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NOTE

From:	DE Delegation
To:	Working Party on Technical Harmonisation (Machinery)
Subject:	Second-hand machinery

Second-hand machinery

We, Germany, are aware that it was not the intention of the European Commission and also not of the Member States to cover second-hand machinery with the future Machinery Regulation. This is also pointed out by chapter 2.1 of the Blue Guide:

*“Union harmonisation legislation applies to **newly manufactured products** but also to used and second-hand products imported from a third country when they enter the Union market for the first time”*

But we recognized that the proposal of the council (9801/1/22 REV 1) is not in line with the Blue Guide. The proposal only addresses “machinery” but does not contain any limitation for second-hand machinery. Therefore, a small modification is necessary to ensure that second-hand machinery are not in the scope of the future Machinery Regulation. Thus, we propose the following modification to Article 2 (Scope):

- (1) This Regulation applies to **new machinery and** the following ~~machinery~~ **new related** products
- (a) ~~machinery~~;
 - (b) interchangeable equipment;
 - (c) safety components;
 - (d) ~~machinery or related producting~~ lifting accessories;
 - (e) chains, ropes, ~~slings~~ and webbing;
 - (f) removable mechanical transmission devices;
 - (g) ~~partly completed machinery~~.

This Regulation also applies to new partly completed machinery.

For sure, Recital (9) is related to Article 2 (Scope). Recital (9) is not sufficient within this context, because only the “placing on the market” by the manufacturer is addressed. But the aspect of making available on the market, e.g. by distributors, is missing.