



Brussels, 19th December 2006
M/396 EN

Mandate to CEN and Cenelec for standardisation in the field of machinery

1. BACKGROUND

1.1. The legal basis of the mandate

This mandate relates to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC¹. This Directive is a revision (recast) of the current Machinery Directive 98/37/EC². It came into force on 29 June 2006. Its provisions must be transposed into the national law of the Member States by the 29th June 2008 and will become applicable on 29 December 2009.

According to Article 5(1) of the revised Directive, machinery subject to the Directive must satisfy the relevant essential health and safety requirements set out in Annex I before being placed on the market. Article 7(2) of the revised Directive states that machinery manufactured in conformity with a harmonised standard, the references of which have been published in the Official Journal of the European Union, shall be presumed to comply with the essential health and safety requirements covered by the standard.

The scope of the revised Directive, set out in Article 1, is extended in so far as certain types of machinery have been removed from the list of exclusions. The borderline between the scope of the Machinery Directive and other Directives, in particular, the Low Voltage Directive, 73/23/EEC³, and the Lifts Directive, 95/16/EC⁴, have been redefined in order to provide greater legal certainty.

Compared with the current Machinery Directive, Annex I to Directive 2006/42/EC does not introduce major changes to the essential health and safety requirements applicable to machinery. However, several of these requirements, such as those relating to ergonomic principles and machine emissions, have been made more precise. A limited number of new essential health and safety requirements have been introduced to deal with risks associated with the types of machinery brought into the scope of the Directive. Furthermore, certain requirements that are currently applicable only to mobile or lifting machinery have been made applicable to any machinery presenting the risks concerned.

¹ OJEU L 157, 9.6.2006, p. 24–86.

² OJEC L 207, 23.7.1998, p. 1–46.

³ OJEC L 77, 26.3.1973, p. 29–33.

⁴ OJEC L 213 of 7.9.1995, p. 1 – 31.

1.2. The aim of the mandate

The aim of the mandate is to invite CEN and Cenelec to check the existing body of harmonised standards supporting the Machinery Directive and to carry out the necessary adaptations to the standards ensure that :

- harmonised standards are available to cover the scope of the revised Directive 2006/42/EC;
- harmonised standards for machinery provide specifications enabling manufacturers to comply with the revised essential health and safety requirements of the revised Directive.

2. DESCRIPTION OF THE MANDATED WORK

The Commission requests CEN and Cenelec to check the existing body of standards for machinery and, where necessary, to draw up new standards or to amend or revise the existing standards in order to ensure that they cover the scope and satisfy the essential health and safety requirements of the revised Machinery Directive 2006/42/EC.

The existing standards concerned by this mandate are the standards, the references of which have been published in the OJEU in support of Directive 98/37/EC, that were developed in response to successive mandates relating to Directive 89/392/EEC as amended and Directive 98/37/EC, in particular, the programming mandate M/BC/CEN/91/16 and the standardisation mandate M/079. This mandate also concerns new and revised standards for machinery to be adopted during the period leading up to the application of Directive 2006/42/EC.

The standardisation tasks covered by this mandate are as follows :

- 2.1. Ensure that harmonised standards are available to cover the categories of machinery introduced into the scope of the revised Directive (in particular, construction site hoists and portable cartridge-operated fixing and other impact machinery) ;
- 2.2. Make the necessary adjustments to standardisation to take account of the redefined borderline between the Machinery Directive and the Low Voltage Directive and the fact that certain types of machinery, currently subject to the LVD, may become subject to the MD ;
- 2.3. Make the necessary adjustments to standardisation to take account of the fact that Directive 2006/42/EC amends the Lifts Directive 95/16/EC with the effect that lifting appliances with a speed no greater than 0.15 m/s are subject to the Machinery Directive ;
- 2.4. Ensure that the harmonised standards intended to support Directive 2006/42/EC fully satisfy the relevant essential health and safety requirements of the revised Directive or, failing that, include an indication as to which of the requirements are not satisfied ;

- 2.5. Ensure that the standards intended to support the revised Directive include an indication of the relationship between the clauses of the standard and the essential health and safety requirements of Annex I to Directive 2006/42/EC⁵ in accordance with the agreement on this subject between the Commission and the European Standardisation Organisations.⁶

3. EXECUTION OF THE MANDATE

- 3.1. CEN and Cenelec are requested to communicate to the Commission, by 30 September 2007, a work plan for the execution of the abovementioned standardisation tasks, indicating the new standards that need to be developed, the standards requiring revision or amendment and the standards for which the introduction of a reference to Directive 2006/42/EC is sufficient.
- 3.2. CEN and Cenelec are requested to communicate to the Commission by 30 June 2008, an interim report on the progress of the tasks set out in this mandate, indicating any eventual difficulties encountered.
- 3.3. CEN and Cenelec are requested to communicate to the Commission, by 30 June 2009,⁷ a list of harmonised standards supporting Directive 2006/42/EC. The list shall include the titles of the standards in all of the official languages of the EU.
- 3.4. CEN and Cenelec are requested to draw up the work plan and execute the abovementioned tasks in close cooperation in order to ensure consistency and avoid overlapping standards, particularly with respect to task 2.2 relating to the borderline between the Machinery Directive and the Low Voltage Directive.
- 3.5. When executing the standardisation tasks covered by this mandate, CEN and Cenelec are requested to take due account of feedback from the end-users of the machinery concerned.
- 3.6. Wherever possible, when the abovementioned tasks involve the development of new standards or the revision of existing standards, the tasks should be executed within the framework of the Vienna and Dresden Agreements with a view to preparing international standards that satisfy the relevant essential health and safety requirements of Directive 2006/42/EC.
- 3.7 CEN and Cenelec are requested to make available to the Commission the texts of the standards developed on the basis of this mandate (including the

⁵ If the specifications of a harmonised standard satisfy the essential health and safety requirements of both the current and revised Machinery Directives, it is possible to include in the standard an informative reference to both Directives.

⁶ *Indication of the relationship to essential requirements in harmonised standards (Annex Z) Implementation by the European Standards Organisations - 98/34/EC Committee Doc.2004/35, 31 August 2004.*

⁷ The Commission intends to publish such a list in the OJEU before the revised Directive becomes applicable.

European standards based on international standards) in English, French and German.

- 3.8 Acceptance by CEN and Cenelec of this mandate starts the “standstill” period referred to in Article 7(1) of Directive 98/34/EC⁸.

⁸ OJEC L 204, 21.7.1998, p. 37.