



Raising standards for consumers

POSITION PAPER

Revision of Machinery Directive (2006/42/EC)



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SUMMARY

This position paper expresses ANEC's preliminary views on the revision of the Machinery Directive (2006/42/EC).

For ease of reference, we present our comments with reference to the numbering of European Commission slides (for the Machinery WG in November 2020) in tabular format.

1 | European Commission proposals

Slides	Machinery Directive 2006/42/EC	Issue	ANEC comments
19	1.3. PROTECTION AGAINST MECHANICAL RISKS 1.3.7. Risks related to moving parts	New Technologies	<p>Collaboration humans/robots: As machine learning does not always stop with the putting into service, it is important to have provisions which ensure safety of consumers in an unstructured environment. Consumer robots might interact with humans in an environment which is not controlled/unstructured, where parameters are not known/foreseeable (as it would happen in a factory). In addition, the concept of safety risk might need to also include mental/psychological risks induced by the interaction with the robot (eg: care robots), in light of the European approach to AI which is Trustworthy AI/ethical..</p>
31	Article 1.2 (b) fairgrounds	Fairgrounds	<p>According to Article 1 (2) b) "specific equipment for use in fairgrounds and/or amusement parks" is excluded from the scope. The outcome of the impact assessment study says: The majority of interviewed stakeholders agreed that the specific equipment for use in fairgrounds and/or amusement parks and its use require clarification. For all stakeholder types (national authorities, notified bodies, manufacturers, consumer organisations, workers associations and market surveillance authorities), most agreed that the exclusion on specific equipment for use in fairgrounds and/or amusement parks should be removed.</p> <p>It is not clear to us why this feedback is not reflected in the proposed revision.</p> <p>Although millions of consumers make use of this machinery (often when being on a holiday abroad), very serious accidents continue to happen.</p>

			We think that fairgrounds and amusement parks should fall under the scope of the Machinery Directive in order to offer a high level of consumer safety.
33	Article 1.2 (k)	LVD	According to the LVD, the electrical safety can also cover mechanical risks, creating many problems in the elaboration of the relevant Harmonised Standards. For example, the safety of hoverboards is dealt with by the Technical Committee on safety of household appliances, which has to also address the mechanical aspects of household appliances intended for domestic use. These risks are very similar to the machinery risks so the exception of the LVD as a whole should be reconsidered for certain appliances.
42	Annex I -1.1.2. Principles of safety integration	Foreseeable use	In order to cover the consumer behaviours and what influences them (which might be different from workers behaviours), we suggest to introduce the concept of foreseeable use (in line with art. 4.1), based on the following elements:-the technical and functional characteristics of the machine,-the presentation of the machine,-the presentation of the equipment-the factual and human behaviours and physical characteristics,-the relation with other machines/products and the use with other machines/products.
47	Annex I -1.7.4 Instructions - paper and/or digital 1.7.4.2. Contents of the instructions	Instructions for use	<p>It is important to offer both on-line and paper formats of all instructions for use (covering both safety but also maintenance for example) as not all consumers are regularly connected to the Internet.</p> <p>The target audience and conditions of use must be the decisive factor when prescribing the manufacturers obligations about the content, media and format of the instructions. Consumers use machinery but they do not work with it. The use of machinery for private purposes should also be considered.</p>

			<p>The following criteria have to be taken into account:</p> <ul style="list-style-type: none"> -accessibility to information in all situations the instructions are needed e.g. in normal operation of the product as well as in exceptional and emergency situation. -availability and legibility of the instructions (for example the specific instructions related to the safe operation of the machinery shall be collated together in the front section of the user instructions. The height of the characters, measured on the capital letters, shall be at least 3 mm). -conditions under which the machinery with the instruction is used. <p>Consumers must be able to safely operate the machine in all reasonable foreseeable circumstances.</p>
39-40	Annex I -6.2. Control Devices	Platform lifts/slow lifts	<p>We support Option 2 as it allows the use of a control to summon the lift but it also demands a risk assessment to demonstrate that potential risks have been addressed. At the moment the fact that the EHSR is not satisfied is simply ignored / glossed over by all concerned, putting consumers at risk.</p>
54	3. Offset risks due to the mobility of machinery	E-scooters	<p>We ask to consider the possibility to introduce an Acoustic Vehicle Alerting System (AVAS) for E-scooters like hybrid and electric cars.</p>

2 | Open questions

61	1.1.2. Principles of safety integration 1.1.6. Ergonomics	<p>We support the human-centric approach. We also think the MD should make a reference to the UN Convention on the Rights of Persons with disabilities (like the Low Voltage Directive and Lifts Directive in order to have accessibility safety requirements).</p>
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62	Substantial modification	We support the concept of Substantial modification.
New	New consumption patterns/circular economy	We ask to consider the impact when consumer rent/exchange and do not purchase the machine.
New	Gender balance	We suggest changing the wording of the legal provision which refer to manufacturers/economic operators as 'he' and say 'she/he' or 'they'. In this age and time, it is not acceptable that European legislation refers to manufacturers as only males.

ENDS.



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ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

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