



European Materials Handling Federation

FEM draft input on the EC Inception Impact Assessment - revision of the Machinery Directive

Brussels, 8 February 2019

FEM represents European manufacturers of materials handling, lifting and storage equipment. FEM welcomes the Commission's inception impact assessment document on the future revision of the Machinery Directive, in terms of providing a roadmap on the current issues to address in the revision and the expected impacts of the proposed policy options.

As highlighted in previous position papers or comments during the study on the evaluation of the Machinery Directive, FEM manufacturers strongly believe the current Machinery Directive is fit for purpose and therefore no changes to its substance (scope, definitions, essential health and safety requirements) are required at this stage. The Machinery Directive continues to significantly contribute to the safety of machinery placed on the market in the EU, notably due to the effective application of the mandatory essential requirements set out in Annex I, and the use of voluntary harmonised standards giving the presumption of conformity to these mandatory requirements.

FEM is not in favour of substantial changes to the Machinery Directive. However, we support procedural adaptations such as the alignment with the New Legislation Framework (NLF) and the conversion from a Directive to a Regulation. In other words, **option 1 combined with option 4** are the preferred options for the materials handling sector. The alignment with the NLF would enable the future Machinery legislation to be coherent with the wider EU product safety framework, as regards terminology and definitions related to the role of economic operators, the technical documentation (e.g. DoC), as well as market surveillance and accreditation provisions. Having a Machinery Regulation is also preferred to a revised Directive, as it curbs the delays in national transposition, by virtue of having direct applicability, and at the same times ensures a uniform implementation.

In addition to these two options, FEM is open to a sub-option of option 2 regarding the permission to provide documentation by digital means. This possibility would help economic operators to reduce costs and administrative burdens. While the current legal text does not oblige manufacturers to provide documentation on paper, but to ensure that the documentation accompanies the machine (e.g. instruction manual), the Machinery Directive Guide explicitly includes the term 'paper format' when interpreting the above requirement. FEM therefore believes that an amendment to the Guide allowing different means to supply documentation and not restricting it to a paper-only format (e.g. QR code on the machine, pdf, websites etc.) is the way forward, without the need to change Annex I requirements.

With regard to the other sub-options of option 2 (changing the essential requirements to address new technologies), FEM is of the opinion that the current text of the Machinery Directive provides a sound legal framework also in relation to new technologies which are sufficiently addressed in Annex I. Any AI functionality is already covered by the intended use as defined by the

manufacturer. Therefore, there is no need to include additional requirements related to AI, cybersecurity, or human-robot co-existence in the current legal framework.

At the same time, FEM disagrees with any modification of the scope and current definitions in the legal text. Instead, the Machinery Guide ought to provide the necessary clarifications on those definitions to ensure a common interpretation. As an example, we welcome the current proposal from machinery experts improving the paragraph in the Guide on the definition of partly completed machinery (PCM). Should there be other requests for clarification on other definitions, the Guide is the appropriate channel to address them.

On the whole, FEM would like to re-express its strong preference for leaving Annex I of the Machinery Directive unchanged. We instead support minimal changes of administrative nature involving only the alignment with the NLF and the shift from a Directive to a Regulation; these minimal changes should also be accompanied by an amendment to the Guide to application of the Machinery Directive, permitting the use of digital documentation.