Commission Implementing Decision (EU) 2019/436 of 18 March 2019 on the harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council

COMMISSION IMPLEMENTING DECISION (EU) 2019/436

of 18 March 2019

on the harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council

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) There are three types of harmonised standards conferring a presumption of conformity with Directive 2006/42/EC.

(3) A-type standards specify basic concepts, terminology and design principles applicable to all categories of machinery. Application of such standards alone, although providing an essential framework for the correct application of the Directive 2006/42/EC, is not sufficient to ensure conformity with the relevant essential health and safety requirements of Directive 2006/42/EC and therefore does not give a full presumption of conformity.

(4) B-type standards deal with specific aspects of machinery safety or specific types of safeguard that can be used across a wide range of categories of machinery. Application of the specifications of B-type standards confers a presumption of conformity with the essential health and safety requirements of Directive 2006/42/EC that they cover when a C-type standard or the manufacturer's risk assessment shows that a technical solution specified by the B-type standard is adequate for the particular category or model of

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machinery concerned. Application of B-type standards that give specifications for safety components that are independently placed on the market confers a presumption of conformity for the safety components concerned and for the essential health and safety requirements covered by the standards.

(5) C-type standards provide specifications for a given category of machinery. The different types of machinery belonging to the category covered by a C-type standard have a similar intended use and present similar hazards. C-type standards may refer to A-type or B-type standards, indicating which of the specifications of the A-type or B-type standard are applicable to the category of machinery concerned. When, for a given aspect of machinery safety, a C-type standard deviates from the specifications of an A or B-type standard, the specifications of the C-type standard take precedence over the specifications of the A-type or B-type standard. Application of the specifications of a C-type standard on the basis of the manufacturers' risk assessment confers a presumption of conformity with the essential health and safety requirements of Directive 2006/42/EC covered by the standard. Certain C-type standards are organised as a series of several parts, Part 1 of the standard giving general specifications applicable to a family of machinery and other parts of the standard giving specifications for specific categories of machinery belonging to the family, supplementing or modifying the general specifications of Part 1. For C-type standards organised in this way, the presumption of conformity with the essential health and safety requirements of Directive 2006/42/EC is conferred by application of the general Part 1 of the standard together with the relevant specific part of the standard.

(6) By letter M/396 of 19 December 2006, the Commission made a request to CEN and Cenelec for the drafting, the revision and the completion of the work on harmonised standards in support of Directive 2006/42/EC to take account of changes introduced by that Directive in comparison with Directive 98/37/EC of the European Parliament and of the Council[(3)].

(7) On the basis of the request M/396 of 19 December 2006 CEN and Cenelec drafted new harmonised standards and revised and amended the existing harmonised standards. Harmonised standard EN 15895:2011+A1:2018 covers portable cartridge-operated fixing and other impact machinery introduced into the scope of Directive 2006/42/EC. Standards EN 50569:2013/A1:2018; EN 50570:2013/A1:2018; EN 50571:2013/A1:2018; EN 50636-2-107:2015/A1:2018; EN 60335-1:2012/A13:2017; EN 60335-2-58:2005; EN 60335-2-58:2005/A12:2016; EN 60335-2-58:2005/A2:2015 and their amendments take account of the redefined borderline between Directive 2006/42/EC and Directive 2014/35/EU of the European Parliament and of the Council[(4)] and the fact that some household and similar electrical appliances subject to the Directive 2014/35/EU become subject to the Directive 2006/42/EC. Standard EN 16719:2018 takes account of the fact that Directive 2006/42/EC amends Directive 95/16/EC of the European Parliament and of the Council[(5)] with the effect that lifting appliances with a speed no greater than 0,15 m/s are subject to the Directive 2006/42/EC. Standards EN ISO 14118:2018; EN 474-1:2006+A5:2018; EN 1853:2017; EN 1870-6:2017; EN ISO 4254-5:2018; EN ISO 4254-7:2017; EN ISO 4254-8:2018; EN ISO 5395-1:2013/A1:2018; EN ISO 5395-3:2013/A2:2018; EN 12013:2018;

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EN 12999:2011+A2:2018; EN 13001-3-1:2012+A2:2018; EN 13001-3-6:2018; EN 13135:2013+A1:2018; EN 13684:2018; EN ISO 13766-2:2018; EN 15194:2017; EN 15895:2011+A1:2018 EN ISO 16092-1:2018; EN ISO 16092-3:2018; EN 16952:2018; EN 16719:2018; EN 17059:2018; EN ISO 19085-4:2018; EN ISO 19085-6:2017; EN ISO 19085-8:2018; EN ISO 19225:2017; EN ISO 28927-2:2009/A1:2017; EN 50569:2013/A1:2018; EN 50570:2013/A1:2018; EN 50571:2013/A1:2018; EN 50636-2-107:2015/A1:2018; EN 60335-1:2012/A13:2017; EN 62841-2-1:2018; EN 62841-2-17:2017; EN 62841-3-1:2014/A11:2017; EN 60335-2-58:2005; EN 60335-2-58:2005/A2:2015; EN 60335-2-58:2005/A12:2016; EN 62841-2-1:2018; EN 62841-2-17:2017; EN 62841-3-1:2014/A11:2017; EN 62841-3-4:2016; EN 62841-3-4:2016/A11:2017; EN 62841-3-6:2014/A11:2017; EN 62841-3-9:2015/A11:2017; EN 62841-3-10:2015/A11:2017; EN 62841-3-14:2017 and their amendments ensure that the harmonised standards intended to support Directive 2006/42/EC fully satisfy the relevant essential health and safety requirements of that Directive.

(8) The Commission together with CEN and Cenelec has assessed whether the standards drafted, revised and amended by CEN and Cenelec comply with the request M/396 of 19 December 2006.

(9) The standards drafted, revised and amended by CEN and Cenelec on the basis of request M/396 of 19 December 2006 satisfy the requirements which they aim to cover and which are set out in Directive 2006/42/EC. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.

(10) Under Article 10 of Directive 2006/42/EC the Commission sought opinion of the committee set up by Regulation (EU) No 1025/2012 on whether a harmonised standard EN 474-1:2006+A4:2013 satisfies the essential health and safety requirements which it covers and which are set out in Annex I to Directive 2006/42/EC. In the light of the committee's opinion, the reference of standard EN 474-1:2006+A4:2013 was published in the *Official Journal of the European Union* with a restriction by Commission Implementing Decision (EU) 2015/27[(6)]. CEN improved the standard in the version EN 474-1:2006+A5:2018. However, the new version does not address one type of earthmoving machinery, i.e. hydraulic excavators. Standard EN 474-1:2006+A5:2018 therefore does not fully meet the essential health and safety requirements set out in points 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC. It should therefore be published in the *Official Journal of the European Union* with a restriction.

(11) Under Article 10 of Directive 2006/42/EC the Commission sought opinion of the committee set up by Regulation (EU) No 1025/2012 on whether a harmonised standard EN 13241-1:2003+A1:2011 satisfies the essential health and safety requirements which it covers and which are set out in Annex I to Directive 2006/42/EC. In the light of the committee's opinion, the reference of standard EN 13241-1:2003+A1:2011 was published in the *Official Journal of the European Union* with a restriction by Commission Implementing Decision (EU) 2015/1301[(7)]. CEN has improved the standard in the version EN 13241:2003+A2:2016. However, the new version does not

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address the issues that led to a publication with a restriction of the previous version of the standard. The current version of that standard, EN 13241:2003+A2:2016, therefore does not fully meet the essential health and safety requirements set out in points 1.3.7 and 1.4.3 of Annex I to Directive 2006/42/EC. It should therefore be published in the *Official Journal of the European Union* with a restriction.

(12) As the result of the work by CEN and Cenelec on the basis of request M/396 of 19 December 2006 several harmonised standards published in the *Official Journal of the European Union*[8] have been replaced, revised or amended.

(13) It is therefore necessary to withdraw the references of those standards from the *Official Journal of the European Union*. In order to give manufacturers sufficient time to prepare for application of the new standards, revised standards and amendments to standards, it is necessary to defer the withdrawal of the references of harmonised standards.

(14) Harmonised standards EN 786:1996+A2:2009; EN 61496-1:2013; EN ISO 11200:2014 and EN ISO 12100:2010 should be withdrawn as they no longer satisfy the requirements which they aim to cover and which are set out in Directive 2006/42/EC.

(15) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

The references of harmonised standards for machinery drafted in support of Directive 2006/42/EC listed in Annex I to this Decision are hereby published in the *Official Journal of the European Union*.

The references of harmonised standards drafted in support of Directive 2006/42/EC listed in Annex II to this Decision are hereby published in the *Official Journal of the European Union* with a restriction.

Article 2

The references of harmonised standards for machinery drafted in support of Directive 2006/42/EC listed in Annex III to this Decision are hereby withdrawn from the *Official Journal of the European Union* as from the dates set out in that Annex.

Article 3

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

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ANNEX I

No	Reference of the standard	Type
1.	EN ISO 14118:2018 Safety of machinery — Prevention of unexpected start-up (ISO 14118:2017)	B
2.	EN 1853:2017 Agricultural machinery — Trailers – Safety	C
3.	EN 1870-6:2017 Safety of woodworking machines — Circular sawing machines — Part 6: Circular sawing machines for fire wood	C
4.	EN ISO 4254-5:2018 Agricultural machinery — Safety — Part 5: Power-driven soil-working machines (ISO 4254-5:2018)	C
5.	EN ISO 4254-7:2017 Agricultural machinery — Safety — Part 7: Combine harvesters, forage harvesters, cotton harvesters and sugar cane harversters (ISO 4254-7:2017)	C
6.	EN ISO 4254-8:2018 Agricultural machinery — Safety — Part 8: Solid fertilizer distributors (ISO 4254-8:2018)	C
7.	EN ISO 5395-1:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 1: Terminology and common tests (ISO 5395-1:2013) EN ISO 5395-1:2013/ A1:2018	C
8.	EN ISO 5395-3:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 3: Ride-on lawnmowers with seated operator (ISO 5395-3:2013)	C