



Department of Trade and Industry

MACHINERY DIRECTIVE STAKEHOLDERS

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Dear Stakeholders

MACHINERY DIRECTIVE 98/37/EC:

- 1.) ARTICLE 6.2 WORKING GROUP HELD ON 11-12 OCTOBER 2004**
- 2.) AMENDMENT OF UK REGULATIONS**
- 3.) BRIEFING MEETING ON PROSPECTIVE AMENDMENT OF THE DIRECTIVE**

We are going through quite a busy period on the 'machinery directive desk' here and there a number of developments that I would like to draw to your attention.

Art. 6.2 Working Group

I am pleased to attach our report of the latest meeting of the Machinery Directive Art. 6.2 Working group that Roger Kemp and Graham Payne from DTI attended along with Phil Papard of HSE. This follows the same format and practice that I introduced to you in my letter of 20 July concerning the May meeting. That is to say you will find a relatively short note without background papers but these papers can be provided on request.

Amendment of the UK implementing Regulations

I would like to take this opportunity to mention some amendments which we are preparing to the Supply of Machinery (Safety) Regulations (SI1992 No. 3073 as amended) that implement the directive in the UK. With any complex set of regulations there will come a need, over the course of time, to make adjustments for developments in certain areas to which the regulations refer. For example, since the 1992 SI a new directive on standardisation, 98/34, has replaced the former one 83/189 and so the old

references need to be changed. Another example concerns the enforcement of the regulations in Northern Ireland where the Health and Safety Executive for Northern Ireland has taken over from the Department of Economic Development.

One aspect of the amending SI which falls into a slightly different bracket from the sort of 'tidying up' exercises described above concerns the sanctions that can be applied where the regulations are breached. You may recall that we issued a consultation document in December 2001 announcing the results of a study that HSE and DTI had undertaken jointly into the penalties available across the New Approach. The study had concluded that in the case of three sets of regulations in particular – namely those implementing the Pressure Equipment, Machinery and ATEX directives – the penalties available did not measure up to the potential gravity of the breaches. In particular the prosecution of offences was restricted to the Magistrates' Court as opposed to either Magistrates' or Crown Court as appropriate and this had a restraining factor on both the type of penalties available – i.e. it precluded custodial sentences irrespective of how serious were the circumstances – and on their scale (fines are presently restricted to so-called 'level 5' on the standard scale). The study therefore recommended that the three sets of regulations should be amended, at the next available opportunity, to allow for more flexible prosecutions and penalties.

The consultation document carries the reference URN 01/1505 and is still available for viewing on the DTI web-site (<http://www.dti.gov.uk/strd/strdpubs.html>), look under 'pressure equipment') or can be requested from me in hard copy. Although the title implies that it is relevant only to the Pressure Equipment Regulations (PER) it ranges beyond these regulations in the course of its discussion of the penalties issue (see pages 3-5, 7-8 and 10-24) and was therefore brought to the attention of the stakeholders for the other directives most immediately affected, including, of course, the Machinery directive. The consultation exercise, which ran from 13 Dec. 2001 to 22 March 2002, did not attract any dissenting comments and so a suitable amendment to the PER was effected to come into force at the end of their transitional period in May 2002. The PER had to be amended by this date anyway because of certain problems with the scope of the original 1999 regulations (these problems were also explored in URN 01/1505 and explain why its title refers to the PER alone).

The imperative for amending the Machinery and the ATEX regulations did not exist in the same way as it did for the PER and so it has been a case of waiting for other amendments to be gathered together and for other priorities to be attended to, such as the negotiations in Brussels I discuss below, before proceeding with a Statutory Instrument. This reflects good regulatory practice in any case by keeping to an absolute minimum the number of new SIs that industry needs to address. That opportunity has now arrived for both sets of regulations and amending SIs for machinery and ATEX will be propagated simultaneously.

Continuation 3

We expect to have completed our work on the amending SIs and to have submitted them to the procedures of parliamentary scrutiny before Christmas so that they can come into force early in the New Year. Copies will then be available for purchase from the Stationery Office and I will advise you in due course of the relevant references.

Amendment of the Directive

Of course the Machinery directive itself is currently undergoing a fundamental process of revision and amendment in Brussels which is a *completely separate exercise* from the one I describe above. As many of you will know already a text was agreed at the Competitiveness Council of Ministers last September and is currently being translated before being passed to the European Parliament for further discussion. In due course, and one may be talking in terms of *a few years here rather than months*, it can be expected that the existing directive, 98/37/EC, will be replaced by a new Machinery directive and thereafter by new implementing regulations in the UK. This will basically encompass most of the features of the present one but will, amongst other things, bring the directive up to date with wider advances in the New Approach such as the development of quality assurance modules. If you want to hear more about the content, or any other aspects, of the amending directive please do not hesitate to contact us. In particular you may be interested in attending a briefing session that we are organising specifically on the amendment to the directive in the New Year. This will take place at our offices in central London on the morning of Friday 14 January. We can only cope with limited numbers and so places will be allocated on a 'first come first served' basis to those who contact me. My details are shown at the head of this letter.

I ought to announce, finally, that my colleague Roger Kemp will be retiring from DTI at the end of January. As many of you will know Roger has worked on the machinery directive, in all its facets, over many years. I know that his knowledge and experience will be missed and that you will join me in wishing him a long, happy and richly deserved retirement.

Yours sincerely



MIKE DODDS
ASSISTANT DIRECTOR, ENGINEERING DIRECTIVES

Report to British Industry of a meeting of the Article 6.2 meeting held in Brussels on 11/12 October 2004

Item 1: Welcome

This was the 33rd Meeting of the Committee. All member states (MS) except Luxembourg and Malta were present and Turkey attended as an observer. Also present were representatives of the European Free Trade Association (EFTA) excluding Liechtenstein, Employers' Organisation (Orgalime) the Federation of Elevating Manufacturers (FEM), The Notified Bodies Co-Ordination (ENBC), the Standards makers (CEN and CENELEC) and the European Trade Union Bureau (day one only) TUTB

Summary of the meeting

The meeting discussed standardisation, Notified Bodies and various product safety issues including Mobile Elevating Work Platforms (MEWPS). If you require a copy of any of the documents referred to in this report please send an email to graham.payne@dti.gsi.gov.uk

Item 2: Minutes of the meeting held on 12 May 2004 (doc 2004.35)

There were some minor editorial comments but the minutes were agreed.

Item 3: Matters Arising (Docs 2004.35, 2004.41,2004.42,2004.43)

3(3d) Safeguard Clause on EN 12525 – Agricultural machinery. Front Loaders. Safety (doc 2004.41)

France stated that they were awaiting progress from meetings with CEN, the last of which was in June 2004. In the view of some, progress had been made but the situation was still not satisfactory. CEN dissented from this view and gave its version of events. This was not accepted by France who would be considering whether to reactivate its safeguard clause if it did not consider the situation had changed for the better by November 2004.

In general discussion it was noted that France's formal objection to the standard had been made in 2002. This was suspended when CEN agreed to look at it again.

The UK commented that it was reasonable to assume that a machine could be interchanged between countries. In addition there was an issue to be addressed in cases where products move between areas within MS.

It was agreed that CEN should consider the comments made – not least of which were those on the differing climatic conditions across Europe. It was agreed that it was important to avoid reactivating this safeguard clause if at all possible.

Rules of Procedure for the formal Standing Committee

The Commission commented that not all translations had been completed. This would therefore be considered at the next meeting on 8 February 2005. Until this took place the Rules of Procedure for the Standing Committee could not be adopted.

PrEN – 13683 Garden shredders

Germany commented that they had not changed their point of view – they will be providing a document for discussion at the next Working Group meeting.

Industrial Truck Pedals

CEN commented that they were waiting for comments on a first draft. The EN was to be replaced by an EN ISO standard which would be the international norm. Although it was recognised that some progress was being made it was also noted that the EN Standard would not now go forward as originally intended and there was therefore a need to follow up progress at the next meeting. It was noted that there were different configurations for foot pedals but that it would be desirable if there were one industry norm on this matter.

Plate Clamps

CEN stated that the Standard (prEN 13155) will be changed so the instruction handbook will now indicate the working minimum and maximum loads. Both of these will also be required to be marked on the clamp. The UK commented favourably on CEN's work on this issue. Work on the amendment to PrEN 13155 continues.

Visibility from earth moving machinery

The UK commented that they had been watching developments. In their view it was unclear if ISO 5006 would deliver what was required, as the previous version they had seen still did not deal with near vision adequately. The UK would monitor developments.

Agricultural spraying booms

CEN commented that there was to be a revision of standard EN 907 but no updated report on this item was presented. The issue of the correct height for the booms remained to be dealt with.

The UK commented that in their territory deaths had occurred to farmers when equipment touched overhead power lines during use in the fields - i.e. it was not an issue that arose just at the end of use when the machine was folded and stored.

The Committee felt that CEN had not addressed the specific concerns expressed by this Working Group. This was noted. CEN will continue to examine this matter and report back to the next meeting.

Pumps

The Commission commented that EN 809 had been discussed with Construction Products Directive and Low Voltage Directives colleagues. It was important that the relevant CEN Technical Committees and Working Groups agreed on which Directive was the most applicable in each case and, where the standard overlapped a number of Directives, the issue of presumption of conformity would need to be addressed. Discussions continue. It was hoped CEN could find a complete solution to this matter.

Stability of industrial trucks

CEN had nothing to report and so it was hoped that this would be returned to at the next meeting.

Vibration by concrete breakers

Both CEN and CENELEC had looked at this issue and had concluded that there were still residual risks to address, notably emission levels.

The Commission noted that the UK, Germany, France and Sweden indicated that they would like to participate in the CENELEC meeting about vibration and residual risks. All these member states had expressed various concerns and would be involved in any further discussions. It was also necessary to determine whether these were 'supply' or 'user' side issues.

Safeguard Action on EN 693 – Hydraulic Presses

CEN commented that the revision of EN 693 Machine Tools – Safety - Hydraulic Presses should be ready for CEN enquiry soon, along with EN 692 Mechanical Presses - Safety and EN 13736 Safety of Machine Tools – Pneumatic Presses. It was felt that these three standards needed to be harmonised and therefore dealt with in the same way. The UK agreed that harmonisation in this matter was needed.

The CEN consultant however commented that there was no agreement in the Working Group on the issue of two-hand controls. For hydraulic presses agreement was possible for the large machines - for small hydraulic machines two-hand controls remain. The UK was asked to present a case for amendment of EN 693 at the TC/WG.

The Commission said that in their view the UK proposed safeguard action was wrong in that two-handed controls were not allowed by themselves in the Standard, but this fact was not clear at all in the present draft. This was the key matter CEN needed to deal with – i.e. making the situation clearer.

The UK agreed that not all the measures to deal with the problems had been taken.

It was agreed that a further report from CEN will be presented to the next meeting.

Automatic Dough Dividers (doc 2004.42)

CEN commented that the main area of concern had been the safety distances from the hopper to the dangerous moving parts and that this problem had now been solved.

Item 4: Report of the Co-Ordination of Notified Bodies (NB's) (Docs 2004.36 and 2004.37)

The Chairman of ENBC informed the meeting that the last Horizontal Group meeting had been held on 3 June, 25 NB's were present. The meeting was informed that the number of NB's was now 180 with the accession of the new Member States. It was therefore considered difficult to see how all of them could be involved in exchanges of views.. On doc **2004.36** Sweden's comments were accepted by the Vertical Groups. Some questions do however remain unanswered. There was a long discussion on type approval certificates and type examination under the Machinery Directive where other Directives were also involved. Any changes to standards also needed to be harmonised. Where harmonised standards needed to be applied NB's should be able to see some evidence of market surveillance activity on the part of the authorities. Also, uncertainty of approach between NB's places manufacturers in a difficult position in fulfilling their own statutory responsibilities in respect of their products. The NB's will discuss this at the next Horizontal Committee meeting on 9 December.

The UK commented that their NB's have meetings in the UK prior to the European NB's meeting in Brussels. The Chairman of the UK group then attends the Brussels meeting and reports back. This chairmanship is rotated. UK NB's are therefore kept engaged in the international fora without all of them incurring large costs. These arrangements have been in place over many years and obviously depend on all of the NB's members supporting the system with proper representation. The participation of UK NB's in the development of European policy is a condition of their appointment. There is a system of annual surveillance by the competent authority on their continuing suitability and a report sent to the DTI. This enables action to be taken against a failing Notified Body. The UK offered to assist MS if they wanted a fuller explanation of the UK approach. The UK meeting is held prior to the Horizontal Committee meeting and a common line to take is developed.

The Commission commented that the UK system is a good one - it is also used in some other MS and the new ones in particular were encouraged to take note. (Note: Poland has since asked the UK for its methodology and this has been supplied).

On the validity of type examination certificates issued, this was a matter of interpretation and not intended to be restrictive. At present all certificates were valid with no time limit. This issue would be clarified in the new directive with certificates still having no time limit, but required to be checked every 15 years in case they are no longer valid and/or needed to be

modified/withdrawn by the Notified Body. There was a continuing obligation on NB's to keep up with the state of the art.

Approval of Recommendations (doc 2004.37)

(Vehicle Lifting Devices for servicing of aeroplanes)

The question here was whether such devices used as jacks under aeroplanes should be considered as Annex IV items.

It was agreed that some further clarification in the form of an English translation was required from the original German. It all depended on the emphasis accorded to the jack in the original paper and consideration also needed to be given to the legislator's intent. It was hoped to progress this at the next meeting.

Endorsement of Recommendations for use (Doc 2004.36) .

These documents had only been reviewed by the Swedish authorities. Some of them had, in any case, been withdrawn by the ENBC and the rest were left as pending future discussion. Any comments on these documents are required by January 2005.

Item 5: CEN/CENELEC – Progress Report on Standardisation (Doc 2004.38)

CENELEC reported that Annex ZA would be included in all of the standards produced in future and in all revisions to existing standards mandated by the Commission under the Machinery Directive.

CEN reported that the work status was now as follows: 540 EN standards completed – but not yet published in the Official Journal (OJ). Of these, 480 were from CEN and 60 from CENELEC. In addition 245 PrEN's were being considered at various stages. So far 475 EN's had been published in the OJ. Of these, 90 were Type A or B standards, 280 were Type C which included 35 for Annex IV products. Also 105 type C standards had been completed, but not published. CEN commented that 44 new standards were due to be published in the OJ in June 2004, but the Commission had not done so, claiming that they had not been presented in the correct format. This led to a long exchange during which CEN tried to enlist the support of Member States although this was essentially an argument between CEN and the Commission stemming from the fact that the funding arrangements are rather delicate and complex.

CEN commented that the basic standards programme was virtually finished with only 20 or so left. They were therefore starting to look towards global issues. In particular the relationship between EN and ISO standards was important and CEN was seeking to achieve a measure of harmonisation on this issue with the possibility of using ISO 121000 as a basis. CEN gave a presentation which would be appended to the minutes of the meeting. The Chairman of the CEN Secretariat, Harald Rickeles announced that this was to be his last meeting and that Herr Steiger would be taking over from him. The Commission commented that, as regards the publishing of references in the

OJ, CENELEC had supplied a list in all languages to the Commission. Discussions had been held with CEN since 1997 and the agreement reached was that all of the standards provided should be in all of the languages of the EC. Up to October 2004 the Commission stated this had not been the case. The June list contained errors and a subsequent meeting with the CEN secretariat resulted in agreement to provide the list in the standard format. When it is accurate it would be published by the Commission. This was noted.

On CEN global concerns there was some disquiet that they were moving into areas outside their remit. It was felt in some quarters that a guarantee was required on the conformity of standards.

The UK commented that the treaty base here was Article 95. The standards produced should enable manufacturers to declare conformity with the Machinery Directive. What happened elsewhere in the world would be to the detriment of European industry unless the European system itself was demonstrated to be working and commanded the support of industry and enforcement authorities alike.

It was also agreed that the Commission would look into specific instances such as dishwashers, commercial dryers and woodworking machinery (hand-held tools) where CEN and CENELEC had both produced standards covering the same product. This was considered unacceptable and that a greater degree of coordination was necessary.

There was agreement between MS and the Commission that many standards still lacked the detail needed in some parts, in particular where they repeated, but in different words, the general goal setting EHSRs and did not give a solution/s. The Commission said that, whereas this may have been broadly acceptable in the past when a 'critical mass' of harmonised standards were needed for the New Approach to work, any shortcomings in quality now needed to be addressed.

Item 6: Policy on Publication of Transposed Harmonised Standards (doc 2004.40)

The Commission felt this to be a good initiative from CEN. There was a need for a structured approach across all New Approach Directives in cases where standards were referenced in the Official Journal. The Commission would look into this further with CEN but Member States were also invited to send comments to CEN. There was also an action on CEN to ensure the way in which standards are presented was consistent. There was therefore a need to work horizontally across the New Approach and also to explain the A, B, and C Standards system, which only applied to the Machinery Directive, to all relevant stakeholders.

Item 7: Transitional Periods for Replaced Standards (Docs 2004.29,2004.30, 2004.39)

CEN had proposed a period of 3-4 months to publish these in the OJ after 'Final Vote'. This was agreed. After a long discussion it was agreed that CEN and CENELEC would refine these proposals taking account of the need to

ensure that a consolidated list was produced, i.e. of CEN, CENELEC and other relevant standards bodies. In particular there was a need to ensure the date of first publication was always shown and a reference to the penultimate text as well. This would be taken forward at a future meeting.

Item 8: Question on EN 1459 Variable Reach Trucks and normative reference to prEN ISO 13564 Docs 2004.1, 2004.17,2004.31,2004.45)

The UK presented a document about vehicle safety visibility problems concerning this standard. The problem stemmed from a reference in the standard to a PrEN which had not been ratified and was thus liable to change. The UK commented that if the boom of a telehandler was in the raised position when carrying goods this presented added risks as it could block a vital area of vision to the front of the machine and to the rear mirror on the offside. There had been a number of fatal accidents in the UK with equipment which claimed conformity with the Directive through this standard. The UK had broad support for this view from MS and the Commission agreed that CEN needed to look at ways in which PrEN's should be quoted in transposed harmonised standards and report back. It was agreed that in this case the visibility issue needed to be addressed and it was hoped to do this at the next meeting.

Item 9: Question on Lifting Accessories (LA) concerning the scope of the Directive (Doc 2004.2)

The UK commented that in the past a number of different opinions on accessories had been expressed. The difficulty was that whilst they appeared in Annex I of the Directive they did not appear in the Articles and it was unclear to what extent they were within the scope of the Machinery Directive. At present the Declaration Of Conformity (DOC) is not specifically required for LA, and the three types of DOC listed seems to support the view that it is not needed. The question was particularly important in the case of products coming from outside Europe as it was not always possible to acquire a DOC. Although the need for a Technical File (TF) was not a specific requirement in the Directive for LA, it could be inferred. Guidance was sought on these issues.

After a lengthy discussion with various views presented on the strict legal situation, it was agreed that the intent of the legislator should be the yardstick, not the actual words as printed – thus both the DOC and TF were required. Sweden pointed out that this matter had been discussed previously and that it was agreed that both the DOC and TF were required. The UK said that they could not find this decision in their records but did remember a discussion with that conclusion. The Commission confirmed it had been discussed but they had also missed it as it was dealt with under a different heading and so could not easily be found. The Commission would undertake to provide some guidance on this point. This would be published on the Commission's website but, as a matter of immediate guidance, these products should be considered fully within the scope of the Directive and needed the DOC and TF. The UK said they were happy to accept this view as the working practice to follow, especially as the new 3rd amendment solved the problem and did clearly

require the DOC and TF. (Note: It is the intention of the Commission to publish a new guidance document to the Directive, 98/37/EC *as a whole* but the date of this is unspecified as yet).

Item 10: Forklift Trucks standardisation and training of users (Docs 2004.14 and 2004.15)

The French Health and Safety Authorities were concerned about the risks of tipping and had studied this. After a short discussion it was agreed that the principles of safety integration should be upheld but that the circumstances would depend on the nature of each case. In particular, if the product was being supplied to the market, it was incumbent on the manufacturer to ensure the highest level of safety under the Machinery Directive. If, however, this related to the environment in which the equipment was being used then user legislation should apply. If this standard was intended to cover training and similar issues then it was a user issue.

Item 11 Committee decision on loading control of variable reach trucks (doc 2004.16)

Discussion was deferred until the next meeting.

Item 12 Court Cases (Doc 2004.11, 20034.18,2004.26)

Discussion was deferred until the next meeting due to the unavailability of the TUTB delegate.

Item 13: Market Surveillance on Mobile Elevating Working Platforms (MEWPS)(Docs 2004.12, 2004.13, 2004.25, 2004.33, 2004.46)

FEM gave a presentation in which they alleged that there were serious problems with the free circulation of MEWPS within Italy. The question was whether type examination certificates issued by a Notified Body outside Italy should remain valid taking into account the fact that EN 280 represented a step change in the state of the art. FEM's view was that, subject to a satisfactory review by the Notified Body concerned, they should remain valid and thus the product concerned retain the presumption of conformity with the Machinery Directive. Italy, however, felt that such certificates should be revoked and reissued.

There was, it appeared, a marked difference of opinion between the Italian authorities on the one hand, who appeared to have taken products off the market without following this up with a product safeguards action, and FEM on the other, who felt that the safeguards installed in response to Italian requests had been met. The meeting was informed that representatives of two major companies visited the Italian Authorities in June and replied by letter to the Italian Authorities in July. In addition FEM noted that no other country had withdrawn certificates. FEM felt that there was therefore no free market in Italy for MEWPS and that if the Italians had safety fears, safeguard action procedures should have been initiated.

Italy believed that this meeting was not the correct place to air these allegations and launched a vigorous defence of the safety regime of the Italian

authorities. Italy also insisted that EN 280 did represent a state of the art change and thus certificates should be in line with it (they did not say why safeguard actions had not been issued).

The Commission commented that it had agreed to this item being discussed in order to allow FEM the chance to put their case. It was incumbent on all NB's to check certificates against EN 280. If Italy stopped machines on unfounded bases then the company should provide detailed evidence of specific cases to the Commission who would then investigate. Equally, if the Italian authorities had misgivings about a product on health and safety grounds and had denied them access to the market, it should be followed up with a product safeguards action under Article 7. The Commission noted that no such actions had yet been initiated by Italy (nb: should any manufacturer believe that he is not being allowed fair access to the Italian market in respect of MEWPS, he should approach FEM with a view to preparing a case to send to the Commission for evaluation).

On a second point relating to MEWPS, the meeting was informed that two safeguard actions had been brought by the Swedish authorities. As a result of discussions between Sweden and the companies concerned as well as the Notified Body who issued the type examination certificates, the Commission concluded that the Swedish actions were justified and had issued a Commission opinion covering these two items, of which the Notified Body is aware. It appears that after the meeting, the Commission requested further information from Sweden, in an email concerning other types of doors, but did not then consult the company or NB again. The Commission then issued its Opinion of 1 July 2004. The delay in these procedures - six months - was due to providing the further translations of the documents following the enlargement of the EC.

The UK commented that in future it would be helpful if the MS in which the Notified Body was located was also able to attend any meetings about potential safeguard actions. It also noted that the Commission's Opinion had not been received by them until 7 September and only then after the FEM had passed a copy on.

The meeting took note of these comments and the UK authorities were asked to ensure that all NB's took account the state of the art when issuing certificates and reviewed those which did not conform to the provisions of EN 280 as a matter of urgency. This action is currently underway and the Commission have been advised accordingly. It was also noted that the UK Health and Safety Executive had also become involved with both companies to ensure action was being taken to comply with the decision and good cooperation with the companies was reported. The meeting took note of the points made.

Item 14: Question and Answer on whether a quarry plant for mineral processing is a single machine (doc 2004.24)

Norway wanted to know if the specific application referred to in their paper - i.e. a quarry plant with control panels located outside the immediate area - would mean that the plant was in fact a complex assembly under Article 1.2 of the Directive and hence a machine. After a brief discussion it was concluded that there was no categorical answer and that it was for the manufacturer to decide the nature of usage of his product which would, in turn, determine whether or not it fell within the scope of the Machinery Directive.

The UK view was that this should be seen as an industrial complex of machines but the whole plant should not be considered as a single machine, as it was normal for individual machines to be changed, replaced and modified on an almost routine basis. There was, however, no consensus on this issue.

Item 15 Question on consistency of language in Annex 1.3.4.3 (doc 2004.32)

Germany commented that an expert committee had revealed a discrepancy in the English and German version of the Machinery Directive regarding the terminology for ROPS (rollover protective structure). It was suggested by Germany that when a possible discrepancy may occur within a directive perhaps a picture would help to identify the item. The Chairman agreed to seek an explanation and report back to a future meeting.

Item 16: Sound Emissions values for Machinery (doc 2004.44)

France introduced their paper about an initiative being carried out by safety research institutes in France and Germany regarding the level of noise from machines and the level of noise required for start-up. Indicative values for machine noise from woodworking machines will also be examined. This study was generally welcomed although the Commission suggested that CEN should also be involved in order to ensure consistency of terminology across standards.

Item 17: Any other Business

Overlap between the Machinery and Low Voltage Directive

A discussion was held to determine what happened if a product fell under Article 1.5 of the Machinery Directive which would in effect disapply the Machinery Directive. It was agreed that in such case only the Low Voltage Directive should be applied and it was agreed that this should be what the Declaration of Conformity should cover.

NEXT MEETING

This will be held on 8 February 2005 with an Administrative Co-Operation Meeting (ADCO) involving MS only, to be held on 9 February 2005.