



Department of Trade and Industry

To: Machinery Directive stakeholders

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Dear Stakeholders

ADOPTION OF A NEW MACHINERY DIRECTIVE

I understand from our contacts in the European Commission that there is unlikely to be another meeting of the Machinery Directive Working Group (MDWG) before May and so, under normal circumstances, we would not be writing to you in this format before the early summer. However I thought it important in the circumstances that we brought you up to date before then with the progress on the negotiation of a new machinery directive – the process that has technically been referred to as the ‘third amendment of the machinery directive’.

I am pleased to confirm, what many of you will probably know already, that it has gone through practically all of the necessary stages for its adoption in the Brussels system. Once the amendments that have been agreed with the European Parliament (EP) have been translated into all of the official languages the new text should be adopted as a formality probably in the early summer. This would then sound the starting gun on a process for implementing the new directive in the member states that should see it coming into mandatory force around the beginning of 2010.

You might be interested in seeing the press release that the Commission issued in December at

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/1612&format=HTML&aged=0&language=EN&guiLanguage=en>

There is a reference in the press release to the EP and the Council coming to a ‘2nd Reading Agreement’ on the issue. This avoided a long drawn out process of conciliation and was a reflection of the fact that the gap between the position taken by the EP on the one hand and the ‘Common position text’ that was offered to them for adoption on the other, and which we have described to you earlier,

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was never very great. In the final analysis the text that was eventually adopted contained only nine relatively minor amendments from the common position. We would be pleased to describe any of these amendments in detail if you wish to contact us but, in summary and in the order in which they will appear in the adopted directive, they were as follows:

- a new recital ('Whereas clause') after existing recital 8 addressed to member states governments on the importance of effective and uniform enforcement of the directive
- replacement of the formulation 'meaning and/or the form' in recital 19 and Art.16 on 'CE marking' with 'meaning or the form or both' to avoid difficulties in translating into some of the other EU languages
- a new recital confirming that once the existing Tractors directive has been amended to extend its coverage to the risks presently covered by the machinery directive then the machinery directive should no longer apply at all to 'agricultural and forestry tractors' (this relates to the 1st indent of Art. 1.2 e) in the common position text)
- 'low voltage switchgear' and 'electric motors' were added to the list of areas of electrical and electronic products excluded at Art.1.2k)
- some expansion at Art. 18 on the concept of 'professional secrecy' in the common position to encompass in particular 'business, professional and trade secrets'
- in Annex 1, pt 1.3.1, para.1 the term 'scrapping' is deleted from the explicit list of phases of a machine's life where stability must be guaranteed by the manufacturer
- in Annex X, which introduces Full Quality Assurance into conformity assessment under the machinery directive for the first time, an additional responsibility - to 'carry out a review of the technical files' - is given to the 'team of auditors'

I think we can anticipate, as we move into a period when we have both a firm text for the directive and a firm timetable for its implementation, that the attention of the MDWG will be directed increasingly towards the interpretation of, and other matters arising from, the *new* directive. For our part as the UK delegation we will certainly encourage the Commission to do this in as constructive a manner as possible although there is, of course, still some considerable life left in the existing directive and we will not lose sight of issues arising from that source.

All of us on the machinery directive desk at DTI look forward to keeping you informed of these developments and to continuing to work with you on issues of concern.

Yours sincerely



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