Commission Implementing Decision (EU) 2019/1863 of 6 November 2019 amending and correcting Implementing Decision (EU) 2019/436 as regards the withdrawal of references of harmonised standards for machinery from the Official Journal of the European Union (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1863

of 6 November 2019

amending and correcting Implementing Decision (EU) 2019/436 as regards the withdrawal of references of harmonised standards for machinery from the *Official Journal of the European Union*

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council[(1)], and in particular Article 10(6) thereof,

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[(2)], and in particular Article 7(3) and Article 10 thereof,

Whereas:

(1) In accordance with Article 7 of Directive 2006/42/EC machinery manufactured in conformity with a harmonised standard, the references to which have been published in the *Official Journal of the European Union*, is to be presumed to comply with the essential health and safety requirements covered by such a harmonised standard.

(2) The Commission by Implementing Decision (EU) 2019/436[(3)] published in the *Official Journal of the European Union* references of harmonised standards conferring a presumption of conformity with corresponding requirements of Directive 2006/42/EC.

(3) The Commission by Implementing Decision (EU) 2019/436 withdrew references of several harmonised standards from the *Official Journal of the European Union* as of 19 March 2019.

(4) In order to give manufacturers more time to prepare for application of the new standards, revised standards and amendments to standards references of which were published by Implementing Decision (EU) 2019/436, it is necessary to extend the dates of withdrawal of references of several standards that were withdrawn by that Decision.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1863. (See end of Document for details)*

(5) The reference of harmonised standard EN 1870-13:2007+A2:2012 for woodworking machines was published in the *Official Journal of the European Union* on 5 June 2012. The reference of a new harmonised standard EN ISO 19085-2:2017 covering the same products was, published on 9 March 2018 in the *Official Journal of the European Union* by Commission Communication 2018/C 092/01., Given that superseded harmonised standard EN 1870-13:2007+A2:2012 has become obsolete. However, no date of cessation of presumption of conformity in the *Official Journal of the European Union* was provided for harmonised standard EN 1870-13:2007+A2:2012. Harmonised standard EN 1870-13:2007+A2:2012 should therefore be it is appropriate to withdrawn that standard from the Official Journal of European Union. In order to give manufacturers sufficient time to prepare for application of the standard EN ISO 19085-2:2017, it is necessary to defer the withdrawal of the reference of standard EN 1870-13:2007+A2:2012.

(6) Implementing Decision (EU) 2019/436 should therefore be amended accordingly.

(7) Recital 14 of Implementing Decision (EU) 2019/436 erroneously states that harmonised standard EN ISO 12100:2010 should be withdrawn. For reasons of clarity that error should be corrected, deleting the reference to harmonised standard EN ISO 12100:2010 from that recital.

(8) Implementing Decision (EU) 2019/436 withdrew references of several harmonised standards from the *Official Journal of the European Union* as of 19 March 2019. Given that the date of withdrawal will be extended, this Decision should enter into force on the day of its publication. It is also appropriate to provide that the amendment extending the dates of withdrawal set in Implementing Decision (EU) 2019/436 applies from 19 March 2019,

HAS ADOPTED THIS DECISION:

Article 1

Amendment to Implementing Decision (EU) 2019/436

Annex III to Implementing Decision (EU) 2019/436 is replaced by the text in the Annex to this Decision.

Article 2

Correction to Implementing Decision (EU) 2019/436

Recital (14) of Implementing Decision (EU) 2019/436 is replaced by the following:

(14) The references of Harmonised standards EN 786:1996+A2:2009, EN 61496-1:2013 and EN ISO 11200:2014 should be withdrawn from the *Official Journal of the European Union* as they no longer satisfy the requirements which they aim to cover and which are set out in Directive 2006/42/EC..

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1863. (See end of Document for details)*

Article 3

Entry into force and application

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 1 shall apply from 19 March 2019.

Done at Brussels, 6 November 2019.

For the Commission

The President

Jean-Claude JUNCKER