

Machinery Directive Stakeholders

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31 July 2007

Dear Stakeholders,

MACHINERY DIRECTIVE 98/37/EC

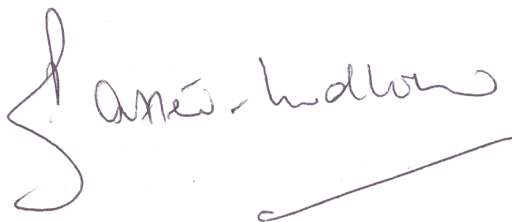
**UK REPORT TO BRITISH INDUSTRY OF THE MACHINERY DIRECTIVE
WORKING GROUP HELD ON 27 JUNE 2007**

I am pleased to attach a report of the recently held meeting of the Machinery Directive Working Group (MDWG). At this meeting Phil Papard and Peter Baxter-Ludlow represented HSE and the Department for Business, Enterprise and Regulatory Reform (BERR) respectively.

Unusually there were fewer new papers than normal for this meeting. However, due to the large number of matters arising from the previous meeting not all new papers were taken and some have been carried forward to the next meeting.

On our action to transpose the new Directive BERR is about to initiate 'write-round' action which gives other Ministers the opportunity to comment on our proposals ahead of the formal consultation exercise which we now expect to launch in early autumn.

As part of our continuing commitment in stakeholders in matters of mutual interest, should you wish to comment on issues of presentation, ie format, length etc please do so as we very much welcome your feedback.



Peter Baxter-Ludlow
Mechanical Engineering Team
Sustainable Development & Regulation Directorate

REPORT TO BRITISH INDUSTRY OF A MEETING OF THE MACHINERY DIRECTIVE WORKING GROUP (MDWG) HELD IN BRUSSELS ON 27 JUNE 2007

SUMMARY

This was a one day meeting which had fewer actual agenda items than normal, twelve in total, of which only eleven sets of papers had been issued. The expectation was that there would be sufficient time to cover fully all the matters arising and the new agenda items. Unfortunately this proved over optimistic as presentation, and discussion, was only held on six papers. It also, unusually, resulted in an impromptu vote being taken at the instigation of **Germany** on one of the papers, WG 2006.13 Rev 1 concerning lifting accessories.

Of the new papers for discussion five originated in the **UK**. Though not a formal agenda item it was widely expected that the **COM** would make some statement as to their plan for kick-starting their much delayed guidance initiative on the new Machinery Directive. The **Chair** of the meeting was **Ian Fraser** and he was administratively supported by **Elod Dudas**.

DETAIL

Item 1: Welcome and approval of the agenda

There was no comment from **MS**, but the **COM** confirmed that two additional papers had been prepared for the meeting (but not referenced on the agenda). One, doc WG 2007.48, related to matters arising item 3 (u); and the second, WG 2007.49, to the substantive agenda item, item 7 dealing with the **CEN/Cenelec** Report on Standardisation. Both these papers have now been uploaded to the CIRCA website.

Item 2: Approval of the minutes of the meeting held 14 & 15 March 2007 (Doc 2007.33)

There were two editorial amendments to the text as presented from **Germany** and the **UK** respectively. The **German** amendment concerned item 20 and the text should have read "...that PVC material did not provide better protection". The **UK** amendment was more substantial and concerned item 10. The **UK** agreed to send a revised form of wording to the **COM** and the **UK** entry should now read, (beginning at the second sentence), "However, they [the **UK**] considered that the risk due to contact with moving transmission parts was secondary compared with the risks due to contact with the cutting means and due to ejected objects, and so it was very important to keep third persons away from such lawnmowers when they were working or the cutting parts were rotating. The **UK** agreed all parts accessible from the driving seat must always be fully guarded but other parts of the drive train are not always required to be guarded. However, this was only acceptable if a seat switch was fitted and the **UK** were concerned about the level of safety integrity of the seat switch. Guarding was also necessary for any parts that continued to move after the operator left the driving position and/or the rotating blades are stopped". The **COM** took the opportunity to remind **MS** that the minutes are a summary of our discussions so it will not always be possible to include verbatim comments. With these two amendments the minutes were approved.

Item 3: Matters arising - see summary of questions on the reverse of the agenda

3 (3a) Stability of industrial trucks (Doc 2007.41)

This was essentially an update paper from **CEN**. **TC 150/WG 11** have analysed the effects of increasing the tilt table angle to provide higher resistance and have concluded that increasing it to that in EN 1726-1 would not improve the dynamic stability of these trucks especially when foreseeable misuse is taken into account. **TC150/WG 11** has therefore been pursuing research into minimising tip over. The two research projects set up have now concluded and their findings made public. As a consequence of this a new project has been started to develop the specification for a dynamic test for fork lift trucks and it's anticipated that this project will run until the autumn of 2008. Parallel to this **WG11** have started a new work item on developing a standard for testing the dynamic stability of counter balanced trucks. **TC 150** also has a new convenor.

3 (3b) UK formal objection against EN 693 (Doc 2007.34 & 46)

The **UK** reminded **MS** of the history of this objection which had resulted in direct discussions with the **TC 143 Chair** from which a compromise had been agreed that would allow two-handed control with "engineering" measures to restrict operation to one operator so still maintaining compliance with para Annex 1.1.2 of the EHSRs, only for it to be voted down in the **CEN** working group. Unless there was a serious attempt by **CEN** to resolve the issue the **UK** would invoke its safeguard action taking into consideration the compromise reached with the **TC Chair**. The **CEN** consultant confirmed the **UK's** summation but whilst acceptable to the then **TC Chair, Dr Knapp**, it wasn't acceptable to the **CEN** working group all of whom had voted 'No' to the compromise. However, there is now a new Chair, **Herr Muller-Welt**, who was keen to try again to find an acceptable solution to all parties and he was hopeful of an early resolution of the issue. **France** supported the **UK's** stance saying that technology should be reflected in

standards consequently they could not understand the negative vote. In conclusion the **UK** said it was prepared to try one once more to solve the issue and then its safeguard action would kick-in.

3 (3d) Policy on machinery standards

No progress: waiting on **COM** action.

3 (3e) EN 280

CEN stated that its working group would meet twice more before initiating a formal public enquiry. It was positive that it will solve the concerns raised.

3 (3f) Standards for washing machines

The proposal to solve the overlap had been partially accepted by **IEC** but not that relating to the brake mechanism. Discussions were planned for 16 July 07 with the **IEC** consultant and the outcome of this could be two different standards, an ISO one and an IEC one.

3 (3g) Limitation of the validity of EC-type examination certificates (Doc WG 2007.44)

The **COM** reminded **MS** that certificates had to be reviewed. It would also go some way to solving issues around modifications made to machines by manufacturers that had not been referred back to notified bodies for their determination as to whether the existing certificate still had validity. They urged notified bodies to take early action and confirmed that the five year clock started at the point of satisfactory review. **Austria** stated that a new type of certificate was needed as there should be no extension to the existing one. **Sweden's** view was that if there had been significant changes in the 'State of the Art' then notified bodies should withdraw the certificates they had issued. **Finland** said that new certificates should make reference to the current directive. **Switzerland's** thought you couldn't issue a new certificate until the Directive had been transposed into national legislation (something that rang a bell in the mind of the **UK** from an earlier MDWG meeting). In conclusion the **COM** stated that it was up to **MS** to decide if they wanted to issue new certificates/extend the existing ones but they would redraft their existing paper and clear it by written procedure.

3 (3j) Equipment for the lifting persons with machinery designed for lifting goods (Doc WG 2005.46 Rev 3)

Spain said that we were trying to square the circle. Of the two sections [to the paper] the second was OK provided the original machine was modified to comply with Annex 1, section 6. The **COM** said they had changed the title to better reflect the concept of 'interchangeable'. The **UK** stated that it had recently been at a machinery exhibition in Hillhead and on one of the stands, Merlo, had telehandlers that were displayed as Annex IV approved machines for carrying goods and/or people to which an integrated basket could be fitted, and other machines not conformity assessed under Annex IV and designed only for goods and specifically not for carrying people. **Italy** asked what should be done if such machines were wrongly CE marked. The **COM** replied they'd await the receipt of papers before taking action against the notified body/manufacturer. At this point **Slovakia** stated they wanted to introduce a paper for the group's consideration relating to concrete buckets (similar to the drawing at item 23 of paper WG 2006.13 Rev1). Because of the link it was agreed that their paper should inform the debate on lifting accessories which was also a matters arising item. The **COM** stressed the point that unless equipment had been assembled with the machine, section two of the paper refers, it was not appropriate to CE mark it. **Denmark** said that using machinery for a purpose allowed under Directive 89/655/EC was not permitted in their country. The **UK's** view was that a device whose sole purpose was simply to move its contents, eg concrete/molten steel, was a lifting accessory. **France** thought the situation was confusing in that the first part of the paper required CE marking and the second didn't, and that the views expressed in section two of the paper weren't reflected in the directive. **Italy** supported **France** given there was a possibility of falling from a height thus there was a need to minimise the risk. They were against CE marking any product unless all the risks had been covered. Likewise when using container lifting beams. The **UK** commented that beams can be machines in there own right but that didn't mean they all had to be CE marked. The **COM** reiterated its view: if it's not a lifting accessory within the meaning of section one it was outside the scope of the directive. If there were to be considered 'in', ie concrete buckets and suspended work platforms, do they comply with the concept of interchangeable equipment? Exceptional use can be justified, but not routine use. Perhaps it should be referred to MACHEx (the chair of MACHEx, **Sweden**, indicated assent but didn't comment)?

3 (3m) Formal objection against EN 12215 and EN 13355 - Paint spray booths and combined spray booths (Doc 2007.38)

France gave another resumé of their position emphasising the point that EN 12215 contained omissions around issues covering health and safety. They repeated their view that there was a need to improve the design of booths for collective protection as well as providing better information to the users on health hazards. When amending

standards it was also important to ensure consistency in the treatment of applicable supporting standards. A test protocol was to be drawn up with support from **Germany** and the **UK**. **CEN** made known that an ad-hoc group had been convened to look at the issues following the special **COM** meeting held earlier this year. This group had a **French** secretary and a **German** convenor. The **COM** said **France's** objection to these standards was based on the premise that spray booths can protect everyone against exposure. Whilst **Germany** and the **UK** believe that even the best booths cannot fully protect against isocyanides. The consensus of scientific evidence supported the **Germany-UK** position that ventilated booths cannot protect against all risks from exposure. However, the level of discussion on the issue had revealed several important weaknesses in the standards, eg there was no clear design requirement to maximise the ventilation system. Nor was there anything covering the need to maintain and monitor the booths at negative pressure to protect others from the risk of leakage. There was no reference to clearance times when such booths would be safer or any reference to PPE use or to RPE. Therefore the **COM** had decided not to publish the reference to the standards in the OJ. They plan to issue a new mandate to **CEN** to tackle the deficiencies. There is also a need for a new approach to the collection of data so the **French** proposals were welcomed and constructive. The **UK** confirmed their interest in this assisting with this mandate whilst **Germany** hoped for a "well rounded" outcome.

3 (3n) Formal objections against EN 12312 - 9 Container pallet loaders for aircraft

The **COM** has drafted this and it's currently awaiting clearance by the **98/34 Committee**.

3 (3p) Standards for household appliances

Cenelec are still drafting this paper. They plan to discuss it in July 07 with the **COM** and to present it to a future MDWG.

3 (3r) Formal objection against EN ISO 4254 - 1 Agricultural machinery: General requirements

France is prepared to accept a compromise but doesn't want it to set a precedent. Certain specific sections, eg those relating to harvesting machines, have recently been accepted by **ISO & CEN** despite **France** asking them not to do so. Consequently this standard is to be amended.

3 (3s) Formal objection against EN1459 (Doc WG 2006.41)

The **COM** confirmed that its decision was waiting to be despatched to the **98/34 Committee**. The **UK** resumed its case: safeguard action had been taken and until there was an outcome to **TC 150's** new work item - draft resolution 163 "Rough terrain variable reach trucks: visibility - test methods and verification" had deliver an appropriate test to given presumption of conformity with Annex 1, paragraph 3.2.1 (a long way off) - was adopting an interim position as outlined in Annex 1 to this paper. It further wanted to stimulate debate on its supporting proposal, as outlined in Annex 2, however as they had agreed to compromise in the standards negotiation the **UK** was prepared to the vision test height of 1.5m as in ISO 5006, but still wanted the intermediate boom configuration appropriate for unloading flat bed lorries to be included and encouraged **MS** to let the **UK** know their opinion on this aspect of their interim proposal. The **COM** supported the **UK** saying that in the absence of a presumption of conformity it was up to **MS** to determine boom heights that would meet the Directive requirements, but it would be useful if a consensus on this could be agreed. The **UK** asked for any comments to be sent to its **HSE** by the end of July.

3 (3t) Test codes for pneumatic hand-tools

CEN reported that **TC 231** and **TC 255** would be dealing with this. Meetings earlier this year had determined that in respect of the former a vote was planned for December 08 with publication in February 09; and in respect of the later a vote in December 08 with publication in June 09. With this information the **UK** would report to the next MDWG its position on its formal objection.

3 (3u) MEWPS with more than one rated loading (Doc 2007.48)

Italy confirmed acceptance of the **COM** paper saying it was flexible and that regard should be had to it when revising the standard. The **UK** said that in "single person" mode, ie the basic design of the machine, the moment control is automatically activated so it will restrict movement and the envelope if two people do get in the basket.

3 (3v) Refuse collection vehicles (Doc WG 2006.15 rev 1)

CEN said comments (oral) had been provided to **France**. No **MS** dissented from the answers provide by **France** who in turn asked that **CEN** provide their comments in writing and that these should be discussed at a future MDWG.

3 (9) Off road vehicles

The **COM** presented their draft conclusion on off road vehicles saying that action had been initiated to develop a new standard that would cover a miscellaneous group of vehicles that included off-road quads, motor cycles, ATVs, mini-motorbikes, go-karts, golf-carts and snowmobiles. A **CEN** group had been formed and they would be looking to provide some interim solutions to help the Motor Cycle Association. Discussions were also taking place with racing organisations to clarify the concept of competitive racing. **Austria** said that such a standard could not be harmonised because some **MS** licensed them for the road. As such it was unhelpful to manufacturers when different rules applied. **Italy** said the basic paper was fine but queried whether extending the scope to be a kind of 'catch all' was helpful. **France** wanted to know how you defined the rules of motor racing associations suggesting that the draft be amended accordingly. The **UK** said it had recently been made aware of a new piece of machinery called a buggy with seat belts but no ROPS and illustrated with a photograph what these looked like on screen to aid **MS** understanding. It lent its support to **France** on the issue of guidance. **Belgium** thought the terms "professional" and "competition" needed to be better defined. It suggested to the **COM** that they might like to approach its Transport Ministry for advice especially as they don't seem to be working from the same basic principles. There were also issues around insurance and type approvals. **Sweden** also supported **France** but was against the idea of devolving the right to determine legislation to private organisations especially if they had a vested interest in the outcome. **CEN** said that work on the standard was not related to the size of equipment. The new technical committee intends to start work on drafting a new standard before Xmas 07, and by its first meeting it was hopeful of having a base document from which to take this work forward. In discussion with the **IFM** it too had asked for a definition of competition. The **COM** stressed its paper was aimed at the current directive. Unless there was clear evidence to the contrary such equipment, as recorded in the final paragraph of its draft paper, were machines. **Austria** further stated that competition bikes shouldn't be sold on a free market. It wanted the **COM** to issue a second letter saying that issue is still unresolved due to political pressure. **Italy** thought clear guidelines had been issued but it had reservations on the exclusion of competitive machines. Many are one-offs: how do you control the market? More than twenty thousand had been imported in to their country. They should all be treated as machines and there should be no such concept as competitive racing. The **UK** opined that we need to be careful about the types of exclusions that are allowed. **Denmark** thought that the basic price of a competitive machine was approximately ten times greater than those being imported from the Far East. As such price could be a way of determining type and by association compliance with the directive. To close debate on the issue the **COM** said it would redraft its paper having regard to the comments made by **MS**.

3 (11) EN 13524 Highway maintenance machines & EN 690 Manure spreaders

CEN said that highway maintenance vehicles were being considered as part of the on-going work linked to the **CEN** standards mandate. **Italy** said **CEN** should ensure that they raise this in the respective committees. A balance needs to be struck between safety and practicality as is the case with agricultural standards. The **COM** requested feedback from **CEN** on this for the next MDWG. **CEN** said EN 690 had been discussed by the **TC 144** at its 11 June meeting and it had decided not to proceed with the proposals as there had been no **Italian** input to the proceedings. **Italy** retorted that **CEN** should give it more attention as there was an absence of protective devices.

3(14) Channel baling presses

Germany informed the group that this was still the subject of national discussion consequently there had been no **DIN** and **CEN** negotiations.

3 (15) Trucks for narrow aisles

The **CEN TC CHAIR** informed the group that proposals had been made but rejected twice due to non-participation by **Germany**. Further information had been requested, but to date it had not been received. **Germany** expressed surprise because they had responded to the correct part of **CEN**, but they agreed to check **CEN's** receipt of their information.

3 (16) Formal objection against EN 474 - 4 & 5

CEN said that the relevant paragraphs of the standards were 5.5.3.3.4 (for part 4 covering 29000 machines) and 5.6.4.4 (for part 5 covering 18000 machines). Since 1995 2000 accidents had been attributed to them. **France** said the standards don't make mention of a safety value on the dipper arm. This was cheap and easy to correct. They also wanted a warning in the OJEU about load slippage. **Sweden** said that we shouldn't rely simply on outcomes, ie accidents but include 'near accidents' too. The **UK** said that it had no knowledge of accidents without check valves. Excavators of this type were mainly used for materials handling as part of their work eg to lay pipes in the trench they had dug, with a more or near vertical dipper arm, and this equated to less force on this arm and less pressure proportionately, and hence we saw no need for a check valve on this arm. There was an anomaly in that if lifting was restricted to under a tonne no check valves were required on any arm, but you're just as likely to

be injured by being hit with 999kg. However, if the machine was used as a crane including lifting to height etc then the **UK** agreed check valves on the dipper ram would be needed. **Italy** thought that if a machine was configured for control action all of the Annex 1 requirements need to be satisfied. It can't be argued that occasional use meant less risk. If they operated as multi-functioning machines they might be used more frequently. **Germany** believed that with the advances in hoses there was no need for additional safety measures and the **UK** supported this view. **Denmark** doesn't consider excavators as substitute cranes. Making reference to Annex 1, paragraph 1.1.4 it said it has a limit of one metre access if no close users, but for cranes it was above one metre. **France** stated that these machines were sold as multifunctional machines. It was therefore down to **MS**, in considering their use, to interpret the supporting standards but such standards should mirror what manufacturers were asking for. **Ireland** said that there was a requirement for CV on booms and dipper arms. There was also ambiguity between the ISO and EN standard. **Sweden** said that changes in use could cause loads to fall due to valve failure. **CEN** said there were no statistics available of on load failure. CV can also kick-in if undue stress was placed on a machine's use. An analysis of the **German** market at the time the standard was published revealed that there was no need for additional safety valves. **Denmark** thought there was a requirement for safety valves when using hoists and **CEN** confirmed that this was required by a harmonised standard. The **COM's** view was that there were clearly different understandings by **MS** as to the use of these machines. What does the standard really require? There was confusion because the standard re: clause 5.6.4.4 had a limit of one tonne on machines greater than forty Newtons which was not relevant to control movement. They would formulate a view based on representations from **MS** which would form the basis of forming an opinion on the **French** objection prior to it being referred to the **98/34 Committee**. It was important to remember that hoses prevent machine failure, whereas safety valves prevent load falls.

3 (17) Formal objection against EN 500 - 4

CEN reminded **MS** that the issue was one of interlocks clause 5.6.2.6 of the standard **MS** refers. A device is needed to prevent travel moment if there are no doors, windows or control protection. Given this the **French** withdrew their objection to this part of the standard but stressed that small compactors do tip and there was a need for an emergency stop. **CEN** opined, on the need for an emergency stop, that it was neither useful nor technically possible. High vibrations would cancel out the stopping mechanisms. The **UK** said that kerb height could induce tip over so stability was a critical factor when these machines were in use. In conclusion the **COM** said it would draw upon the stability aspects of the **French** objection in taking this issue forward.

3(18) Warning for EN 1726 - 1 and EN 1459

Not yet actioned by the **COM**.

3 (20) EN 843 - 3 2007 (Doc 2007.04 & 40)

The **TC 142 Chair** said that this was not the first challenge to this standard. The first was in 1999, then 2005 and more recently 2007 and this standard complements EN 847 -1. Efforts were being made by **CEN** to control the speed of the tilts and breaking features. It had developed specifications and testing methods for the PVC curtains. But these only applied to short working cycles of wood working machines (not to metal working machines cycles that were normally longer). **Sweden** requested the **98/34 Committee** not to publish the standard - it's not good enough to meet the directives safety requirements. They strongly believe that manufacturers need to be more responsible. **Germany** had also made a formal objection thereby adding weight to **Sweden's** concerns. They have a research project with the University of Stuttgart who have tested the curtain and have concluded that PVC doesn't provide the necessary level of safety. But there is a new fabric on the market that would provide for greater safety. They, the university, have offered to make a presentation on their findings to the next MDWG. **Sweden** argued that a short working cycle is not an argument for a lower level of safety. **France** said that **CEN** have improved some of the issues put forward by **Sweden** but there's a need to review the design of the machine. There's an urgent need to find the technical means to identify when wrong tools had been added to the basic machine. The **TC 142 Chair** welcomed receipt of the **German** tests. **TC 142** would be launching work on tool safety issues in July 07. **Italy** said it was also necessary to implement research on the wider issue of work safety. PVC won't stop metal ejections above a few grams. Need to look at the guarantees attached to the use of tools. But for flexible protection there's a need to investigate the characteristics of the curtain but the solution ought to be in the machine's design. The **COM** will check to see if the mandate has been fulfilled and prepare a draft decision for discussion at the next MDWG.

3 (21) Formal objection to EN 1870 -17 (Doc WG 2007.14)

The **TC 142 Chair** stated that there had been no objection by **France** when the standard was being developed. Manufacturers have to state which blades are to be used in compliance with EN 847 -1. A technical discussion is to be held in September 07 followed by a possible amendment if justified. **France** complained that there had been no explanation for the change in diametric measurement - blade fixing was critical to this. If wrongly installed the

change in diametric movement would mean more movement, less safety. This was a backward step as it didn't recognise improvements in the 'State of the Art.' **TC 142** said there was consensus in the **CEN** committees on figures one to six of the paper - blade support carriage. As such they were prepared to reconsider their position. The **COM** asked what prompted the change and requested that **CEN** respond on this at the next MDWG.

3 (22) Lifting accessories (Doc WG 2006.13 Rev 1)

The **COM's** view was that this latest version was more explicit than earlier versions. **Sweden** could accept that unassigned items, ie those yet to be classified between items 19 - 23, were lifting accessories and **Denmark** supported this view. **Ireland** thought that everything down to chains were lifting items, and that everything below the chains were the loads. If this was not the case then the User at Work Equipment Regulations applied. In this respect the **UK** could now support **Ireland** with regard to items 22 & 23. **France** were not persuaded that the unclassified numbers were lifting accessories. **Belgium** said that if you say something is a container you need to consider whether it's covered by other safety legislation. **Spain's** view was simple: a container contains, it does not lift therefore such accessories must be part of the load and were supportive of the **UK's** view on items 22 & 23. They also thought that the **COM** should publish a list of what **MS** had agreed to, and to publish a second list once **MS** had considered further those items that were still unclassified. **Germany** said it was not helpful keep going over old ground. Let's make a decision and live with it, and the **UK** concurred with this view. The **COM** was supportive of the **German-UK** view. Item 22 had been CE marked, as had analogous products, in accordance with EN 1247. It was not helpful to change its designation. Just because it might not be considered a lifting accessory doesn't mean it was unsafe. The **COM** then called for a vote and by a margin of 14 - 10 those unclassified items, ie numbers 19, 20, 22, 23 and 25, **MS** decided against them being treated as lifting accessories. In due course the **COM** would revise this paper and issue it to **MS**.

3 (24) Recast of Vehicles type-approval Directive

This directive, referred to as the "**Harbour Report**" after its rapporteur, brings about an overlap with the Machinery Directive (MD) in that it gives license for certain vehicles under it to be type-approved notwithstanding the application of the MD, ie not all vehicles could be considered machinery. The **COM** will consider this issue further and report back on it to a future MDWG.

Item 4: Mini loaders (Doc WG 2006.36)

This paper was carried forward from the previous meeting. The **UK** said that 98/37/EC required machines over 15kW to have ROPS protection but in this "stand on" case it was not appropriate, however they must have effective brakes - EN 474 parts 1 and 3 refer as these machines are types of loader and thus need secondary braking systems. **France** said that such equipment brings into question the concept of 'interchangeable' and the myriad risks which need to be taken account when such machines were used thus it supported the **UK's** position as did **Germany**. The **COM** said that as there were no dissenting views from **MS** the answers to the questions posed in the **UK** paper were endorsed.

Item 5: EN 1756 - 1 fall protection, and slip resistance on tail lift platforms (Doc WG 2007.25)

Like item 4 this was also a paper carried forward from the last meeting. The **UK** explained its case saying that it was seeking **MS** support for a mandate to revise the existing standard so that it complied with Annex 1, paragraph 1.5.15. **CEN** said it was aware of, and would act on, the **UK's** concerns and was seeking work on a revision of the standard by the end 2007.

Item 6: Co-ordination of Notified Bodies & Recommendations for Use (RfUs)(Docs 2007. 45))

Co-ordination of Notified Bodies

Item carried forward to the next meeting as there was no NB-M representative at the meeting.

RfUs (Doc 2006 - 45)

Not discussed due to time: remitted to next meeting.

Item 7: Report on standardisation (Doc 2006.49)

CEN presented this report. **CEN** has issued 642 ENs + 72 amendments of which 24 ENs/amendments were ready for citation in the OJEU. As of 8 May 07 there were 588 OJEU **CEN** cited standards. These are broken down as follows: 106 type A + B, 365 type C (which included 35 Annex IV); and 117 type C equipment/aspects. In support of the new Machinery Directive a number of **CEN** meetings had taken place: SMS consultants (2/3), **TC 213** on cartridge hand held tools (28/3), seminar for TC secretaries and representatives for **DIN** (the German Standards'

body (4/4)), **TC 114** on the safety of machinery (16 & 17 4 & 15/5 - their role being to look at all standards and then to remit those back that have to be revised to the designated TC for action) - and **TC 122** on ergonomics (26 & 27/4). The system of A, B, C standards was creating additional challenges for the adaptation of existing standards to support 2006/42/EC, ie normative references to type A & B type standards in type C standards, adaptation of ISO 12100, EN 953 covering technical changes in Annex 1, the logistics of reviewing the ca 650 OJEU referenced harmonised standards; and the need to reactivate dormant technical committees and allied to this was the reduced number of experts available to such committees. **CEN TCs** have to provide to their central secretariat information on standards' revisions by the end of August 07. **Austria** asked whether standards could be issued with Annexes ZA. **CEN** also doesn't acknowledge the German translations that permit them being published in their country. In reply **CEN** said that new Annexes ZB would be needed. On the question of translations these were done by **DIN**, so if there were problems with them **Austria** would have to take thus up with them and they said they would do this. The **COM** said that not all the most recent **CEN** standards had been published so the old list of standards had not been withdrawn. They were planning to issue a consolidated list of **CEN** standards by the end of August 07. Because **Cenelec** had yet to translate their standards into all **MS** languages their list had not been updated. Pending **Cenelec's** language action **CEN** suggested that when the **COM** produces their consolidated list they use the July revisions, and the **COM** agreed to this request. **Austria** said that better notification of revisions was needed because at present they have to trawl through them to see whether they had to do anything. **France** gave notice that it had problems with EN 14190 concerning motor grass lawn cutting devices and would be formally raising this at the next MDWG. In conclusion the **COM** said that references could be withheld from the OJEU but it was down to individual **MS** to justify such requests.

Item 8: ADV visibility (Doc WG 2007.35)

The **UK** explained that this was an information paper to **MS** for them to note what we're doing, to provide us with the information we're seeking if they have it; and that we will be reporting back on this topic to a future MDWG. There being no questions from those present the **UK's** proposed action was endorsed.

Item 9: Comments on ESO ISO 11161: 2007 - Integrated manufacturing systems(Doc 2007. 39)

As we were nearing the end of the meeting by the time this item got raised **France** very briefly summed up their position. They believe there is a problem with Annex D and in particular with sub clauses 5.1.2, 7.1 e) and 8.6 that refer to it, ie the operational safety of the machine. Additionally, the temporary nature of the automatic process has not been fully addressed in the standard and as worded could result in a lower level of safety than is already in force. They would like deferment of the reference in the OJEU and a **CEN** report that takes account of Annex 1, paragraph 1.2.5 on mode selection. The **COM** confirmed there would be OJEU referencing until the issue had been discussed at a future MDWG and supported **France's** request for **CEN** to comment on the issue at this meeting.

Item 14: AOB

Editorial Board for Guidance on 2006/42/EC

The **Chair** confirmed the establishment of an Editorial Board that will have oversight on the provision of interpretive guidance to support the implementation of the new directive. The **COM** will be issuing invitations to selected **MS** representatives before the end of June 07 - Phil Papard, Head of **HSE's Product Safety Unit** has been invited to join this body - and its first meeting is scheduled for 25 July. The **UK** has played a key and critical role in lobbying for this Board and has offered to be, in collaboration with other **MS** and key stakeholders, responsible for writing the draft text on Annex 1, sections 4 & 6. All draft guidance will be subject to ratification by the MDWG before being up loaded to the Internet.

CONCLUSION

Item 9 was the last paper to be spoken to, but because of time pressures discussion on it is adjourned to the next MDWG. Items 10, on EN 1570 - Lifting tables (no papers received for this topic), 11 on the Application of the new MD to stair and home lifts (Doc WG 2007.47); and 13 on Quick hitches for excavators (Doc 2007.37) were remitted to the November 07 next meeting. Item 12, on Guidance on the interpretation of Directive 200/6/42/EC: Lifting accessories,(Docs 2007.36 & 43) are to be dealt with by written procedure. **MS** have until 31 July to comment and if none are received by the **COM** by this date the **COM** will consider these papers endorsed.

PB-L/PP

Sustainable Development & Regulation Directorate
Department for Business, Enterprise and Regulatory Reform (BERR)

HSE

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