

February 2011

Dear Machinery Stakeholder,

Machinery Directive Stakeholder Report – February 2011

First of all, news of some changes in the recently renamed Product Regulations team here at BIS. As many of you will already know, Mike Dodds has now moved on to another post in BIS to look after policy on the Low Carbon economy. I am sure you will join me in wishing him well for the future. I have now taken on Mike's responsibilities for the Machinery Directive and Graham Payne continues to work alongside me. For those of you who don't know me through my other work on Pressure Equipment and ATEX, I have been a member of the Technical Regulations team for over two years and before that, I have worked on a number of other EU Directives over the past 15 or so years, mainly on product safety and environmental issues. I look forward to working with you on the Machinery Directive.

This stakeholder report includes a rather long note of the Machinery Working Group (MWG) meeting on 21-22 December at Annex A, but I have summarised some of the headlines below.

- The latest standards references were published in OJEU C 284 of 20.10.2010;
- Formal objection against EN 12635 – Powered gates: the UK presented its paper. There was general agreement that the current Standards are over complicated. The Commission asked: all MS to consider the documents in detail so a formal decision can be made at the next meeting; and for CEN/Cenelec to consider the UK papers and how they can address the issues raised. The Commission confirmed that the MD can apply alongside the Construction Products Directive (CPD), however the CPD does not deal very well with the risk so both Directives should be applied.
- Tail lifts: France pointed out that EN 1756-1 is being revised but only lifts above 2m are being dealt with, despite risks at lower heights. Solutions need to be given for these lower situations. The UK reported that work is underway in the Standards fora to develop types of guardrails together with slip resistance flooring, but welcomed pressure from France to ensure the work does not stall. CEN to report back on progress at the next meeting.
- Loader cranes - interlocks for stabilisers: Denmark presented a paper that showed that some new loader cranes are fitted with stabiliser interlocks, but some have none. Denmark sought to agree that all such loader cranes should have interlocks fitted and newly supplied cranes should be retrofitted. This was agreed.
- Stave splitters: it was agreed that unguarded machines do not meet the MD requirements and there was some support for the removal of EN 601 and the

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development of a standard that covers the risks better. It was not possible to reach a conclusion at the meeting.

- Earthmoving machinery as lifting equipment: the UK presented its paper for discussion and invited members to consider it for continued discussion at future meetings.
- Grey imports: Norway presented the problem of grey imports and how they can be brought into compliance. The UK's view was that it is possible to bring an import into compliance, but in practice unless the original manufacturer cooperates it makes it un-economic, in most cases, to produce the information for the technical file.
- CECE gave a presentation on the guides produced on wheel loaders; excavators and compact excavators and asked for firm action. The paper presented by CECE will go on the Circa web site. The Commission reported that there will be a conference on market surveillance will be held towards the end of 2011, although it will have a scope wider than the MD.
- Update on access to wind turbines: the UK introduced its paper for information and asked if there had been any action by the Notified Body VG9 on a Recommendation for Use, this was not known at the meeting. The Commission pointed out that TC 88 does not seem to understand that they can cover lifts in their Wind Turbine Standard by reference to an EN 81 type lift standards. The Commission agreed to write to CENELEC and CEN TCs to get them to work in cooperation.
- Transport system for excavators: the UK presented a summary. The Commission view was that it is either machinery or interchangeable equipment but in either case, it is under the Machinery Directive and requires CE marking.
- Status of industrial vibrators: the UK presented its paper - it was agreed the items are not excluded by virtue of the MD electric motor specific exclusion and that most such vibrators will be machinery in their own right.
- Dangerous cutting attachments for brush cutters: discussed in the Standing Committee meeting. There were no objections to the Commission Decision and it is going through the Council/Parliament process.

If you have any comments or questions, please do not hesitate to get in touch.

Best wishes,

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and ATEX
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Informal Note of Machinery Directive Working Group meeting of 21-22 December 2010.

Ian Fraser of the Commission chaired the meeting. Phil Papard of the Health and Safety Executive represented the UK.

Reports on Standardisation

CEN reported that nearly all the standards for the new Directive are complete, i.e. some 95% and CEN/CENELEC will now start to revert to the normal 5yr cycle – under the MD there are some 691, of which 561 are the responsibility of CEN.

The Commission asked about the publication of Standards including the missing ones on cranes, this was hoped to be resolved in the near future.

The Commission introduced a paper on standards for electrical appliances LVD/MD with a list of standards from TC 33 and TC61 concerning gates and powered doors. They have been in discussion regarding the scope of the relevant Standards – more discussion will take place at the next meeting. Denmark and the UK remarked that there was still some confusion on the boundary such as water pumps for garden ponds or electronic components where the only moving part is a small fan with no significant risk. The Commission agreed that some standards listed as under the LVD should be under the MD, this will now be corrected and the Commission will look into this. In the meantime, a pragmatic approach would be necessary.

Formal objection against EN 12635 – Powered gates

UK gave a review of the issue with gates. The Commission reported that discussions with the CEN consultant who is working with TC 33 and TC61, seemed to show they are not fully aware of all the risks involved or the environment of gate usage. France agreed that the complicated situation between the MD, LVD and CPD is not good and they had thought it was being sorted, but clearly from the UK position this is not the case. Belgium asked why there had been no Rapex and asked if different manufactures were involved. The UK explained (again) that they were “one-off “designs of different manufactures. It had been agreed previously that CEN and CENELEC should work on this. However, 3years down the line little progress seems to be made, they are only talking about the consistency and relations of the Standards and not the technical aspects. All MS were asked to consider the documents in detail and be prepared to discuss and reach a decision on the UK paper at the next meeting. The Commission also asked CEN/CENELEC to take full note of the UK papers and to look to address them. The Commission confirmed that both CPD and MD could apply to a product, however the CPD does not deal very well with risk, so it is important that both Directives are applied.

Variable reach trucks – EN 1459 - unintended movement

Italy reported on problems with some self-propelled trucks where the machine can move if the hand-brake is not applied fully. Italy wants a seat switch that only allows movement

when activated. This is a new approach and Italy worked with the Standards WG to develop a UAP to cover this. This was done and at the last meeting in February 2010 a solution was agreed and the document went to the CEN consultant for approval as a prEN. However, the CEN Consultant believed that EN 1459 is too old to be amended and wanted the view of the Commission on if this UAP was acceptable. Italy asked the meeting to agree that the document be agreed so the UAP procedure can be started. The Commission agreed that the key thing is to move the matter on, i.e. to a UAP.

Report from the coordination of Notified Bodies

There had been two meetings since the last WG. A number of matters were discussed. Member States were asked to check NANDO records as some NoBo that are listed in Nando are not on Circa, but more worrying is some listed on Circa but that are not in Nando and some that are not listed at all.

Elections had been held for a new President and Vice President of the Notified Bodies group. The new President is Mr Gruger of BG Meat Processing Industries in Germany, Mr Geegans is the Vice President.

Tail lifts

France pointed out that EN 1756-1 is being revised but only lifts above 2m are being dealt with, although risks still exist at lower heights. Solutions need to be given for these lower situations, France believes these now exist. The UK reported that work is underway in the Standards fora to develop types of guardrails together with slip resistant flooring, but welcomed input from France to ensure the work does not stall and moves on. The Commission said this was a difficult area and a good solution between usability and protection needed to be found. CEN was asked to report back on progress at the next meeting.

Loader cranes - interlocks for stabilisers

Denmark presented a paper that showed that some new loader cranes are fitted with stabiliser interlocks, but some have none. Denmark referred to a number of EHSRs and the Commission Guide to the MD to support the requirement for stabiliser interlocks on all such cranes. It is thought the new Standard that will come into force next year (if all goes well) will require the monitoring of stabilisers and interlocks etc. Denmark reported that retro fitting can be done and this is what Denmark will expect for newer supply. With no objections forthcoming the Commission reported full agreement with Denmark.

Stave splitters

France explained that the machines are designed to split wood to make wine barrels. Although the machines look basic, they are quite sophisticated, however, they do not meet the requirements of the MD as they are poorly guarded. The risk is made worse by the operators working very close, and at speed, to the splitting tool – this had resulted in many accidents. There is now a solution found by one manufacturer. Retrofitting is possible, but the cost doubles the price of the machine. France would like EN601 to be removed from the OJ list so a good standard can be produced that covers risks better. The problem and the removal of the listing in the OJ, was supported by Germany and Italy. Orgalime pointed

out that the economic aspect was a factor, the Commission agreed, but said that an unguarded machine would always be cheaper than one that was fully in compliance. The Commission could see a problem with the standards if there was only one manufacturer. CEN agreed standards were not an option if there was only one manufacturer, and so it may be better to remove the current standard. Cion pointed out EN601 also covered wood splitters for firewood, so it has a general use. It was not possible to reach a solution at this meeting and the Commission asked MS to consult the industry in their country, if any.

Earthmoving machinery as lifting equipment; Material handling arm

UK presented a paper for discussion, followed by Norway explaining the work they are doing as an ADCO project. The Commission welcomed the UK approach and the matter will be discussed at future meetings; MS were invited to consider and add any items to the UK document.

Norway introduced a paper on “attachments” that extended the functionality of equipment, in particular wheel loaders under EN474-3 as these do not have boom lowering devices etc, but are now can be equipped with lifting aids. There is a major safety difference between excavators (EN 474-5) and wheeled loaders and this risk gap is not justified.

France welcomed the two papers and said it was in line with the French safeguard action on EN 474 re check valves on dipper arms. In addition, TC 151 has considered this approach and in general agree that when excavators are used for lifting then the excavator becomes a lifting machine.

The Commission said the discussion is open and there are other papers to consider including: work by CECE and the standard EN 474. In particular the Commission pointed out there is a fundamental difference between excavation and lifting where other people need to be in the area. The Commission then explained that it is not always clear what is the intended use considered by the designer. For example, the basic machine may not be a lifting machine, but an attachment may be added later that gives it this function. If the attachment being added was not foreseen by the original machine manufacturer, then the responsibility for assessment of the whole machine and attachment will rest with the attachment manufacturer.

Q/A Dynamometers

France asked if such Dynamometers were lifting accessories. Some MS considered them to be safety components, but on balance the UK agreed with France. The Commission did not think they fitted the safety component definition as they are not components, but as they must hold the maximum load they can be a lifting accessory, so this is the likely solution. The Commission will draft an answer based on the French paper, with careful wording to ensure the scope is correct.

Q/A Penstock machinery

France described a device used to access inside of the length of a penstock (large water “pipe” used for delivering water to power stations etc) – the pipes can often be vertical. France asked whether the items were Annex IV as items for lifting people, despite there being some complication as the pipe may range from near horizontal to near vertical. With

no objections forthcoming, the Commission said the meeting agreed they were lifting devices under annex IV of 2006/42/EC.

Status of pinspotter upgrade kits

UK presented the paper saying this was a grey area and this is why we brought the matter to the WG. Following a discussion with no conclusion being reached, the Commission decided to take this matter forward to the next meeting.

'Grey' imports

Norway presented the problem of grey imports and how they can be brought into compliance. The UK thought that it was possible to bring an import up to the MD standard, but in practice unless the original manufacturer cooperates it makes it un-economic, in most cases, to produce the information for the technical file.

Belgium was concerned that this matter has been discussed in the past but no action has been taken to deal with the problem. Belgium will set up a project to deal with this matter and involve Customs. Finland reported on problems with mainly earthmoving machinery - action had to be taken as they were non-compliant and were not upgraded correctly if at all. Sweden see new grey equipment rather than second hand items as there can be a major problem getting them insured. The Commission was interested in the Insurance issue.

CECE gave a presentation on the guides produced on wheel loaders; excavators and compact excavators and asked for firm action. The paper will go on the Circa web site. Orgalime pointed out that this question is one of "black" imports; the machine needs to be fully compliant with the entire MD, and suggested the life span of these machines can be 20years so the problem can be there for a long time.

The Commission reported that a conference on market surveillance will be held towards the end of 2011, although it would have a wider scope than the MD.

Update on access to wind turbines

The UK introduced its paper saying it was for information and would not be discussed here, but would be interested in knowing if there has been any action by the NoBo VG9 regarding an RfU. The Commission said that TC 88 did not seem to understand that they can cover lifts in their Wind Turbine Standard by reference to an EN 81 type lift standard. The Commission agreed to write to CENELEC and CEN TCs to get them to work in cooperation.

Guarding of lower landing of construction site hoists

Denmark presented two papers referring to the guarding of the ground level landing and the enclosure of the car saying that it wanted enclosure at the base, and full car enclosure. Some MS supported, others registered a reserve. The UK supported the base enclosure, but were not certain of the need to enclose the entire car where it does not run against any obstructions. The UK will need to discuss with the industry sector. The Commission agreed to discuss this again at the next meeting.

Report on transport system for excavators

The UK presented a paper on how this type of device fitted into the scope of the Directive and explained that the matter of compliance details will be discussed at the ADCO meeting. The Commission view was that it was either machinery or interchangeable equipment but in either case, it was under the Machinery Directive and required CE marking.

Status of industrial vibrators

The UK presented a paper, and following a short discussion it was agreed the items are NOT excluded by virtue of the MD electric motor specific exclusion and that most such vibrators (i.e. ones that simply bolt onto the hopper or feeder and supplied with electric power) will be machinery in their own right.

Guidance documents on ergonomics standards

No time for detailed discussion – Commission asked MS to consider the paper and to send any comments.

Dangerous cutting attachments for brush cutters

This was discussed in the Standing Committee meeting. There were no objections to the Commission Decision and it is going through the Council/Parliament process.

Workshop on standards for equipment used in the offshore oil and gas industry

The Commission explained that this followed the Deepwater Horizon case and dealt with a number of aspects including environment and safety. The main concerns are the limited application of the MD to MOU and the lack of Standards that meet EU requirements that are the main concern. MS are invited to attend the workshop – the invitation will be issued in January. The UK welcomed the workshop and pointed out that mobile seagoing cranes are also excluded from the MD.

Matters arising from the previous meeting

Formal objection against EN 12215 and EN 13355 - Paint booths and combined paint booths: No progress, the Commission agreed this situation is not acceptable and they confirmed they will endeavour to ensure the backlog is addressed in 2011. Work by France, Germany and UK is going on well, with two meetings held and a 3rd planned, after this some results of tests should be available – will follow up at next meeting.

Formal objection against EN ISO 4254-1 - Agricultural machinery - General requirements: New Standard has been published not clear if the objection can be cleared – Commission will look at this.

Formal objection against EN 1459: This Standard is not published in OJ as the Safeguard is still open. CEN reported TC 154 should take this up.

EN 13524 Highway maintenance machines: TC 151 WG 16 on 1 October discussed the issue of test methods etc - more work is needed to get better clarification of scope. A work item has been agreed and a new meeting will take place in early February 2011.

EN 690 Manure spreaders: a new Enquiry will be needed – likely to be issued early in 2011.

Formal objection against EN 474-4 & 5: Commission decision pending.

Formal objection against EN 500-4: Commission decision pending.

Standards for industrial trucks: CEN gave a report which went through a number of concerns of the French and some other delegations. France said that this was good progress, however, it did not cover all the issues they raised about standard EN3691-1. MS are asked to comment to CEN etc.

Attachment of interchangeable work platforms on telehandlers: NoBo forum ~VG 9 is working on an RfU but has not yet gone to the horizontal group. UK reported that work was in hand to devise a standard and confirmed that TC 150 and 98 needed to cooperate on this. To be discussed at next WG meeting.

Lifting function of a vehicle chassis: no progress.

Formal objection to EN 14985: work progressing. MS asked to look at the CEN documents when available.

Electric brakes on small saw benches: View of VG3 is that the risks are negligible with this small type of saw and brakes are not needed.

Formal objection to EN 474-1; Semi-automatic quick hitches: The standards are being resolved, but the CEN decision is still outstanding. CEN explained that CECE has commented. The Commission asked CEN to send this comment in writing so it could be considered in relation to the Q&A on the status of Quick Hitches.

Formal objection to EN ISO 11681-1 – Chain saws for forest service: Progress report from TC 144. MS are asked to look at this report and report any major concerns to the Commission.

Formal objection to EN 12151 – Machinery for preparation of concrete: TC waiting for proposal from French government – due in early 2011.

Formal objection to EN 12649 – Concrete compactors: not discussed.

Personal water propellers: No progress to report – following comments from the UK and France, the Commission asked the UK and/or France to do some research so the matter can be better dealt with at the next meeting.

Self-propelled steps for aircraft: CEN reported on a meeting in early December 2010 and that work is proceeding on prEN12313-1.

EN 81-41 – Lifting platforms: TC10 is working on this and will start a new work item – but now EN81-41 is now approved as a Standard – a big achievement.

Lifts and machines carrying persons serving fixed landings (wind generators): Postponed until rep can get to a meeting.

Standards for powered doors, gates and windows: Postponed until rep can get to a meeting.

Concerns about prEN 4254-12 (Rotary mowers and flail mowers): currently blocked by ISO TC 27. When the ISO DIS documents are published in March it is hoped this matter can be resolved.

Publication of specific parts of EN ISO 4254 (Agricultural machinery): Another case of an EN ISO that does not give full conformity and an EU version was produced; EN 15811 – clarification to be made in the forward to the ISO document.

Home lifts with open travel path: CEN EN 81-41 revision can address this type of lift. No information on RfU - the NoBo rep said they were waiting for the Standard. UK pointed out that an RfU was needed because there was no Standard and the UK will put the matter to the UK NoBo group to draft an RfU for VG 9 as it is needed to cover the gap until the Standard is produced.

Air handling units: no significant progress.

Status of electric bicycles: TC333 reported on EN15194 work. Belgium reported that the industry was not prepared for such products to be CE marked. The Commission pointed that no decision had been taken to put them in the MD, it was a legal issue, as unless

they were listed in “type approval” Directives they were under the MD – i.e. a legal issue. EMC is a separate issue and it is critical it is addressed; the Standard being developed should cover the risk.

Guide to application of the Machinery Directive 2006/42/EC: The Commission reported that all translations of the Guide are now on Circa in a special folder.

Amendment on machinery for pesticide application: The Commission reported that TC 144 had accepted the mandate, but with some reservations about drift of pesticides. The UK asked about the effect on tractor cabs, the Commission thought there is a need for filtering for cabs used for pesticides and this would be in a Standard and would be reflected in the Tractor Directive etc.

Inclined wood chippers: CEN TC 144 will prepare a document on these machines that are outside the Standard.

Emergency stop control devices: to be discussed at the next meeting.

Quick hitch couplers: TC 151 reported that it will revise series EN474 and asked for MS to take part in the work. To be discussed at the next meeting. UK pointed out there were two parts to the question: 1) those quick hitches that were supplied to be fitted to machines equipped to be fitted with one, and so were interchangeable equipment, and 2) those that needed modification of the machine – this latter type is what needs to be considered in some detail. The Commission accepted this and agreed the simple case of a quick hitch for fitting to a machine designed to take one, is interchangeable equipment. The Commission said the WG will discuss the interface and modification aspect at another meeting.

Revision of EN 609-1; Wedge splitters: now a TC 144 work item to cover this issue.

Stair lifts – Annex IV?: CEN did not think they should be Annex IV. UK agreed. The Commission pointed out the fall to come under annex IV need not be vertical. The Commission accepted that the main issue is the “falling” of the carrier i.e. it running away. It was clarified by the Commission that in the case where a carrier can “fall” more than 3m it should be Annex IV. This view of the Decision will be placed in the minutes and discussed at the next meeting so as to reach a decision.