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NOTE

From:	IE Delegation
To:	Working Party on Technical Harmonisation (Machinery)
Subject:	Machinery Regulation - IE comments concerning the Presidency Compromise Text WK 4415/2022 INIT, WK 3660/2022 ADD1 (WP Machinery on 29/03/2022)

DRAFT MACHINERY REGULATIONS - Additional Comments Ireland

28.03.2022

Reference: French Compromise Text: - WK 4415/2022 INIT

Article 3

Definitions

Article 3 (16) ‘substantial modification’ means a modification of a machinery product or related product, by physical or digital means after that machinery or related product has been placed on the market or put into service, which is not foreseen by the manufacturer, and which affects its safety by creating a new hazard or by increasing an existing risk, and which either modifies the inherently safe design of the machinery or related product or requires to implement additional protective measures modifying the control system of this machinery or related product;

Ireland can support the Presidency’s proposal for article 3 (16) with definition of substantial modification.

Article 15

Ireland can support the Presidency’s proposal for Article 15.

Article 5

‘High Risk’ machinery

Ireland supports the proposed changes in article 5, a grammatical review is required on para 4 before final wording. Please note our reservations re Article 21 below which relates to Article 5.

Article 21

Ireland does not support dividing Annex I machines into two categories, Annex I Part A and Annex I Part B. The purpose of the suggested wording from the Commission text was to ensure these high risk machines were correctly assessed by a Notified Body.

The new proposal of two parts, increases the potential of danger for the user. This will have the effect of influencing manufacturers’ to attempt to carry out self-assessments on high risk machinery that may be currently assessed by a Notified Body. The new Machinery Regulation may make inspections by Market Surveillance Authorities of Annex I Part B products more difficult than currently under the Machinery Directive.

Should the proposal for Annex I Part A and Part B proceed, Ireland are of the view that all current Annex IV machines should default to Annex I Part A, unless data can be shown to demonstrate that they should not be in the high risk category.

Annex 1

Annex 1 Part A point 1 – 7 -

Ireland considers that these are highly dangerous machines requiring assessment by a Notified Body and not by the manufacturer.

Annex 1 Part A point 8 Portable chainsaws for wood working – Ireland considers that these are highly dangerous products, a high speed blade with no guard, it is imperative that the manufacture and controls on these products are manufactured to the highest standard. There are many such products manufactured in 3rd countries which are of very poor quality. Classification to remain in Annex 1 Part A would be a high priority for Ireland.

Annex 1 Part A point 9 Presses, including press-brakes, for the cold working of metals, with manual loading and/or unloading, whose movable working parts may have a travel exceeding 6 mm and a speed exceeding 30 mm/s.

Ireland would considered that these are high risk machines with high force and speed of operation, imperative that safety controls are to the highest standards – recommended Annex 1 Part A.

Annex 1 Part A point 13

Ireland supports a change to wording to so that it is clear that it is the compression mechanism that is covered and not the entire vehicle.

Annex 1 Part A 14 Removable mechanical transmission devices including their guards –

Ireland is strongly of the opinion that this be retained in Annex I Part A as it mitigates against a very high risk from the use of machinery and cause of many accidents, this category should be subject to third party conformity checks.

Annex 1 Part A 15 Guards for removable mechanical transmission devices

Ireland is strongly of the opinion that this be retained in Annex I Part A as it mitigates against a very high risk from the use of machinery and cause of many accidents, this category should be subject to third party conformity checks.

Annex 1 Part A 16 Vehicle servicing machinery or related products – Ireland would support wording to be changed to ‘Vehicle Servicing Lifts’, as current wording is too broad. Ireland support this category being retained in annex 1 (A)

Annex 1 Part A 17 Devices for the lifting of persons or of persons and goods involving a hazard of falling from a vertical height of more than three metres.

Ireland strongly agree that this category should remain as Annex I Part A.

Annex 1 Part A 18 Portable cartridge-operated fixing and other impact machinery.

Ireland strongly agrees that this category should remain as Annex I Part A.

Annex 1 Part A 21 Logic units to ensure safety functions – Ireland would not agree with this category being removed from Annex 1 part A and agree with the CZ on this.

Annex 1 Part A 24 and 25 – Ireland would be supportive of the common proposal wording by DK, FD and DE. We await further detail in writing from the commission on proposed decoupling.

Annex 1 Part B – Please refer to comments in section above re Ireland's view on categorization of products into this category Annex 1 Part B.

EHS

1.1.2. (Page 53)

(e) – Ireland agrees with the proposal to include wording 'where relevant' or change wording to require the manufacture to specify which safety functions must be tested by the end user and supply the special equipment and accessories to enable testing.