

Date 30 March 2007

Machinery directive stakeholders

Dear Stakeholders

MACHINERY DIRECTIVE 98/37/EC

**UK REPORT TO BRITISH INDUSTRY OF THE MACHINERY DIRECTIVE
WORKING GROUP HELD ON 14-15 MARCH 2007**

I am pleased to attach a report on the recently held meeting of the Machinery Directive Working Group (MDWG).

There are a few other points you might wish to note about the new directive (2006/42/EC) in addition to the information contained in the report.

Firstly a *corrigendum* to the directive has just appeared in the Official Journal of the European Union. The date of the publication is 16th March and the reference is L76/35. The substance of the change is to fix the date of repeal of the existing directive as 29 December 2009 in Art. 25, i.e. the same date from which Member States are instructed by Art. 26 to apply their transposition provisions. The original date of repeal in Art. 25 was an 'immediate' one, meaning, in effect, 20 days following its publication on 9th June 2006 as laid down by Art. 28. This was a drafting error that came to light after the directive was agreed and that had to be corrected.

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Further on the transposition provisions DTI is on schedule to consult later this year on a set of UK regulations to implement the new directive and thus replace the current Supply of Machinery regulations. The stakeholders who automatically receive our e-mail alerts when new material on the machinery directive is posted on the DTI web-site will be automatically alerted to the appearance of the consultation document.

Finally you may be interested to know of a seminar for stakeholders that the Commission is organising in Brussels on May 29th (i.e. the day immediately following the late May Bank Holiday which may not be convenient for some). The purpose of the seminar is to explain the key differences between the old and the new directives and may well be very valuable to those who are prepared to make the trip over to Brussels. Final details have yet to be confirmed but if you are interested in reserving one of the limited number of spaces available I would suggest that you contact me in the first instance and I will pass on whatever details I may have at that time.

All best wishes from me and from the rest of the team here to you all for the Easter break.

Yours sincerely



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SUSTAINABLE DEVELOPMENT AND REGULATIONS DIRECTORATE

REPORT TO BRITISH INDUSTRY OF A MEETING OF THE MACHINERY DIRECTIVE WORKING GROUP HELD IN BRUSSELS ON 14-15 MARCH 2007

SUMMARY

Two days of meetings that completed the ambitious agenda that had been set and accordingly covered a lot of ground on the administration of the *existing machinery directive*. This resulted in some useful 'pauses for thought' in certain areas where some, arguably, over hasty positions had been adopted (*vide* items 9, 10, 17, 18, 21 below). On the other hand progress in resolving a number of outstanding issues remains very slow, especially where action lies with the Commission.

On that note, and in response to questions outside the immediate agenda, the Commission agreed that it had fallen behind in terms of organising guidance for the *new directive* (2006/42) but promised to assemble the dedicated team it was planning to work on this guidance in the next few months. The importance of this work became apparent even during discussions that focussed primarily on the existing directive. An example was item 9 on motorcycles, an issue which has assumed a high profile in recent months beyond the immediate sphere of product safety and where the long-term regulatory status of these products needs to be sorted out.

DETAIL

Mike Dodds of DTI and **Phil Papard** of HSE represented the UK. Speakers are depicted in **bold**

ITEM 3: MATTERS ARISING - SEE SUMMARY OF QUESTIONS ON THE REVERSE OF THE AGENDA

In the case of formal objections some of these cases are going through the safeguard procedure described in Art. 6 of the directive hence references to the 98/34 Committee etc.

3(a) Stability of industrial trucks (Doc 2007-09)

As the tabled paper only covers up to the end of 2006 CEN was asked to provide a further update

3(c) UK formal objection against EN 693 - hydraulic presses

CEN TC Chairman has resigned and the replacement, although appointed, is not yet in post which has delayed the vote on the compromise proposal. To be carried forward to next WG

3(d) Overlapping scope of standards

CENELEC has just produced a draft list of these (that will be issued to WG members) ahead of the CEN/CENELEC co-ordination meeting due soon

3(e) Policy on the publication of Machinery standards

COM had not been able to prioritise this area.

3(g) EN 280 Slide bars on work platforms

Report to previous WG had been that a public enquiry is to be held to consider this but, given that was not expected before late 2007, there was no further news on this occasion.

3(h) Standards for washing machines

Confirmation by Chair of TC 61 that the paper announced at the previous WG was on the agenda of the 21-22 May IEC meeting so it was accepted that reasonable progress was being made

3(k) Limitation of the validity of EC - type examination certificates

As for '3(e)' above

3(m) Formal objection against EN 838:1999 - Safety of woodworking machines, i.e. one side moulding machines with rotating tool, numerical control (NC) boring machines and routing machines

Had been resolved already – by publication of decision on the safeguard action in Oct. 2006 - so should not have been on agenda

3(n) Equipment for lifting persons with machinery designed for lifting goods (Doc. 2005.46rev.2)

The new words 'by means of necessary examination, inspection and tests' had been inserted into the 1st paragraph of 2005.46rev.2 but still did not fully satisfy **Denmark, Sweden** and **NL** so will be revised again

3(o) Formal objection against EN 14502 -1 suspended baskets

COM in process of formulating decision – carried forward

3(p) Concerns on prEN 14017: 2005 agricultural and forestry machines - solid fertilisers distributors - safety

Discussed at last Standards WG but some concerns still to be resolved – carried forward

3(r) Formal objections against EN 12215 and EN 13355 - Paint booths and combined paint booths

No immediate prospect of a resolution to this debate as main past protagonists, **France** and **Germany**, are tabling further papers following an experts' meeting that had taken place. In the meantime some other m/states took the opportunity to express their views, including the UK, which they intend to follow up with tabled papers.

The **COM** reported that the consensus of the experts' meeting was of a standard that is weak on design, on the treatment of the residual risk and, in particular, on the deployment of personal protective equipment ('PPE'). Examination of the original French problem with ventilation had therefore thrown up all sorts of other issues. Further on this theme the **UK** pointed to the importance of knowing the clearance time as if PPE was removed prematurely a high exposure was possible upon removal of the PPE. The monitoring of pressure in the booth was also important to ensure it was kept negative to prevent leakage as HSE had come across evidence of workers outside the booth not involved in spraying and therefore not wearing PPE, being affected by the booths' operations. **Aus** expressed some concern, however, that an over-zealous ramping up of the requirements on PPE may inhibit the construction of new booths or the re-equipping of old ones.

The **COM** will attempt to draft a decision before the next WG

3(f) Formal objection against 12312 - 9 Container pallet loaders for aircraft

Final decision is presently being translated but the WG was informed that it is negative and will withdraw presumption of conformity

3.4 Access to machinery (Doc. 2006.06rev.1)

Swedish re-drafting, in consultation with UK, of this Q & A paper was accepted

3.5 Standards for household appliances

CEN TC 61 Chairman confirmed that proposals were being developed and were close to being passed to the equivalent WG for the Low Voltage Directive

3.5 (duplicate) Mandate for existing Machinery Directive

Amended mandate is now on 'EUROPA' web-site under 'standardisation'

3.6 Formal objection against EN ISO 4251 - 1 Agricultural machinery: General requirements

To be discussed at the next meeting of the 98/34 Committee.

3.7 Formal objection against EN 1459: Powered industrial trucks

To be discussed at the next meeting of the 98/34 Committee.

3.8 Test codes for pneumatic hand-tools

Relevant CEN TC Chair not available for comment - to be carried forward – UK expressed concern that no information was available from CEN

3.10 MEWPs with more than one rated load (Doc. 2007.08)

COM professed some difficulty in understanding the paper that **Italy** had tabled – a feeling that seemed to be shared by other delegations – but had tabled its own conclusions which are to be discussed further with the Italian authorities on a bilateral basis. These conclusions skirt around the issue surrounding para. 5.4.1.7 of the standard which, the **COM** believed, had side-tracked the Italian paper and contributed to these widespread difficulties in understanding it.

3.12 Refuse collection vehicles Doc. 2006.15rev1)

The **CEN** representative had just received some comments from the TC chairman that he would pass on for integration into the document. To be carried forward.

ITEM 4: LOADER CRANES EQUIPPED WITH WORKING BASKETS (DOCS 2006.07 & 32)

In the absence of the specific **Aus** delegate who had instigated the issue the **COM** claimed that it will be settled by the final version of doc. 2005.46 (see '3(n)' above) when this is finalised. To be carried forward.

ITEM 5: CONFORMITY ASSESSMENT OF TEMPORARY SUSPENDED WORK PLATFORMS (DOCS 2006. 14, 18)

France presented a paper that resulted from certain problems that had been encountered across the M/states in applying the provisions of the directive to this equipment (in the Administrative Co-operation Group). Some of the problems stem from the components of the platforms having variable lifetimes – the hoists, for example, having longer ones than the base platforms themselves. This means that whole assemblies are not typically placed on the market. Instead the components are accompanied in most cases by declarations of conformity ('DoCs'). However they are neither 'interchangeable equipment' nor 'safety components' and so this does not seem to be correct practice.

In welcoming the paper the **COM** agreed with this and said that it confirmed long held suspicions of inconsistent application of the directive in this area. **NL** and **Swe** supported the paper as did **Germany** although it confessed that the idea that components do not need a DoC seemed, somehow, counter-intuitive.

The **UK** distinguished two basic sorts of platform – those that should be CE marked, have a DoC and are under Annex IV as they incorporate a winch to “climb” static suspension ropes, on the one hand and, on the other, ‘passive’ platforms that are only carriers to the extent that they are attached to the ropes raised by winches situated on the roof. As such the latter type of work platform does not come under the directive other than as a component/spare part of a ‘machine’, comprising the total system of winch, rope, platform and control system.

ITEM 6: VACUUM LIFTING AIDS (DOC 2006.29)

A **UK** paper arguing that these devices were not covered by the directive because, although they fell within the basic definition of ‘machinery’, they were only powered by manual effort and were not, in themselves, used for lifting etc. loads (ref. Art. 1(3)), was accepted although **the Netherlands** wondered if these products fitted the basic definition in any case.

The **COM also** agreed with the paper and suggested that it would be more logical, on that account, if they were referred to as ‘vacuum handling aids’. This, too, was accepted.

ITEM 7: LADDER HOISTS IN WINDMILLS REPORT (DOC 2006. 31)

These counter balance systems to protect a person climbing ladders and also to give some support were confirmed to be in the scope but as they did not raise or lower the person they were not in Annex IV.

ITEM 8: UNCERTAINTY OF MEASUREMENT (DOC 2006. 37)

FR tabled a paper from their standardisation body, AFNOR, looking for co-ordinated action from the European authorities *et al.* to raise the game in this area across the standardisation community. Although the delegate stressed the particular significance to the machinery sector this came across as a paper belonging largely to another forum, probably a multi-sectoral one, and inspired very little further discussion other than agreeing that its main relevance for this group was in respect of the EHSRs for Noise and Vibration under the new Machinery Directive where these parameters are now set out.

ITEM 9: OFF-ROAD MOTORBIKES, MINI-MOTORBIKES ETC. (DOCS 2006. 34 REV.1, 2007.10)

This discussion was the result of further fall-out from the Commission’s declaration last year, and subsequent letter to member states, that mini-motorbikes fell within the scope of the existing directive. Representatives from the *Association des Constructeurs Europeens de Motocycles (ACEM)* presented to the meeting and were keen to establish the status of machines that were designed and manufactured for competitive purposes, especially MX (motocross models). In essence they acknowledged that they were not covered by 2002/24/EC and were therefore not type approved or licensed and, although surprised by the interpretation, had no problems in principle with being in the scope of either manifestation of the machinery directive. **ACEM** would press for a standard to be developed however to make compliance with the law easier for the industry.

The **COM** re-stated its confidence that mini-motos are covered by the existing directive (including, interestingly, the relatively unusual variants with electrical rather than internal combustion engines where they were not intended for children) and realised that there was a read-across to go-karts, MX etc. They had never considered MX, *per se*, to date but said that the same applied, admitting that it now considered the 1999 (‘van Gheluwe’) guidance to be flawed in this respect. In response to requests from **Bel** and **UK** to get on with the task of preparing guidance on the crucial concept of ‘exclusively intended for competition’ in the 4th indent of Art.1(2) (e) of 2006/42, the **COM** agreed this was vital. As a first indication of its views here it suggested that the concept should be understood robustly in terms of events sanctioned by a properly established Sports Federation or similar and not simply a ‘casual or semi-casual get together at a weekend’.

ITEM 10: ACCESS TO MOVING TRANSMISSION PARTS (OF LAWNMOWERS) (DOCS 2006. 42, 2007.06, 07)

France introduced a paper arguing for ‘total inaccessibility’ of the moving transmission parts of ‘side-discharge, ride-on lawnmowers’ (on the basis of the specific EHSRs 1.3.7 and 1.3.8 and their interpretation in the light of the all embracing EHSR 1.1.2 on principles of safety integration). A debate ensued on how proportionate this response was, especially with the stakeholder representatives from the **European Garden Machinery Industry Federation (EGMF)** who expressed concern at the actions of the French government and wanted to receive a clear message from the WG on behalf of the industry.

Fr explained that their concerns had arisen from a 2004 Market surveillance exercise that cast doubt in their minds on the adequacy of the relevant standard EN 836 in terms of the protection *not of the operators but of bystanders* but had not launched a safeguard action because they managed to agree with suppliers to the French market to adapt their products. **Italy** said that they had consulted their manufacturers and agreed with the Fr paper on that basis as did **Germany**.

The **EGMF** representative argued that the French action ran counter to the principles of the Single Market and of transparency. They claimed that there had been no accidents involving bystanders in 30 years and, in any case, this sort of guarding increased other hazards, e.g. fire on account of the accumulation of grass cuttings. They were, however, prepared to compromise by supporting a revision to EN836.

The **UK** offered some support to this viewpoint. A proper and proportionate interpretation of EHSR 1.1.2 requires a balanced approach to safety. It should not be assumed that the directive requires total guarding. This level of detail needs to be sorted out by the standards making process. Such standards need to address the fact the products are potentially hazardous to bystanders by, e.g., limiting the projection of objects and especially by requiring e.g. seat switches of high integrity to deny access to moving parts by the operator. Account must also be taken of certain solutions giving rise to other risks such as EGMF had pointed out. It was accepted that the standard needed revision however. The UK position was broadly supported by **NL** and **Swe**.

Eventually a consensus emerged through a re-drafting of the final paragraph of the French paper thus:

‘In accordance with EHSRs 1.1.2, 1.3.7 and 1.3.8 and preliminary remark 2 of Annex 1 of the Directive 98/37/EC, the moving transmission parts of ride-on lawnmowers 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.’

and this will form the basis of future activity in the area

ITEM 11: MOWING MACHINES FOR HIGHWAY MAINTENANCE (DOCS 2006. 38, 2007.22 – ITEM 16 MISTAKENLY DUPLICATED ITEM 11)

Italy expressed reservations about EN 13524 on ejection of objects and EN 690 on unintentional contact with moving parts in respect of these machines. Particular concern was expressed about clause 5.13 which stipulates a test that is of limited value as these machines, in practice, do not tend to be used on horizontal surfaces. There was, furthermore, a discrepancy in the tests that meant that these were less stringent for non-agricultural products.

CEN seemed to accept at least some of the force of these arguments and to acknowledge that a review in terms of the state of the art was called for in this area. Italy got further explicit support from **Germany and Denmark** for a revision process as the standard for these machines seemed to be lower than for similar agricultural machines so casting doubt as to whether it reflected the

“state of the art”. To be further discussed in the CEN WG and to be followed up at next MDWG meeting.

ITEM 12: REPORT ON CO-ORDINATION OF NOTIFIED BODIES & RECOMMENDATIONS FOR USE (RFUS) (DOCS 2007. 15, & 05)

Co-ordination of Notified Bodies

The representative of the **NB Forum** reported that it had met on one occasion since the last meeting, on 4th Dec., when 2006/42 figured prominently in discussions. Particular attention was given to Annex X (Full Quality Assurance) and a new ‘Vertical Group’ (VG) has been created to elaborate guidance on this including draft RfUs where necessary (inaugural meeting 4th May).

In terms of the general handling of RfUs **Swe** noted the point, for long apparent to all but largely left unsaid until now, that it was the dominant, sometimes it seemed almost the sole, commenting authority on draft RfUs. It explained that it viewed the RfUs as having a significant impact on the standards process and was surprised that this work did not seem to be given similar priority in other m/states. The **COM** agreed that the situation begged a re-think on how to organise this process, maybe by nominating ‘volunteers’ and certainly by looking for any ‘Best practice’ that might be available from elsewhere (*Comment: the phenomenon of Sweden alone commenting very actively on the minutiae of WG work is common to many of the directives so there may not be much in the way of ‘other practice’ available!*). Alternatively the Forum’s Technical Secretariat, which is new and still developing its role, might be used here.

On the detail of those specifically discussed (for context see doc. 2007.05)

03.090: Swe’s position was supported

04048: RfU no longer required in light of doc. 2006.06

09.206 & 207: need to further work to align them with conclusions from agenda item 5 above

12.014: VG Chair now advises withdrawal

ITEM 13 PROGRESS REPORT ON STANDARDISATION (DOC 2007.01)

The **CEN** presentation in the tabled document majored on preparations for the revised directive (2006/42) of which there were two main strands;

- products that were in the scope of 2006/42 but not in the existing directive
- significant differences in the EHSRs between the two directives

CEN also encouraged the COM to arrange for the publication of references in the Official Journal as promptly as possible, amongst other things to keep up the morale of TC members. In response the **COM** offered its congratulations at the progress being made with 2006/42. It also acknowledged some unsatisfactory delays in processing lists of standards received for publication although there had been problems, of course, with the way in which these lists had been compiled in the past (*vide* MDWG reports *passim*).

Various delegations picked up on these themes. **Germany** warned of the large number of products coming into the scope from the transport sectors (where stakeholder awareness might not yet be very high) and **France** was concerned about the quality of a number of standards that were relatively marginal to the scope. The one on windmills was offered as an example.

On the timetabling the **UK** warned that the changes which the EHSRs of 2006/42 made in the area of ergonomics (Ann. 1 1.1.6) might call for special attention and be prioritised. **Denmark** asked

whether Annex IV products would receive priority in the management of the standardisation process as these would enable manufacturers to avoid third party assessment.

In response **CEN** pointed to a detailed timetable working back from the 2009 end date that it had passed to the COM (this would be uploaded to delegations) and starting with a requirement imposed on all relevant TCs to declare to the CEN Secretariat by Aug. 2007 how they are planning to proceed, e.g., assuming some change was needed, through a technical amendment of their standard or else a complete revision. This came with the 'health warning' however that CEN remained a de-centralised structure and that the 40 or so of its TCs that were relevant here needed to make their own decisions on deploying the limited expert help available to them. In addition any timetabling remained subject to certain imponderables such as how revisions will be received in formal vote and how they will be assessed by the CEN consultant.

UK voiced its concern at the lack of information on progress from CEN on a number of actions falling to them from the last MDWG. **CEN** reported that they had consulted but had not had replies yet, **COM** accepted that the minutes had gone out late and agreed to issue an early "action" list to CEN so they could be passed onto the various WGs early instead of their having to wait for the formal minutes.

ITEM 14: CHANNEL BALING PRESSES (DOCS 20018-20 EXCL.) / ITEM15: VEHICLES IN VERY NARROW AISLES (DOC 2007.21)

These were parallel papers from **Germany**, which had recently observed an increase in its domestic accident rates in these two areas, calling for standardisation initiatives to be taken at European level. In both cases, although welcoming the items as points of information, the **COM** stressed that the only way in which this could be instigated in practical terms was for a national standards authority, as a member of CEN, to get backing there for a proposal (the Deutsches Institut fuer Normung seemed the obvious candidate in the circumstances).. A formal representation from the COM would have limited effect unless there is a commercial driver for the process within the CEN system. **CEN** complemented this point by stressing the degree to which its activity was market, rather than bureaucracy, driven. The two calls from Germany were generally supported but on these provisos.

In terms of the detail, with regard to the baling presses these were being used increasingly in recycling facilities but the standards background to their design and manufacture was presently patchy. ISO 1111 applies but only in general terms and **CEN** seemed to back this up by admitting that there was not an obvious Technical Committee in the present structure to handle such work. One interesting aspect, that both **Swe** and **the UK** would urge CEN to examine closely, was the use of transponders as safety devices in such equipment. At an intuitive level these did not seem to fit in with the directive's concept of a 'safety component' – they seemed instead to fall under the personal Protective Equipment directive. The **UK** further noted their usage in offshore operations but this was an area with its own distinct structure of regulation and where close control of the operators was possible. In terms of their more general use as protective measures the **UK** had major concerns as persons not wearing the devices were not protected and could face increased risk. The UK reported one use that seemed acceptable - this was as an enabling device, eg to allow only those wearing it to operate the controls at the back of a waste lorry.

With regard to the 'narrow aisles' the **UK** pointed out that 'use' will inevitably be a large element and the standard may well need two separate parts to reflect this.

ITEM 16 (SEE UNDER ITEM 11 ABOVE)

ITEM 17: FORMAL OBJECTION AGAINST EN 474 – EARTH MOVING MACHINERY (474-4 BACK-HOE LOADERS, 474-5 HYDRAULIC EXCAVATORS) (DOC 2007.11-12)

France explained why it had launched these objections – it believed that EHSR 4.1.2.6 (c) ('control of movements and drift of load') could not be fulfilled without the mandatory installation of a check valve. There were no relevant accidents to report because these valves are already being insisted upon in France.

Swe, Fin and **NL** supported. **Germany** and the **UK** were more sceptical, both pointing to a record of no accidents *in a situation where the standard was being observed*. The **UK** believed that the greatest risk arises when these devices are adapted for 'misuse' – especially for lifting with a horizontal boom - and the inclusion of check valves *could actually encourage this*.

CEN could not respond authoritatively although the representative, who had been closely involved with TC 151 in the past, insisted that a serious risk assessment had been carried out.

The Chairman concluded that more information was required to reach any conclusions here, including on the costs of such re-fitting on which the industry representatives **CECE** would advise. Input was also invited from other authorities or stakeholder groups. **France** accepted this but stressed that potential multi-use products such as this are becoming increasingly attractive and the underlying regulation of them needs to be fit for purpose.

ITEM 18: FORMAL OBJECTION AGAINST EN 500 – MOBILE ROAD CONSTRUCTION MACHINERY – 'ROAD ROLLERS') (DOC 2007.02-03)

France tabled a paper from the INRS (*Institut National de la Recherche Scientifique*) and explained that the standard did not contain a specific risk assessment and was inadequate in respect of its stability and braking requirements. The **UK** could offer some support as the braking systems for the rubber tyred products and the stability of the products generally when used in narrow areas and in proximity to high kerbs needed particular attention. The standard could also usefully explain when seat interlocking devices are needed to address the problem of non-driver access. **CECE** asked for more time to discuss the INRS report (2007-03) and so the issue was deferred to the next meeting.

ITEM 19: FORMAL OBJECTION AGAINST EN 474 – INDUSTRIAL TRUCKS (DOC 2007.11-12)

This had been mistakenly referred to in the agenda as a 'formal objection'. **France** was simply, following an earlier formal objection from Germany, asking for a change in the wording of the warning accompanying the publication of the reference to the standard in the OJ to the following

'The attention of the users of the standard is drawn to the fact that the risk of toppling over of the industrial truck is insufficiently dealt with in the standard. For this aspect the standard does not give presumption of conformity'

This reflected the point that had been agreed already that CEN had not fulfilled its original mandate and so this revised wording was not contested at the meeting. The **COM** would therefore proceed with effecting the change but confessed that it would need to take advice from its standards unit about the precise procedure for doing this. It was not presently aware of any mechanism, other than returning to the full 98/34 Committee, for withdrawing or modifying a *warning*. It would report back at the next meeting.

ITEM 20: FORMAL OBJECTION AGAINST EN 848 – WOODWORKING MACHINES (ONE SIDED MOULDING MACHINES WITH ROTATING TOOLS, NUMERICALLY CONTROLLED BORING AND ROUTING MACHINES) (DOC 2007.04)

Swe introduced its concerns about this revision to the original 1999 standard following which there had been several fatal accidents, other accidents and 'near-misses'. In its opinion the mandate

had not been fulfilled and it therefore intended to launch a formal objection (it was acknowledged that the new standard had not yet been submitted by CEN for publication).

Germany and Denmark both supported this position as did the **UK** which pointed to the apparent absurdity of the standards for metal and this one for woodworking being inconsistent in respect of precisely the same hazard. This meant that EN 848 was clearly defective which needed to be addressed as soon as possible. **France** pointed out that although it had not actually voted against the standard it did have reservations along the lines already expressed.

The only expressly dissenting voice was **Italy's** who believed that the mandate had been fulfilled on account of the amendments on the thickness of curtains and other safety devices and was therefore in favour of publication. **Swe** disputed any claims that the standard had been improved significantly. The **COM** expressed surprise at how much trouble had apparently resulted from trying to solve a basic problem that did not seem to be inherently difficult but did not take issue with **Swe**.

ITEM 21: FORMAL OBJECTION AGAINST EN 1870-17 – CIRCULAR SAWING MACHINES (DOC.2007.14)

France had voted against this standard on account of its perceived failure to meet EHSR 1.3.2 (Risk of break-up during operation). Flanges on these manually fed radial arm circular saws should be wide enough in diameter in relation to the blade to withstand the stress. The tolerance allowed of moving from one quarter to one sixth does not seem adequate and runs counter to developments in the 'state of the art' (one quarter being the normal ratio). It went on to call for a warning in the OJ when it is published and a revised mandate, anything less than a quarter is not allowed for other saws.

However **Germany** managed to cast doubt on some of these basic assumptions resulting in an agreement that more reflection was needed and a subsequent return to this issue. They maintained that the quarter or sixth measurement was not related to safety but to the quality of the cut, 'one sixth' delivering more of a 'rough cut'.

ITEM 22: ANALYTICAL LISTING OF 'LIFTING ACCESSORIES' (DOCS.2006.13, 2007.16, 23, 24)

Debate continued on the base paper (2006.13) cataloguing various items that might be considered to be 'lifting accessories' and analysing them against Ann.1 4.1.1 (a) (Art.2(d) in 2006/42). The **COM** took as its starting point that agreement had already been secured that items 1-3, 10-18 (both inclusive) were 'lifting accessories' and that 21, 23, and 26-29 (incl.) were all 'not lifting accessories' He divided the remainder into two broad categories

- elements used for lifting that are integrated with containers or the load
- containers

He recommended following a 'pragmatic' UK suggestion that 4-9 (incl.) should all be considered as 'lifting accessories' and this was accepted (even though, as the UK pointed out, the case is much clearer for item 4, which is not welded, than item 8 which is barely distinguishable from a sling) .

On the containers agreement proved elusive on account of genuine differences of opinion being possible as to whether the 'primary' function is considered to be that of lifting or of containing. **France**, for example, was uncomfortable about the implications across the board of accepting a 'Big Bag' as a lifting accessory.

The **COM** concluded that this was as far as a paper of this type could be taken.

ITEM 23: REVISED GUIDE TO THE LOW VOLTAGE DIRECTIVE (LVD) – RELATIONSHIP WITH 2006.42 (DOC.2007.14)

The sister WG for the LVD is in the process of drafting a revised Guide to its directive following a consolidation and renumbering. The present draft points to the coming into force of 2006/42 at the end of 2009 and explains the new interface between LVD and Machinery, as represented by Art 1(k) of 2006/42. Delegations noted that it did this in overview style and, as such, seemed reasonable and accurate.

ITEM 24: RECAST OF THE FRAMEWORK DIRECTIVE FOR THE APPROVAL OF MOTOR VEHICLES AND THEIR TRAILERS

The **COM** warned that this negotiation is reaching its latter stages (2nd Reading) and that the concept of 'mobile machinery' has just been included in its scope (which could, in turn, include 'mobile cranes'). 2006/42 now excludes such equipment subject to type approval (Art.1 (e) 2nd indent). There is a danger of mobile machinery being progressively excluded from the machinery directive if this negotiation is not handled carefully. The necessary co-ordinating discussions within the COM are now going ahead but have not been concluded yet. M/states were urged to do what they could by way of liaison within their national authorities to avoid a situation where 2006/42 would have to be amended to cope with any damage that might arise from outside sources.

A.O.B.

COM apologised for an error in not listing the paper from the last meeting on mini-loaders in the agenda, this paper (WG2006.36) would be taken at the next meeting. Also the UK paper on tail lifts (WG 2007.25) would be taken forward to the next meeting, there being insufficient time to discuss it on this occasion.

MD/PP

**Sustainable Development & Regulation Directorate
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HSE

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