALIME recognised the good work made by COM with the editorial group, for the updated Guide as a very important and expected document, especially SMEs, hoping that it would be made available as soon as possible.

5.12 (5.1) Manure spreaders

CEN reported that the work item for the amendment of EN 690397 is still on preliminary status, waiting for tests results.

396 EN 12331:2015 Food processing machinery - Mincing machines - Safety and hygiene requirements.
ITALY informed that the prototype and the relevant test have been completed. A meeting will be held in Rome with the Working Group 3 of CEN/TC 144 to provide the outcomes.

COM reported the point for follow up to the next meeting.

5.13 (5.2) Powered doors, gates and shutters (Doc. WG-2015.36)

CEN provided an update on the revision of EN 12453\textsuperscript{398}, on the final stage and submitted to vote, after having addressed the comments from the Consultant’s assessment. This should solve the formal objection.

5.14 (5.4) Access to wind generators

CENELEC provided an update on the revision of standards in cooperation with IEC. In addition to the revision of EN 50308\textsuperscript{399}, two projects have been launched in CLC/TC 88 on EN 61400 series, part 11\textsuperscript{400} and part 14\textsuperscript{401}, to have new standards on this topic, as a step-by-step development procedure related to access.

IRELAND and GERMANY asked for more clarification on the aspects to be covered by the new standards, also with respect to maintenance issues.

ORGALIME remarked that maintenance is part of the life-cycle of the machine, and it would be necessary to improve wording to respect the spirit of the Directive.

ETUI also claimed to avoid misunderstandings in the access requirements.

COM said that these questions should be better investigated and clarified, for follow-up at the next meeting.

5.15 (5.6) MD/LVD borderline


5.16 (5.8) Ride-on lawnmowers / Openings in the enclosure of lawn mowers

CEN provided an update on amendments of standards of EN 5395 series: part 2\textsuperscript{402} and part 3\textsuperscript{403}. They have been ratified in March 2017.

ITALY thanked CEN for the satisfactory work.

COM considered that the point can be considered closed and removed from the Agenda.

5.17 (5.11) Interpretation of the Machinery Directive by Notified Bodies regarding "completely enclosed" carriers (Docs. WG-2014.10-8rev.4, WG-2014.10-10)

COM said that since the previous meeting in November 2016, no meeting of the Horizontal Coordination of Machinery Notified Bodies took place. Next meeting is planned in June 2017 and COM will bring up the proposal discussed last time on the risk assessment needed for the use of light curtains for slow speed lifts, to better deal with the expression “where necessary” in the requirement 6.4.1. of the Directive, in the definition of "completely enclosed carrier". This will be reported at the next Working Group meeting in November 2017.

5.18 (5.13) Agricultural machines - Balers

\textsuperscript{397} EN 690:2013 Agricultural machinery - Manure spreaders.

\textsuperscript{398} FprEN 12453 (March 2017) Industrial, commercial and garage doors and gates - Safety in use of power operated doors - Requirements and test methods.

\textsuperscript{399} FprEN 50308:2013 Wind turbines - Protective measures - Requirements for design, operation and maintenance.

\textsuperscript{400} EN 61400-11:2013 Wind turbines - Part 11: Acoustic noise measurement techniques.

\textsuperscript{401} CLC/prTS 61400-14 Wind turbines - Part 14: Declaration of apparent sound power level and tonality values.


CEN provided an update on the revision of EN ISO 4254-11\(^{404}\). There is no new information on the work item adopted in 2015, in cooperation with ISO. The relevant Working Group of ISO/TC 23/SC 7 (WG 11) will meet on 29 March 2017, a report will be provided at the next meeting.

5.19 (5.14) Industrial trucks - Equipment (Doc. WG-2016.42rev2)

ITALY said that they were still working on the revision of their position paper, including a more complete list of equipment, according to information provided by users.

COM said that the improved version of the paper, when approved, could be incorporated into the Guide.

5.20 (5.16) Revision of EN 12965 - PTO drive shafts and their guards (Doc. WG-2017.03)

CEN informed that the revised version of EN 12965\(^{405}\) is currently under enquiry, until 11 May 2017.

5.21 (5.22) Drive restraint systems (Doc. WG-2015.05)

CEN confirmed that CEN/TC 151 is working on the issues related to the proposal from FRANCE, in particular on specifications and test methods.

COM considered that the possible modification of the relevant section § 295 of the Guide should be forwarded to the editorial group for the future revision exercise. For the time being, the point can be removed from the Agenda.

5.22 (5.25) Agricultural trailers: concerns on prEN 1853:2015 (Docs. WG-2016.22, WG-2016.22-1)

CEN informed that the standard\(^{406}\) was submitted to vote, including the amendment dealing with the questions raised by FRANCE.

CEMA said that there were still concerns on performance issues.

FRANCE considered that there were some uncertainties but they would not oppose to publication.

COM said that further clarification could be given by the AdCo Group if necessary, for industry and other stakeholders. This would be followed up at the next meeting.

5.23 (5.29) Standard EN 16228-2 - Guard installation for moving parts in drilling rigs - different applications throughout the EU (Doc. WG-2016.04)

CEN informed that the revision of the standard\(^{407}\) was still on a preliminary stage, to be activated soon. They support the possibility to have a special ad-hoc group to deal with the particular aspects involved.

COM advised CEN, ORGALIME-ANIMA and the Member States interested, to set up an ad-hoc group to look for horizontal solutions, pending the revision of the standard. This should be made by 30 June 2017, to be able to report at the next meeting.

5.24 (5.31) Marking of machinery also covered by other directives (Docs. WG-2016-07, WG-2016.07-1)

NB-M said that no meeting of the Horizontal Coordination of Machinery Notified Bodies took place since the last Working Group meeting in November 2016, so they had not the opportunity to discuss on the question.

COMM said that the remarks, comments and suggestions made by the Machinery Working Group would be forwarded to the members of the Working Group under the ATEX Directive 2014/34/EU, in particular on the possibility of revising the contents of section § 77 “Certificates and CE marking without the name of the original manufacturer” of the ATEX Guidelines. The next meeting would take place on 11 July 2017 and the results will be reported at the next Machinery Working Group meeting in November 2017. Also, this would be forwarded to the COM horizontal services in charge of “The ‘Blue Guide’ on the implementation of EU product rules”, in order to reach a common approach.

ETUI remarked the interest of the question, in particular to guarantee access to the technical file to prevent problems.


\(^{405}\) prEN 12965 (February 2017) Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety.

\(^{406}\) FprEN 1853 (March 2017) Tractors and machinery for agriculture and forestry.

\(^{407}\) EN 16228-2:2014 Drilling and foundation equipment - Safety - Part 2: Mobile drill rigs for civil and geotechnical engineering, quarrying and mining.
ORGALIME said that clarification would be useful also for other EU legislations, with respect of responsibilities of manufacturers, certificates, declarations of conformity, etc., to ensure appropriate market surveillance.

5.25 (5.32) Ropes and slings made with man-made fibers (Doc.WG-2016.08)

COMM said that EUROCORD withdrew their paper, so the point can be removed from the Agenda.

5.26 (5.34) Status of machinery control units which ensure safety (Docs. WG-2016.12-1rev1, WG-2016.12-2)

UNITED KINGDOM made reference to their paper and the comments received. In principle there has been an agreement reached on the questions raised, except some clarifications are needed for NETHERLAND on the third question. AUSTRIA also asked for more clarification on the terms used, in particular the "installation declaration". ORGALIME said that "installation declaration" is a term used by customers which assume the responsibility. They expressed some scepticism on the UK proposal, as this could introduce additional and unnecessary burdens.

COM propose an action point for the next meeting, to provide further written comments on the UK paper "Compliance scenarios for machinery control units under Directive 2006/42/EC", by 30 June 2017, to be followed up at the next meeting.

5.27 (6.1) Propose to harmonise EN 1459-3 (Docs.WG-2016.16, WG-2016.16-1)

COM said that some comments were received on the Italian paper, not encouraging the harmonisation of the standard, on the basis of different considerations. The point can be followed up at the next point to take further opinions.

5.28 (6.2) Fitting interchangeable equipment to fork lift trucks (Docs.WG-2016.19re1, WG-2016.19-1)

COM made reference to the Italian paper and to comments received by UNITED KINGDOM, disagreeing on the proposal. Further comments should be provided by 30 June 2017 to be followed up at the next meeting.

5.29 (6.3) When a printer is no longer ordinary office equipment (Docs.WG-2016.21, WG-2016.21-1)

COM said that, on the basis of the comments received on the question raised by UNITED KINGDOM, such printer cannot be considered "ordinary office equipment" subject to the exclusion in Article 1.2(k); therefore, it is a machine under the scope of the Machinery Directive. Noting the general agreement on such conclusion, the point can be removed from the Agenda.

5.30 (6.5) Information on Feedback method

ETUI provided an update on the implementation of this methodology. The method has a long history, highlighting problems related to ergonomics and other aspects in machines.

CEN considered feedback from users very important, but it is not easy to correctly receive it, in the different aspects related to ergonomics, technical issues, etc. Feedback would be more useful from organisations rather than from users, to avoid possible misunderstandings.

COM invited ETUI and CEN to continue dialogue on this voluntary tool which can provide useful information. The point will continue to be followed up at the next meeting.

5.31 (6.6) Revision of EN 280

CEN provided an update on the revision of the standard. The working document was split in two parts: the first one on mobile elevators calculation stability, and the second one with additional safety requirements. More analysis needs to be done, to be reported at the next meeting.

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408 EN 1459-3:2015 Rough-terrain trucks - Safety requirements and verification - Part 3: Interface between the variable-reach truck and the work platform.

5.32 (6.7) Control loads for certain types of equipment (Docs.WG-2016.27, WG-2016.27-1rev1)

COM made reference to comments received on the Italian paper. The question will be reported to the next meeting, to give ITALY the opportunity to express their opinion on them.

5.33 (6.8) Safety alert: prEN ISO 19296 - Mining mobile machinery working underground (Doc.WG-2016.31)

CEN reported on the ongoing standardisation process\(^{410}\) carried out in CEN/TC 196, in cooperation with ISO. With respect to the concerns raised by FRANCE, some issues have been discussed and clarified in a meeting with AdCo representatives. The title of the standard would be modified to provide more clarity in the scope.

FRANCE confirmed their concerns, still having some discrepancies with respect to the scope of the standard. This should be clarified with experts.

COM said that the point will be kept for follow up at the next meeting.

5.34 (6.9) Safety alert: EN 12151 - Machinery and plants for preparation of concrete and mortar (WG-2016.32)

FRANCE said that the safety issues related to the revision progress of the standard\(^{411}\) are still open and they will consider the possibility to take formal action against it.

CEN explained that the standard is not published on the OJEU, as it was withdrawn, and now there is a new work item at a preliminary stage. But it seems that there are no experts available to develop the work, so they proposed to remove the point until new information is available.

ORGALIME agreed on waiting for more information.

DENMARK indicated the need for the revision of such standard as to the necessity for establishing safety levels, fostering competitiveness on the market.

COM said that will keep the point on the Agenda to ask the members for further input and possible questions of interest, until 30 June 2017. In the meantime, COM will consider the need to draft a standardisation request for the revision of EN 12151.

Point 6: **New questions submitted**

Due to the lack of time, the following points were not discussed, and reported to the next meeting, asking for comments on the papers submitted:

6.1 Laser products considered to be machinery covered by the Machinery Directive (Doc.WG-2017.04)

6.2 Travel speed request for lifts under the Machinery Directive (Doc. WG-2017.06)

6.3 Acceptability of approach taken when optional special mode for manual intervention under restricted operating conditions draft machine tool standard ISO FDIS 16090-1 (Docs.WG-2017.07, 2017.07-1)

Point 7: **Report from the Coordination of Notified Bodies - Recommendations for Use (RFUs)**

Due to the lack of time, the point was not discussed, and reported to the next meeting.

Point 8: **Any other business**

None.

Point 9: **Date of the next meeting**

See below.

4. **Next steps**


\(^{411}\)EN 12151:2007 Machinery and plants for the preparation of concrete and mortar - Safety requirements.
Points and questions to be followed up at the next meeting:

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Who and What:

- CEN: Update on the revision of ISO 5006 and EN 474-1
- All: Comments on the standardisation process
- CEN: Update on the revision of EN 474-3
- CEN: Update on the revision of EN 609-1 and on new part of EN 609
- Comments on the AdCo paper and on Annex IV status
- CEN: Update on the standardisation process
- FR: Information on ongoing activities and "best practices"
- All: Follow up
- All: Follow up on "Draft classification table for logic units to ensure safety function"
- COM: Update on ongoing discussion
- CEN: Update and comments on current and emerging issues
- CENELEC: Update on the revision of the standard
- COM: Updates
- CEN: Update on the amendment of EN 690
- CEN: Update on the revision of EN 12453
- CENELEC: Update on the revision of EN 50308
- CEN: Update on adaptation of standards
- CEN: Update on ongoing discussion
- CEN: Update on the revision of EN ISO 4254-11
- IT: Revision of the paper
- CEN: Update on the revision of the standard
- CEN: Update on the revision of the standard
- CEN: Updates on the ad-hoc group
- NB-M: Update on the RfU and from ATEX WG
- All: Updates on "Compliance scenarios for machinery control units under Directive 2006/42/EC"
- All: Comments on the IT paper
- All: Follow up on the final version of the paper
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5. Next meeting

The next meeting of the Machinery Working Group is planned on 14-15 November 2017. Confirmation of dates should take place as soon as possible, in principle 2 months in advance.
Minutes

Meeting of the Machinery Directive 2006/42/EC Working Group

15 November 2017, Albert Borschette Conference Centre, Brussels

1. Approval of the agenda and of the minutes of previous meeting (Points 1 and 2 of the agenda)

The Agenda (Doc. WG-2017.16rev2) was approved by general consensus. COM agreed on the suggestion by NL to add an indication on the objective of each item: for information (I), for discussion (D) and/or for decision (E).

The draft Minutes of the meetings held on 9-10 November 2016 (Doc. WG-2017.01rev5) and on 29 March 2017 (Doc. WG-2017.15rev1) were approved by general consensus. They will be integrated into the “Consolidated minutes of the machinery working group from 1997 onwards”.

2. Nature of the meeting

Non-public meeting of the Machinery Working Group within the Machinery Committee established according to Article 22 of Directive 2006/42/EC. It is chaired by the European Commission services in charge of the Machinery sector and it is integrated by representatives of the EU Member States, EEA/EFTA/MRA/CU Countries, European Standardisation Organisations, European Coordination of Notified Bodies, European associations of manufacturers/industry, trade unions and consumers, and other interested parties.

See the "List of participants" at point 6.

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412 Pending of publication in the Register of Commission Expert Groups and Other Similar Entities.


3. List of points discussed

Points 1 and 2: **Welcome and approval of the Agenda, Approval of the draft Minutes of the meetings held on 9-10 November 2016 and 29 March 2017**

See above.

Point 3: **Information on ongoing activities in the machinery sector**


**COM** informed that the final report of the evaluation study on the operation of the Machinery Directive was published in September 2017. A report to the European Parliament and the Council is currently under preparation, to be adopted in the first quarter of 2018. The outcomes of the study, as in the presentation delivered, will be taken into due consideration for the next steps.

**NETHERLANDS** considered that the evaluation of the Machinery Directive should take into account also the evaluation of the Lifts Directive 2014/33/EU in parallel.

**Orgalime** remarked the possible developments on robots and other new technologies, for which the directive should keep a neutral point of view for the industry.

**CEN-CENELEC** underlined the aspects of the evaluation related to standards, covering products for the different technologies involved.

**COM** confirmed that the study was completed with the final report but still comments and feedback can be received, until mid-December 2017, to be taken into consideration for possible corrections and further developments, in particular in the aspects mentioned by members. Then, when the impact assessment exercise will be launched, the involvement of all the stakeholders will be very important, also through the adequate participation processes (public and targeted consultations).

3.2 **New Regulation on road circulation of mobile machinery**

**COM** informed that, due to the "cut-off" date in May 2018 in view of the elections in 2019, the Commission will not adopt new legislative proposals to be submitted to the European Parliament and the Council with respect to new legislative initiatives. In this sense, the proposal for a new Regulation on road circulation of mobile machinery will not be ready before the end of 2019, for the next Commission. This time will be used to further developing the proposal and identifying more issues, technical requirements, etc. **COM** is at present working on the report on impact assessment, and planning a new open consultation to collect more contributions from the actors in the market. After the first one held on 14 June 2017, a second workshop on technical requirements is planned on 9 February 2018, to be confirmed.

3.3 **Study on possible amendments of Machinery Directive, ATEX and PED with regards to equipment used in offshore oil and gas industry**

**COM** confirmed that, after the results of the study carried out by JRC, there is no strong case in safety aspects identified to proceed with amendments to the concerned
EU legislation. With no further comments on the issue, it can be taken out for the moment.

3.4 Impact assessment study on the Outdoor Noise Directive

COM informed that the evaluation and impact assessment study on the Outdoor Noise Directive started in May 2017, during 12 months, carried out by the external consultants "VVA and consortium". An open public consultation should be launched by the end of the year.

AUSTRIA inquired whether the different ongoing initiatives on Machinery, Lifts, Outdoor Noise etc. could be integrated in a package, to make the work more efficient.

COM confirmed that these activities are indeed very challenging, on the basis of the available resources, but the adequate co-ordination will be always ensured, also with the support of all the involved parties.

3.5 (5.5) Standardisation Requests under the Machinery Directive

COM reported no news on the standardisation requests under development for the Machinery Directive, as negotiations with the Legal Services are still ongoing as part of the inter-service consultations within the Commission, in particular on the general mandate, to clarify several issues in light of the Standardisation Regulation 1025/2012 and the most recent jurisprudence. When completing this phase, the standardisation request will be submitted to the Standardisation Committee for discussion and approval, but it is still difficult to define a timeline.

3.6 (7) Reports on standardisation activities (Docs. WG-2017.24, WG-2017.32-1-2)

CEN-CENELEC presented the written report on the sectorial activities on European standardisation for safety of machinery.

COM informed that the last publication in the Official Journal of the European Union of list of references of harmonised European standards under the Machinery Directive 2006/42/EC took place on 9 June 2017. COM also made reference to the new framework for the activities of the New Approach Consultants and other changes, for which the good cooperation with the European Standardisation Organisations is fundamental.

Point 4: Information on market surveillance / Machinery Administrative Co-operation activities and MACHEX

BELGIUM, as the Machinery AdCo chair, reported on the ongoing discussions in the group, at the most recent meetings held in Brussels on 11-12 May 2017 and in Leuven on 5-6 October 2017, on market surveillance activities, joint actions, standardisation, guidance etc.

4.1 Report from Machinery AdCo NOMAD Task Force (Doc. WG-2017.19)

UNITED KINGDOM presented the progress report on the activities of the NOMAD Task Force, on compliance of the requirements on noise emissions in the Machinery Directive.
4.2 Summary report on joint market surveillance action concerning vehicle service lifts and chain saws (Docs. WG-2017.21, WG-2017.21-1, WG-2017.21-2)

UNITED KINGDOM presented the documents with an update on joint actions "JAMach14" developed within the Machinery AdCo group, and the specific progress reports on chain saws and vehicle service lifts.

4.3 Information on 'Modifications of machinery''

COM reported on the latest activities of the MACHEx Group, in charge of Directive 2009/104/EC on use of working equipment, in particular those related also to the Machinery Directive, as the ongoing discussion on "modifications of machinery".

Point 5: Follow-up of questions from the last meeting (Annex (5.1 to 5.34))

5.1 (5.1) Earth-moving machinery (Docs. WG-2016.41/-1 to 4, WG-2016.41-5, WG-2016.41-6)

CEN-CENELEC updated on the revision of the standards ISO 5006415 and EN 474-1416, summarising the situation and explaining the contents of the Amendment 5. At that respect, they presented the “CEN/TC 151/WG1 Proposal to the EU Commission on the warning in the OJEU concerning EN 474-1:2006+A4:2013 and visibility”, to lift the warning on EN 474-1 and place it on EN 474-5 (for hydraulic excavators).

CECE also presented their “Statement on the warning in the OJEU on EN 474-1:2006+A4:2013”, hoping to find a way to remove the warning and to benefit from the full presumption of conformity.

GERMANY supported the CEN’s proposal: the problems on visibility could be solved at least partially by the amendment, when it will be published.

NETHERLANDS and UNITED KINGDOM also supported the CEN’s proposal.

FRANCE thought that the warning to part 1 should be withdrawn as soon as possible, and kept for part 5. The last meeting of the task force on earth-moving machinery held in Paris recognised a quick progress, with the Amendment 5 on hydraulic excavators to be finalised soon.

COM acknowledged the progress done for EN 474-1 and the amendment. Concerning the warning, it would be a complex situation: the formal objection which led to it was lodged against part 1 and not against part 5. So, instead to have to open a new formal objection against part 5, it would be better to limit the warning in part 1 until the Amendment A5 is published. As mentioned by CEN, the most important thing is the final result, looking for a practical arrangement, to solve the issue as soon as possible.

CECE welcomed the proposed solution.

COM noted the general agreement on the way forward.


5.2 (5.2) Mobile machinery - Falling objects (Doc. WG-2015.08)

CEN-CENELEC informed about the revision of EN 474-3\(^{417}\) as regards falling objects protective structures (FOPS), after having concluded the revision of part 1. The last draft contains several more stringent requirements, as requested by the UNITED KINGDOM.

UNITED KINGDOM thanked CEN and said that they will check whether the last version of the standard is adequate; if confirmed, the item can be removed from the agenda.

5.3 (5.3) Firewood processors (Docs. WG-2015.27, WG-2016.25)

CEN-CENELEC said that, after the publication of EN 609-1\(^{418}\) in January 2017, a new work item was launched in July 2017 on firewood processors, the reference of the new standard not being identified yet. The next meeting of the relevant CEN/TC 144 will be held in February 2018.

5.4 (5.4) FprEN 1870-6 "Safety of woodworking machines - Circular sawing machines for firewood" (Docs. WG-2015.02, WG-2015.02-1rev1)

CEN-CENELEC informed that the standard EN 1870-6\(^{419}\) was published in November 2017.

GERMANY said that their concerns have been adequately addressed, so the item can be removed from the agenda.

COM will wait for the submission of the standard for publication of the reference in the OJEU.

5.5 (5.6) Woodchippers action plan proposal (Docs. WG-2016.28/-1/2/3/4, WG-2017.20)

COM recalled the point and thanked FRANCE for the initiative and GERMANY for the input given in their paper WG-2017.20. She asked whether a solution was found for found for risk assessment for wood chippers in service, and whether the safety message was disseminated by the pan-European associations and other Member States, to receive any feedback.

FRANCE said that there were nothing particularly new; they were going to provide the relevant documents in English, to make them available to all the members, as guidance to make machinery safer. Translation was under way and they will be circulated among the members of the Working Group, as well as to market surveillance authorities to carry out the related activities. The situation is not entirely clear yet, but some good progress has been already made.

CEMA mentioned some retrofitting incidents from GERMANY and ITALY, with huge costs for manufacturers with respect to availability of standards under the Machinery Directive; this should be discussed at the next meeting. It is difficult to


\(^{418}\) EN 609-1:2017 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters.

\(^{419}\) EN 1870-6:2017 Safety of woodworking machines - Circular sawing machines - Part 6: Circular sawing machines for fire wood.
manufacturers to place products on the market as the old standard was withdrawn from the OJEU and the new one is still a draft; no special conditions should be imposed to manufacturers in such situation, as it is difficult to follow internal national regulations.

FRANCE thought that, concerning the new standard, it is on the right track, to reach a consensus in 2018; this should mitigate the current situation.

CEN-CENELEC confirmed that the formal vote on the new standard, on the basis of the solution reached in the TC, should take place in January 2018.

COM reaffirmed that the use of harmonised standards is voluntary and it is always possible for manufacturers to use other technical solutions to ensure compliance with the essential requirements: the non-citation of a standard in the OJEU should not be a problem to apply the Directive. The point will be followed up at the next meeting.

5.6 (5.7) Position paper on valves vs. Machinery Directive (Docs. WG-2017.11rev1, WG-2017.11/1/2/3/4)

COM recalled the questions on valves, which are the object of already large discussions at the previous meetings, concerning the approach to the risks related to those products, to properly address them. A revised paper (WG-2017.11rev1) was presented, with improvements on the legal analysis for valves, also with the cooperation of GERMANY. The questions was discussed also with the colleagues in charge of the Pressure Equipment Directive 2014/68/EU and in their working parties, in particular the AdCo group; for the time being, no definitive solution was found: it would be necessary to carry out a case-by-case analysis, as the EHSR 1.3.2. of the Machinery Directive on the risk of break-up during operation is non-specific for pressure hazards (category 1 PED). Manufacturers bear full responsibility and could take into account any technical solution to address all risks identified. This issue should be reviewed during the revision process of the Machinery Directive Comments on the revised COM paper have been received from FRANCE, IRELAND, EUUnited and CEIR.

CEIR presented their comments, summarising their position and their proposals with respect to the current Machinery Guide and a future revision of the Machinery Directive.

NETHERLANDS underlined the difficulties to deal with the question, which could lead to the need to modify both the Machinery and Pressure Equipment Directives. For the time being, they supported the solution proposed by COM. Market surveillance authorities should check what it is on the market now, taking into account the pressure levels and the related risks.

UNITED KINGDOM though that those requests should be seriously considered in future legislative revision exercises.

ORGALIME said that harmonised standards can always be used, to comply with the legal requirements according to the state of the art. Concerning the product specific limits, it is a special problem, not being sure on similarities with LVD as suggested by CEIR. It is a complicated question involving aspects related to pressure equipment and its legislation, with potential collateral damages. Clarification is needed not just for a specific installation, but taking into account the multiple elements involved.
15 NOVEMBER 2017

AUSTRIA also supported the COM paper, when more critical on other proposals. Standards cannot be used to circumvent the legal requirements.

IRELAND presented their comments, making reference to an approach already used for pumps under the Machinery Directive, which can be useful also for powered valves.

COM recognised that the agreement proposed is not an optimum, but it could be useful as an interim solution to apply the law and not to twist it with other interpretations. This should be shifted to the level of market surveillance, to make sure that all the risks are correctly addressed. With respect to the notion of “specific application”, there are different legal regimes of products (as the question of machines and PCM) so it is possible some misunderstanding: the way forward is to keep the point at the Machinery AdCo Group level, for a provisional solution until the revision of the Directive. So, for the time being, the point can be removed from the agenda of the Machinery Working Group.

ORGALIME said by a practical point of view, they can support this approach for a legal interpretation.

CEIR explained that manufacturers understand the Pressure Equipment Directive and the related risks, but they just require further legal clarification, as there are different interpretations on the Machinery Directive, where the situation is not satisfactory.

IRELAND expressed concerns on the COM proposal to draw the point to the Machinery AdCo Group, as it would be better to reach a clear understanding of the question as discussed in the Working Group. Maybe this could be discussed in the editorial group for the Machinery Guide.

FRANCE agreed on the need to take a case-by-case approach, as no consensus is possible for the time being. The group should carry on with the status quo, until a firm position on the application of the legal requirements could be reached.

COM remarked the complexity of the issue, between the Machinery and Pressure Equipment Directives. In general terms, apart of the different interpretation by CEIR, there is agreement on the legal framework to be taken into account, until the revision of the Machinery Directive could revise it. We call the Machinery AdCo Group to reach a practical perspective on what we can expect from manufacturers, to ensure to have safe products on the market. The editorial group for the Machinery Guide can also contribute to clarify the relationships between the Machinery and Pressure Equipment Directives: in fact, the point on “specific application” was tabled there.

CEIR reaffirmed their proposal concerning the exclusion of category 1 PED only when the Machinery Directive applies, to be clarified to allow manufacturers to take their responsibilities for the related risks.

COM noted that the point can be closed and will continue for practical issues at the Machinery AdCo. In turn, the question of “specific application” will be discussed at the editorial group for the Machinery Guide, taking into account the different aspects involved between machines, PCM, pressure equipment, etc.

5.7 (5.18) Logic units for safety functions (Docs. WG-2016.11-4rev2, WG-2016.11-6rev4, WG-2016.11-8)
COM recalled the question and thanked UNITED KINGDOM for conducting this work and leading the task force of logic units to ensure safety functions (LUTESF). Doc. WG-2016.11-6rev4 reflects the comments received from DENMARK, GERMANY, SWEDEN and CAIPEL, and the reply from the task force on the questions on the classification table for LUTESF. In turn, doc. WG-2016.11-4rev2 reflects the comments received from Member States and the reply from the task force asking a vote on the trapped-key issue, as no consensus was reached so far.

UNITED KINGDOM gave a presentation on the state of play of the question and the latest discussions.

ETUI made reference to the question on logic units as already considered when negotiating the new Directive, also for Annex IV, as a long issue for which it is necessary to be very careful.

ORGALIME said that the different questions related to tables, components and safety components, lists in Annex IV and V etc., could add more confusion in future discussion. A clear definition would help, also taking into account the currently available technology.

COM emphasises what UNITED KINGDOM said on the need to collect more views and opinions, to be transmitted to COM as well as UNITED KINGDOM as the reference of the task force; this would be useful to reach some consensus for the current work and also for the future revision of the Machinery Directive. In particular, with respect to trapped keys, COM asked all the members to provide comments, by 31 January 2018, on these questions:

1. Do Member States agree that some purely mechanical multiple trapped-key systems need not be considered a LUTESF (example 17c) because the logic used is simple without internal monitoring?
   If Yes, examples 17a and 17b will need to be deleted

2. If so, do Member States agree that some mechanical multiple trapped-key systems with additional features must be considered a LUTESF (16)?
   If the majority do not agree with 1, that potentially means trapped-key systems must be considered LUTESF (17a/b), however

3. Do Member States agree that some single trapped-key systems (without additional features as envisaged by 16) need not be considered LUTESF?
   If No, example 17b will need to be deleted

4. Do Member States agree that all multiple trapped-key interlocking systems must be considered LUTESF (so delete examples 17c and 16)?

The contributions received will be summarised and presented at the next meeting of the Machinery Working Group.

5.8 (5.9) Robotics - emerging issues (Docs. WG-2015.33-1rev1, WG-2017.08, WG-2017.08-1, WG-2017.23-1/-2)

COM explained that discussions were split in two parts: this point would be devoted to “emerging issues” (in particular on autonomous self-learning robots, Artificial Intelligence (AI), Internet of Things (IoT), etc.), when the next one to “current issues”. Concerning emerging issues, COM made reference to the different dynamics at political level, with the resolutions of the European Parliament and the European
Council invitations to put forward a European approach to AI by early 2018; a COM Communication on AI and robotics is foreseen to be issued in 2018. The current EU legal framework is not prepared yet to cope with all the issues on new digital technologies, IoT, AI-powered advanced robots, autonomous self-learning systems etc.: in principle they must meet the EHSRs of the Machinery Directive with respect to the related mechanical risks, but there are other safety aspects to be addressed. The evaluation study carried on the Machinery Directive was not conclusive on the suitability of the legislation to digitalisation. It is necessary to further investigate these questions and the challenges posed, also with the views and inputs of the Machinery WG, to pass a very clear message to the outside world and also to the political and regulatory actors, in the different COM services (DGs GROW, CONNECT, JUST, etc.). In order to have a clear position, it would be necessary to ask, is the Machinery Directive with its EHSRs a good framework to address these issues or not? Or, should something else, more specific, be necessary, as a “robot law”, involving also other fora?

NETHERLANDS supported the idea that at the moment the Machinery Directive is an adequate vehicle to deal with those questions. They provided some documents available on the web which can be circulated also in CIRCABC. Then, future developments in robotics should be carefully assessed.

FRANCE mentioned some experiences on the subject as the working group on collaborative robots in industry, which produced some documents as guidance on application (to be presented in the next item). The Machinery Directive can be considered appropriate indeed, but sometimes some misunderstandings should be clarified.

EFM echoed the French statements, making reference to discussions also with ORGALIME. The Machinery Directive is a suitable framework for robotics, as a stable legal reference appreciated by the operators, not requiring a separate one; then, further debates should be held.

CEN-CENELEC informed on the ongoing standardisation work on AI. It is necessary to have some concrete elements with respect to the Machinery Directive, which deals with safety and it should not be extended to other aspects, as for example cybersecurity. The different responsibilities should be clearly distinguished, between manufacturers and users; in this sense, maybe it could be convenient to have a different legal framework.

ORGALIME expressed their interest in these discussions, according to the feedback received by their members. The different aspects related on conformity assessment, market surveillance, labelling etc. but also to cybersecurity, and others, should be taken into due account for further discussions in the European Parliament and the Council.

COM noted the comments already provided, in particular concerning cybersecurity and the need for adequate protection of the systems. The Machinery WG should lead such debate with the other actors, also in view of the revision of the Directive. She asked all the members to provide more comments by 31 January 2018, especially on the suitability of the Machinery Directive to digitisation (e.g. advanced autonomous robots with AI-controlled systems), to continue the discussion at the next meeting.

5.9 (5.9) Robotics / Collaborative robots - current issues (Docs. WG-2017.22, WG-2017.22-1)
FRANCE made a presentation on the “Prevention Guide for manufacturers and users for the implementation of collaborative robot applications”, produced in 2017 by a working group participated by French authorities and institutions, inspection and standardisation bodies, professional organisations, industry etc. The Guide covers several aspects related to safety, risks, prevention, etc.

DENMARK informed that, on collaborative robots, the Danish standardisation institute (DS) proposed a standard for categorisation of robots: work is ongoing on that, and on risk assessment for robotics applications. This should be proposed next year.

COM acknowledged these initiatives and thanked the members to keep the Machinery WG informed, as well as CEN-CENELEC for the work to be developed under the new standardisation request for Machinery.

NETHERLANDS remarked the need to identify the essential elements of collaborative robots, with the possible different configurations and interactions and the related predictability, taking into account the EHSRs of the Machinery Directive.

COM confirmed that that point will be kept open in the agenda, for follow up.

5.10 (5.10) Inquiry on EN 12331 “Food processing machinery - Mincing machines - Safety and hygiene requirements” (Docs. WG.2015.04, WG-2015.04-1/2)

CEN-CENELEC informed on the ongoing work with the amendment to the standard420 in the relevant CEN/TC 153, with the inquiry draft, still with some challenges, in cooperation with the UNITED KINGDOM and SWEDEN. They remarked that the old standard “disappeared” from the last list of references in the OJEU, due to a data error, but it will be submitted again.

COM confirmed that the reference of the standard EN 12331 will be recovered in the next publication, at the end of the year 2017 or beginning of 2018. The point will be kept open for follow-up at the next meeting.

5.11 (5.11) Continuous update of the Guide to application of the Machinery Directive 2006/42/EC

COM informed on the latest updates from the editorial group for the Machinery Guide. Most of the members met in Brussels on 14 November 2017 (the day before the meeting of the Machinery WG) to discuss on several issues to be further clarified, in particular on the form, content and language of instructions (sections §§ 255 and 256); on machinery modifications (section § 72); on logic units to ensure safety functions; on the meaning of “specific application”; etc. The results of such discussions will be forwarded to Machinery WG to be taken into consideration for the Guide.

5.12 (5.12) Manure spreaders

CEN-CENELEC reported on the latest developments on the revision of the standard EN 690421. The relevant Working Group 3 of CEN/TC 144 was waiting for the

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420 EN 12331:2015 Food processing machinery - Mincing machines - Safety and hygiene requirements.

421 EN 690:2013 Agricultural machinery - Manure spreaders - Safety.
outcomes of the tests and investigations from ITALY, on the basis of their prototype, to finalise the work.

CEMA made reference to tests with soft materials in ITALY, depending on the season, as legislation allows to use some products in a particular time of the year. The first results look good, to complete them to be able to continue and complete the work as mentioned by CEN-CENELEC.

5.13 (5.13) Powered doors, gates and shutters (Doc. WG-2015.36)

COM said that CEN-CENELEC was to inform on the adoption of the new version of EN 12453\(^2\). But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.14 (5.14) Wind turbines

COM said that CEN-CENELEC (CLC/TC 88) was to report on the revision of EN 50308\(^3\) and EN 61400 series part 11\(^4\) and 14\(^5\). But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.15 (5.15) MD/LVD borderline (Doc. WG-2017.10)

COM said that CEN-CENELEC was to update on the adaptation of standards. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.


COM said that, following the NB-M meeting of the Horizontal Committee in June 2017, the VG 9 confirmed to draft a RfU on the question of completely closed carrier. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.17 (5.18) Agricultural machines - Balers

COM said that CEN-CENELEC (CEN/TC 144) was to provide updates on the revision of the standard EN ISO 4254-11\(^6\). But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.18 (5.19) Industrial trucks - Equipment (Doc. WG-2016.42rev2)

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\(^2\) EN 12453:2017 Industrial, commercial and garage doors and gates – Safety in use of power operated doors - Requirements and test methods.

\(^3\) FprEN 50308:2013 Wind turbines - Protective measures - Requirements for design, operation and maintenance.


\(^5\) CLC/TS 61400-14:2017 Wind turbines - Part 14: Declaration of apparent sound power level and tonality values.

COM was to ask for approval of the Doc. WG-2016.42rev2 from ITALY to incorporate it into the Machinery Guide. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.19 (5.20) Revision of EN 12965 - PTO drive shafts and their guards (Doc. WG-2017.03)

COM said that CEN-CENELEC was to update on the progress of the revision of the standard EN 12965\(^{427}\). But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.20 (5.22) Agricultural trailers: concerns on prEN 1853:2015 (Docs. WG-2016.22, WG-2016.22-1)

COM said that CEN-CENELEC was to update on the standardisation work concerning EN 1853\(^{428}\). But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.21 (5.23) Standard EN 16228-2 - Guard installation for moving parts in drilling rigs - different applications throughout the EU (Doc. WG-2016.04)

COM said that CEN-CENELEC (CEN/TC 151) was to inform on the revision of the standard EN 16228-2\(^{429}\). But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.22 (5.24) Marking of machinery also covered by other directives (Docs. WG-2016-07, WG-2016.07-1)

COM said that NB-M was to inform on the progress of the RfU, and COM to update on the position of the ATEX Working Group. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.23 (5.26) Status of machinery control units which ensure safety (Docs. WG-2016.12-1rev1, WG-2016.12-2)

COM said that the questions raised by UNITED KINGDOM and the comments received were to be followed up. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.24 (5.27) Propose to harmonise EN 1459-3 (Docs. WG-2016.16, WG-2016.16-1)

COM said that the question on the standard EN 1459-3\(^{430}\) was to be followed up with the comments received by Member States. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

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\(^{427}\) prEN 12965 (February 2017) Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety.

\(^{428}\) EN 1853:2017 Agricultural machinery - Trailers - Safety.


\(^{430}\) EN 1459-3:2015 Rough-terrain trucks - Safety requirements and verification - Part 3: Interface between the variable-reach truck and the work platform.
5.25 (5.28) Fitting interchangeable equipment to fork lift trucks (Docs. WG-2016.19rev, WG-2016.19-1, WG-2016.19-4)

COM said that the question was to be followed up with the comments received. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.26 (5.30) Information on Feedback method

COM said that the question was to be followed up. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.27 (5.31) Revision of EN 280

COM said that CEN-CENELEC was to provide the state of play for the revision of the standard EN 280431. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.28 (5.32) Control loads for certain types of equipment (Docs. WG-2016.27, WG-2016.27-1rev2)

COM said that the question was to be followed up with the comments on the paper from ITALY. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.29 (5.33) Safety alert: prEN ISO 19296 - Mining mobile machinery working underground (Docs. WG-2016.31, WG-2016.31-1)

COM said that CEN-CENELEC (CEN/TC 196) was to report on the standardisation process for prEN ISO 19296432. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.30 (5.34) Safety alert: New standard for machinery and plants for preparation of concrete and mortar (Doc. WG-2016.32)

COM said that CEN-CENELEC (CEN/TC 196) was to report on the revision progress of the standard EN 12151433. But, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.31 (6.1) Laser products considered to be machinery covered by the Machinery Directive (Doc. WG-2017.04)

COM said that, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.32 (6.2) Travel speed request for lifts under the Machinery Directive (Doc. WG-2017.06, WG-2017.31)


433 EN 12151:2007 Machinery and plants for the preparation of concrete and mortar - Safety requirements.
COM made reference to the two tabled documents as positions papers from ELCA-EPSA and ELA-EFESME respectively, being the second document an answer to the first one. They are proposed for information purposes, as it is a relevant discussion for the future revision exercises.

ELA introduced the position paper of ELA-EFESME on the borderline between the Machinery and the Lifts Directives. They supported maintaining the speed of 0,15 m/s also in the possible future revision of the related legislation.

NETHERLANDS supported the ELA-EFESME position. They would prefer not to lower the speed.

DENMARK said that they are open to discuss the question and to possible adjustments.

SWITZERLAND also agreed with ELA-EFESME on maintaining the current speed limit. It was the result of long discussion and it would be better not to modify it in future revisions.

COM noted the divergent opinions, and suggested to put this point apart from the agenda of the Machinery WG, to retake it when it would be the moment for the revision of the Directive.

5.33 (6.3) Acceptability of approach taken when optional special mode for manual intervention under restricted operating conditions draft machine tool standard ISO FDIS 16090-1 (Docs. WG-2017.07, 2017.07-1)

COM said that, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

5.34 (6.4) Question on trailers (Docs. WG-2017.18, 2017.18-1)

COM said that, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

Point 6: New questions submitted

6.1 Mobile and loader cranes (Doc. WG-2017.25)

COM said that, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

6.2 The form and content of instructions (ESHR 1.7.4) (Docs. WG-2017.27, WG-2017.28)

COM said that, due to the lack of time, the point was reported to the next meeting of the Machinery WG.

Point 7: Report from the Coordination of Notified Bodies - Recommendations for Use (RFUs)

NB-M reported on activities of the European Coordination of Notified Bodies for Machinery, from the last meeting of the Horizontal Committee held in Bucharest on 7-8 June 2017, about the current issues under discussion.
COM underlined the main aspects related to the activities of notified bodies and their levels of qualifications and competencies, to ensure a common approach and an adequate follow-up of the state of the art, as horizontal issues. Even if the Machinery Directive is not aligned yet to the "New Legislative Framework", it is a reference concerning the requirements for notification and the obligation of participation in the coordination activities (as per Annex XI), through the periodical meetings or at least in the CIRCABC group for information and communication.

NB-M informed that, according to the available data, about 30% of notified bodies take part in the meetings.

NETHERLANDS said that they have already modernised their system for notification, adopting the same requirements for notified bodies as in the "New Legislative Framework".

COM presented the current situation of Recommendations for Use (RfUs) under written procedure for endorsement, in particular 21 sheets until 8 December 2017. For other RfUs for which comments had been produced, it is necessary to discuss the still pending issues to solve them as soon as possible, also bilaterally between the involved parties.

UNITED KINGDOM and GERMANY said that they will send comments as a good opportunity to deal with issues on the implementation of the Directive with a uniform understanding.

NB-M said that it would be possible for Member States representatives to participate in the Horizontal Committee to search suitable solutions to the pending issues, even if there are no established procedures in this sense.

COM recalled the general principle of the endorsement process for RfUs, by written or oral procedure, rather through direct contacts between the parties, as it uses not to have enough time for open discussions at the Machinery WG meeting. She asked to keep the Commission informed on the activities to solve the pending issues.

Point 8: **Any other business**

None.

Point 9: **Date of the next meeting**

See below.

4. **Next steps**

Points and questions to be followed up at the next meeting:

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5. **Next meeting**

The next meeting of the Machinery Working Group is planned on 19-20 April 2018. Confirmation of dates should take place as soon as possible, in principle 2 months in advance.

6. **List of participants**

Attached.
Minutes
Meeting of the Machinery Directive 2006/42/EC Working Group

19-20 April 2018, Albert Borschette Conference Centre, Brussels

1. Nature of the meeting
Non-public meeting of the Machinery Working Group within the Machinery Committee established according to Article 22 of Directive 2006/42/EC. It is chaired by the European Commission services in charge of the Machinery sector and it is integrated by representatives of the EU Member States, EEA/EFTA/MRA/CU Countries, European Standardisation Organisations, European Coordination of Notified Bodies, European associations of manufacturers/industry, trade unions and consumers, and other parties concerned by specific discussions.

2. Approval of the Agenda and of the Minutes of the previous meeting (Points 1 and 2 of the Agenda)
The Agenda (Doc. WG-2018.01rev5) was approved by general consensus.
The draft Minutes of the meeting held on 15 November 2017 (Doc. WG-2017.35) were approved with some modifications in the last paragraph of point 5.6 on “Position paper on valves vs. Machinery Directive” on request of FRANCE and CEIR, to remove the expressions “general consensus on the COM proposal” and “the paper is approved as the position of the Machinery Working Group”.
The approved Minutes as modified will be integrated into the “Consolidated minutes of the machinery working group from 1997 onwards”.

3. List of points discussed
Points 1 and 2: Welcome and approval of the Agenda, Approval of the draft Minutes of the meeting held on 15 November 2017
See above.
Point 3: Information on ongoing activities in the machinery sector

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434 Pending of publication in the Register of Commission Expert Groups and Other Similar Entities.
3.1 Evaluation of the Machinery Directive & Communication on Artificial Intelligence and Robotics

The Chairperson informed that COM is carrying out the evaluation of the Machinery Directive which is supported by the external study published in September 2017. The overall results are going to be published as a “Staff Working Document” (SWD), likely in parallel with the COM Communication on artificial intelligence (AI) and robotics, and other two SWDs on the Liability Directive and liability for emerging digital technologies. The evaluation of the Machinery Directive analyses whether it still fits for purpose in terms of effectiveness, efficiency, relevance, coherence and EU added value, and what improvements could be envisaged. This could be the case for clarification of some provisions, better coherence with other pieces of legislation, simplification to reduce administrative burdens, improvements in enforcement, etc. Technological development should also be taken into account, in particular digitalisation, internet of things, artificial intelligence and robotics. As overall results, the assessment of the Directive was positive on performance, with some areas for attention. Concerning a possible revision, this will be analysed through a specific impact assessment study, to look at the relevant aspects more in depth.

NETHERLANDS recalled the discussions and presentations made at the last Machinery WG meeting on robotics, and announced that a new study is ongoing on self-learning and self-correcting machines: it will be completed by July 2018 and will be circulated among the members of the WG.

ORGALIME considered the Directive to be flexible enough for the new technological developments, also taking into account the “New Approach” to react quickly in terms of safety requirements and protective measures providing for the possibility in these areas, also through the adequate standardisation activities.

The Chairperson confirmed that the “New Approach” allows more flexibility for new technologies, and the COM’s SWD will include several references to harmonised European standards.

FEM also agree on the flexibility of the Directive and the approach taken, and stressed the need to duly consider the different safety aspects and protection against hazards related to digitalization, advanced automation, robotics etc., for intended use and foreseeable misuse of machinery. The related questions should also be addressed in standards and the relevant CEN-CENELEC Technical Committees.

The Chairperson indicated there may be a need to more explicitly address certain aspects, for instance for cybersecurity from the design phase of products; harmonised European standards should support the legal provisions accordingly. The upcoming


Communication on AI will deal with all these issues, which will be duly considered in the Machinery sector as well as in others potentially involved.

3.2 New Regulation on road circulation of mobile machinery

COM informed that a second workshop with Member States and industry, on the legal approach and technical issues for the initiative on road circulation of mobile machinery, was held in Brussels on 9 February 2018. COM is planning to launch a public consultation as part of the ongoing impact assessment, with specific questionnaires addressed to Member States and to the general public.

3.3 Evaluation and impact assessment study on the Outdoor Noise Directive

COM informed that the open public consultation, within the ongoing evaluation and impact assessment study on the Outdoor Noise Directive, was running from 23 January until 18 April 2018. The study should be completed by July 2018 with the final report.

UNITED KINGDOM mentioned some activities in the Machinery AdCo Group and the Joint Action on vehicle lifts and chain saws, also involving the “NOMAD Task Force” to analyse questions on noise emissions. Comments will be produced for the final report.

The Chairperson thanked for such contributions which would be very useful.

3.4 (5.5) Standardisation Requests under the Machinery Directive

The Chairperson recalled the legal basis to be taken into account for the new Standardisation Request under the Machinery Directive: the Standardisation Regulation (EU) 1025/2012 and the most recent judgments of the European Court of Justice. The Standardisation Request under the Regulation (EU) 2016/425 on personal protective equipment will be the first one to be submitted to the Standardisation Committee, on 18 May 2018, and if the process succeeds, it would be the reference for other sectors, including Machinery.

COM added that the new Standardisation Requests need to be more precise and complete, including the description of the standards to be developed and those to be revised, and the timetable for deadlines in each case. Then, Annex Z should always indicate clear correspondence between the essential health and safety requirements covered and the clauses of the standard.

CEN-CENELEC asked for information on the timing of the new Standardisation Request for Machinery.

ORGALIME asked for clarification on the reference to the Standardisation Request under the PPE Regulation for the Machinery Directive.

The Chairperson confirmed that it would be necessary to wait for the outcome of the Standardisation Committee on the PPE Regulation; then, it would be necessary to hold bilaterally discussions between COM and the ESOs, to get the necessary information on the lists of standards to include, the timelines, etc. This would take some time, due to the amount of standards in the Machinery sector, so it is not possible yet to provide a clear timeframe.

3.5 (7) Information on standardisation activities (Doc. WG-2018.08) - Updates from CEN-CENELEC to the MWG meeting - info on stage development process of standards (Doc. WG-2018.15rev1)

CEN-CENELEC presented the “Status report 4/2018” on the sector activities on European standardisation for safety of machinery. They also presented a document summarising the information on the stage of development process of standards, to
provide more structured and comprehensive answers to the members of the Machinery WG on the follow-up issues in the Agenda concerning standardisation.

NETHERLANDS and ORGALIME appreciated the summary document from CEN-CENELEC, as an adequate way to provide updated information on standards and the related technical concerns. This would contribute to reduce the follow-up points in the Agenda.

GERMANY also agreed on the convenience of the document, to keep in the Agenda only the really relevant follow-up points, and to remove the others.

The Chairperson confirmed that, with such a long Agenda, it is necessary to ensure the best use of time, with an improved structure and trying to conclude as most points as possible, in particular for the follow-up.

COM informed that the last publication in the Official Journal of the European Union (OJEU) of list of references of harmonised European standards under the Machinery Directive 2006/42/EC took place on 9 March 2018. Concerning the new regime of the “Harmonised Standards (HAS) Consultants”, it should be implemented in April 2018, to ensure continuity with the current one as most as possible. Then, in application of the “Action plan” agreed with the ESOs, a new and more complete template for publication in the OJEU should be used in the next months.

Information on other activities

At request of UNITED KINGDOM, COM informed on the ongoing discussions about a possible EU legislation on drones, at the Council with the Member States and the aviation authorities. More detailed information could be obtained by contacting the relevant representatives, in particular on possible concerns related to the Machinery Directive and its essential requirements.

The Chairperson informed that the Machinery Working Group, established some time ago within the Machinery Committee, needs to be brought in line with the rules on Experts Group: as already done in other sectors, COM will launch a call for application of experts. More detailed information will be provided in due time.

Point 4: Information on market surveillance / Machinery Administrative Co-operation activities and MACHEX

BELGIUM, as the current chair of the Machinery AdCo Group, reported on the latest activities carried out at the last meeting held on 14-15 March 2018 in Brussels, on market surveillance activities, joint actions, standardisation, guidance, NOMAD, etc. A written document will be provided after the meeting.

IRELAND provided a brief update on the activities of the SLIC MACHEX Group dealing with Directive 2009/104/EC on use of work equipment, from the last meeting held in March 2018, in particular about “modification of machinery” which is still under discussion, as a consensus was not reached yet. More detailed information will be sent in writing.

Point 5: Report from the Coordination of Notified Bodies - Recommendations for Use (RfUs) (Doc. WG-2018.16)

11-12 December 2017. He informed in particular about the new Technical Secretariat, in charge from January 2018.

COM summarised the results of the written procedure for endorsement of 21 Recommendation for Use sheets (RfUs) until 8 December 2018, then postponed to 31 January 2018. 6 RfUs received no comments and can be considered as endorsed, while 16 received comments: some of them of rather editorial nature, others more substantial. It would be necessary to have bilateral discussion between the concerned parties, to solve the pending issues and to take a final decision on those RfUs, to be endorsed, amended or withdrawn.

UNITED KINGDOM remarked their comments on RfUs, in particular those concerning whether a safety component could be a logic unit, to be further discussed, also in the editorial group of the Guide.

The Chairperson agreed on the convenience to discuss these comments in the editorial group also in view of the impact assessment for a possible revision of the Directive.

ORGALIME said that in some cases, RfUs contained legal interpretations of the Directive, for example when classifying components, which should not be the case. Concerning the procedures for endorsement, they agreed on the need to reduce the backlog of still pending RfUs, even if there are difficulties in getting feedback on them.

ETUI supported the idea to discuss technical issues in the editorial group of the Guide. When legal questions arise, they should be addressed by the notified bodies to the Machinery WG, and not be the object of a RfU.

The Chairperson confirmed that RfUs should not include legal interpretations. Work is ongoing to prevent this and to clarify the questions raised by Member States on some of them.

Point 6: Follow-up of questions from the last meeting (Annex (6.1 to 6.34))

Questions and discussions on standards (Doc. WG-2018.15)

The Chairperson said that the follow-up points on standards have been regrouped and a decision should be taken about which points are to be kept in the Agenda, and those which can be removed.

6.1 Formal objection against EN ISO 19085-3:2017 Woodworking machines
(Docs. WG-2018.7, WG-2018.14)

GERMANY presented the contents and justification of a formal objection raised in December 2017 against the standard EN ISO 19085-3:2017 on woodworking machines, the reference of which has not been published in the OJEU. He showed the potentially dangerous situations in the installation and operation of the machine, as well as some formal issues.

CEN-CENELEC expressed the position of the relevant CEN/TC 142 on the formal objection, disagreeing on the arguments of the formal objection because the concerned essential requirements of the Machinery Directive have been sufficiently addressed in the standard. It was published in December 2017 after positive assessment of the NA Consultant; in any case, a revision of the standard was already scheduled in June 2018 and for that it would be necessary to receive text proposals for improvement and data on accidents.

FRANCE and NETHERLANDS supported the formal objection.

UNITED KINGDOM also supported the formal objection, and added that the substance of concerns raised by GERMANY is related to a specific kind of machines, used not only in woodworking environments; therefore, this case would be a precedent also for other situations.

CEN-CENELEC confirmed their availability to open the revision process for the standard, taking into account the points raised in the formal objection and the comments provided. At the next meeting of the TC in June 2018, the standard will be re-discussed.

The Chairperson acknowledged the positive disposition of CEN, and asked the members for a common view on how to deal with the formal objection during the revision of the standard, considering that its reference was not published in the OJEU yet.

GERMANY welcomed the revision but will maintain the formal objection, to prevent the publication of the standard in the OJEU due to its shortcomings.

CEN-CENELEC asked COM for a quick decision on the formal objection, not to prolong uncertainty for too much time.

The Chairperson said that a commitment on the necessary time would not be possible. COM will ask the Machinery WG members for comments and, following receipt of their opinion, the usual procedure will start. In addition to those already expressed by FRANCE, NETHERLANDS and UNITED KINGDOM at the meeting supporting the formal objections, comments should be sent by 15 May 2018.

UNITED KINGDOM will provide written comments after consultation of experts.

The Chairperson said that the point will remain on the Agenda for follow-up at the next meeting of the Machinery WG, waiting for further inputs to launch the procedure for the formal objection.

6.2 (5.33) Acceptability of approach taken when optional special mode for manual intervention under restricted operating conditions draft machine tool standard ISO FDIS 16090-1 (Docs. WG-2017.07, 2017.07-1)

UNITED KINGDOM introduced the topic, on the basis of the document explaining the case and the questions addressed to the Machinery WG, suggesting specific actions to take; the letter sent to the relevant CEN/TC 143; and a presentation summarising the main points of the question, concerning in particular the standard FpREN ISO 16090-1. And the need for revision. Constructive comments have been already provided by CEN for the way forward, so it would be better not to continue with this point in the Agenda.

CEN-CENELEC confirmed that the standard EN ISO16090-1 was published on 4 April 2018 as a non-harmonised standard, and will not be offered to COM for citation in the OJEU. The immediately started revision of the standard is instead foreseen for citation.

GERMANY made reference to discussions at standardisation level, with the experts considering the approach taken in the different countries with respect to the operations envisaged for the concerned machines, to be carried out safely to prevent accidents. They share the concerns expressed by the UNITED KINGDOM on the

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need to have more clarity and an improved standard; the documents submitted could be a good basis for further work.

**ETUI** also appreciated the contributions made by the UNITED KINGDOM, involving critical issues for the concerned machines.

**CECIMO** supported the availability of CEN to take back the question to discussion in standardisation, as already foreseen in ISO too. They agreed on removing the point from the Agenda.

The Chairperson noted the general consensus to remove the point from the Agenda for the time being, inviting UNITED KINGDOM and the other members of the Machinery WG to actively participate in the standardisation work with CEN to revise the standard. When final results are reached, they can be reported to the WG.

6.3 (5.2) Mobile machinery - Falling objects (Doc. WG-2015.08)

CEN-CENELEC informed that, for the revision of prEN 474-1 and prEN 474-3 as regards FOPS, the respective enquiry phases were closed in June 2017. CEN accepted a nine-month extension of the timeframe for these draft standards, and the formal votes are expected to start by the end of 2018. [see also point 6.17 on “Earth-moving machinery”]

UNITED KINGDOM welcomed the revision and the improvements to the standards, and agreed to remove the point from the Agenda.

The Chairperson noted that there were no further questions or comments on that, and considered that the point can be removed from the Agenda.

6.4 (5.3) Firewood processors (Docs. WG-2015.27, WG-2016.25)

CEN-CENELEC informed that, after the publication of EN 609-1.2017 in January 2017, the new work item on “Agricultural and forestry machinery - Combined firewood processors - Safety” was registered in July 2017. It is probable that the relevant CEN/TC 144 will ask for a nine-month extension of the timeframe for this standard.

The Chairperson noted that there were no questions or comments on that, and considered that the point can be removed from the Agenda.

6.5 (5.10) Inquiry on EN 12331 “Food processing machinery - Mincing machines - Safety and hygiene requirements” (Docs. WG.2015.04, WG-2015.04-1/2)

CEN-CENELEC informed that the work on an amendment of the standard EN 12331 was transposed to the revision item. The enquiry will start in mid-April 2018.

The Chairperson noted that there were no questions or comments on that, and considered that the point can be removed from the Agenda.

6.6 (5.12) Manure spreaders

CEN-CENELEC informed that the relevant CEN/TC 144/WG 3 was discussing the draft for the future amendment of the standard EN 690. A meeting is scheduled for 22 May 2018 in Paris to discuss the tests carried out by ITALY.

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448 EN 609-1:2017 Agricultural and forestry machinery - Safety of log splitters - Part 1: Wedge splitters.
449 EN 12331:2015 Food processing machinery - Mincing machines - Safety and hygiene requirements.
450 EN 690:2013 Agricultural machinery - Manure spreaders - Safety.
The Chairperson noted that there were no questions or comments on that, and considered that the point can be removed from the Agenda.

6.7 (5.14) Wind turbines

CEN-CENELEC informed that the project for the revision of EN 50308 was abandoned due to exceeding of the timeframe for the standards development process. Concerning the EN 61400 series, the Technical Specification CLC/TS 61400-14:2017 was published in September 2017, and the Enquiry for EN 61400-11:2013/prA1:2017 will close on 21 April 2018; at this moment, the standard is not linked with Machinery Directive. Then, the Enquiry of the draft standard prEN 61400-24:2017 was closed on 20 October 2017, and it was submitted for the indicative assessment of the Consultant: according to it, the standard will probably address only one Essential Requirement, therefore the harmonisation of this standard needs to be further discussed.

The Chairperson noted that there were no questions or comments on that, and considered that the point can be removed from the Agenda.

6.8 (5.17) Agricultural machines - Balers

CEN-CENELEC informed that the draft amendment EN ISO 4254-11:2010/prA1 has been accepted to proceed for Enquiry. The comments and the Consultant’s negative assessment will be dealt at a meeting on 15 May 2018 in Bologna.

The Chairperson noted that there were no questions or comments on that, and considered that the point can be removed from the Agenda.

6.9 (5.19) Revision of EN 12965 - PTO drive shafts and their guards (Doc. WG 2017.03)

CEN-CENELEC informed that the second Enquiry on the draft revised standard prEN 12965 will be held between 31 May and 23 August 2018.

The Chairperson noted that there were no questions or comments on that, and considered that the point can be removed from the Agenda.

6.10 (5.20) Agricultural trailers: concerns on prEN 1853:2015 (Docs. WG 2016.22, WG 2016.22-1)

CEN-CENELEC informed that the latest version of EN 1853 was positively assessed by the Consultants, published on 18 October 2017 and offered for the listing in the OJEU. In parallel, three preliminary work items were registered for amendments: A1 on stability of high-tip trailers in elevated position; A2 on performance levels of the safety related parts of control system; and A3 on the opening and closing hazards related to trailers with fully powered discharge gate.

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451 FprEN 50308:2013 Wind turbines - Protective measures - Requirements for design, operation and maintenance.
452 CLC/TS 61400-14:2017 Wind turbines - Part 14: Declaration of apparent sound power level and tonality values.
456 prEN 12965 (February 2017) Tractors and machinery for agriculture and forestry - Power take-off (PTO) drive shafts and their guards - Safety.
457 EN 1853:2017 Agricultural machinery - Trailers - Safety.
These projects will be discussed at the meeting of CEN/TC 144/WG 3 on 22-23 May 2018.

The Chairperson noted that there were no questions or comments on that, and considered that the point can be removed from the Agenda.

6.11 (5.24) Propose to harmonise EN 1459-3 (Docs. WG-2016.16, WG-2016.16-1rev1)

CEN-CENELEC informed that the standard EN 1459-3 was published in May 2015 and no further feedback had been received on the question raised by ITALY about the publication of its reference on the OJEU.

FRANCE recalled that it would be necessary to reach an agreement on the safety requirements on the interface between variable reach trucks and the work platform.

The Chairperson noted that there were no further questions or comments on that, and considered that the point can be removed from the Agenda.

6.12 (5.27) Revision of EN 280

CEN-CENELEC informed that the revision of EN 280 consists of two parts: prEN 280-1 rev Mobile elevating work platforms - Part 1: Design calculations, Stability criteria, Construction - Safety, Examinations and tests; and prEN 280-2 rev Mobile elevating work platforms - Part 2: Additional safety requirements for load lifting appliances. The Enquiry is expected to start in mid-2018.

The Chairperson noted that there were no further questions or comments on that, and considered that the point can be removed from the Agenda.

6.13 (5.29) Safety alert: prEN ISO 19296 - Mining mobile machinery working underground (Docs. WG-2016.31, WG-2016.31-1, WG-2018.13)

CEN-CENELEC informed that the formal vote on the draft standard prEN ISO 19296 was closed on 21 December 2017 with a positive result; however, it received a negative assessment from the Consultant. The relevant CEN and ISO TCs are addressing the comments from Consultant’s assessment following which a second formal vote is expected to be launched soon. With these changes, the standard should be acceptable and cited in the OJEU.

FRANCE said that the standard was still unsatisfactory, with important aspects to improve. The comments they provided had not been considered.

CEN-CENELEC recognised certain problems in concrete points of the draft standard. They invited FRANCE to check the text and send comments to the CEN/TC 196, before the second formal vote, as in that moment, no technical comments are possible, just “yes” or “not”.

UNITED KINGDOM expressed comments on problems in the draft standard similar to the French ones.

The Chairperson said that concerns should be addressed to the relevant TC.

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458 EN 1459-3:2015 Rough-terrain trucks - Safety requirements and verification - Part 3: Interface between the variable-reach truck and the work platform.


CEN-CENELEC confirmed the procedure to follow in the vote. Member States which would disagree could have also the possibility to lodge a formal objection, even if it is not desirable.

The Chairperson considered that the point can be removed from the Agenda in an optimistic scenario on the results of the standardisation process. If not, it would be retaken as a formal objection.

6.14 (5.21) Standard EN 16228-2 - Guard installation for moving parts in drilling rigs - different applications throughout the EU (Doc. WG-2016.04)

CEN-CENELEC informed that the work for the amendment of the standard EN 16228-2461 is at the preliminary stage; the preliminary work item was registered in November 2016. However, the initial question raised by ANIMA has not challenged the standard as such but has highlighted its different application across the EU.

ORGALIME-ANIMA agreed on the course of action proposed by CEN and considered that the point can be removed from the Agenda.

The Chairperson, with no further comments, agreed on removing the point from the Agenda.

6.15 (5.15) MD/LVD borderline (Doc. WG-2017.10)

CEN-CENELEC referred to the document “CENELEC standards_Machinery Directive_ongoing work & published April 2018” (circulated as WG-2018.18) with an update on the state of play of development of the relevant standards.

The Chairperson considered useful to keep the point in the Agenda to follow-up the related activities.

6.16 (5.30) Safety alert: New standard for machinery and plants for preparation of concrete and mortar (Doc. WG-2016.32)

CEN-CENELEC informed that progress was made during two working group meetings in November 2017 and March 2018 of the relevant CEN/TC 196 on the revision of the standard EN 12151462. However, the related information to serious/fatal accidents as mentioned in the initial document are still missing. The point could be removed, as the normal standardisation process is ongoing.

FRANCE expressed satisfaction for the work retaken and the progress made, for results envisaged by the end of 2018 or beginning of 2019.

The Chairperson, with no further comments, agreed on removing the point from the Agenda.

6.17 (5.1) Earth-moving machinery (Docs. WG-2016.41/-1 to 6)

CEN-CENELEC informed that EN 474-1:2006+A5:2018463, which deals with visibility, was published in January 2018 and will be offered for the listing in the OJEU. Concerning the revision of prEN 474-1464, within the parallel revision of all the series related to this issue, the enquiry phase was closed in June 2017. CEN accepted a nine-month extension of the timeframe for this standard, and the formal

462 EN 12151:2007 Machinery and plants for the preparation of concrete and mortar - Safety requirements.
vote is expected to start by the end of 2018. [see also point 6.3 on “Mobile machinery - Falling objects”]

ETUI considered the question still unclear, and asked for more written information on the changes envisaged in the standards ISO 5006\textsuperscript{465} and EN 474-1 on excavators, as the present situation is still unacceptable due to concerns raised by Member States.

The Chairperson recalled the conclusion reached at the last Machinery WG meeting, where there was a consensus that the current warning on EN 474-1 would be limited to excavators only.

CEN-CENELEC reminded the possibility for Member States to have access to the documents related to standardisation via the national members.

ETUI referred to the last meeting to remark the reasons to act and to give Member States the chance to express concerns and to adequately consider the situation, in particular with respect to fatal accidents.

The Chairperson said that Member States are alerted by discussing the question in the WG. In any case, the question raised by ETUI was noted. With no further comments, the point can be closed for the time being, unless new information is provided in the future.


CEN-CENELEC informed that EN 12453\textsuperscript{466} was positively assessed by the Consultants, published in August 2017 and offered for the listing in the OJEU. They recalled the whole process, with the questions raised by UNITED KINGDOM: many of their comments have been incorporated, where it was not possible to take into account others expressed at the latest stage; this would be done in the next revision, already scheduled.

UNITED KINGDOM presented an update on powered doors and gates, expressing their position on the concerned standards and in particular pointing out that major concerns remain on EN 12453:2017. They asked for comments on the contents of the presentation, to be useful for positive progress.

COM confirmed that the reference of EN 13241:2003+A2:2016\textsuperscript{467} was published in the OJEU by error and it should be withdrawn, due to the fact that the standard did not address the issues indicated in the formal objection by UNITED KINGDOM.

CEN-CENELEC expressed their dissatisfaction, as they developed the process according to the rules and taking into account the written comments addressed in due time; the new version of the standard received mostly favourable comments and it is better than the previous one. The latest considerations from UNITED KINGDOM are not new, and at this point in time it would be necessary to have a formal position about the listing of the standard in the OJEU.

ETUI agreed on the fact that CEN-CENELEC followed the rules, but by the legal point of view the standard could not confer presumption of conformity as it is defective, so the reference should be withdrawn from the OJEU.

\textsuperscript{465} ISO 5006:2006 Earth-moving machinery - Operator’s field of view - Test method and performance criteria.

\textsuperscript{466} EN 12453:2017 Industrial, commercial and garage doors and gates - Safety in use of power operated doors - Requirements and test methods.

\textsuperscript{467} EN 13241:2003+A2:2016 Industrial, commercial, garage doors and gates - Product standard, performance characteristics.
The Chairperson said that trilateral discussion will be kept with CEN-CENELEC and UNITED KINGDOM on the question. The reference of the standard was published in the OJEU considering that it addressed the concerns raised, but in fact it was not the case; therefore, it is necessary to deal with that, and UNITED KINGDOM would be entitled to re-launch the formal objection.

CEN-CENELEC said that some of the arguments laid down by UNITED KINGDOM in the formal objection are no longer valid.

The Chairperson confirmed that the issue should be re-discussed further as indicated. The point would be kept in the Agenda for follow-up at the next Machinery WG meeting.

Questions and discussions on the application of the Machinery Directive

6.19 (5.34) Question on trailers (Docs. WG-2017.18, 2017.18-1)

COM recalled the question raised by the HCNB on trailers for self-propelled vehicle and the Machinery Directive, asking the members of the WG to comment on the options proposed.

GERMANY thought that it was a grey area. They would consider option B more adequate.

FRANCE appreciated such a discussion, on the different level of safety. It would be interesting to extend this initial work on industrial trucks involving also the AdCo Group.

UNITED KINGDOM also preferred option B, but not the suggestion that a spring for holding a trailer handle up is ‘stored energy’ – the spring does not contribute to trailer or other movement, as the suggested route to follow which could simplify the situation, and not going beyond the Directive.

DENMARK agreed with UNITED KINGDOM.

HCNB considered that more discussion is needed, as for example on heavy-duty trailers.

GERMANY said that no distinction should be made on the size of the product. In the case of heavy-duty trailers, it is not a machine according to the Directive.

ORGALIME supported the position expressed, taking into consideration the characteristics and safety requirements of the Machinery Directive and of national legislation as well, with respect to the criteria for products and the risks they implicate.

The Chairperson recognised that the point is to be further discussed, not only in the Machinery WG but also the Machinery AdCo should be involved. Comments should be sent to HCNB, copying COM, by the end of May 2018, to be forwarded to both groups; the respective outcomes will be reported at the next meeting and on that basis, it would be possible to elaborate a common position.

HCNB said that the Technical Secretariat will provide the specific e-mail address to send comments.

6.20 (5.31) Laser products considered to be machinery covered by the Machinery Directive (Doc. WG-2017.04)

GERMANY introduced their paper, to deal with some uncertainties on laser products and to provide useful guidance for market surveillance authorities and their operations. After preliminary considerations on terminology and the relevant EU legislation, a “Table of relevance for selected laser products” is proposed, with the
related annexes for explanation and clarification on the different products listed. GERMANY asked for comments.

UNITED KINGDOM broadly supported the document, but there are some difficult points and more EU directives should be considered, as for example for Medical Devices. They will provide written comments.

NETHERLANDS welcomed the initiative for such a list, but it should be further elaborated for discussion, for better clarification.

IRELAND mentioned also the Measuring Instruments Directive as relevant.

ORGALIME considered the document very helpful, both the table and the explanations on how the classification was made.

GERMANY thanked for provided comments, which will be duly analysed to improve the document. Not all the relevant products had been considered in a first step, primarily those under the Machinery and the Low Voltage Directives, to have the list not too complicated. The further developed version of the document could be included into the Machinery Guide.

The Chairperson considered convenient to continue discussing the issue and asked for comments to be sent by mid-September 2018, for follow up at the next Machinery WG meeting.

6.21 (5.5) Woodchippers action plan proposal (Docs. WG-2016.28/-1/2/3/4, WG-2017.20, WG-2017.34)

FRANCE said that there were no news on the action plan. Translation in English of the French documents were under development and the new revised standard is going to be published in 2018, confirming the right track to solve the question raised.

The Chairperson noted that there were no further questions or comments on that, and considered that the point can be removed from the Agenda.

6.22 (5.18) Industrial trucks - Equipment (Doc. WG-2016.42rev2)

The Chairperson referred to the document on “Industrial trucks and equipment for handling loads” as revised, to check whether it could be approved by the Machinery WG.

UNITED KINGDOM recalled the discussion and the comments made to agree on the revised version.

GERMANY confirmed that the current rev2 was agreed in the WG but a formal approval was postponed due to the absence of ITALY; but now the document is ready to be approved and integrated into the Machinery Guide.

The Chairperson noted the general agreement on that and confirmed the approval of the document, to be published.

6.23 (5.25) Fitting interchangeable equipment to fork lift trucks (Docs. WG-2016.19rev, WG-2016.19-1, WG-2016.19-4)

The Chairperson recalled the question, with UNITED KINGDOM disagreeing on the paper and FEM not supporting a standardisation initiative referring to EN ISO 3691-1468. There were no further questions or comments on that, therefore the point can be removed from the Agenda.

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6.24 (5.28) Control loads for certain types of equipment (Docs. WG-2016.27, WG-2016.27-1rev2)

The Chairperson noted that no further comments had been provided on the Italian paper, nor ITALY reacted to them. Therefore the point can be removed from the Agenda.

6.25 (5.22) Marking of machinery also covered by other directives (Docs. WG-2016-07, WG-2016.07-1)

COM recalled the question raised about marking of machinery also covered by other directive and with “de facto” manufacturer’s name, making reference in particular to section § 77 “Certificates and CE marking without the name of the original manufacturer” of the ATEX Guidelines for Directive 2014/34/EU. The comments expressed by the Machinery WG have been transmitted to the ATEX WG, which at the last meeting held in July 2017 re-affirmed the validity of that guidance, and asked for receiving a more concrete proposal about the issues to be clarified and improved.

DENMARK referred to the documents already submitted and inquired on the status of the Recommendation for Use sheet (RfU) announced to ensure common practices of notified bodies.

HCNB said that there was no progress of the RfU, still analysing the questions raised in the Danish papers.

ORGALIME considered necessary to agree on a common position on such horizontal issue, when a product manufactured by “A” is placed on the market by “B” assuming the role of manufacturer, with two stages in conformity assessment. The question needs to be clarified for market surveillance activities, and notified bodies also should be able to take a position.

UNITED KINGDOM agreed on keeping the discussion open, to reach a consensual position.

SPAIN also agreed on the horizontal character of the question, in particular for market surveillance authorities.

The Chairperson said that the issue should be submitted to the COM services dealing with horizontal issues for EU legislation for products, taking into account the comments expressed in the Machinery WG and the guidance produced by the ATEX WG. Then, the results of these consultations will be reported at the next meeting of the Machinery WG in November 2018.

6.26 (5.26) Information on Feedback method

ETUI updated on the characteristics and implementation of the “Feedback method”, based on information from users of machinery, to improve safety of equipment. CEN produced a Technical Report TR 16710-1\textsuperscript{469}, adopted in December 2015, which can be used to complement the method. Different parties are dealing with this, not only in the Machinery WG but also in MACHEX on use of work equipment, in particular concerning ergonomics risks also in other sectors.

COM thanked ETUI for the contribution and took the opportunity to ask for their cooperation in updating the “Guidance on the application of the essential health and safety requirements on ergonomics set out in section 1.1.6 of Annex I to the Machinery Directive 2006/42/EC” currently published in the COM sectoral website, beside the Machinery Guide.

\textsuperscript{469} CEN/TR 16710-1:2015 Ergonomics methods - Part 1: Feedback method - A method to understand how end users perform their work with machines.
ETUI agreed on cooperating in the update.

The Chairperson considered that, without further comments or questions on the issue, the point can be removed from the Agenda.

6.27 (6.1) Mobile and loader cranes (Doc. WG-2017.25)

FRANCE presented a number of questions about conformity of certain types of loader cranes and lifting operations, asking the relevant CEN/TC 147 to clarify the scope and to improve the concerned standards, and the Member States to carry out market surveillance actions.

SPAIN also expressed doubts on the current levels of safety of this equipment.

CEN-CENELEC said that discussion is going to take place in CEN/TC 147, with the next plenary meeting planned on 19 June 2018 in London; the authors of the presentations are invited to participate and discuss the question.

FRANCE confirmed their participation.

The Chairperson said that, with no further comments, the point can be removed from the Agenda, unless problems would arise later on.

6.28 (5.7) Logic units for safety functions (Docs. WG-2016.11-4rev2, WG-2016.11-6rev4, WG-2016.11-8, WG-2018.04-1)

UNITED KINGDOM, as the leader of the “task force on logic units to ensure safety functions (LUTESF)”, updated on the question by presenting the documents produced after the last meeting held on 18 April 2018. He recalled the background of the initiative to have a clear and consistent understanding on the relevant provisions of the Machinery Directive, in particular when a safety component is in scope of Annex IV. Decisions of the Machinery WG are needed on a set of questions to progress with the work.

The Chairperson asked the members for their opinions on the questions “A”, “B” and “C” as in Doc. WG-2018.04. As nobody was against, the answers proposed for “B” and “C” are confirmed by the Machinery WG; for “A”, only 10 Member States gave their opinion. It seems that further discussion is needed, in the task force and in the editorial group of the Guide, to search for consensus as wider as possible.

UNITED KINGDOM said that the document could be further improved to come to a decision at the next meeting of the task force.

DENMARK and FRANCE thought that more time for discussion would not make any difference; the majority point of view could be already taken.

ETUI pointed out that logic units built into machinery by the manufacturer are not subject to third party assessment. This aspect should be considered by the revision of the Machinery Directive.

The Chairperson noted the consensus on the proposal to adopt the majority opinion on the conclusion reached in question “A”. UNITED KINGDOM would revise and fine-tune the task force paper, to be submitted to the editorial group of the Guide for their next meeting on 30 June 2018, and then reported to the Machinery WG for the final endorsement.

6.29 (5.23) Status of machinery control units which ensure safety (Docs. WG-2016.12-1rev1, WG-2016.12-2)

UNITED KINGDOM updated on the question, making reference to the latest versions of the relevant documents and in particular explaining the revised table on compliance scenarios for machinery control units (circuit boards) under the
Machinery Directive. Some comments have been received by NETHERLANDS and ORGALIME; hopefully the document could be endorsed.

NETHERLANDS thanked UNITED KINGDOM for taking on board their comments, so they supported the document.

ORGALIME also supported the document with the corrections suggested, as a major improvement.

The Chairperson noted the general agreement on the document which can be considered as approved by the Machinery WG and will be published into the Guide. The point can be closed and removed from the Agenda.

6.30 (5.11) Update of the Guide to application of the Machinery Directive 2006/42/EC

COM informed on the latest activities of the editorial group of the Machinery Guide. The next meeting has been postponed and will take place on 30 June 2018, in Brussels and also providing videoconference service. The agenda will include discussions on several issues such as the notion of “specific application” (as for PCM) as per Article 2(a) and (g); the concept of “modification of machinery” in the section related to “new and used machinery”, with the participation of representatives of the MACHEX Group; “logic units to ensure safety functions”; comments on “3D printers”; and others, for discussion and clarification on the relevant points of the Guide. The results of the discussions will be reported at the next meeting of the Machinery WG in November 2018.

ORGALIME observed that 3D printers, under the Low Voltage Directive as office devices, could be covered by the Machinery Directive as well in the professional area. The complexity of these products requires clarification.

COM confirmed that questions related to 3D printers, more properly defined as “additive manufacturing machinery”, will be discussed at the next meeting of the editorial group.

FRANCE inquired on the availability of other language versions of the Guide.

COM answered that the request for translations in French and German has been placed, and they should be available likely in September/October 2018.

Questions and discussions on new technologies

6.31 (5.8) Emerging issues (Docs. WG-2015.33-1rev1, WG-2017.08/-1, WG-2017.23-1/-2, WG-2018.03)

COM provided an update on the emerging issues on digitalisation, industrial “Internet of Things” (IoT), artificial intelligence (AI) and robots. When it comes to AI, there is no universal definition agreed on what AI is. As such, it would be convenient to take a general risk related approach and consider two categories: hardware-based AI products, e.g. robots and software-based AI products, e.g. voice assistant speakers. The former, which is affected by the applicability of the Machinery Directive, presents a higher level of risks for the users, e.g. collision. It is necessary to work at standardisation level, by applying the “New Approach” principles to these new technologies. Digitalisation is of global relevance for big economical and industrial policies, in the European Union as in Japan, USA etc., so it is necessary to think globally and to foster global cooperation with other countries, also by leveraging the EU safety system in international standardization work. By the end of 2018, COM will send a Standardisation Request under the Machinery Directive, once some still legal pending issues are clarified. Discussions will be held with CEN and CENELEC on the contents and structure, in order to have adequate
standards conferring presumption of conformity with the requirements of the legislation.

**The Chairperson** underlined the important role standardisation is going to play, also at international level, in the different areas of interest, to have at least similar regulations around the world. Specific initiatives are under development with Japan, and other countries will follow.

**CEN-CENELEC** welcomed these initiatives and the efforts in international cooperation with other countries and standardisation bodies. European standardisation maintains good participation in the work of the relevant ISO and IEC Technical Committees involved in the Machinery safety, so they are well prepared to go forward in the field.

**ORGALIME** also welcomed the ongoing activities, also with CEN-CENELEC and at international level, to ensure a harmonised approach on new and emerging technologies and the related technical requirements, levels of protection, procedures, etc. This would be very important for economic operators within the EU legal framework.

**NETHERLANDS** informed that they were carrying out a study on self-learning and self-correcting machines, to be completed by June 2018. They will send and circulate the results when available.

**The Chairperson** confirmed that the issues under discussion are to be considered holistically in the context of a broader framework including regulatory developments, standardisation, international cooperation etc., focusing on specific aspects of interest for the Machinery WG. This will continue to be followed up at the next meeting of the Machinery WG.

6.32 (5.9) **Collaborative robots** *(Docs. WG-2017.22/-1)*

**COM** provided an update on collaborative robots and standardisation needs, initiating discussion on the risks related to human-machine “coexistence” as one of the main aspects to be considered, also in the possible revision of the Machinery Directive, under the different uses (commercial, services, personal care, etc.). Firstly, it is necessary to have clear legal provisions addressing these matters. European standardisation plays an important role and it should consider the current work at ISO and technical specifications at international level. With respect to the project on standardisation envisaged by **DENMARK** at the last meeting of the Machinery WG, it would be useful to have a report by the end of July 2018, to be taken into account for the new Standardisation Request.

**FRANCE** also expressed their intention to contribute to standardisation in this field. They will prepare a synthesis document on the ongoing debate, and proposals on methodology and evaluation.

**The Chairperson** acknowledged the interest for such initiatives at national level, to share the information to ensure coherence throughout the EU, especially within the context of the possible revision of the Machinery Directive.

**UNITED KINGDOM** recalled their activities on collaborative robots since some years, remarking that in the current Machinery Directive there is a separation between man and machine, but not always, as there are cases where people and robots can work together, or single-purpose machines, etc. Robots should be considered in a very broad sense, in the different technologies areas concerned.

**ORGALIME** agreed on what **UNITED KINGDOM** said, in particular on the state of technology and possible developments with respect to interaction between man and
machine. Progresses have been made in safety and now there is a fluid situation in the market, where Europe has a prominent position.

The Chairperson confirmed that the issue will continue to be followed up at the next meeting of the Machinery WG.


COM recalled the question raised by EPSA in 2014, and the comments and positions expressed afterwards, including a COM paper. The issue as such should be addressed with the revision of the Machinery Directive. In the meantime, VG9 of the European Coordination of Notified Bodies has proposed a Recommendation for Use sheet, at the request of COM, to give more information related to the use of light barriers. RfU 09.503 is presented as Doc. WG-2017.30/-1 and comments have been produced by ELA and CEN/TC 10.

EPSA also referred to the discussions already held on such a difficult question, now with a RfUs trying to dealing with it. EPSA does not support a specific answer as in the document, when the problem is in fact the different interpretations given by notified bodies and the consequent unclear situation in the market. Being possible or not to use light barriers instead of door, everybody should do the same with no differences. This should be addressed now, without waiting for a new directive.

ELA presented their comments on the proposed RfU, asking for a review and adjustments to ensure that all relevant safety risks are taken into account.

CEN/TC 10 also presented their comments, asking for amendments in the RfU.

UNITED KINGDOM generally supported the comments expressed, but stressed on the need to reach a decision on that. The Machinery WG could show some flexibility on the question of low speed lifts under the Directive and light barriers, taking into account the solutions available on the market, to conclude the discussion as soon as possible, for those waiting for it.

DENMARK agreed with UNITED KINGDOM on the need to reach a conclusion. They can support the proposed RfU as they did not find any disconformity with standards.

ETUI indicated that on large platform lifts with a number of people on them, a hold to run device on an open platform does not give full protection to those away from the operator of the hold to run device where as a light curtain would give safer protection.

EPSA reaffirmed that they have no preference on the option to take, but in the proposed RfU there is some confusion as for example between lifting platforms and lifts as such.

COM clarified that discussion is about the possibility of using light barriers for slow speed lifts in combination with autonomic control, and not hold-to-run buttons, on the basis of the risk assessment.

ORGALIME said that the industry discussed on the question and the related conformity assessment procedures. The different aspects should be taken into consideration for a decision, and it would be convenient to have a flexible set of rules for safe products, according to the state of the art.
HCNB explained that VG9 tried to provide some specifications on light curtains as equivalent to a complete enclosure. They would need more feedback on the more general aspects of the RfU.

EPSA underlined that the question is to have the same for all notified bodies, on the requirements and the solution, to do the same thing. If there is agreement on the RfU, for them it would be OK.

The Chairperson said that to reach an agreement it would be necessary some further clarification and fine-tuning in the RfU.

FRANCE considered that it would be necessary to carry out more detailed analysis by a legal point of view to agree on a statement.

ELA agreed on the need of improvement in the RfU to address the different risks of the product. They will send comments in writing.

IRELAND also raised some concerns on the legal questions related to the contents of the RfU, in particular on how the sentences have been constructed.

UNITED KINGDOM asked notified bodies to take into account the comments provided to revise and improve the RfU, in view of the next meeting of the Machinery WG for approval.

POLAND thought that producing comments to revise the RfU for the next meeting could be too late, as VG9 meets only once per year and the 2018 meeting was already held.

The Chairperson summarised the discussion noting that the proposed RfU goes in the right direction, but improvements are needed. She asked the members to send written comments, in track changes in the document itself, trying to be effective and pragmatic (not just conceptual), in particular about the important safety issues involved. This could allow to have a revised document for approval at the next Machinery WG in November 2018; if VG9 could not physically meet, they could use other means to proceed (written procedure or similar).

HCNB said that they would have a meeting in June 2018, so if it could be possible to receive comments a week before, they would be duly considered.

The Chairperson confirmed that written comments should be made by 15 June 2018, to be sent directly to HCNB and copy to COM, as track changes on the paper with concrete suggestions. The outcome of the meeting of VG9 will be reported to the next meeting of the Machinery WG in November 2018.

6.34 (6.2) The form and content of instructions (ESH 1.7.4) (Docs. WG-2017.27, WG-2017.28)

UNITED KINGDOM presented updated information on their proposal on the form of instructions and content of sales literature, asking for the views of the members of the Machinery WG. Also this point could be taken for the revision of the Directive, but it would be convenient to anticipate a common agreement on the question, to improve the contents of section § 255 of the Guide.

EGMF supported the UNITED KINGDOM proposal, to be forwarded to the editorial group of the Guide for agreement.

ORGALIME also supported the proposal, considering the steps taken in digitalisation to be applied also to provision of information and instructions, not just in paper format.
The Chairperson noted some consensus on this point to be addressed in the revision of the Machinery Directive, and the convenience to anticipate it by establishing clear criteria in the Guide. The issue will remain in the Agenda to be followed up at the next Machinery WG meeting, but the technical discussion will be held in the editorial group.

Point 7: New questions submitted

7.1 Mode selection using software based human machine interfaces (Doc. WG-2018.05)

UNITED KINGDOM introduced a paper on the use of an access code instead of a physical key for mode selection, referring to the relevant EHSRs of the Machinery Directive. On the proposed response, they asked the members for comments and, if agreed, to include it into the section § 204 of the Guide.

NETHERLANDS agreed on the proposal, being a good idea to extend the guidance text.

ORGALIME thought that it is necessary to make clearer distinction between cases a) and b) to take into account the consequences. In any case, it would be useful to forward this paper to the editorial group.

The Chairperson asked for written comments on the paper, to be taken into consideration also in the editorial group for possible inclusion into the Guide. The point will be followed up at the next Machinery WG meeting.

7.2 Powered furniture and the Machinery Directive (Doc. WG-2018.11)

UNITED KINGDOM presented a number of issues and questions on powered furniture and the Machinery Directive, in particular with respect to the recent modification of section § 64 of the Guide on the exclusion of household appliances intended for domestic use, and the related standards.

FRANCE said that they contacted manufacturers to get information on the situation. They use to apply the General Product Safety Directive for their products, not the Machinery Directive, and the Low Voltage and Electromagnetic Compatibility Directives for the electrical risks. There are not specific European standards under the Machinery Directive for the time being. It would be necessary to further investigate accidents as those mentioned in the presentation, whether they have been caused by wrong manoeuvres by users or external control systems, for the different types of furniture involved.

COM recalled discussion on the update of the Guide on the relationships between the Machinery and Low Voltage Directives. In this kind of products, mechanical risks are better addressed by the Machinery Directive and this approach was endorsed. We could try to further improve and make the Guide clearer, taking into account the risks as presented by UNITED KINGDOM. COM already informed CEN-CENELEC to be aware of the situation when drafting standards to confer presumption of conformity under the current legal framework for these powered furniture. The editorial group of the Guide could further analyse this information.

CEN-CENELEC referred to the relevant TCs dealing with electrical furniture and household appliances, to consider the issue at the next meetings within the ongoing standardisation work, as in CEN/TC 207 on furniture developing EN 1116:2018. There are no standards under the Machinery Directive so far; it would depend on the

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470 EN 1116:2018 Furniture - Kitchen furniture - Coordinating sizes for kitchen furniture and kitchen appliances.
expectation for having standards in support of mechanical risks other than the electrical ones.

The Chairperson said that standards under the Machinery Directive would be useful. Concerning enforcement, the main question would be, how to make compliance easier for manufacturers. The information provided in the UNITED KINGDOM presentation should be taken into account.

UNITED KINGDOM thought that manufacturers sometimes are not realising the situation. It would be an issue for national authorities to have clear criteria on that, and in this sense, a standard for powered furniture would be useful.

BELGIUM informed that this issue was discussed also at the last meeting of the Machinery AdCo Group. Not all manufacturers are aware of the problems, therefore they will contact them and their associations for clarification and follow up.

DENMARK have been informed by the Danish Furniture Association about the question of the point in the Machinery Guide, and the problems to accept it in all the EU countries. It would be a matter of competition and enforcement of the same rules for the Machinery Directive.

FRANCE said that it would be necessary to have a clear legal basis to justify why powered furniture could be under the Machinery Directive, by analysing the situation and clarifying it, according to the definitions and the related risks.

The Chairperson agreed on the need to reach agreements on possible improvements to the Guide, taking into account the different issues raised and the most relevant risks which should be covered by the Machinery Directive.

EFIC (European Furniture Industries Confederation) confirmed that the industry is not fully aware of the possible application of the Machinery Directive to powered furniture, as there are different interpretations in practical cases, more oriented to the Low Voltage Directive. It is a major issue for industry and clarification is needed with respect to the Guide and standardisation for this kind of products in their mechanical and electrical aspects.

UNITED KINGDOM said that both Machinery and Low Voltage Directives as complete Directives address the risks of powered furniture and manufacturers in previously complying with LVD should already have the evidence to justify their designs under MD. What we don’t have are harmonised standards to assist. It is necessary to take a final decision involving the interested parties in the discussion.

ETUI pointed out that following an accident in the UK it was accepted that both the Machinery Directive and the Medical Devices Directive could apply. It would be problematic if LVD would apply to some types, hence it would be good to keep it to the application of the two Directives only.

The Chairperson went back to the questions raised by UNITED KINGDOM for which answers are required, to make possible for manufacturers to comply with the applicable requirements, not requiring in principle to change the design of their products, and reducing the related administrative burdens, as long as safety is ensured.

EFIC specified that, when producing components for furniture, they are clearly under the Machinery Directive, but the question and discussions are for build-in equipment, for which the application of the Directive would be disproportionate.

IRELAND suggested to explain the cases where the Low Voltage Directive would not be applicable, and the reasons, to be as most explicit as possible in the Guide.
about the legal basis of the exclusion, this way to prevent more discussion in the future.

The Chairperson concluded that the point needs to be clarified and improved in the Machinery Guide. Further discussion should be kept with the Member States and the industry; the question will be followed up at the next meeting of the Machinery WG.

7.3 Vehicle scissor lift support arm design (Doc. WG-2018.12)

UNITED KINGDOM presented a number of questions on safety of design of a type of vehicle scissor lift support, and compliance with the applicable EHSRs of the Machinery Directive.

DENMARK thought that this would be a matter of enforcement, rather than interpretation. There are several products like these in the Danish market and they are not always safe enough, in particular the supporting arms. We requested to stop placing these products in the market and when necessary, a safeguard clause will be issued. These cases should involve market surveillance authorities and also notified bodies who approved these products.

NETHERLANDS agreed with DENMARK, to check whether the product complies with the requirements, and not for interpretation. Discussion should continue in the Machinery AdCo Group to raise awareness about the situation.

The Chairperson confirmed that both the AdCo and Notified Bodies Groups are informed, as the most competent working parties to deal with the issue; communication from them is expected.

HCNB said that the question will be discussed at their next meeting on 27-28 June 2018, to get more information and circulated it to UNITED KINGDOM and the members of the Machinery WG and AdCo.

SWEDEN asked for more information about accidents related to these products.

UNITED KINGDOM referred to the joint actions carried out on similar products, even if there was not clear distinction on specific types, but they could provide useful information.

The Chairperson invited the relevant authorities to take action before accidents can take place. The point will be followed up on the basis of information provided by the Notified Bodies Group and the market surveillance authorities, and maybe also from CEN-CENELEC on the possible revision of the standard, if necessary.

7.4 Tele-loader visibility (Docs. WG-2018.06rev3, WG-2018.06-1)

UNITED KINGDOM presented a question to the Machinery WG for clarification on the visibility testing standard that should be applied for tele-loaders when using forks, which was first raised some years ago but as yet not answered in this forum. Also, the UK referred to a letter that was sent in 2011 by the Health and Safety Executive (HSE) to the Convenor of CEN/TC 151, WG 1, concerning telescopic loader visibility and the standard EN 474-3471.

CEN-CENELEC informed that the issue was discussed at the relevant TC during the last meeting held on 13 April 2018. It was concluded that the referred standard EN 15830 for telehandler is not the most appropriate one, and the ISO standard ISO 5006 for earth-moving machinery would provide a better way to comply with the requirements on visibility for telescopic loaders (different design approach compared to telehandlers).

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The Chairperson said that the question on testing of these products was to reflect upon, asking for written comments and answers by 15 June 2018, to be followed up at the next meeting of the Machinery WG.

7.5 Manual boat winches - the applicable EU legislation (Doc. WG-2018.09)

FINLAND presented questions on the applicable EU legislation to manual boat winches, from a market surveillance case, making reference to the requirements of the Machinery Directive and the Guide.

UNITED KINGDOM agreed on considering those products under the Machinery Directive. Problems could come from specific situations and safety issues, as for the movement road etc.; this should be taken into account by the manufacturer.

GERMANY thought that this could be a borderline case for the application of the Machinery Directive. On the questions, the Guide is quite clear on the first one; the second one is a matter of interpretation and distinction should be made in the different cases of movements, not just horizontal; the third one on packaging, should be CE marked under the Machinery Directive.

The Chairperson noted that the issue is not so controversial, with the product covered by the Machinery Directive according to the Guide. The point can be closed and removed from the Agenda unless other contributions are provided.

7.6 Storage tanks covered by the Machinery Directive (Doc. WG-2018.10)

SWEDEN introduced a paper on questions raised on storage tanks and their assemblies, whether they are covered by the Machinery Directive. They search for the opinions of the WG members.

FRANCE said that it would depend on the use of the products. They would analyse the question more in depth.

UNITED KINGDOM thought that, for these complex installations, a case-by-case and pragmatic approach should be taken, with the different aspects and element of the assembly, as for example electrical motors (which would be rather covered by the Low Voltage Directive), and others when other legislations such as Pressure Equipment, ATEX etc. could also apply. They would send more detailed comments in writing.

DENMARK, on the basis of the information provided, considered the pump and the control system as a machine under the Machinery Directive.

NETHERLANDS asked for clarification whether the Pressure Equipment Directive could be also taken into account.

SWEDEN answered that this was forwarded to the PED experts but such legislation would not be applicable to this case.

GERMANY referred to the definition of “machinery” and the comments in the Guide, and considered that the system as a whole would not be covered by the Machinery Directive.

SWEDEN further explained the scheme in the document, in particular the control system and the installation, as in the text.

IRELAND considered that references to the Pressure Equipment Directive would not be applicable to the case.

The Chairperson asked for written comments to the document, to follow up the question at the next Machinery WG meeting.
**4. Next steps**

Points and questions to be followed up at the next meeting:

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5. **Next meeting**

The next meeting of the Machinery Working Group is planned to take place on 5-6 November 2018. Confirmation of dates should be communicated as soon as possible, in principle 2 months in advance.
Minutes
Meeting of the Machinery Directive 2006/42/EC Working Group
5 November 2018, Albert Borschette Conference Centre, Brussels

6. Approval of the Agenda and of the Minutes of the previous meeting (Points 1 and 2 of the Agenda)

The Agenda (Doc. WG-2018.25rev2) was approved by general consensus.

The draft Minutes of the meeting held on 19 & 20 April 2018 (Doc. WG-2018.23rev1) were approved with modifications in sections 6.28, 6.33 and 7.2 to indicate more accurately ETUI's interventions.

The approved Minutes as modified will be integrated into the “Consolidated minutes of the machinery working group from 1997 onwards”472.

7. Information on ongoing activities in the machinery sector

3.1 Revision of the Machinery Directive –Impact Assessment

The Commission recalled the outcomes of the evaluation of the Machinery Directive, which pointed out that the Directive remains relevant to existing and future market needs, but few areas can be improved and simplified. Additionally, further analysis will be carried out with respect to adapting EHSR to address emerging digital technologies such as AI and IoT. In this respect considerations may be given to adding cybersecurity requirements. COM will launch an impact assessment study. Consultation activities will start in the first half of 2019 and will be kicked off by the four weeks consultation on the Inception Impact Assessment (Roadmap). The final report of the study will support the Commission IA accompanying a possible proposal for a revised legislation on Machinery.

A roadmap will be published by the Commission and members of the Machinery Working Group are invited to comment.

3.2 Commission "Report on the broader implications for, potential gaps in and orientations for, the liability and safety frameworks for Artificial Intelligence, Internet of Things and robotics”

The Commission informed about the upcoming Report on safety and liability frameworks, which is envisaged to be published by mid-2019. This report was anticipated by the Commission Communication on AI, adopted in April 2018. The report will refer to the Machinery Directive as a centerpiece safety legislation for robots.

The Commission clarified, at the request of Orgalime, that although the report regards the broader legal framework, its outcomes will be included in the impact assessment for the revision of the Machinery Directive.

3.3. Proposal on draft Regulation on Drones

The Commission informed of the open public consultation on the proposal for a Regulation on drones, planned to be adopted in April 2019. It further clarified, at the request of DENMARK and GERMANY that Article 3 of the Machinery Directive setting the lex specialis rule applies in relation to the proposed Regulation. In reverse, Recital 5 of the proposal stipulates that where risks are not covered by the Regulation on drones then the Machinery Directive applies. Ideally, the delegated act will cover all risks. Main risks are already identified, but there may be others not yet identified. As such, the delegated act may not be exhaustive, so other legislation can still apply, e.g. the Machinery Directive.

BELGIUM informed that they are sitting in the expert group, and calls for the other Member State to follow suit. They pointed out that the situation on the market is not clear and manufacturers are confused with respect to which legislation applies to drones.

In response to a question raised by the NETHERLANDS, the Commission explained that means of transport, e.g. aircraft carrying passengers without a pilot, are excluded from the scope of the Machinery Directive. Moreover, the Regulation on Drones applies to a low-risk category of drones, defined as 'open'.

3.4 New Regulation on road circulation of mobile machinery

The Commission informed that the proposal for harmonising road circulation approval requirements for mobile machinery will not be adopted under this Commission mandate. The Impact Assessment study is complemented by a new study on cost-benefit analysis, which aims to collect supplementary data. The Commission will also launch one open public consultation and another targeted consultation with Member States only, via questionnaires.

3.5 Evaluation and impact assessment study on the Outdoor Noise Directive

The Commission informed that the study on the evaluation and the Impact assessment is completed. The next step will be the adoption of a Staff Working Document on the evaluation of the Directive. Then, work on drafting the proposal will start. Comments from the members of the Machinery Working Group as input on the draft proposal are welcomed.

CEN pointed out to the interplay between the Machinery Directive and the Outdoor Noise Directive and the concerns raised by the HAS consultants on the outdated references of test codes and standards in the existing legislation.

The Commission explained that in view of the revision of the legislation, a mandatory test method is necessary if there is a limit value prescribed by the legislation. In this respect, an empowerment for adopting Delegated Acts may be necessary to ensure that the latest test method can always be used to properly reflect the limit values.
3.7 Information on standardisation & progress update from CEN/CENELEC (Docs. WG-2018.37 and WG-2018.39)

The Commission explained that the new Standardisation Request under the Machinery Directive is on stand-by, pending a resolution on the proposal for a Standardisation Request (SR) under the Personal Protective Equipment Regulation which is subject to discussions in the Standardisation Committee. The reason is that the template of this SR is the archetype for all future SR the Commission will adopt.

A new list of references of harmonised standards will be published soon in the OJEU to give presumption of conformity to the Machinery Directive.

CEN/CENELEC presented their report on standardisation (Doc. WG-2018.39)

AUSTRIA informed about their letter sent to the European Commission raising concerns about point 5.5.15.2 lit. ii) of the harmonised standard EN 81-41 for platforms for persons with impaired mobility, which in their view does not meet the EHSR on controls, especially concerning automatic controls. In reply, the Commission services clarified that EN 81-41:2010-12 is not currently published in the OJEU and therefore, it does not confer presumption of conformity to the EHSR of the Machinery Directive.

The Commission explained that if Austria is concerned about the version EN 81-41:2010 published in the OJEU, then they should submit a formal objection.

CEN indicated that EN 81-41 is subject to revision and will be submitted soon to formal vote. Any comments to the proposed revised version should be made as quickly as possible.

The Commission underlined, in response to ETUI, that a formal objection on the version of the standard published in the OJEU would allow the Commission to consider withdrawing the standards from the OJEU.

4. Information on market surveillance / Machinery Administrative Co-operation activities

BELGIUM, as the current chair of the Machinery AdCo Group, informed that no meeting took place since the last meeting of the Machinery Working Group. The Chair highlighted the new NOMAD Noise Guide for users. The proposal for the next meeting is 5 and 6 February. Belgium will chair for the last time the next meeting, and therefore there is a need for a new Machinery AdCo Chair to take over.

5. Report from the Coordination of Notified Bodies

The Chair of the European Coordination of Notified Bodies for Machinery reported on the discussions of the last meeting of the Horizontal Committee held in June.

5.1 Recommendations for Use (RfUs) (Doc. WG-2018.36)

The Commission summarised the results of the written procedure where seven RfUs were endorsed, and 14 RfUs still need to be discussed or revised. The Commission further suggested that the RfUs for which no resolution is possible will be removed from the disputed list.

EGMF reminded about their request to remove the RfU on chainsaws, given that the relevant ISO standard is under revision and the RfU adds new requirements.
5.2(6.33) Interpretation of the Machinery Directive by Notified Bodies regarding “completely enclosed” carriers & the use of light curtains under the MD

The Commission summarised the situation in light of past years' discussions and described the legal status for the utilization of alternative technologies instead of hold-to-run control devices in carriers which are not completely enclosed. More specifically, a light barrier curtain can not be used in a lifting platform without a completely enclosed carrier, as defined by the guide (e.g. with full-length walls, fitted floors and ceilings included -with the exception of ventilation apertures- and full-length doors).

The work pursued by the NB VG 9 is very useful in light of the revision of the Machinery Directive, especially for the analysis which will be carried out by the impact assessment study.

EPSA expressed dissatisfaction with the delay on this issue.

ETUI mentioned that the conditions for a fully enclosed carrier were agreed during the negotiations for the 2006 version of the Directive as these conditions were acceptable as the state of the art for these products. In view of the revision and given the technological progress, precaution is needed for not inhibiting solutions which are state of the art.

The Commission recalled the relevant provisions of the Directive, EHSR 6.2 and 6.4.1 which should be read in tandem. In response to France's and EPSA's questions, the latter referring to the big number of products certified by the NBs and working safely all over Europe, the Commission informed that the situation of lifting platforms and slow speed lifts not aligned to the requirements of the Directive is a matter for market surveillance.

6. Follow-up of questions from the last meeting (Annex (6.1 to 6.18)


The Commission informed that the formal objection submitted by Germany is supported by the majority of the member states who contributed with written comments, namely Denmark, the Netherlands, the United Kingdom and France, while Italy is against. Next step is to present to the Standardisation Committee the proposal for a Commission Decision for publication of EN ISO 19085-3:2017 with a warning in the OJEU.

CEN-CENELEC asked for urgent action on the Decision so that the standard is not kept on hold for too long.

6.2(6.15) MD/LVD borderline WG-2018.42

CEN/CENELEC: prepared two excel files summarising the issues. In the near future the Technical Committees will concentrate on the alignment of Annex ZA (ZZ in CENELEC) with the granular template.

6.3(6.18) Powered doors, gates and shutters (Docs. WG-2018.34; WG-2018.34-1)
The Commission informed about the positive outcome of the trilateral meeting between CEN, UK and Commission services. CEN will address the outstanding issues brought forward by the UK in the revision of EN 12453 which is expected to be adopted in 2019. Following its adoption, the standard will be considered for publication in the OJEU. In reply to CEN, the Commission confirmed that the 2017 version proposed for publication by CEN will not be published, given that the outstanding issues indicated by the formal objection are not adequately addressed.

CEN thanks the Commission and the UK for organising the meeting. CEN asks the Commission to proceed with the publication of the 2017 version of the standard, given that it was positively assessed by the consultant and voted via qualified majority voting. CEN takes the view that the changes agreed to be addressed during the meeting do not add to the requirements, and consider the current text as adequate.

In reply to CEN, the Commission upheld the decision to not publish the 2017 version of the standard, on the basis of the Commission Implementing Decision of 2015. In light of the formal objection, improvements are necessary, especially with reference to vulnerable persons. The standard needs to be more explicit on these aspects and in consequence, lacking such improvements, it can not be published to give presumption of conformity.

The UK welcomed the outcomes of the recent meeting and the significant improvements in the 2018 revisions of EN 12453. The UK echoes Commission's decision of not publishing the 2017 version of the standard and supported in principle the publication of the 2019 revision, given that the current work on the revision and recently agreed changes move in the right direction. The UK will introduce their concerns with EN 60335-2-103 separately, seeking clarification from CEN/CENELEC.

6.4(6.32) Collaborative robots

DENMARK informed about ongoing work at the international level on three new work items related to risk assessment of collaborative robot applications, submitted by the Danish Standard Organisation to ISO TC 299 Robotics.

CEN informed, referring to the reporting at point 3.7, of a new study project for risk assessment in case of autonomous reconfiguration of machinery carried out in ISO TC 199.

FRANCE informed that currently there are no solutions for addressing sensitive parts of the body.

The Commission explained that the point will be kept on the Agenda for a follow-up.


NETHERLANDS-TNO presented their most recent study on the EHSR for machines with machine learning, whose conclusions indicate the necessity for supplementary EHSR in the Machinery Directive to address the challenges posed by machine learning.

EGMF shared a word of caution for any potential changes in EHSR that might have a negative impact on existing machinery.
FRANCE presented an initial reflection about the Machinery Directive and its suitability to artificial intelligence and informed that they have started to elaborate this subject in a study which is currently carried out.

Orgalime is collecting information from industry for presenting a position paper on emerging issues from the angle of the Machinery Directive.

The Commission gave a heads up on the possible need for a definition of AI in the context of the Machinery Directive, which was echoed by ETUI and ORGALIME with the caveat that AI can not function in isolation.

ETUI-KAN shared a presentation about the relevance of cybersecurity for the functional safety of machinery.

The Commission thanked for the presentations and reiterated that there will be an analysis carried out on potential new risks brought about by emerging digital technologies in the context of the revision of the Machinery Directive. The Commission noted ORGALIME's and the NETHERLAND's views on the need for cross-cutting measures on cybersecurity rather than a sectoral approach.

6.6(6.19) Question on trailers

The Commission summarized the written comments received from the members of the Machinery Working Group on the paper presented by the HC-NB, which indicates that Option B is the preferred one. However, further improvements are suggested, and therefore the HC-NB were asked to redraft the paper in light of the comments received and present it at the next meeting of the Machinery Working Group for endorsement and integration in the Guide.

SPAIN and FRANCE asked to ensure consistency in the Guide for agricultural trailers.

6.7(6.20) Laser products considered to be machinery covered by the Machinery Directive (Doc. WG-2017.04; WG-2018.28; WG-2018.28-1)

The Commission thanked the members who contributed with comments on the paper submitted by Germany. In light of those comments, Germany should improve the document and present it at the next meeting for endorsement. If necessary, bilateral discussions should be organised.

6.8(6.25) Marking of Machinery also covered by other Directives (Doc. WG-2016.07; WG-2016.07-1)

The Commission recapitulated the questions brought forward by Denmark and indicated that the Blue Guide applies to the broad EU framework, including the Machinery Directive, even though this is not yet aligned to the new legislative framework. In that respect, the Declaration of Conformity should define a single point of contact in the EU for the technical file. Concerning the question of re-using the certificates issued by the NBs, this is a matter of the contractual relationship between parties. More detailed clarifications on this matter will be shared by the Commission services responsible with horizontal market surveillance issues.

The Commission thanked the member of the Editorial Group for their work in assisting the Commission to keep the Guide updated and informed that given the next revision of the Directive to which priority is given in terms of resources and time allocation, the activity of the Editorial Group will be discontinued. The Guide will, however, continue to be a living document, updated when resolutions are reached in the Machinery Working Group on issues about the application of the Directive. A last meeting of the Editorial Group will take place the day after to conclude some comments to be proposed for updating the Guide anew. These comments, as agreed by the Editorial Group, will be brought forward to the next Machinery Working Group for endorsement.

6.9(6.30) Logic units for safety functions (Doc. WG-2016.11-8, WG-2018.04-1; WG-2018.04-1)

The UNITED KINGDOM, presented the new text for integration in the Guide, taking account of all comments and formal decisions reached at the last meeting.

HC-NB have raised a specific concern with the document. The United Kingdom shared their disappointment having regard to the extensive consultations in the past years and the final decision taken at the last meeting of the Machinery Working Group.

VDMA suggested redrafting the paper in a technologically neutral manner.

The Commission informed that the topic is pinned on the Agenda of the Editorial Group and the text for the Guide will be proposed at the next Machinery Working Group meeting.

6.10(6.28) Mode selection using software based human-machine interfaces (WG-2018.05rev1; WG-2018.05-1)

The Commission informed that Sweden, Croatia, and Germany support the United Kingdom's proposal with the prerequisite of taking into account the improvement suggested. The point will also be discussed at the Editorial Group meeting and considered for the next update of the Machinery Guide, subject to endorsement by the Machinery Working Group. It, therefore, can be removed from the Agenda of the next meeting.

6.11 (7.2) Powered furniture and the Machinery Directive (Doc. WG-2018.11; WG-2018.40)

EFIC (European Furniture Industries Confederation) made a presentation on their position paper, raising the need for further legal clarity in the Guide. In their views, the new comments added in Edition 2.1 of the Guide are too general and do not provide the differentiation between 'electrically operated furniture' products and units, depending on their level of risks. EFIC supports the development of standards for electrically operated furniture in support of the Machinery Directive.

The Commission agreed that these clarifications are essential not only for manufactures, market surveillance authorities but also for standardisers. The Commission further informed that this issue is going to be discussed by the Editorial Group to propose further comments to be included in the Guide. This proposal will be submitted to the Machinery Working Group for endorsement and integration in the Guide.
6.12 (7.3) Vehicle scissor lift support arm design (Doc. WG-2018.12)

CEN informed that the revision of EN 1493 is ongoing.

The Commission informed that no comments have been received on the paper introduced by the United Kingdom and that the point will be kept on the Agenda to follow up on the discussions foreseen to take place in AdCo and the HC-NB.

6.14 (7.4) Tele-loader visibility (Docs. WG-2018.06rev3, WG-2018.06-1; WG-2018.06-2)

The Commission informed that there were two additional comments from the United Kingdom and from Sweden, where Sweden is supportive of the proposal presented in the paper.

CEN explained that the technical committee shares the same opinion as communicated in the previous meeting, that the standard EN 15830 for telehandler is not the most appropriate one, and the ISO 5006 for earth-moving machinery would provide a better way to comply with the requirements on visibility for telescopic loaders (different design approach compared to telehandlers).

The Commission recommended both parties to seek clarifications via bilateral meetings between the relevant TC and the representatives of the United Kingdom. The point can be considered closed and if no resolutions are reached though bilateral discussions, the point can be retaken on the Agenda of the Machinery Working Group.

6.15 (7.6) Storage tanks covered by the Machinery Directive (Doc. WG-2018.10; WG-2018.10-1; WG-2018.10-2)

The Commission invited Sweden to revise their paper in light of the comments received from the United Kingdom and Denmark.

The NETHERLANDS pointed to an example of a tunnel having a fan for air conditioning inside. By correlation, the tank can not be considered a machinery.

ETUI explained that in light of the accidents occurred with these type of products, the main risk is being trapped in the tank.

SWEDEN thanked for the comments and informed that they will revise the paper.

6.16 (6.34). The form and the content of instructions (EHSR 1.7.4)

The Commission informed that the revision of the Machinery Directive would consider the possibility to allow manufacturers to supply the documentation required to accompany the products in digital format. In this respect, the impact assessment study will analyze such potential changes. The industry and Member States are invited to reflect on such possible changes.

7. New questions submitted

7.1 Stairlifts and when CE marking is required on re-installation (Doc. WG-2018.35)
The UNITED KINGDOM presented a case related to a re-installed stairlift and sought agreement if the modification of a rail support system during re-insallation is considered a substantial modification.

The NETHERLAND indicated that if the modifications are done within OEM specifications than it should not be considered a substantial modification and in consequence re-CE marking is not required. The suggestion was made by analogy with the Lifts Directive where the guide rails are replaced.

The Commission explained that this is a question with broader implications related to modifications of machinery in use and the criteria for re-CE mark a machinery that is substantially modified. Despite the extensive discussions in the Editorial Group for the Machinery Guide and MACHEX subgroup on this specific topic, no clear answers are yet given. The upcoming meeting of the Editorial group will continue those discussions. The point is kept on the Agenda for a follow-up.

7.2 Cold rooms and the Machinery Directive (Doc. WG-2018.29)

DENMARK made a presentation seeking the views of the Machinery Working Group if cold rooms supplied as complete machinery on the market fall under the scope of the Machinery Directive.

The NETHERLANDS shares the views that, by comparison with the example of storage tanks, cold rooms are not machinery in the sense of the Machinery Directive. Their views were shared by ORGALIME.

In contrast, the UNITED KINGDOM indicates the similarity in terms of risks with a domestic fridge where children could be entrapped. Therefore, if the room with refrigeration is a complete unit as placed on the market, then the Machinery Directive applies. GERMANY shared the views of DENMARK and the UNITED KINGDOM.

The Commission stated that the point would be followed up at the next meeting and the members are invited to send written comments.

7.3 Quick couplers (Doc. WG-2018.31; WG-2018.31-1)

GERMANY presented a series of issues identified on the market with powered quick couplers for earth moving machinery involved in accidents, some of them fatal accidents, and asked for improvements in the new Amendment 6 of EN 474-1.

CECE asked for data on accidents, and if the machinery involved in those accidents were compliant with the relevant standard.

CEN informed that the EN 474 series is at the stage of the formal vote and there is no possibility to add anything at this moment. A new amendment should be opened, after the publication. CEN also pointed out that such comments should have been raised long before so that they would have been taken into account during the revision of the standard. In response to CEN, GERMANY informed that comments had been submitted to CEN on these issues, but they had been deferred. Germany further informed that in Switzerland there is a ban on placing such machinery on the market.

In reaction, ETUI asked if a safeguard action has been submitted as a legal obligation.

GERMANY informed that a formal objection will not be issued at this stage.
Due to the lack of time the Commission informed the members that the discussion would continue at the next meeting and in the meantime, members are invited to submit their comments on the presentation made by Germany.

8. Any other business

None

9. Date of the next meeting

The next meeting is planned to take place on 25 and 26 February 2019, subject to confirmation eight weeks in advance.

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Minutes
Meeting of the Machinery Directive 2006/42/EC Working Group
25-26 February 2019, Albert Borschette Conference Centre, Brussels

1. Approval of the Agenda (Point 1 Agenda)

The Commission welcomed those present and informed that the first day of the meeting would be dedicated to the usual topics, while the second day would be dedicated to the revision of the Machinery Directive.

The Commission explained that an expert group will be created for the Machinery Directive in 2019, to replace the current Machinery Working Group. An open call for application will be launched to create this group. The working sessions of this group will be held in English only.

In response to GERMANY, the Commission clarified that such procedure is needed in order to align the Machinery Working Group to the Commission horizontal rules for expert groups, as it has been done for other working groups under internal market legislation.

The Commission echoed the NETHERLANDS’ request that all working documents for the machinery working group should be sent at least two weeks prior to the meeting.

The Agenda (Doc. WG-2019.01rev4) was approved by general consensus.

2. Approval of the Minutes of the previous meeting (Point 2 of the Agenda)

The draft Minutes of the meeting held on 5th November 2018 (Doc. WG-2018.46rev3) received comments from UK, AUSTRIA and FRANCE.

In particular, AUSTRIA stated their opinion that the provisions of the harmonised standard EN 81-41: 2010, point 5.5.15.2 lit. ii), regarding non continuous activation of the control devices at landings, were in contradiction with section §371 of the Guide to application of the Machinery Directive 2006/42/EC. (See WG-2019.30, WG-2019.30-1 and WG-2019.30-2).

The Commission suggested CEN to take into account AUSTRIA’s comments in the revision of the standard and also mentioned the possibility for the Member States to submit formal objections.

The Commission suggested to include this topic as part of point 6.6 of the agenda.

The NETHERLANDS requested to add in point 6.5 of the minutes, that there is a gap in the essential health and safety requirements for emerging digital technologies, and that the TNO report (WG-2018.30) proposed some solutions.

The Minutes with the above additions will be subject to Machinery Working Group approval at the next meeting before their integration into the “Consolidated minutes of
the machinery working group from 1997 onwards. It was reminded that until the minutes were endorsed, they should not be distributed further by the members of the Machinery Working Group.

3. Information on ongoing activities in the machinery sector

3.1 Commission “Report on the broader implications for, potential gaps in and orientations for, the liability and safety frameworks for Artificial Intelligence, Internet of Things and robotics”

The Commission explained that progress had been made on this report where DG GROW is working together with DG CNECT and DG JUST. As this topic was linked to the revision of the Machinery Directive, it was proposed to discuss it during the second day of the meeting.

3.2. New Regulation on road circulation of mobile machinery (NRMM)

The Commission informed of the new legislative initiative for the harmonisation of safety requirements for the road circulation of non-road mobile machinery. The Commission launched a cost and benefits analysis study to complement the impact assessment. In the frame of this initiative, an open public consultation and a targeted consultation with Member States will be launched via questionnaires on the different policy options. Member States authorities dealing with the implementation of the machinery directive as well as those dealing with type-approval/homologation (typically ministries of transport) will be consulted.

A workshop will be organised in November to inform of the results of the impact assessment and the costs and benefits study and to collect further input on how the regulation should be formed in terms of technical requirements. The date will be communicated through CIRCABC later on.

EGMF on behalf of the Industry Task Force (CECE, CEMA, EGMF, EUUnited Municipal Equipment and FEM) expressed their support to this initiative and their availability for any technical discussions as necessary. The Commission thanked the Industry Task Force for the excellent collaboration so far.

3.3 Revision of the Outdoor Noise Directive 2000/14/EC

The Commission informed that the Staff Working Document on the evaluation of the directive would be published in the upcoming months. As a next step, the Directive might be revised to improve certain aspects such as the scope, noise limits, conformity procedures, test measurement methods, etc. A public consultation on policy options identified for the revision will take place in the second part of 2019, aimed at all stakeholders.

In reply to CEN-CENELEC the Commission confirmed that the Staff Working Document on the evaluation will be published on the commission website.

3.4 Information on standardisation activities

3.4.a. Standardisation Request for machinery/international dimension
The Commission informed that the new standardisation request for Personal Protection Equipment (PPE) is still under discussion. Once adopted, its template will be the blue print for all future standardisation requests, including the one in support of Machinery Directive. As such, the new standardisation request for machinery will define specific deliverables in terms of standards to be revised and new ones to be developed, as well as the timeline for their execution. The Commission services will be in contact with CEN and CENELEC in view of drafting the request.

In reply to CEN-CENELEC the Commission clarified that it is the Standardisation Regulation (EU) 1025/2012 which sets out the legal provisions for standardisation requests.

3.4.b. Publications of standards in the OJEU
The Commission confirmed that a new batch of harmonised standards will be published in the OJEU in March.

The Commission recommended to the members to read the Communication “Harmonised standards: Enhancing transparency and legal certainty for a fully functioning Single Market” (WG-2019.05).

Harmonised standards will be published in the OJEU L-Series (legal section) and not anymore in the C-Series (communication section). In addition, the consultants were now managed by the Commission through an external company and by a new procedure that was put in place in 2018. The Commission proposed to issue two citation of standards per year for machinery, one in spring and one in autumn.

In response to CEN-CENELEC, the Commission confirmed that the new publication will include the dates of withdrawal for replaced standards.

3.4. c. CEN-CENELEC report to the MWG meeting
CEN-CENELEC reported on their activities being carried out for machinery (see WG-2019.27). CEN-CENELEC informed they can deliver standards quarterly, but the two publications per year announced by the Commission seem sufficient.

With respect to standards for emerging technologies, CEN-CENELEC explained they had started work to address cybersecurity by using EN ISO 12100 Safety of machinery - Basic concepts, general principles for design. However, for machine specific standards the process was more complicated as other countries outside the EU were involved in drafting. The work being done by ISO TC199 on requirements to cover artificial intelligence was at a very early stage at the moment.

The Commission asked for a conclusion on the formal objections submitted by FRANCE and GERMANY in the past which are still open, according to a report issued by the committee of standards:

- Formal objection against EN 13355:2004 Coating plants - Combined booths – Safety requirements, issued by FRANCE. FRANCE was satisfied with the progress made on the standard and would withdraw the formal objection, but the Commission had not received the new standard. FRANCE was asked to confirm.

- Formal objection against EN 13135:2003 Cranes - Safety - Design requirement for equipment, issued by GERMANY, where consensus was reached at the
Machinery Working Group that the formal objection could be withdrawn. GERMANY was asked to confirm if they withdraw the formal objection.

3.4.d. Info on stage development process of standards
CEN-CENELEC reported on their ongoing work (WG-2019.19 and WG-2019.20).

3.4.e. MD/LVD borderline
CENELEC reported on their ongoing work (WG-2019.21).

3.4.f. Info note from CECE

4. Information on market surveillance / Machinery Administrative Co-operation activities
The current chair of the Machinery AdCo Group informed that a Member State representative had volunteered to become the new chair. His and his candidacy, which was accepted by the members, will be announced soon. The new chair would be responsible for organising the next Machinery AdCo Group meeting.

The AdCo chair reported on the discussions of the last meeting held in 5th-6th February (see WG-2019.34).

The Earth Moving Machinery Task Force (EMMTF) is organising a workshop dedicated to quick couplers during the first week in June, open to all Member States (including those which are not permanent members of the EMMTF) and to all stakeholders, in particular health and safety institutes, manufacturers and manufacturer’s associations. In addition, there were concerns about a 36-month transition period for the adoption of the revisions of all parts of EN 474. The EMM TF asked the Commission to reduce this transition period.

The Nomad Task Force presented a new guide on how to “buy or sell silent” to help users and retailers. They will also organise a workshop in June in Madrid to present the work already done and receive feedback.

The Agricultural Machinery Task Force reported, among other topics, discussions on cloth cleaners, self-propelled sprayers (problem with EN ISO 4254-6), firewood processors and splitters and manure spreaders. With regards to EN 1853:2017 on agricultural trailers, a letter would be prepared to alert manufacturers once cited.

The Commission thanked Belgium for the good work as AdCo chair in the past years.

5. Report from the Coordination of Notified Bodies
In the absence of the president of the Horizontal Commission of Notified Bodies (NB) for Machinery, the Technical Secretariat reported on the last meeting held on 29 and 30 November 2018.

In the last period there had been 28 new members added to the NB network (individual members, not specifically new notified bodies).
The NB secretariat was asked by the NB to set up a new document platform where horizontal RfUs could be shared among members. A first version had been created and was being tested, and would be ready to be filled in by the end of March. The platform would provide advantages, such as updates on new RfUs and RfU changes available every 3 months, and a more clear and interactive picture of NB group views. The address to this new platform would be distributed once ready.

The Commission informed about a list of vertical RfUs published in November 2018. An update had been circulated with 14 horizontal and vertical RfUs still pending (WG-2018.36 rev.1).

The UK reminded that the Member States had done many comments on these pending RfUs, and it was now the turn of the HC-NBs to take action, either by improving or by abandoning the RfUs. The Commission requested the chair of HC-NB to come back with comments on all pending RfUs after their June meeting, which would then be circulated by the Commission.

In response to EGMF, the Commission confirmed the RfU on chain saws was considered as endorsed as the only comment received against it came from EGMF, while it was only in the remit of the Committee Members to stop the endorsement of RfUs.

FRANCE asked the status of a RfU related to noise dated 30/5/2018, important for the future work of Nomad task force. The Commission did not find this RfU in the list proposed by the HC-NBs and redirected the question to the chair of the HC-NBs.

6. Follow-up of questions from the last meeting and new questions on standards and on the application of the Machinery Directive (Annex 6.1 to 6.16)


The formal objection submitted by GERMANY was supported by the majority of the Member States. The draft of this Commission Decision was presented (WG-2019.06-2).

GERMANY agreed with the draft and there were no comments from the other members.

6.2 (6.3) Powered doors, gates and shutters (Docs. WG-2018.34, WG-2019.16)

CEN/CENELEC recalled the EN 12453 was proposed for citation in the OJEU in October 2017. UK wanted to have further improvements and had made recommendations which were incorporated in the on-going revision by CEN TC 33. CEN made reference to their paper (doc. WG-2019.16) explaining how every recommendation had been dealt with in the last version of the standard. CEN agreed, if necessary, to have the EN 12453 cited with a warning, to avoid further citation delays.

UK disagreed with some of the reasoning explained in CEN paper and suggested to focus on improving the new version of the standard as per the UK recommendations before the final vote.

The Commission recalled that two Commission Decisions in support of the formal objections on power gates are still valid and there were still outstanding issues to be solved with EN 12453, as indicated by the UK.
6.3 (7.3) Quick couplers (Docs. WG-2018.31/-1, WG-2019.09, WG-2019.29, WG-2019.29/-1)

The Commission informed about the comments submitted by AdCo Earth Moving Machinery Task Force, SWEDEN, SLOVAKIA, SWITZERLAND, CROATIA, ITALY and UK, where all Member States, with exception of Italy, supports GERMANY’s position on improving the standard EN 474-1 with respect to quick couplers. There was also a safeguard notification issued by SWEDEN on this topic under analysis by the Commission services.

FRANCE stated their concerns about the long transition time (36 months) for the adoption of a revised EN 474 decided by CEN TC 151, which would lead to delays in adopting the necessary improvements for the safety of workers. Therefore they request to shorten this transition period. The Convenor of CEN TC 151 WG1 clarified that the 36-month transition period did not relate to the A6 amendment to EN 474-1 but to the full revision of the EN 474-1 (i.e. all the 12 parts).

FRANCE presented the paper WG-2019.29/-1 and informed about a workshop on quick couplers they were organising in June. The purpose was to observe different quick coupler solutions proposed by different manufacturers in different machine types to gather facts to feed into the standardisation work. An inventory of accidents would be prepared as input. Outcome of this workshop will be reported in the following Machinery Working Group meeting.

NETHERLANDS informed about ongoing investigations on quick couplers and would share the outcome of this investigation in the following AdCo meeting.

CEN TC 151 clarified that there had been several improvements introduced in the past with regards to the safety of quick couplers. CEN TC 151 was awaiting the results of the June workshop in FRANCE to resume work. In the meantime, A6 amendment of EN 474-1 (including the more stringent quick coupler requirements) was planned for final vote in April 2019 and would be published with the normal transition period of 6 months.

The Commission informed that the issue will be followed up at the next meeting.

6.4 Drives for doors, gates, rolling shutters, awning and blinds (Docs. WG-2019.03 and WG-2019.04-1)

UK presented a paper on their concerns regarding potential overlaps and inconsistencies between EN 12453 “Industrial, commercial and garage doors and gates - Safety in use of power operated doors – Requirements” developed by CEN TC 33, and EN 60335-2-103 “Household and similar electrical appliances - Safety - Part 2-103: Particular requirements for drives for gates, doors and windows” and different ways and EN 60335-2-97 “Household and similar electrical appliances - Safety - Part 2-97: Particular requirements for drives for rolling shutters, awnings, blinds and similar equipment”, developed by CENELEC TC 61. Full details of these concerns were described in doc. WG-2019.04-1.

UK had shared their concerns with CEN and CENELEC. CEN TC33 proposed as a potential solution to consider the drives as PCM (partially competed machinery). UK found this option potentially acceptable subject to further checks and awaited also a reply from CENELEC on this matter.

CEN/CENELEC will provide a written reply to the UK paper.

The Commission suggested to keep this point in the agenda, and called for a quick reaction from CEN/CENELEC on the UK paper.
6.5 Sprayer and liquid fertilizer distributors (Docs. WG-2019.10 and WG-2019.10-1rev)

UK presented a paper on risks from overhead power lines with large sprayer boom folding in EN ISO 4254-6:2009 Agricultural Machinery – Safety - Part 6: Sprayer and liquid fertilizer distributors (Doc. WG-2019.10-1rev). In particular, the word “capable” in the sentence “shall be capable of folding and unfolding without exceeding a height of 4 m” allowed machine designs that passed the verification criteria but did not at all times unfold without exceeding the 4 m height, with significant risk of death or serious injury if sprayer boom contacted overhead power lines. Instead, horizontally folding booms should remain below 4 m at all times.

CEN/CENELEC informed that a revision of this standard was on-going but currently on-hold due to negative assessment from the HAS consultant for reasons different from the one mentioned in the UK paper. They suggested to publish the ISO version as a non-harmonised standard, then work on the EN version to include the improvement requested by the UK, to be confirmed by the relevant CEN TC.

FRANCE made reference to the operator’s exposure risk to dangerous substances within the cab, and wanted the standard to improve this aspect. Category 4 cabs need to meet the standard EN15695. HAS Consultant confirmed the category 4 cabs had been the reason for the negative assessment on the current revision of the standard.

CEN/CENELEC said they would check if ISO would agree to put the current revision on hold for further improvements.

The Commission suggested to keep this point in the agenda and follow up at the next meeting.


UK presented a paper on standard “EN 201:2009 Plastics and rubber machines - Injection moulding machines - Safety requirements”, which did not fully reflect the essential requirements of the Machinery Directive (Doc. WG-2019.13-1rev).

CEN informed that the paper was sent to the relevant CEN TC 145 which provided a first reaction (Doc. WG-2019.23). The revision of the standard is at the last stages. However, CEN committed to integrate the requested improvements into the revised version before the formal vote.

The Commission asked CEN for a written reaction on this topic and to Member States to provide written comments by 28th June 2019.


As mentioned in point 2 of this minutes, AUSTRIA stated that the provisions of the harmonised standard EN 81-41: 2010, 5.5.15.2 lit. ii), regarding non continuous activation of the control devices at the landings, were in contradiction to § 371 of the Guide to application of the Machinery Directive 2006/42/EC and Point 6.2 of Annex I of the Machinery Directive 2006/42/EC where it is said that the control devices must be of the hold-to-run type, except for carriers completely enclosed.
The standard was being revised and was close to final vote. CEN informed that TC 10 replied already to this problem (WG-2019.30-2) and would like to know what the outstanding issues are. The Commission asked AUSTRIA to reply back to CEN separately and suggested the point be followed up in the next MWG meeting.

EPSA explained the reason why the standard forbid the use of such buttons at landings. The Machinery Directive stated it is not possible to initiate movement if the carrier is not at a landing position. This made a hold-to-run button very difficult to operate; the user would have to keep it pressed during all movement of the carrier, and in case of button release for any reason (distraction, etc.) the carrier would be stopped mid-way and would become out of order as it would not be able to resume movement from a non-landing position. Therefore the standard included simple touch buttons at landings.

ETUI recalled that the standard was specific for people with impaired mobility, while the platforms mentioned in the Machinery Directive are general platforms.

In reply to the Commission, AUSTRIA confirmed they did not intend to submit a formal objection, but preferred to cooperate with CEN to have an improvement quickly implemented before formal vote of the current amendment, and called also to HAS consultants to provide support. CEN said they would bring the topic back to the relevant TC.

6.7 Harmonization requirement for EN 1459-3 Rough-terrain trucks -Safety requirements and verification -Part 3: Interface between the variable-reach truck and the work platform (Doc. WG-2019.28)

This point had been discussed in the MWG in the past and was closed due to lack of support for harmonisation of standard EN 1459-3. Italy explained this is an important topic as there were fatal accidents and would hope the point can be reopen.

The Commission asked Member States for any additional comments to those already made in the past, by 28th June 2019.

6.8 (6.6) Question on trailers. Follow up – revision of the paper submitted by HC-NB (Docs. WG-2017.18, WG-2017.18-1 and WG-2018.27)

The Commission had collected inputs from Member States on a paper brought forward by the Horizontal Committee of the Notified Bodies on a classification of trailers. The Horizontal Committee of the Notified Bodies was expected to come back with a revised paper taking into account Member States inputs.

The Technical Secretariat of the Notified Bodies reported that the answer received have been sufficient, and the point could be closed.

6.9 (6.7) Laser products considered to be machinery covered by the Machinery Directive. Follow up – revision of the paper submitted by GERMANY (Docs. WG-2018.28 and WG-2017.04rev1)

GERMANY had submitted a revised paper taking into account the comments made by the Member States. This paper could potentially be included in the Guide as an Annex.

NETHERLANDS were against adding a list of laser products to the Guide as it may prevent the manufacturers making the effort of thinking for themselves whether their products fall or not under the Machinery Directive and also because it will be a long list yet never exhaustive.
GERMANY would like to keep the list of examples of laser products as it gained wide consensus in Germany and they find it very useful for manufacturers. However they would be open to drop examples from the list. In response, Netherlands said it was the principle and not the precise examples which were the issue.

The Commission argued that in the same way there was an Annex for safety products in Guide, it would be useful to have a list of laser products, either in the Guide itself or as an annex linked to it. Much work had been done on this laser products list and it would be reasonable to make this list public in one way or another.

GERMANY added that the industry was in need of this kind of clarification, and that the list was not meant to be exhaustive, just a useful list of examples.

UK was in favour to having an indicative list, added to the guide, but detailed explanations could be left out. UK reminded that a safety component is such if it complies with the legal definition in the directive which covers not only the characteristics of the component but also the manner or the intention of the way the component is placed on the market by the manufacturer.

The Commission suggested a bilateral discussion between Germany and the Netherlands to reach an agreement, as it was a best practise to have a common interpretation and improve clarity on how the directive should be applied.

6.10 (6.8) Marking of machinery also covered by other directives. Results of the consultations with COM services dealing with horizontal issues (Docs. WG-2016.07, WG-2016.07-1 and WG-2019.22)

The Commission services issued a reply on the marking of machinery also covered by other directives, topic which emerged from the ATEX Directive working group (Doc. WG-2019.22). On Germany’s request, the full reply is added to the minutes as follows:

“Commission services reply

The ATEX guidance describes a situation where one economic operator A has obtained an EU-type examination certificate under module B, but another economic operator B takes care of the production and has obtained a quality assurance certificate under module D. It is ok that the EU-type certificate under module B is not under the name of the economic operator who takes care of the production; module D however should be under the name of this second economic operator who takes care of production. And it is indeed appropriate that a trace to that certificate is in the module D certificate he has.

Another different situation is where economic operator A has not only obtained the EU type certificate under module B but also carries out the production and has obtained the module D certificate. Then this product can be placed on the market under the name and trademark of a different economic operator who is purely a reseller who is rebranding those products. In this second scenario, we would believe that it is not necessary that the reseller has obtained certificates under its name but can rely on the certificates that the original economic operator A obtained. He however signs the Declaration of Conformity and assumes full responsibility for the product; he should have all the relevant documentation to demonstrate conformity of the product (such as the technical documentation and the certificates delivered by the NB to economic operator A), and be in a position to provide all the necessary information to market surveillance authorities. This is also what we mention in the Blue Guide, in section 5.1.5 where it is indicated that the certificates do not need to be under the name of that person presenting itself as manufacturer, only in the case they don’t play any role in the actual production of the product, and they are purely resellers.”

The Editorial group for the Machinery Guide met to propose further improvements reflected in Doc. WG-2019.02rev1.

AUSTRIA asked about indent §64 Household appliances intended for domestic use, second paragraph, where drives for kitchen equipment seemed to be considered machinery but Austria had always considered them as partially completed machinery.

UK indicated a correlation with the garage doors, where only the door needs to be added during installation. i.e. the manufacturer has the choice of considering the product as complete machinery, and CE mark it, so that the installer does not need to do it, or sell it as partly completed machinery, and then the installer must CE mark the end product. The first being preferable, as installers may be DIY or private people, and the manufacturer had the knowledge of the complex parts of the product. In the second case, the manufacturer should give very clear and detailed instructions to the installer for obtaining the CE mark. Austria did not oppose to the UK proposal.

EFIC (European Furniture Industries Confederation) agreed with UK and would like to have the flexibility of the two options, clarifying in which case they should apply.

GERMANY was very pleased with the document, but have a small editorial corrections to be done to the German version (erroneous references, etc.) and will submit them as soon as possible.

As there were no other comments to the document, the Commission understood the proposal was acceptable for insertion in the Guide but would still welcome any written comments, if essential, by June 28th 2019. If no comments were received by this date, the version 2.2 of the Guide to the Machinery Directive would be published.

6.12 (6.13) Vehicle scissor lift support arm design. Follow up (Doc. WG-2018.12)

The Commission asked whether there were any updates on this topic from CEN/CENELC, the AdCo or the horizontal committee of the NBs. in terms of Recommendations for Use.

UK stated that, because the current standard actually had requirements for testing the strength of the locking mechanism of the support arm, which is the issue raised in the paper, this particular product could not meet the standard. Therefore, being an Annex IV product, because they cannot meet the standard they have to go through the NB assessment procedure. UK doubted whether this particular design was safe enough and whether should have been approved by the NB and explained this to the Vertical Group 8 of the NB in April 2018. This kind of product could be bought by both professional and private users. The UK authorities had tested a product which failed the tests as it could not take the weight, but because the manufacturer had withdrawn the product from the market they could not initiate any safeguard clause.

The secretariat of the NB confirmed that following to the meeting with the UK in April 2018, the Vertical Group 8 of the NB concluded to issue a new Recommendation for Use on this topic, which will be put forward in the next horizontal committee meeting scheduled on April 2nd 2019. They also agreed to collaborate with CEN TC in charge of Vehicle scissor lifts EN 1493 so that the Recommendations for Use relevant for this topic could be implemented into the standard.
The Commission welcomed the several work streams to solve this issue: the revision of the standard and the new Recommendation for Use coming in April. This point was removed from the agenda.


SWEDEN submitted a revised paper on storage tanks covered by the Machinery Directive (WG-2018.10rev1).

SPAIN informed that this case in only one example of the many existing and some criteria should be defined.

UK agreed with Spain on defining the criteria, and provided some indication in this respect.

SWEDEN suggested to judge on a case by case basis. But generally speaking, when a tank comes with safety components, then it should be considered complete machinery and should be included in the risk assessment.

ORGALIM said the criteria should come from the manufacturer risk assessment, on a case by case basis, as customised solutions required flexibility. They were in favour of a flexible solution to the industry.

In light of all comments, the paper with the example brought forward by Sweden was considered endorsed and the point was closed.

6.14 (7.1) Stair lifts and when CE marking is required on re-installation. Discussions and follow up of written comments (Doc. WG-2018.35)

UK had submitted a paper on a re-installed stair lift and sought agreement if the modification of a rail support system during re-installation was to be considered a substantial modification.

NETHERLANDS had expressed the opinion that if modifications are done within OEM specifications than they should not be considered as substantial modifications and therefore re-CE marking would not be required. The suggestion has been made by analogy with the Lifts Directive when the guide rails are replaced.

The Commission stated that this was a question with broader implications related to also other directives.

SWEDEN was not sure if a new installation would require a new CE marking.

SPAIN added that for this kind of lifting machinery there was a specific requirement 4.1.3. to deal with the use. As a new installation might mean a different use, in this case it would make more sense to consider the new installation as a new machinery. In Spain there had been many issues with this kind of machinery as installers would not take full responsibility of the installation and servicing of the lifting platforms because the declaration of conformity only covered the design and manufacturing of the stair lifts, but not the installation and servicing, which are essential to safety.

UK clarified there were two questions in the paper. In cases where the replacement of the guide rail support system had been foreseen by the manufacturer in the technical file, then when reinstalled, they still were within the approved technical parameters. The problem aroused when the stair lifts were reinstalled by someone other than the OEM, and they were not buying the parts from the OEM, so the parts could not be in the original technical file. UK view was that when the OEM is reinstalling the stair lift, a
new CE marking is not necessary, while when a third party is reinstalling the stair lift and not following the OEM technical file and using OEM parts, then a new CE marking must be obtained by the third party.

ETUI suggested to consider for the revision of the machinery directive Spain’s comments on the certificate of conformity not covering the installation when the installation affected the safety of the stair lift (as it happens with lifts for which the CE marking is obtained upon installation in a building). They gave an example of a stair lift that was installed bolted to a wall where the bolts failed, and the bolts had not been considered in the risk assessment even if they could have a big impact on safety.

POLAND supported the paper prepared by UK and suggested to reword “CE marking” as “new CE marking”, which would reflect the situation in a clearer way.

AUSTRIA said in their experience this kind of lifts are designed for a certain type of building, and when they are reinstalled the whole set up needs to change as no two buildings are alike. So in case of a new manufacturer, a new CE marking is necessary, with new technical documentation.

EFIC added that not all stair lifts were the same. There are simple ones very easy to reinstall. The problem could come with very long stairs where rails needed to be rearranged, then only the manufacturer would be able to provide the modified rail. However no manufacturers were interested in foreseeing the reinstallation of a used stair lift, they would rather sell a new stair lift.

The Commission clarified that the manufacturer would prescribe the intended use and foreseeable misuse of the stair lift. As regards the precise questions and the UK position (changing the guide rail system during the reinstallation of the stair lift, if the reinstallation was done by someone other than the OEM with no OEM parts, should be considered a substantial modification and therefore required a new CE marking), the Commission requested written comments by June 28th 2019.

6.15 (7.2) Cold rooms and the Machinery Directive (Doc. WG-2019.08)

Denmark had submitted a paper on cold rooms falling under the Machinery Directive which was circulated and comments were received. SWEDEN, SLOVAK REPUBLIC and ITALY were in agreement that cold rooms placed on the market as single units are within the scope of the Machinery Directive, while CROATIA disagreed. The point was closed.

6.16 (7.2) Machinery installed and used on ships (Doc. WG-2019.26)

FRANCE submitted a paper on machinery installed and used on ships (doc. WG-2019.26), related to the exclusion 1.2 (f) of the Machinery Directive which excludes from the scope “seagoing vessels and mobile offshore units and machinery installed on board such vessels and/or units”. The machinery under the exclusion could be of many kinds (deck machinery and cranes, engine room and workshop achines, fish processing machines, etc.) and there had been serious accidents in France with some of these machines in the past.

The machinery directive guide (§ 58) specified that seagoing vessels were covered by the conventions of the International Maritime Organisation (IMO). At an international and European level (IMO, EU) the regulation specific to the maritime sector set no safety targets with regard to the design of machinery, there were virtually no requirements concerning the safety of machinery. Moreover, this regulation targeted only certain ships
and ignored small fishing vessels. A large number of machines were not covered, there was a legal void in the event of accidents and there is no European harmonisation.

Therefore, FRANCE proposed that the revision of the Directive should consider minimum requirements to apply to machinery installed on ships. Two options were possible:

- Specify the exclusion of point 2(f), stating that this applies to machinery “intended for the safety of life at sea”, or
- Improve the content of Directive 93/103/EC of 23 November 1993 by incorporating occupational safety issues, in particular the safety of machinery (application of Annex I of the MD), and broaden its scope to vessels less than 12 metres in length for the application of these requirements.

The Commission asked for written comments by June 28th 2019.

CEN/CENELEC made a link with a question raised by TC 12 (oil and gas) to the AdCo group on what defined a mobile offshore unit as ‘mobile’ and therefore excluded from the machinery directive. The Commission suggested to add this question to the questions from France for feedback by June 28th 2019.

6.17 (3.1) Impact assessment study for the revision of the Machinery Directive

The contractor for the impact assessment study for the revision of the Machinery Directive, Ecorys/VVA, presented their work plan (doc. WG-2019.35). An open public consultation to all stakeholders was foreseen in 2019. Costs and benefits to manufacturers and consumers would be assessed. The consultation strategy included questionnaires to get the high level information, targeted online surveys to enter into more details and interviews to gather the most detailed inputs.

The Commission added that after the consultation activities, a summary of the results will be published in the machinery sector website (as it had been done for the evaluation of the machinery directive), and this before the next machinery working group.

At SWEDEN’s request, the contractor explained that the selection of Member States economical operators was done based on Eurostat data and applying several criteria. The Commission reminded that all authorities would be equally consulted, but a limited number of Member States was selected related only to the economic operators. If SWEDEN provided any relevant data, the selection of Member States could be revised.


EHSRIn reply to IndustryALL, the Commission explained that the Inception Impact Assessment (IIA) served to officially announce that the Commission was launching a revision of the machinery directive and to introduce the various policy options. The contractor should prepare an Impact Assessment (IA) by February 2020, after which the Commission should start drafting its own Impact Assessment Report.

NETHERLANDS stated the Lift directive had also shortcomings and whether it was being considered a merge with the machinery directive. The Commission replied the borderline issues with other pieces of legislation, including the lifts directive, were considered for the revision, but not a merge of both directives.

GERMANY recommended an early involvement of all Member States from the beginning of the revision process so that the Commission proposal is sound and robust.
CEN/CENELEC stated type A standards prescribed the philosophy of what is required which is still valid for emerging technologies as they are technology neutral.

6.18 (6.5) New emerging technologies: Artificial intelligence and cybersecurity

The Commission informed about the state of play of the work towards possible adoption of a “Report on broader implications, potential gaps and orientations for the liability and safety frameworks for AI, IoT and robotics” (doc. WG-2019.24. In this context, the Machinery Directive is referred to as the main safety framework for artificial intelligence robots.

In particular, the Commission asked for views on the areas identified as challenges brought by AI to the safety framework (slide 5: complexity of value chains, changing nature of the product, cyber threats affecting product safety).

ORGALIM welcomed the information provided, and found necessary to make a clear distinction between the civil liability of those involved in the value chain and the product liability of the manufacturer. Software should be covered by the civil liability as well. With regards to cybersecurity, products should prevent cyberattacks but also be resilient against them; resilience requirements should be included in a transversal legislation for IoT products.

IndustryALL said that the particularity of AI was the unexplainability, while the other aspects listed under the “changing nature of the products” (black boxes, faulty data, standalone software uploaded after the product is placed on the market, etc.) were common to any embedded software.

UK made the difference between software changes which were deliberate, where the current legal framework could be sufficient, and cases when software changes were generated by the machine itself, and the way the conformity assessment should be performed was not clear. In the case of a general purpose machine to which a machine learning software was applied by the user or by a 3rd party, which lead to the machine performing a non-intended use as a result of this machine learning, it was unclear who would be liable for it, whether the original manufacturer, the user or the 3rd party.

ETUI stated that the definitions and the risks linked to emerging technologies should be made clearer. Machinery was still far from the robots performing human-like actions, there were mainly industrial robots. For instance a CNC machine with machine learning that changed the way it performed a job, might affect the product, but as it was guarded by conventional guards, would not affect worker safety. The definition of “robot” should be clearer. Some artificial intelligence was used wrongly, sometimes for marketing reasons, in areas where programs were predictable, and the manufacturer was in full control of it. When AI allows a machine to change its software, then a means protecting the worker should be foreseen (stop controls, etc.).

ANEC agreed in that the Commission Communication had a wider scope covering all digital technologies, and reminded that normal software and self-learning did not exclude each other. The definition of “product” should include the data, the software and the overall system. The concept of “placing on the market” should evolve, to take into account software updates and machine learning and the fact that the product could change over time. The market surveillance authorities should be able to check the codes, the systems (and not only the products) and, for that, they should develop new skills. Also the concept and content of standards had to evolve; they could become machine readable. And conformity assessments could include not only the checks of the physical product but also the checks of algorithms and possibly become a continuous assessment.
AUSTRIA stated that Member States had limited resources and could not bear the cost of having software experts to track the constant changes of software and software updates. The Directive should be able to point the authorities to what had been updated, to facilitate their work and allow quick decisions, by somehow requesting documentation on software updates that could be checked by the authorities. The Commission added the point made by AUSTRIA confirmed there was a need for improving the legal framework to ensure legal clarity.

FRANCE agreed that AI need to be defined and they were working on proposing a definition based on specific examples from the market. With regards to safety, it should be distinguished between AI performing a function and AI performing a safety function and the concept of safety component in the Machinery Directive should be revised.

The Commission encouraged to keep an open dialogue within the working group to share what everybody was doing, and refer as much as possible to concrete examples.

In reply to CECIMO the Commission informed that a public consultation was not foreseen for the report.

ORGALIM would like to share these ideas with their members and come back later.

The Commission asked anyone interested to provide comments within one week.

### 6.19 (6.16) The form and the content of instructions (EHSR 1.7.4)

The UK presented a paper (doc. WG-2017.28-1) which raises two questions:

- Should EHSR 1.7.4 be modified to explicitly mention that digital formats for documentation are allowed?
- Should this modification be done in the legal text, or in the guide, or in both?

ORGALIM stated the EHSR 1.7.4 should not be modified as the machinery directive should remain technology neutral. EGMF added that the EHSR 1.7.4 should not be modified given that this would imply updating all related standards.

ANEC stated that the instruction for use is a delicate matter and it should be taken into account the risk of “safety by design” being replaced by “safety by warning”, particularly with high technological products which were complex and tend to have very long instructions manuals, not read by the users. Hence, a right balance needed to be found between what should be covered by the design of the product and what should be written as instructions for users. ANEC also drew the attention to the costs related to the UK proposal (as not everybody had internet access) and to the fact that often online instructions had less content than paper versions. In addition, when products display the instructions on a screen, if the user runs out of batteries the instructions could not be seen.

EGMF presented a paper (doc. WG-2019.25) on the proposal of providing the user with a “Quick Start Guide” (an additional document providing essential information for the initial start-up of a machine) and the full digital instructions on line. Paper format could still be supplied to the user (free of charge) if requested. Pictograms or animations could be used when possible and useful. Both the legal text and the guide should be updated. To the question on how to make sure the user can access old instructions when necessary, EGMF replied that the manufacturer should immediately upload the full version of the instructions and keep it safe. The same would happen with the Declarations of Conformity.

NETHERLANDS highlighted the importance for market surveillance authorities to have a mechanism to check they were using the right version of the document.
EGMF suggested manuals could be linked to product models, serial numbers, ranges, etc. ORGALIM added that as instructions are part of the technical file, manufacturers were already obliged to specify to what kind of product they correspond; traceability was already covered by the directive, independently of the format of the instructions.

EFTA added that the digital format was very powerful (uploading many pages of instruction in one click) while the end user could still have a paper copy if requested.

UK suggested to invite all business associations to propose their ideas or few notably good examples of the best innovative practises already in use.

The Commission asked for feedback to the UK and EGMF proposals by September 27th. The Commission will consolidate and share the inputs in the next MWG meeting.

6.20 Revision of the Machinery Directive - CECIMO’s views

6.21 Revision of the Machinery Directive - ETUI’s views
ETUI presented a position paper on the revision of the Directive as reflected in doc. WG-2019.32.

6.22 Revision of the Machinery Directive - ORGALIM’s views

6.23 Revision of the Machinery Directive – ANEC’s views

6.24 Revision of the Machinery Directive – EUROCORD’s proposal

Date of the next meeting
The next meeting is planned to take place on December 2nd and 3rd 2019, subject to confirmation.
# Points and questions to be followed up at the next meeting:

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<tr>
<th>Agenda item no.</th>
<th>Subject</th>
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<tr>
<td>6.4</td>
<td>Drives for doors, gates, rolling shutters, awning and blinds</td>
<td>28.06.19</td>
<td>All to send written comments on Doc. WG-2019.03&amp;04-1.</td>
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<td>6.5</td>
<td>Sprayer and liquid fertilizer distributors</td>
<td>27.09.19</td>
<td>CEN to check if standard 4254-6:2009, under revision by ISO, can be amended to address UK concerns. See Docs. WG-2019.10,WG-2019.10-1rev.</td>
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<td>6.6</td>
<td>Horizontal Injection Moulding Machines</td>
<td>28.06.19</td>
<td>All to send written comments on Docs.WG-2019.13, WG-2019.13-1rev, WG-2019.23.</td>
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<td>6.7</td>
<td>Interface Work Platform - Tele handler</td>
<td>28.06.19</td>
<td>All to send written comments on the issue raised by Italy in Doc. WG-2019.28.</td>
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<td>6.9</td>
<td>Laser products considered to be machinery covered by the Machinery Directive</td>
<td>28.06.19</td>
<td>NETHERLANDS and GERMANY to find the best approach about a potential list of indicative examples to be included in the version 2.2 of the Machinery Guide. See Doc. WG-2017.04rev1.</td>
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<td>6.14</td>
<td>Stair lifts and when CE marking is required on re-installation</td>
<td>28.06.19</td>
<td>All to send any written comments on the question raised by UK in Doc. WG-2018.35, i.e. if changing the rail system of a stair lift during re-installation requires CE marking.</td>
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<td>6.16</td>
<td>Machinery installed and used on ships</td>
<td>28.06.19</td>
<td>All to send written comments on the question raised by FRANCE in Doc. WG-2019.26. All to send written comments on the question raised by CEN: what are the criteria to define an offshore unit as mobile, see Art 1.2(f).</td>
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<td>6.19 6.25</td>
<td>The form and the content of instructions (EHSR 1.7.4) and Revision of the Machinery Directive – EGMF’s views</td>
<td>27.09.19</td>
<td>All to send written comments on the paper presented by UK and EGMF in Docs. WG-2019.28-1 and WG-2019.25. Business associations to share industry best practises on the form and the content of instructions.</td>
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forthcoming