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Dear Stakeholders

**MACHINERY DIRECTIVE 98/37/EC – REPORT TO BRITISH INDUSTRY OF
ARTICLE 6.2 WORKING GROUP HELD ON 12 MAY 2004**

I am pleased to introduce myself as the new Assistant Director, Mechanical Engineering Directives (a post previously occupied by Ken Cooper and, more recently, John Walker). Many of you will know me from my previous role as Team Leader: Pressure Equipment Directives. I look forward to meeting and working with those of you whom I have not had the opportunity to meet.

One of my first duties has been to oversee the work that the Machinery Directive team produces, in particular from the Article 6.2 working group meetings. In an attempt to speed up the production process for this important meeting, I have asked John Moriarty to produce a meeting note in a similar fashion to the ones produced for the Pressure Equipment Working Groups: namely brief reporting of the factual content of the meeting, but allowing you, as our customers effectively, the option of receiving any background texts or meeting documents *as you require*.

This means that the note of the meeting, which you will find attached to this letter, is shorter than it has been in the past. But it is my hope that, since we no longer have to send a large document (containing all the papers for the meeting) to the printers, our note turnaround will be greatly reduced – and you will receive the information you need more quickly than you would have before.

I am confident that the high standard of reports that you have grown used to throughout the existence of the Article 6.2 Working Group can be maintained in this new format. I also believe that the additional

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information we receive through requests for background papers will provide us at the DTI with a much greater knowledge of what topics are of particular concern to British Industry. This in turn will allow us to ensure that our levels of reporting in the future are geared more closely to the levels of interest.

It is also important to stress that this new format is not set in stone. I would very much welcome any thoughts that you have on this, or any other, report that the Engineering Directives team produce. Please feel free to contact me by post, fax, telephone or email using the information provided in this letter.

I look forward to hearing from you, and hope that you have a relaxing and enjoyable summer.

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Yours sincerely,



MIKE DODDS

Assistant Director: Engineering Directives (Machinery, Lifts, PE and SPV Directives)

**REPORT TO BRITISH INDUSTRY OF A MEETING OF THE WORKING
GROUP SET UP UNDER ARTICLE 6.2 OF THE MACHINERY DIRECTIVE
98/37/EC HELD ON 12 MAY IN BRUSSELS**

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Note by the DTI

This was the 31st meeting of the Working Group (WG) set up to consider questions and issues associated with the implementation of the Machinery Directive (MD). All members of the EEA were present and a number of accession countries also attended. Orgalime, TUTB, CEN, CENELEC were also present.

Any of the documents referred to in this note are available, on request, from John Moriarty (email john.moriarty@dti.gsi.gov.uk, tel 0207 215 1437). Please see the documents' list on page 5 for file types and size details before requesting a document.

Item 2: Minutes of the meeting of 23 October 2003 (COM)

Document 2003.29

The minutes of the previous meeting were agreed as accurate after slight amendments.

Item 3: Follow up Questions from the meeting of 23 October 2003 (All)

Item 3e: Safeguard from France on EN12525 Front Loaders

The French authorities were not satisfied by a proposed amendment put forward by CEN. France will probably restate their safeguard action on this standard.

Item 7: Objection to prEN 13683 - Integrally powered shredders/chippers

Germany announced that if the standard was published as proposed they would launch a safeguard procedure against the standard.

Item 16b: Steam boilers

The Commission reported that hot water boilers (HWBs) are *not* steam boilers. HWBs would be category 1 assemblies under the Pressure Equipment Directive (PED), and since they are machinery they are excluded from the PED.

Item 16d: Agricultural spray equipment on the back of tractors

The UK has requested that the standard states clearly that the height of the boom cannot exceed 4m at any time (including during folding/unfolding) unless specific action is taken: the standard (as drafted) states that the boom cannot exceed 4m when in use, but the UK said that during use folding is sometimes required: it is not an operation that is only done away from working area. Following a debate CEN asked that the matter be resolved in the TC WG and the UK agreed that the matter be put back to the TC WG and that they work with it to try and resolve their differences on this point.

Item 4: Co-ordination of Notified Bodies (NB-M)

Document 2004.04

The notified bodies met on 11 December 2003. Over 100 Notified Bodies were represented, along with two Member State officials' and an observer from Poland.

Notified bodies should contact their representatives to this meeting for a detailed report of discussions.

Item 5: CEN/CENELEC Progress Report (CEN/CENELEC)

Document 2004.07

CEN presented a document that detailed their activities since the last meeting. This is available on request.

Item 6: Means of Access to Tower Cranes (BE)

Document 2003.28

The discussion focused on rapid assembly tower cranes that did not provide a method of access for inspection personnel. The UK stated that these types of light quick cranes should be inspected whilst disassembled and if occasionally inspection was needed on an erect machine a MEWP could be used to give access. This view was supported by Austria, Germany, Italy and Spain. The Commission stated they did not see a need for these quick assemble cranes to provide a method for access when installed.

Item 7: Machining Centres, EN12417 & EN 13128 (CEN)

Documents 2003.30 & 2004.27

The documents propose altering mode 3 of the standards instead of allowing a new Mode 4. The alteration is to allow hand control for extended periods without use of the handheld device, but with better protection for the operator with the use of engineering controls, such as light curtains or other sensing devices. The UK and Denmark had attended the CEN meeting in Switzerland and supported the amendments, with Germany, France and Finland all requesting more time to study the documents.

Item 8: Formal Objections to prEN 13000 (Mobile Cranes) (DE)

Document 2004.21

Germany has issued a formal notification on this standard, which the Commission confirmed was not a possible course of action as it was only a prEN. Their objection relates to the ability of drivers of the cranes to adjust safety measures so as to allow the crane to overturn. France supported the German position, adding that the draft standard "does not increase the level of safety at all". Luxembourg also supported the German position (in part). CEN announced that the standard had already received a positive vote and that they could not change it after the vote. The Commission acknowledged this and stated their intention not to publish the standard until the "safeguard issue" had been resolved in CEN.

Item 9: Escalators - Progress in Standardisation (COM)

The Commission introduced a question they had received from the European Parliament regarding accidents involving escalators and moving handrails where some types had an accident history of clothing being drawn into gap next to the inrunning handrail on its return. CEN confirmed that the standard from 1995 had been reviewed and than EN115, which deals with the risks more effectively, should be published by the end of the year.

Item 10: Vibrations & Question on Residual Risk (UK, Pneuop, CENELEC)

Documents 2003.25, 2004.03, 2004.05 & 2004.06

The UK reopened discussions on the possible dangers that vibrating hand tools present in terms of residual risk. As an interim solution, CENELEC have proposed to include a requirement in the latest standard for a warning on residual risk in the instructions, which explains that the stated vibration level may not represent the actual value in use and users should take this into account. The Commission and Member States approved this proposal.

Item 11: Vibrations Emitted by Concrete Breakers (FR)

Documents 2004.08, 2004.09 & 2004.10

France presented a paper, which requested that CEN and CENELEC use the state of the art with respect to these machines when referencing values specified in the harmonised standards. There was limited time to discuss this item and the Commission requested that standards makes take note of this paper but refused to make a formal recommendation.

Next meeting & Carried over items

The next meeting is due to be held in Brussels on 11/12 October 2004. Due to a lack of time, the following items were carried over to this meeting:

- Transitional periods for replaced standards (COM)
- Question on EN1459 variable reach trucks and normative reference to prEN ISO 13564 (UK, DE, CECE)
- Question on lifting accessories concerning scope of Directive (UK)
- Forklift trucks standardisation and training of users (FR) France and the UK agreed to discuss this issue with the UK's experts prior to the next meeting.
- Committee decision on loading control of variable reach trucks (FR)
- Court Cases (TUTB)
- Market surveillance on MEWPS (IPAF, FEM)
- Q/A on whether cover material plant is machinery (NO)

Documents referred to & relevant information

Document Title	Agenda Item(s)	Title	Format	Pages	Size (kB)
2003.29	2, 3	Draft Minutes of Meeting on 23/24 October 2003	.doc	21	255
2004.04	4	State of Play – Recommendations for Use	.doc	1	24
2004.07	5	Status report on CENELEC activities	.pdf	8	1,434
2003.28	6	Tower cranes and fast mounting tower cranes: Application of the points 1.1.2. and 1.6.2. of the annex I of directive 98/37.	.doc	2	27
2003.30	7	Process observation with extended manual intervention for machining centres in Europe	.doc	1	35
2003.30	7	Process observation with extended manual intervention for machining centres in Europe	.ppt	11	1,838
2004.27	7	Proposal for UAP Amendment of CEN Machine Tool Safety Standards: EN 12417 – Machining Centres and EN 13128 – Milling Machines	.doc	2	32
2004.21	8	Accidents due to misuse of the bridging device of mobile cranes	.doc	2	30
2003.25	10	UK campaign to reduce vibration risks and associated ill-health by taking action on the safe design, supply and use of hand operated powered tools	.doc	7	92
2004.03	10	Letter from Pneurop to the Commission: Pneurop is aware of a UK proposal...	.doc	1	38
2004.05	10	Q&A for the UK for Article 6.2 Committee Working Group- Spring 2004	.doc	2	33
2004.06	10	GB submission to ARCO and Machinery Directive Working Group: CENELEC position March 2004	.pdf	5	41
2004.08	11	Vibrations emitted by concrete breakers: Overview of the French authorities' initiative	.doc	5	157
2004.09	11	Notice to manufacturers, importers, distributors, hirers and users of concrete breakers published on 13 January 2004 in Official Journal of the French Republic	.doc	2	84
2004.10	11	Concrete breaker	.doc	2	40