

Commission Implementing Decision (EU) 2020/2106 of 14 December 2020 on a safeguard measure taken by Finland pursuant to Directive 2006/42/EC of the European Parliament and of the Council, to prohibit the placing on the market of Biltema Nordic Services' engine hoist shop crane with model reference 15-371, manufactured by Biltema Nordic Services AB and distributed on the Finnish market by Biltema Suomi Oy (notified under document C(2020) 8781) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/2106

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*(notified under document C(2020) 8781)*

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC<sup>(1)</sup>, and in particular the second subparagraph of Article 11(3) thereof,

Whereas:

- (1) On 20 March 2019, Finland informed the Commission of its safeguard measure of 6 February 2019, taken in accordance with Article 11(1) of Directive 2006/42/EC, and prohibiting the placing on the market of Biltema Nordic Services' engine hoist shop crane with model reference 15-371, manufactured by Biltema Nordic Services AB, Gamisonsgatan 26, 25466 Helsingborg, Sweden ('the manufacturer') and distributed on the Finnish market by Biltema Suomi Oy, Aftonrådevägen 2, 00750 Helsingfors, Finland.
- (2) Finland took the measure because it considered that the engine hoist shop crane did not satisfy several essential health and safety requirements ('EHSR') set out in the following sections of Annex I to Directive 2006/42/EC:
- (3) Specifically, Finland indicated that:
- (4) The crane is not mechanically strong, in breach of the EHSR on Mechanical Strength in point 4.1.2.3 of Annex I to Directive 2006/42/EC.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2106. (See end of Document for details)

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- (5) The crane is not stable and it is difficult to move, in breach of the EHSRs on Risk of loss of stability in point 1.3.1 and on Risks due to lack of stability in point 4.1.2.1 of Annex I to Directive 2006/42/EC.
- (6) There are errors in the installation instructions concerning the attachment of the wheels and there are errors in the printed instructions concerning the incorrect use of the machine, in breach of the EHSRs on Principles of safety integration in point 1.1.2 and on Instructions in point 1.7.4 of Annex I to Directive 2006/42/EC.
- (7) After receiving the notification of the safeguard measure taken by Finland, the Commission entered into consultation with the parties concerned in order to hear their views. The Commission sent a letter to the manufacturer, the distributor and the Finnish Safety and Chemicals Agency on 23 December 2019 to which the manufacturer and distributor did not respond. The Finnish Safety and Chemicals Agency responded on 13 January 2020, mentioning that Biltema Suomi Oy did not contest the Finnish decision or its content following the adoption of the decision. The Finnish Safety and Chemicals Agency also mentioned that they have no further updates on the case.
- (8) Taking account of the information provided by Finland with respect to the safeguard measure, which has not been contradicted by the manufacturer or distributor, it should be concluded that the engine hoist shop crane with model reference 15-371 fails to satisfy the above-mentioned essential health and safety requirements set out in Annex I to Directive 2006/42/EC and the deficiencies are liable to compromise the health and safety of persons.
- (9) Therefore, the safeguard measure taken by Finland should be considered as justified,

HAS ADOPTED THIS DECISION:

*Article 1*

The measure taken by Finland, prohibiting the placing on the market of engine hoist shop crane with model reference 15-371, manufactured by Biltema Nordic Services AB (Sweden) and distributed on the Finnish market by Biltema Suomi Oy (Finland), is justified.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2020.

*For the Commission*

Thierry BRETON

*Member of the Commission*