

28 January 2008

Machinery Directive Stakeholders

Dear Stakeholders

**UK REPORT TO BRITISH INDUSTRY OF THE MACHINERY DIRECTIVE WORKING GROUP HELD
ON 18-19 DECEMBER 2007**

I am pleased to attach a report of the recent meeting of the Machinery Directive Working Group. In the course of a fairly routine agenda the Commission unveiled its plans, which it has not yet turned into a formal proposal, to amend the new machinery directive (2006/42/EC) which was only adopted in 2006 and still awaits implementation, of course, in the member states. This should be a relatively small and self-contained amendment to introduce some new requirements for pesticide application equipment and associated accessories but the detail of what is eventually proposed will need to be scrutinised carefully to ensure it fulfils its stated objectives (and only those). The eventual release of a formal proposal from the Commission will signal the start of another burst of quite intense activity for those who will be directly in the negotiation process, including member states' administrations.

Further on the implementation of the new machinery directive our consultation on the UK regulations closed just before Christmas. We are now reflecting on the responses we received and will be keeping you in touch with how our plans develop leading up to the eventual creation of the UK Statutory Instrument. We have until the middle of the summer to complete this process.

**MIKE DODDS
ASSISTANT DIRECTOR
MECHANICAL ENGINEERING DIRECTIVES
SUSTAINABLE DEVELOPMENT AND REGULATION DIRECTORATE**

1 Victoria Street, London SW1H 0ET
www.berr.gov.uk

Direct Line +44 (0)20 7215 1339 | Fax +44 (0)20 7215 2635 | Minicom +44 (0)20 7215 6740
Enquiries +44 (0)20 7215 5000 | Email mike.dodds@berr.gsi.gov.uk

**REPORT TO BRITISH INDUSTRY OF A MEETING OF THE
MACHINERY DIRECTIVE WORKING GROUP**

LUXEMBOURG 18-19 DECEMBER 2007

Abbreviations: **COM**; European Commission, **MD**; Machinery directive ('new MD' is 2006/42/EC), **MS**; Member state/s, **NB-M**; Notified body Forum, **esrs**; essential safety requirements, **CECE**; Committee for European Construction Equipment; **RfUs**; Recommendation/s for Use (propagated by NB-M).

SUMMARY

The **COM** unveiled its draft plans, previously trailed in the WG, to make a small amendment to the directive inserting some extra esrs for pesticide application equipment. This will take up a lot of attention in the immediate to medium terms.

Item 7 has broader interest than the narrow area of lifting accessories. Having two distinct notions of the basic term 'machinery' in the new directive has the potential to be very confusing and needs to be nailed down in the guidance for the new MD. On the guidance generally various papers (e.g. items 9, 16, 17) are chipping away at small *ad hoc* questions of scope and these will be incorporated into the full body of guidance later on. There are also signs that the broader exercise is (slowly) developing momentum (items 6 & 19). Interesting move on the administrative handling of RfUs (item 12)

Elsewhere many issues were, as usual deferred. However there seems to be an acknowledgement now that the pace needs to be increased both in dealing with the existing directive and in preparing for the new one and the next WG will follow shortly (March) with a further one planned before the middle of 2008 (see item 20).

DETAIL

Mike Dodds of **BERR** and **Phil Papard** of **HSE** represented the UK. Speakers, organisations and names are depicted in **bold**. New background papers are cited at the appropriate agenda item - please contact **BERR** if you wish to receive a copy.

ITEM 3: MATTERS ARISING FROM PREVIOUS WG

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

The **UK** delivered an upbeat message that a form of words is being voted on presently and that another meeting of the standards body is due early in the New Year. Confident that the problem now seems to be understood in standards circles.

3 (c) Policy on publication of machinery standards

The **COM** had (again) not been able to prioritise this area.

3 (d) Revision of EN 280: Mobile elevating work platforms

CEN reported generally good progress. Scissor lifts still a slight problem but overall the document is not far from being progressed in the **CEN** system towards formal vote. The **COM** proposed, on this basis, that it could be removed from the WG's list of business to be followed up.

3 (e) Standards for washing machines

Report on progress from **Cenelec**. WG has been set up to deal with this and it is hoped the work will proceed in early 2008 prior to going to TC61 in June. The **COM** declared that there seems to be

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satisfactory progress here and will therefore withdraw from follow-up list, but when draft is available **MS** can raise any problems they might see.

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

As for '3 (c)' above, re-draft of the Recommendation to **NB-M** has not been finalised but issue can safely be carried forward to future WGs for the time being as it relates to the new MD.

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

The **COM** reported that no decision had been issued on the French safeguard action yet. New proposal from French on suggested common test methods - the **COM** did not wish to discuss in detail at this WG but asked **MS** to circulate to national experts and to respond to the **COM** /French authorities on this by correspondence. **France** outlined the proposal. **Germany** said that its experts will respond in due course, the **UK** likewise and on first reading welcomed the proposal for a test method, but pointed out its concerns on issues other than just clearance air speed. The **COM** offered to host a meeting in Brussels if needed.

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

Safeguard action is in motion. The **COM** has drafted its Decision but has not issued it yet to the 98/34 (Standards) Committee at which point it will be made available to **MS** representatives on the WG so they can brief their national 98/34 colleagues appropriately.

3 (j) Standards for household appliances

See item 4 below.

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

Safeguard action is in motion. The **COM** has drafted its Decision but has not issued it yet to the 98/34 (Standards) Committee at which point it will be made available to **MS** representatives on the WG so they can brief their national 98/34 colleagues appropriately.

3 (l) Formal objection against EN 1459: Powered industrial trucks

Safeguard action is in motion. The **COM** has drafted its Decision but has not issued it yet to the 98/34 (Standards) Committee at which point it will be made available to **MS** representatives on the WG so they can brief their national 98/34 colleagues appropriately.

3 (m) Test codes for pneumatic hand-tools

The **UK** could report some progress in **CEN** circles that would hopefully allow for the lifting of the formal objection shortly but it should be carried forward in the WG for the time being.

3 (o) Refuse collection vehicles Doc. 2006.15 rev1)

CEN reported orally on progress. Revolves around the fundamental and important issue of whether such vehicles are in Annex IV and a paper to aid proper discussion at the WG will be produced for the next one.

3 (p) Off-road vehicles

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The WG picked up on the previously expressed wishes of many delegations that the meaning of 'exclusively intended for competition' in the new MD be clarified. The **COM** explained in respect of motorcycles that it had engaged the services of the **Federation Internationale de Motocyclisme' (FIM)** to compile and maintain a 'List of **FIM** recognised Motorcycles for competition'. The first versions of this list would be appearing on its web-site shortly (not yet present on 11th Jan. when I (MD) looked but will eventually be on the 'Competition Motorcycles' page of the **FIM** web-site). **John Chatterton-Ross, Director of EU Public Affairs**, explained the mechanics behind how the list will be produced.

Several delegations noted that the production of a list of products was a rather unorthodox way of interpreting an exclusion in a New Approach directive. The **COM** acknowledged this and certainly did not suggest that such a list would have any *firm* legal status, its point instead being that it would at least be a useful initial tool for enforcement authorities.

Separately, the **Association des Constructeurs Europeens de Motocycles (ACEM)** reported on progress in building on a standard for off-road motorcycles. The eventual development of a harmonised standard had also been identified by an earlier WG as a useful step.

3 (q) EN 13524 Highway Maintenance machines, EN 690 Manure spreaders

On 13524, where Italy had raised problems especially concerning height, **CEN** reported that WG 16 of TC 151 had met during the summer to start a new revision in the light of these concerns and again in Dec. although there was no news on the latter meeting. Some concern over a lack of relevant expertise in **CEN**. Even less information available on 690 so also carried forward.

3 (r) Channel Baling presses

WG had previously offered support to developing a standard here suggesting the German standards body (**DIN**) as a starting point. This was still the plan but **DIN** had not apparently acted on it yet.

3 (s) Trucks for narrow aisles

CEN reported that a new work item had been rejected some time ago but issue will be reconsidered at a future meeting of TC 150 so taken forward to next WG.

3 (t) Formal objection against EN 474 - 4 & 5: Earth moving machinery

Long and contentious debate followed paper from **CECE** which illustrated divergent practices across the EU, and was sceptical, in the absence of accident data, on the need for hose burst pressure valves for the arm and suggested future research geared towards eventual possibility of 474 not requiring them for the boom due to improvements in hose design/safety. Main interventions were as follows:

France pointed out that if the risks apply to both the boom and the dipper arm then the solution should deal with both. The **UK** agreed that more work is needed to see if check valves are required at all and, if so, where, but in the meantime the *status quo* should be maintained, i.e. check valves on main boom only. Also pointed out the confusion with machines with less than 1 tonne not needing any, but the potential risk is similar! The **Netherlands** supported a check valve on the dipper arm as this arm is not always vertical.

Ireland warned about using the issue of accident statistics to justify withdrawal of safety devices, might this argument apply, for example to hydraulic lifts? Attention then turned towards the potential multi-functionality of these machines which **France** and **Finland** believed to be rife (and encouraged by the manuals). In this light the **UK** explained, e.g. that it allows no check valves where the machine is below 1000 kg and where the primary use is excavating but acknowledged there were enforcement issues if a machine can be customised later. However, it argued, for accident data to maintain a crucial role in the debate so that the theoretical risk/practical risk distinction can be properly understood.

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The **COM** acknowledged the need to bring clarity and will try to pick up the elements of the discussion in a draft for next WG.

3 (u) Formal objection against EN 500 - 4: Mobile Road Construction Machinery

CECE presented a provisional paper, to be followed up later by a full response, stressing the difficulty of increasing stability of these small machines and calling, in the meantime, for better instructions to be given. Critical that ROPS and seat belts should be used. Also pointed out that although EN 500 - 4 does not address 'unexpected start up', the general provisions of EN 500 - 1 do. **France** content with **CECE's** response to 'unexpected start-up' but not on 'stability' where there is a need for better testing including dynamic. No further comments and the **COM** will now draft an opinion for the 98/34 committee.

3 (v) Warning for EN 1726 - 1 and 1459 (industrial trucks)

The **COM** had not progressed this so carried forward.

3 (w) Formal objection against EN 843 - 3: 2007 CNC woodworking machines (Doc 2007.52)

In the absence, as yet, of a draft Commission Decision **Germany** presented on some work it had carried out (see paper) based on the two fatal accidents discussed in a previous WG. A test projectile of 20gm as a tool ejection can be several times heavier and, via some testing of curtains at Stuttgart University, had highlighted the need for new types of curtain material (eg Kevlar). The **COM** welcomed the work. **Sweden** reported that they attended the TC WG where it was agreed that the **CEN** notification to the **COM** to publish the ref in the OJ would be suspended so that more work could be carried out in the WG to improve the standard. **Italy** was also engaged in research and welcomed the time out so that a better standard to cover this area could be developed.

3 (x) Formal objection against EN 1870 - 17 Circular sawing machines

France prepared to withdraw formal objection if there are grounds to do so following further **CEN** work (TC142 to meet in Jan 08).

3 (y) Lifting accessories

The paper classifying various types of equipment, that has been discussed over several WGs, will now be published on EUROPA without further amendment and incorporated into the guidance being developed on the new MD. A late call by the instigators of the work, **Sweden**, to re-visit the classification of manually operated ladles (item 22) was rejected for fear of unpicking other agreed interpretations.

3 (z) Recast vehicles type-approval directive

No discussion, OJ reference of directive 2007/46/EC given (263/19.10.2007) and delegations invited to study text.

3.7 EN 14910 - powered lawn trimmers

A slightly curious item! The promised French study on these products, which were potentially dangerous, had not been carried out because they did not seem to have appeared on the market as yet. However, enforcement authorities were on alert to test them when/if this occurred and would report back.

3.9 EN ISO 11161 - integrated manufacturing systems

France gave a short presentation on the problems it could see with integrated systems. Not opposed in principle to having different modes of operation for special circumstances, e.g. Mode 3 - but the detail of the mode requirements can cause concern. The **UK** observed that this rather involved and specialist issue really required the presence of **Mr Umbright** of **CEN** to be discussed properly and asked for this to be arranged for the next meeting but was sympathetic to the general thrust of the French presentation. The new MD certainly gave priority to technical methods over user controls or user training etc. to secure protection.

ITEM 4: STANDARDS FOR HOUSEHOLD APPLIANCES (POWER OPERATED DOORS, GATES AND WINDOWS) (DOCS 2007.55 & 56)

Fabio Garganti, the Chair of TC 61, presented two papers on behalf of **Cenelec**. A general paper (2007.55) considers the implications for its work of the re-drawn borderline between the Low Voltage Directive (LVD) and the new MD. The LVD sister WG has recently published a formal Guide which tries to address this and the relevant chapter will be re-produced in exactly the same form in the equivalent Guide that is under development for the new MD. The key task is to analyse the meaning of 'Household appliances intended for domestic use' and the LVD guide will include under this bracket equipment used by 'laymen' in e.g. shops, offices etc or e.g. clients in B&Bs. The paper includes a practical attempt to analyse **Cenelec's** present array of standards between the two directives and **MS** are invited to consider the list and comment. The listing includes certain standards that are allocated to *both* directives. In the face of scepticism, e.g. from **Spain** as to how this could be, the **COM** explained that it was because some standards covered a wide product area (and could not easily be split up as this would have knock-on effects for the equivalent global (IEC) standard). It is not tantamount to saying that a single product will have dual coverage. It gave the example of EN 60355 - 2 - 8, the standard on hair clippers but which also covers sheep shearing equipment.

The other paper (2007.56) dealt specifically with power operated doors. The main issue is what is meant by 'Drive and Drive Systems' and if the standards cover this. The **UK** asked about the scope of the three standards dealing with drives. In reply the **COM** confirmed that they will now restrict themselves to 'Drives' - i.e. they will not include any mechanical transmission parts because, if these are fitted, the product will come under the MD.

ITEM 5: REVISION OF EN 1570 - LIFTING TABLES (DOC 2007.61)

France presented a paper seeking to influence the work of the CEN TC charged with revising this standard and expressing a preference for its scope to be divided up. Some of the points were countered by a representative from the CEN TC (**Trevor Pigott, FEM**). Subsequent discussion lacked focus and it was agreed that it needed to be returned to at the next WG when there had been time to consider papers from both sides of the various issues (**CEN** representative asked to submit).

ITEM 6: APPLICATION OF NEW MD TO STAIR AND HOME LIFTS (DOC 2007.47)

The **UK** presented a paper it had drafted some time ago arguing that the new MD's consolidation of all of the requirements for the lifting of persons into a single section of Annex 1, whilst a good idea in principle, had left the situation of certain specialist products - e.g. 'through the floor lifts' and 'stair lifts' - in a state of some confusion. It therefore called for this area to be made a priority for guidance. In effect this had already happened with the **UK** taking the lead in the sub-group developing this guidance and it hoped to be presenting its work to the full Editorial Board soon.

Spain took the opportunity to raise some concerns about two standards in this area believing the **CEN** consultant had recently not accepted them for harmonisation. An industry rep replied that the

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standards in question, EN 81 - 40 & EN 81 - 41 had both been modified at formal vote and the **CEN** Consultant is now happy with the texts.

ITEM 7: HOW ARE 'LIFTING ACCESSORIES' TO BE UNDERSTOOD IN THE NEW MD? (DOCS 2007. 36, 43)

The **UK** pointed to the discrepancy in the new MD (paper 2007.36) between the concepts of 'machinery' in the 'narrow' sense of Art. 2 (a), and the wider one merely a couple of lines of text above that, in the introduction to Art.2. This opened up the potential for confusion right across the new MD with one immediate example occurring in section 4 of Annex 1 where the testing of 'lifting machinery' was detailed. If the broad sense of 'machinery' was intended here then it included 'lifting accessories' and the sort of testing laid down would not be compatible with the existing set of harmonised standards for these accessories.

The **UK** paper had been tabled for some time and the **COM** had already issued its reply (paper 2007.43). It argued on the lifting accessories point that the context clearly pointed to the narrow usage of 'machinery' on the testing provisions so the practical problems did not arise. The **COM** paper also tries to offer a more general steer citing the Articles of the new MD where the meaning is believed to be the broad one. (*NB: the Guide for the new MD will need to follow through on the preliminary analysis of 2007.43 as these two conceptions of 'machinery' existing alongside each other bring huge scope for confusion*).

ITEM 8: QUICK HITCHES FOR EXCAVATORS AND TELEHANDLERS EQUIPPED WITH A WORK PLATFORM (DOCS 2007. 37, 62)

The **UK** presented a paper (2007.32) explaining problems it had encountered with certain types of quick hitches. These are devices attached to excavators to enable 'quick' attaching/latching of buckets (up to 30 times per operator shift on occasions!). Although automatic hitches are now more common using hydraulics that are operated and secured from the cab the concern was with the semi-automatic type where it is possible to pick up the bucket without its being secured. Several accidents had occurred where the safety pin had not been attached. This tended to happen where drivers had to continuously get out of the cab in inclement conditions. Since this was foreseeable misuse it ought to be addressed in the relevant standard. **CEN** accepted this and pledged to push the work forward as quickly as it could.

Discussion then gave way to **Italy** who described similar problems with EN 1459 and integrated baskets fitted to telehandlers. These baskets needed to have their retaining pins fitted manually to be fully safe but could be, and were being, lifted without them, resulting in at least one recent fatality. The system of attachment needed to be monitored to disable the machine if the working basket is incorrectly located or not secured properly. The paper got widespread support - **Spain**, the **UK**, **France**, **Austria** - with the latter hoping to see a RfU from the **NB-M** to provide comfort in the short term as something is required here to fill the gap before the longer term solution can be delivered through the standards process. The **COM** agreed and encouraged the **NB-M** to respond appropriately.

ITEM 9: LIFTING FUNCTION OF A VEHICLE CHASSIS (DOC 2007.51)

Germany presented a paper arguing that the air suspension systems found on many commercial vehicles that have a secondary function of lifting and lowering the chassis are, on that account, within the scope of the MD, i.e. this function is not required for the transporting of goods.

No immediate statements of opposition to this view were voiced but the **COM** was conscious of need to consult colleagues responsible for the vehicles directive. There were plenty of examples of items of machinery mounted on vehicles - **Spain** had remarked that the issue sounded familiar, e.g. mounted cranes - and sometimes these are heavily integrated with their own indicators, interlocking etc. but their relationship with the MD can still be difficult to determine. They will try to research and report back.

ITEM 10: TYRE COMPRESSORS FOR MOTOR VEHICLES (DOC 2007.57)

The **COM** referred to some correspondence it had had with a representative of **Honda** about the status of tyre compressors and it had agreed that they were in the scope of the MD. There was some residual uncertainty about whether they might also be covered by the Pressure Equipment Directive although this was unlikely since, even if they met the basic definition of a PED 'vessel', they would be unlikely to be classified higher than Cat. 1 and would thus be excluded in the light of their MD coverage.

ITEM 11: REPORT ON CO-ORDINATION OF NOTIFIED BODIES & RECOMMENDATIONS FOR USE (RFUS) (DOCS 2007. 71)

The new co-ordinator for the **NoBo Forum (M. Jacques)** introduced himself. He explained that the Forum had continued to focus in particular on the new challenges that the new MD threw up especially the QA module H. This anticipation of future challenges was applauded by the **COM** who also noted that Art. 14 (7) of the new MD placed this co-ordination of activities onto an altogether firmer footing. They had also been looking at the theory and practice behind 'unannounced visits' and this was throwing up some interesting questions.

The **COM** had signalled its intention at previous WGs to reform the way in which RfUs were handled - they were too detailed and numerous for a group of this sort to handle. Suggested setting up an *ad hoc* group of volunteers to sift through the RfU drafts on the WG's behalf and report back. It is likely that at least **Sweden, Poland, Germany** and the **UK** will volunteer and the **COM** will organise the inaugural meeting soon.

ITEM 12 PROGRESS REPORT ON STANDARDISATION (DOC 2007.01)

As has been the case for the last few WGs the **CEN** presentation focussed on the steps to prepare the current range of standards for the new MD. The presentation analysed the present 580 standards in terms of the basic 3-tier model of adaptation as follows:

- simple adjustment (411), technical review (118), revision (51)

plus, of course, certain new standards to be developed for the products added to the scope - hoists, cartridge operated hand held fixing devices etc.

Whilst **CEN** remained reasonably sanguine about the task in hand some concerns were registered elsewhere. **France** believed that CEN TCs were having considerable trouble working with some of the mandates from the **COM** to adjust standards and will try to detail these in a paper for next time. The **COM** has issues with the updating of Annex Zs - these need to comply with the new rules for Annex Z so even where updating in a straightforward way there may be more change required than one might think. These annexes will have a vital role to play as users get used to the new MD. **Austria** underlined that this is properly the task of the **CEN** consultants.

ITEM 13: FORMAL OBJECTIONS TO EN 14985, 13001: CRANES – SLEWING JIBS ETC. (DOCS 2007.59, 60)

Germany gave a presentation on paper 2007.60 - very complicated in its detail but in principle the issue is: are enough safety factors present to cover foreseeable misuse by the operator? In recognition that this was too technical for this group the **COM** asked **MS** to consult their experts and give a written view on the objection if they wish.

Presentation on 2007-59 similarly difficult to digest. The **UK** asked for a reaction from **CEN** to be circulated so that both sides of the issue can be provided before a body such as the WG even attempts

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a debate. **France** supported **Germany** as they have also looked at this matter and come to similar conclusions.

ITEM 14: MATERIAL HANDLING EXCAVATORS WITH AN ELEVATING CAB (DOCS 2007.62, 66)

Postponed to next meeting.

ITEM 15: TOWER CRANE FAILURE

This item was withdrawn by its sponsor (Romania) from the WG.

ITEM 16: STATUS OF STAIRLIFTS (DOC. 2007.64)

The **UK** wished to clarify the status of stair lifts and dedicated lifts for disabled persons. A case had been made that these could be construed as 'medical devices' for the purposes of the directive of that name and thus be excluded from the MD. Such a case would be based on elements of the definition there of a medical device such as 'to be used for the purpose of alleviation of or compensation for an injury or handicap'. The counter argument put forward in the paper is that although that much is true of such products they are ruled out as medical devices by other elements of the definition ('principal intended action in or on the human body'). Several delegations agreed that 'intuitively' these products ought to belong to the MD 'machines'. It was suggested too that the definition of a 'medical device' made it easy to construct '*reductio ad absurdum*' arguments that would see many inappropriate products being construed as medical devices.

The **COM** was also sympathetic but wary too of placing too much store on arguments based on the generic definitions as these could always be argued either way. The original justification for the new MD clearly signalled the intention to see these products covered, the industry had never contested this and what was needed, without prejudice to any subsequent judicial clarification there may be, was a clear public statement to this effect. The **COM** will therefore liaise with colleagues responsible for medical devices and secure an agreement that they are in the MD and this will be established in the guidance for both directives.

ITEM 17: STATUS OF BALANCERS (DOC. 2007.65)

Recent clarification by the UK that 'balancers' are not 'lifting accessories' had led to a demand for their status to be clarified. The **UK** presented a paper arguing that powered balancers are 'machines' for the purposes of the MD as are certain types of non-powered balancers provided they are used for 'lifting'. The **COM** agreed for the most part - and there were no other comments - but was concerned at the same time about the implications of relying on the reasoning that non-powered balancers were considered as lifting devices. The status of certain other devices not considered to fall under the MD might be questioned. The **COM** will take over the paper for slight re-drafting and present to next WG.

ITEM 18: DRAFT COMMISSION PROPOSAL TO AMEND NEW MD IN RESPECT OF REQUIREMENTS FOR PESTICIDE APPLICATION EQUIPMENT AND ACCESSORIES (DOC 2007.54 + REV.1)

The **COM** presented its plans to amend the new MD to introduce a further set of esrs for these products with a view to issuing a formal proposal before the second quarter of 2008. Pesticide equipment and accessories are already clearly covered in the generic scope of the directive - and the **COM** has wisely abandoned an earlier plan to cite them specifically in Article 1 - but a Commission initiative developed since the new MD was adopted and known as the 'Thematic Strategy on the Sustainable use of Pesticides' commits it to ensuring, amongst other things, that certain 'essential environmental protection requirements' are secured when this sort of equipment is placed on the market/put into service.

The plan is to do this by amending the new MD in two broad ways:

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- inserting 'or the environment' wherever the formulation 'do not endanger the health and safety of persons and, where appropriate, of domestic animals, property' occurs (i.e. Arts 2, 4, 9, 11) and also inserting a reference to environment in the pre-amble to the esrs in Annex 1
- adding a dedicated set of esrs as new section 2.4 of Annex 1.

Delegations had had limited time to digest these suggestions and, in any case, the **COM** was 'drafting on the hoof' to some degree (hence rev. 1 issued on the day following the WG). Initial reactions were 'broad brush' and, whilst not hugely critical, urged caution, especially given the risk for there to be unintended consequences for mainstream 'machinery'. Some of this would depend upon how closely the practical effects of inserting 'environment' in the Articles of the directive could be 'ring-fenced'. A **COM** argument that the term 'property' used in the same place had not caused any perverse or extreme interpretations was not wholly accepted - environment is a more contentious and sometime nebulous concept.

Austria asked whether the eco-design directive (2005/32/EC) might not offer a better vehicle for introducing these provisions. The **COM** promised to look into this but envisaged problems in various respects including that this directive was intended for mass produced items.

Delegations were invited to submit preliminary comments by 18th Jan. after which a formal proposal to **MS, European Parliament** etc. can be expected by Easter followed by negotiations in the normal way. The objective is for the process to be completed comfortably before the enforcement date for the new MD.

ITEM 19: DRAFT COMMISSION GUIDE TO NEW MD (DOC 2007.53)

The sub-groups that have been allocated chunks of the new MD that they will ultimately refer to the 'Editorial Board/WG' are getting on with their tasks. A draft was already available from the one that is looking at the early parts of the directive (recitals and Arts 1 and 2). This is open for comment until the end of February 2008.

ITEM 20: AOB

Next meetings (all provisional) 12 - 13 March; 5 - 6 June; and 19 - 20 November.

MD/PP

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

Health and Safety Executive

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