



European Materials Handling Federation

FEM main messages – Study on the evaluation of the Machinery Directive

Brussels, 6 April 2017

FEM, the European Materials Handling Federation, welcomes the ongoing study for the evaluation of the Machinery Directive.

Taking stock of the functioning of the Machinery Directive in the internal market since its last revision (leading to the current 2006/42/EC) via an evaluation process is an important step in assessing the performance of the Directive in terms of meeting its intended objectives (including its relevance, effectiveness, efficiency, coherence and EU added-value), but also in identifying possible areas of improvement.

FEM manufacturers believe that the current Machinery Directive is performing well, providing a high level of health and safety for machinery users and facilitating free movement of machinery in the internal market. Partially due to the success of the Machinery Directive and the removal of barriers to trade in machinery, the materials handling sector experienced a noteworthy increase in production value (from €59bn to €62bn from 2002 to 2015) and a substantial surge in extra-EU exports (currently at 53%), which means that our sector benefitted from growing international competitiveness.

The key benefits of the Machinery Directive in our view are the effective application of the mandatory essential requirements set out in Annex I and the requirements on conformity assessment (CE marking, Declaration of Conformity, different conformity assessment route, the use of harmonised standards etc.).

As a result, FEM does not support a complete revision of the Machinery Directive.

The existing provisions of the Directive that contribute to the safety of machinery in the EU should not be fundamentally changed. Any changes/improvements to the Machinery Directive must be proportionate so that manufacturers do not lose the stability of Annex I, as one of the most important and successful elements of the Directive.

Certain improvements or adaptations to reflect the current regulatory environment may be made, such as for example the formal alignment with the New Legislative Framework (to prevent any inconsistencies with the general principles on market surveillance and product safety), or the shift from a Directive to a Regulation (to ensure its direct applicability).

FEM has selected several key issues that the materials handling industry considers important to be preserved in the Directive, and others that may require certain adaptations or improvement.

Issues which should be preserved

- the mandatory essential health and safety requirements
- CE-marking
- the presumption of conformity with the essential health and safety requirements, as ensured by harmonised standards
- the conformity assessment option of self-certification
- the confidentiality aspect, particularly with reference to business, professional and trade secrets: in other words, sensitive data/documentation (e.g. technical files) should only be provided in response to a duly reasoned request by the competent national authorities

General issues which require improvement

- alignment with the New Legislative Framework (NLF), to achieve harmonisation and clarification of the terms and definitions used (e.g. to reinforce a common harmonised market surveillance framework)
- clarification of the area of competence and responsibilities of notified bodies following incidents, especially concerning product liability
- overlaps between the Machinery Directive and other EU legislation: e.g. the Outdoor Noise Directive requires other measurement methods than the harmonised standards under the Machinery Directive.

Concluding remarks

FEM supports the policy intentions and process of evaluating the Machinery Directive to assess its fitness for purpose in the internal market, but this evaluation should not result in a substantial revision of a Directive which has been working well and has been successfully meeting its objectives over the last decade. Moreover, we believe that the Machinery Directive has secured a sound balance between industrial competitiveness and a high level of health and safety for users of machinery.

The Machinery Directive Guidelines should be one key non-legislative tool to provide the necessary clarifications in support of a uniform understanding and interpretation of the Directive. Unnecessary amendments to the Directive can be avoided by providing clear explanations in the Guidelines.

Minor improvements and procedural adaptations (such as the NLF alignment) can be made to better clarify certain provisions and to ensure that the Machinery Directive is adequately addressing current and future practical challenges in the machinery sector, based on the industry's experience.

For these reasons, any possible changes and adaptations to the Directive need to be well measured and proportionate, in order to preserve the current stable legal framework that the MD provides, particularly its effective essential health and safety requirements.