


## TECHNICAL SHEETS FOR COORDINATION

### HORIZONTAL RECOMMENDATION FOR USE SHEETS (RfUs) - STATUS ON FEBRUARY 2013

Number CNB/M/ (1)	Revision (Rev)	Key words	Approved by Horizontal Committee of NBs (2) on	Endorsed by Machinery Working Group on
00.001	32	Key addresses	28/06/2012	
00.213	04	EC type-examination, safety relevant aspects	26/11/2009	09/04/2001
00.220	03	Guards	13/12/2011	23/04/2012
00.230	04	Low voltage, tests, report, declaration, electrical components	15/06/2010	30/12/2010
00.240	03	Internal arrangements, series production, quality assurance (generalization CNB/M/ 03.003)	26/11/2009	08/06/1998
00.250	06	Notified bodies, operational procedures, duties, certificates	26/11/2009	03/03/2000
00.251	06	EC type-examination of a modified Machinery	28/06/2012	17/01/2013
00.252	03	EC type-examination, series manufacture, internal checks	14/12/2010	23/05/2011
00.301	03	Component, manual handling	26/11/2009	08/06/1998
00.302	04	Machinery, Errors of fitting	26/11/2009	08/06/1998
00.502	06	EMC, Emissions, Immunity	15/06/2010	30/12/2010

(1): CNB/M/xx.xxx RERev yy = Coordination of Notified Bodies/Machinery/Numbering of the RfUs  
 R: Recommendation for Use E: English version Rev: Revision yy: index of the Revision  
 (2) : NBs = Notified Bodies

	<b>CO-ORDINATION OF NOTIFIED BODIES</b> <b>Machinery Directive 2006/42/EC + Amendment</b>  <b>RECOMMENDATION FOR USE</b>	CNB/M/00.001 Revision 32  Language: E	
Date of first stage: 01/03/2010	To be approved by:	Approved on:	
Origin: Technical Secretariat	<input type="checkbox"/> Vertical Group ..... <input checked="" type="checkbox"/> Horizontal Committee .....  To be endorsed by: <input type="checkbox"/> Machinery Working Group....	28/06/2012  Endorsed on:	
Question related to:  Annex:	Article:  ESR (1):	EN/prEN:  Clause:  CEN TC concerned:	Other:  Other clause:
Key words: Key addresses			
Question: What are the key addresses of the European Co-ordination of the notified bodies for machinery directive?			
Solution: The key addresses of the coordination are given in the following pages.			

## (1) Essential safety requirement

Note: According to point 6.6 of the Guide of the implementation of directives based on the New Approach and the Global Approach, the notified bodies apply as general guidance this recommendation for use.

**EUROPEAN CO-ORDINATION FOR MACHINERY AND SAFETY COMPONENTS  
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	<b>CO-ORDINATION OF NOTIFIED BODIES</b> <b>MACHINERY DIRECTIVE 2006/42/EC + Amendment</b>  <b>RECOMMENDATION FOR USE</b>		CNB/M/00.230 Revision 04 Language: E
Date of first stage: 06/06/1997	To be approved by:		Approved on:
Origin: Horizontal Committee - generalization of CNB/M/11.022	<input type="checkbox"/> Vertical Group ..... <input checked="" type="checkbox"/> Horizontal Committee.....		15/06/2010
	To be endorsed by:		Endorsed on:
	<input checked="" type="checkbox"/> Machinery Working Group..		30/12/2010
Question related to: Dir. 2006/42/EC	Article:	EN/prEN:	Other:
Annex: I	EHSR (1): 1.5.1	Clause:	Other clause:
Key words: Low voltage, tests, report, declaration, electrical components			
Question: To what extent can a notified body accept certificates for electromechanical components of machinery?			
Solution : The intention is to create a document that may be used by all Notified Bodies to determine the acceptability of electrical components. <b>EXAMPLES</b> 1. The list of components given in the columns is non exhaustive and only meant as indication. 2. In all cases, the actual use of the component has to be considered and it has to be decided if it is used as a functional or as a safety component. 3. It should be checked whether the declaration and/or certificate of conformity with a specific directive (EMC, Low voltage) or a standard allow to cover the specific requirements of the machinery directive for the component concerned.			

(1) Essential health and safety requirement

Note: According to point 6.6 of the Guide of the implementation of directives based on the New Approach and the Global Approach, the notified bodies apply as general guidance this recommendation for use.



AVAILABLE COMPONENT INFORMATION	COMPONENT IS USED AS:		
	FUNCTIONAL COMPONENT	SAFETY RELATED COMPONENT	SAFETY COMPONENT (not covered by Annex IV)
	Failure of the component does not decrease the safety level	Failure of the component causes a limited decrease of safety	Failure leads to unacceptable decrease of safety
Manufacturer's specifications No conformity mark and no reference to compliance with standards	Y	N	N
Manufacturer's specifications with reference to a standard No conformity mark No declaration of Conformity	Y	Y(1)	N
Manufacturer's specifications +Declaration of Conformity	Y	Y	Y
Voluntary conformity marks	Y	Y	Y(2)
	EXAMPLES Plugs and sockets(3) Cables Push-buttons Pilot lights Switches/contactors/timers El. Magnetic valves Temp. controls Motor start capacitor	See below (A)	See below (B)

In all cases it is assumed that components operate within their specified limits

Y= The notified body may accept the component with the information certificate provided

N= The notified body shall not accept the component as such other types of certificate or additional testing are needed

(1) if manufacturer states in writing that he has followed the standard

(2) only if test report shows that the safety functions have been checked as well

(3) strictly speaking plugs and sockets outlets for domestic use are not under the low voltage directive.


(A): EXAMPLES Transformers. Temp. limiters. Position Switches without positive opening operation. Motor protectors. Overload protectors. Main power switches. Power supply units. Fuses

(B): EXAMPLES: see Machinery Directive Annex V (Note: some of the safety components listed in Annex V are also listed in Annex IV)

	<b>CO-ORDINATION OF NOTIFIED BODIES</b> <b>MACHINERY DIRECTIVE 2006/42/EC + Amendment</b>  <b>RECOMMENDATION FOR USE</b>	CNB/M/00.240 Revision 03 Language: E
Date of first stage: 30/09/1996	To be approved by:	Approved on:
Origin: Horizontal Committee - generalization of CNB/M/03.003	<input type="checkbox"/> Vertical Group ..... <input checked="" type="checkbox"/> Horizontal Committee.....	26/11/2009
	To be endorsed by: <input checked="" type="checkbox"/> Machinery Working Group..	Endorsed on: 08/06/1998
Question related to: Dir. 2006/42/EC Article:	EN/prEN:	Other:
Annex: IX-Point 2 et Annex VII-A 1, b) EHSR (1):	Clause:	Other clause:
Key words: Internal arrangements, series production, quality assurance		
Question: In the EC type-examination requested dossier what shall "the internal arrangements for maintaining the conformity of machines and safety components manufactured in series" contain? What are the acceptance criteria for the Notified Body?		
Solution: Annex IX point 2. and Annex VII-A 1. b) require that the technical dossier contains the internal arrangements established to ensure that the conformity of machines and safety components manufactured in series meet the requirements of the Directive. The notified body cannot require the manufacturer to present a quality manual conforming to the series EN ISO 9-000 standards (preferably 9001). If the firm has set up such a system it is enough to have a copy of the certificate. Otherwise, the notified body will be satisfied with a commitment from the manufacturer to ensure the homogeneity of manufacturing together with a concise description of the means of control. The controlling may rest on : <ul style="list-style-type: none"> <li>- foreign bought parts, components,</li> <li>- during production,</li> <li>- final check before delivering the machines/safety components.</li> <li>- check list for the final check</li> <li>- external compliance</li> </ul>  <h2 style="margin: 0;">Adaptation procedure: FORMAL ADAPTATION IN CONFORMITY WITH DIRECTIVE 2006/42/EC</h2>		

(1) Essential health and safety requirement

Note: According to point 6.6 of the Guide of the implementation of directives based on the New Approach and the Global Approach, the notified bodies apply as general guidance this recommendation for use.

	<b>CO-ORDINATION OF NOTIFIED BODIES</b> <b>MACHINERY DIRECTIVE 2006/42/EC + Amendment</b>  <b>RECOMMENDATION FOR USE</b>	CNB/M/00.250 Revision 06 Language: E
Date of first stage: 02/12/1999	To be approved by:	Approved on:
Origin: Horizontal Committee	<input type="checkbox"/> Vertical Group <input checked="" type="checkbox"/> Horizontal Committee.....	26/11/2009
Question related to: Directive 2006/42/EC  Annex: XI                      ESR (1):	To be endorsed by: <input checked="" type="checkbox"/> Machinery Working Group...	Endorsed on: 03/03/2000
Question related to: Directive 2006/42/EC	EN/prEN:	Other:
Annex: XI	Clause:	
	CEN TC concerned:	
Key words: notified bodies, operational procedures, duties, certificates:		
Question: What are the operational procedures and duties of a notified body once it has been requested to issue an EC type-examination certificate		
Solution:  <p>The rights and duties of a notified body are defined firstly by the Directive itself. Some useful indications can be found in guides published by the European Commission, and especially the "Guide to application of the machinery directive – 2006/42/EC" Reference to these guides is sometimes made in this "Recommendation for Use". The main purpose of this document is to highlight some aspects which are specific to the activities of a notified body acting within the framework of the Machinery Directive.</p> <p><b>Adaptation procedure: FORMAL ADAPTATION IN CONFORMITY WITH DIRECTIVE 2006/42/EC</b></p>		

**(1) Essential safety requirement**

Note: According to point 6.6 of the Guide of the implementation of directives based on the New Approach and the Global Approach, the notified bodies apply as general guidance this recommendation for use

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## 1. BASIC PRINCIPLES

As a starting point, it is felt important to confirm some principles

- It is not possible to carry-out an EC type examination for machinery not listed in annex IV. However, a notified body can carry out a voluntary examination for a machinery not listed in annex IV on request of an applicant or a manufacturer. In this case, the notified body shall not mention its European identification number on the voluntary examination-certificate<sup>1</sup>
- A body does not need to be notified for all machinery/safety components covered by Annex IV<sup>2</sup>. The notified body must know which harmonised standards apply to the machine examined and must know how to apply them. If the solutions proposed by the manufacturer differ from the requirements of the standards, the notified body shall make sure that the safety level of these solutions is not lower than the level recommended by the harmonised standards.
- The task of a notified body in the field of Machinery is restricted to an examination of conformity with the Machinery Directive.

The notified body, as per Article 14 of Directive 2006/42/EC, which is responsible for carrying out the EC type-examination procedure defined in Article 12 (3) (b) and Article 12 (4) (a) for a machine specified in Annex IV, is only required to carry out the operations defined in the above mentioned Article and in Annex IX.

In particular, where a machine or one of its components is subject to Community Directives other than the Directive 2006/42/EC, there is no requirement to check whether these other Directives are being respected. In which case, the notified body must draw the attention of the contractor to his obligation to complete his technical file (also termed technical documentation or technical construction file) with reference to other Directives applicable to the machine.

In effect, the manufacturer must ensure that these other Directives are being respected, and pursuant to Article 5 (4), the CE marking affixed by him or his authorised representative (article 5 (1) (f)) in accordance with article 16 means that the machine also conforms to the provisions of those Directives<sup>3</sup>.

If other Directives (low voltage, EMC, etc.) apply to the machine or to some of its components, that is the manufacturer's problem (See also CNB/M/11.025/R/E). In other words, supplying an EC type-examination certificate does not necessarily mean that the machinery may carry the CE marking as it may not conform with the EMC Directive. However, the notified body should draw the attention of the manufacturer to the existence of other Directives which apply to his product.

Secondly, here are a few guidelines with regard to the essential requirements that the notified body must actually verify. This will be defined in more detail under paragraph 2.3.

- The notified body must carry out a thorough examination of the risk assessment performed and documented by the manufacturer.
- In certain cases the notified body takes into account data provided by the manufacturer (test reports, certificates, etc.). This will be discussed with more details in paragraph 2.2. hereafter.
- The notified body does not normally have to deal with certain criteria such as, for instance testing vibrations in the case of motor vehicle lifts.

## 2. TYPICAL CONTENT OF AN EC TYPE-EXAMINATION

Based on the general information defined above and the field information provided by several Vertical Groups, a list defining the "typical" content of an EC type-examination has been established for "simple" machines (without sophisticated electronic steering.....). The aim is to consolidate the practical consequences of the general principles as implemented today. Of course, every type of machine is specific. Some of the examinations are critical for certain machines and not relevant to others. For instance, the calculation of stability is not critical for a heavy press and can be very important for a lifting platform.

This list sets out the points that need to be taken into consideration in view of the specific nature of each type of machine. As we point out when presenting the list of documents to be supplied by the manufacturer, these points are sorted in logical rather than chronological order.

### 2.1. General

- Contract (mutual obligations). Although a contract is not explicitly foreseen in the directive, this might be a good way to confirm mutual understanding of regulatory duties for both parties, for instance the duty of the applicant to inform the notified body which retains the technical file of all modifications of the approved type. (Annex IX paragraph 6).

<sup>1</sup> This is the text of CNB/M/00.105/R/E Rev 01 now replaced by this Recommendation for Use

<sup>2</sup> European Commission - Responses given by the services of the Commission after consultation of the committee set up by the Directive, to some questions relating to the implementation of the Directive - question 6 - June 97

<sup>3</sup> Useful information on the directives that may apply in a complementary way to machinery can be found in § 89 of the "Guide to the application of the machinery directive 2006/42/EC"

- Acceptability of the request and completeness of the technical file as provided by the applicant (manufacturer, authorised representative....)  
One of the issues is related to the obligation for the manufacturer to include in its application a written declaration that the application has not been submitted to another notified body (Annex IX second paragraph, second bullet point). It has to be clear that the intention of this requirement is not to restrict the manufacturer from obtaining several quotations, but simply prevent the practice of going from one Notified Body to another until one will issue EC type approval. It is permissible for the Manufacturer to approach one or more Notified Bodies and invite them to issue a quotation for providing the necessary assessment services required by Annex IX of the Machinery Directive 2006/42/EC. The Notified Bodies that have been approached may require the manufacturer to supply relevant information to enable them to prepare the required quotation. This information may be submitted verbally or in written form as required by the Notified Body. Once the manufacturer has decided to select a single Notified Body to provide the necessary services that manufacturer shall be required to enter into an agreement (e.g. a contract) with that Notified Body. In that agreement the manufacturer declares that they have not entered into a contract with any other Notified Body to provide similar services for the same machine. The selected Notified Body will then request (if not already provided) the remaining information specified within clause 2 of Annex IX (see also 5.1. in this RfU)
- Verification by the body that the machine has been built to in conformity with the applicable essential requirements of the Directive and/or the applicable harmonised standards when the manufacturer has made reference to them.

## 2.2. Documents to be supplied by the manufacturer (and to be verified by the notified body)

In current practice it is important to point out that the technical file as described in Annex VII of the Directive has not always been completed when the manufacturer requests an EC type-examination. In many cases the technical file is modified during the course of the type examination itself: it is the notified body that requests the additional information and/or the necessary corrections in order to be able to issue a certificate of conformity for the machine.

In the final stage the technical file must contain a set of information that must be properly identified. It must be possible to link the plans, drawings, certificates, etc unequivocally to the machine or family of machines that is the subject of the EC type approval certificate.

- Drawings, stress/stability calculations (limited to critical components)
- Sufficient documents for validation of electric, hydraulic and pneumatic circuits. The documents can be circuit diagrams (including interfaces/connections), functional description of the circuit diagrams, component lists....
- Manufacturer's declarations and/or certificates<sup>4</sup> related to other Directives applicable to some safety/safety related components (EMC, Low Voltage, Pressure....).
  - ✚ See Section 3.1. hereafter for the acceptability of certificates.
  - ✚ The notified body should draw the attention of the manufacturer to the existence of other Directives which apply to his product.
- Other certificates, test reports (noise, safety components....). They may be included in the technical file. The acceptability of certificates/test reports is made under the responsibility of the notified body<sup>5</sup> using a ranking of criteria defined as follows
  - ✚ Notification (a report established by a notified/competent body acting in the field of its notification/designation may not be rejected).
  - ✚ Accreditation (pay attention to the scope of accreditation)
  - ✚ Reputation (may be given consideration)
  - ✚ For parameters considered to be less critical, a test report of the manufacturer himself (for example on noise emission) can be taken into account by the notified body (see section 3.3. hereafter)
- Manufacturing procedures (when critical for safety aspects), internal measures for conformity of series production.
- The risk assessment carried out by the manufacturer and the safety measures applied, with indication of the residual risks.
- If all risks identified by the risk assessment of the manufacturer are described in the harmonised standard published in the Official Journal of the European Union the risk analysis may mention this as a result of this risk assessment process
- List of standards applied
- List of essential safety requirements applied (or, at least, list of the essential safety requirements which are not covered by the harmonised standards used by the manufacturer)...
- Instruction manual/safety related instructions (intended use, foreseeable misuse. ...)

<sup>4</sup> As applicable

<sup>5</sup> The notified body decides which are the critical components and which are the acceptable certificates/test reports. A general requirement is that "Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators". (see Article 8 (10) of Regulation 765/2008/EC). It should also be clear that in so doing the notified bodies shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the product with the provisions of the directive

- Declarations of incorporation for included partly completed machinery and the relevant assembly instructions, if appropriate

### 2.3. Language required for the documents of machinery

The files and correspondence referring to the EC type-examination procedures shall be drawn up in an official language of the Member state where the notified body is established or in a language acceptable to it.

The instructions must be drafted in one or more Official Community languages. The words "Original instructions" must appear on the language version(s) verified by the manufacturer or his authorised representative. (Machinery directive, Annex I, 1.7.4.1. (a).<sup>6</sup>

The notified body may require for carrying out an EC type-examination documents, including the technical file that are prepared in a language understood by the notified body. The notified body is not responsible to check translations of the manual instructions.

### 2.4. Inspections (tests, measurements, visual checks.....as applicable)

- Correspondence between the actual machine (safety component) and the machine as described in the technical file
- Validate (by analysis and, if necessary, by testing), the safety functions and categories of the safety-related control systems, in normal operation and in the case of faults, taking into account all operating modes of the machine.
- Protective devices, safeguarding method
- Warnings
- Conformity of markings
  - Marking as requested by Machinery Directive
  - Indications or marks which are presented in the file as a factor of conformity of components to certain critical requirements of directives or European standards: electrical components (see CNB/M/00.230/ R/E), mechanical components (ropes,....), hydraulic components (pipes,....)
  - Identification of the manufacturer (also for components....)
- Overload test
- Mechanical resistance
- Measurement of critical properties (e.g. dimensions, temperatures, pressure, speed)
- Stopping time between the moment the protective device (emergency stop, light curtain...) is actuated and the moment the machine stops (if necessary)
- Checking of electrical, pneumatic, hydraulic equipment

### 2.5. Documents to be issued by the notified body

- Test/inspection report: no standardised presentation has been provided but a full identification of all the components of the report is required in the spirit of the EN ISO 17000 and EN 45000 series. This report describes i.a. the examinations performed by the notified body, the certificates taken into account and the product examined (full identification, photo's, plans.....). The element of the file provided by the manufacturer must be identified univocally. In case of dispute in the future, the report must make it possible to define as completely as possible the machine or the safety component submitted by the manufacturer
- EC type approval certificate.

## 3. SUBCONTRACTING – ACCEPTABILITY OF CERTIFICATES, REPORTS AND DATA SUPPLIED BY THE MANUFACTURER

For such a wide-ranging Directive as the Machinery Directive, this is one of the most delicate points. It is important to ensure the credibility of the conformity assessment process. There are two important basic rules

- Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the relevant requirements set out in Annex XI of the directive and shall inform the notifying authority accordingly
- Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established

<sup>6</sup> This is the text of CNB/M/00.207/R/E Rev 03 amended to take the new requirement of the directive into account and now replaced by this Recommendation for Use

### 3.1. Electro-technical components subject to the low voltage and EMC Directives.

The conditions for subcontracting do not apply if the work concerns a product that is shown to fulfil the requirements put on it according to the applicable Directive(s). An example of such a product is an electro-technical component that is within the scope of the EMC and the Low Voltage Directives. The conformity assessment procedures foreseen for the component by the relevant Directives have to be accepted by a notified body in charge of the evaluation of a final product containing this component. This is true provided the administrative duties foreseen in the Directive for the manufacturer of the component are fulfilled (CE marking, declaration of conformity, instruction handbook etc...)

It is mandatory to follow the conformity assessment procedures set out in these two Directives. There is therefore a trend towards acceptance of the manufacturers' data. For components with a significant bearing on the safety of the machinery, the body will also obtain a declaration from the manufacturer or a voluntary conformity mark.

The guide concerning the Low Voltage Directive states that the notified body in the field of machinery will take into account the results of the conformity assessment procedures of the "Low Voltage" Directive which apply for the intrinsic electrical safety aspects of the electrical component of the machinery (conformity with point 1.5.1. of Annex I of the Machinery Directive).<sup>7</sup> It is also stated that direct examination by the notified body will apply, i.e. to all risks arising from the way in which the electrical components are incorporated into a machinery and ensure their proper functioning.

The notified body remains fully responsible for the appropriateness of components and certificates. If the manufacturer effectively assembles components for which the required characteristics have not been documented/certified as far as the safe operation of the machinery is concerned, this gives rise to a fundamentally unacceptable situation whether or not the components carry the CE marking.

In terms of practice, two basic questions have been answered by the European Coordination of Notified Bodies. Both of the answers have been accepted by the Machinery Committee.

### 3.2. Components and safety components manufactured by specialised firms and included by the machinery manufacturer in his product.

Certain manufacturers are specialised in the manufacture of components and safety components of machinery. Such components are found in several types of different machinery produced by manufacturers throughout the world. Consequently, the machines will be submitted to various notified bodies. Although such components may have a significant bearing on the safety of machinery, it would seem exaggerated to carry out all of the tests required to demonstrate the reliability of the component all over again. Despite the fact that it is aimed specifically at presses, Recommendation for Use CNB/M /03.013/R/E gives some guidelines which can be applied to all types of machinery. Notified bodies may take into account certificates drawn up by other notified bodies for the same machines and/ or by a laboratory/body which is accredited in a specific domain.

### 3.3. Parameters considered to be "less critical"

For parameters considered to be "less critical", the task of notified bodies is essentially to verify the credibility of the data provided by the manufacturer

EC type-examination for all machines entering into the field of application of Annex IV must include verification of all the essential requirements stated in Annex I and applicable to the machine. This includes the requirements which are recognised as not constituting the basis of this examination:

- either by checking that the requirements directly applied by the manufacturer are adhered to
- or by checking that the harmonised standards have been used correctly, as regards the essential requirements covered by the standards, when the manufacturer has made reference to them

Taking noise as an example, the essential requirement aimed at in point f of section 1.7.4 of Annex I: the notified body must, in general, abide by the declaration of the manufacturer as stated in the instruction manual and should not:

- carry out the measurement again
- or require a certificate by a third party if the measurements and the equipment used comply with the relevant standards

At the meeting of 4 July 1993, the 89/392 Committee (currently 2006/42 Committee) stated that the role of the notified body should be limited to

- verifying that all measures have indeed been taken to ensure that noise has been reduced to the lowest possible level by isolating the transmission components for instance (Essential health and safety requirement 1.5.8.)
- verifying that the manufacturer has indeed indicated in the instruction manual both the noise level and the methods used to reach the result shown  
asking for explanations from the manufacturer where the emission level is badly indicated or where the stated emission level is clearly at odds with reality. In this case, the notified body should carry out further measurements and, afterwards, refuse

<sup>7</sup> European Commission - Guidelines on the application of Council Directive 2006/95/EC (Electrical equipment designed for use within certain voltage limits) – Comment 30 – August 2007



the EC type-examination if the lack of compliance is confirmed. Systematic verification of the emission level is, however, not envisaged.

#### 4. EC TYPE-EXAMINATION CERTIFICATE

As far as EC type-examination certificates are concerned, two issues have been dealt with by the European co-ordination of notified bodies

- A. Is it possible to put different variants of a machine on the same certificate?
- B. Is it possible to issue EC type-examination certificates for the same product to different applicants?

The answers are as follows

##### 4.1.1 Procedure to be applied to the EC type-examination of variants of a machine or a safety component - Criteria to be taken into account for the certificate

The normal procedure is to put a family in one certificate. However, the notified body must verify if the range of products of the manufacturer presents a similar series of risks and/or technical solutions. If not, we are dealing with separate types which are covered by separate certificates. A machine or a safety component is considered as a variant of a referenced machine or safety component only if it differs on points which have no noticeable influence on the expected performances. The variants can correspond to differences relating in particular to dimensions, shape, nature of constituents materials, colour, assembly methods, manufacturing processes etc.

It is the responsibility of the Notified Body to evaluate for each individual case, if a given machine or safety component can effectively be considered as a variant. In case of doubt, it will carry out any check, measurement or test considered to be useful.

In every case and for each of the variants, the applicant will provide the Notified Body with a detailed description indicating the differences in comparison with the reference model and the number of samples of these variants required for complementary checks and tests.

##### 4.1.2. Is it possible to issue EC type-examination certificates for the same product to different applicants?

It is possible to issue other EC type-examination certificates for the same product which has an existing EC type-examination certificate provided the following rules are observed:

- The request shall be made to the notified body which issued the original EC type-examination certificate giving all relevant information to ensure the product is the same. The new applicant must obtain official authorisation from the owner of the original certificate, a copy of which must accompany the request.
- The new applicant shall be considered as a manufacturer and shall conform with the requirements of Annex IX, in particular point 6 (duty to inform the notified body about any modification made or planned on the type of machinery approved).
- To eliminate ambiguities between the original certificate and the new one, the references of the product must not be the same, the information for use and trade documents must accordingly be changed. The notified body has the responsibility to verify the new documents and to confirm the product is the same as the one originally approved.
- The new EC type-examination certificate should be issued by the same notified body as the original certificate ensuring full traceability of each document.

In this matter, the legislation on intellectual property and the patent and trade mark laws have to be observed.

## 5. ORGANISATIONAL PROCEDURES

Four subjects have been broached in this context:

- How to ensure that the manufacturer does not attempt to resubmit a file that has already been rejected elsewhere
- How to harmonise the practical interpretation of the Directive when the product does not comply with an harmonised standard
- What to do when it is discovered that the application of a standard poses a problem
- How long should one retain files that relate to an EC type-examination?

5.1. How can it be assured that the manufacturer has not presented the same file to two or even several notified bodies? How can it be assured that the manufacturer does not re-submit a file having been the subject of a previous EC type-examination certificate refusal decision?

This question is in relation with the paragraph 2 from Annex IX of the Directive . The answer not a plicable for the quotation process (see 2.1. of this RFU).

The manufacturer will be asked to confirm (an example of a confirmation form is attached) that he has not submitted the same file to another notified body and that the model presented for examination or a very similar one has not been the subject of any previous EC-type certificate refusal decision.

For the future, an information system is considered to be useful. The Commission should be asked by the Horizontal Committee whether the Directive provides a legal basis for establishment of such a system.

The aim of the confirmation Form is to make the manufacture aware of his(her) responsibilities.

" A body which refuses to issue an EC type-examination certificate shall so inform the other notified bodies. ..." The problem is that this information must be given very quickly to all other competent notified bodies (for example by FAX). If this is so, all notified bodies know what are the rejected machines. But this supposes that the list of European notified bodies is always up to date and sent in time to all notified bodies.

Confirmation form (example)

In the name of .....  
(name of the company)

the undersigned.....certifies  
(name of the undersigned)

- That the following Machinery or Safety Component for Machinery:

.....  
(type of the Machinery or Safety Component according to Annex IV of MD 98/37/EC (previously 89/392 /EEC amended)

.....  
(identification of the product including designation of series or type, serial number and year of construction) whose manufacturing technical file is enclosed herewith, with the view of being granted an EC type-examination certificate, has not been subject of a previous EC type-examination certificate refusal decision

- That no request of a similar nature concerning the same model has been submitted to any other Notified Body for the granting of EC type-examination certificates.

Done at.....Date.....

(signature) (position of the undersigned) (seal)

Note: "A manufacturer cannot set notified bodies in competition with each other on technical questions by requesting an EC type-examination certificate from several notified bodies in the hope that at least one of them will issue such a certificate. However, this does not prohibit competition on the grounds of cost. A manufacturer located in one Member State may select a body notified by another Member State"<sup>8</sup>

## 5.2. How to harmonise the practical interpretation of the Directive when the product does not comply with an harmonised standard

If everyone interprets the Directive in his own way, it would be nothing short of miraculous if all of the solutions found were inter-compatible. In the event of flagrant divergences, there is always a risk that the safeguard clause would raise its head, which is not the desired objective.

The harmonised standards and the data sheets of the European co-ordination of notified bodies make it possible gradually to set a level acceptable to all parties involved (public authorities, manufacturers, etc.). Providing an operational summary of this "technical jurisprudence" applicable within the framework of the EC type-examination is one of the tasks of notified bodies.

One of the first questions raised during the meeting of the notified bodies was related to this topic. The question was "Are there any methods or procedures available for testing the achievement of adequate safety if the product is not in accordance with the harmonised standard? What and how can it be done? The notified body cannot always wait for the next meeting of the vertical group or horizontal committee to discuss the problem<sup>9</sup>".

The answer is based on common sense and personal contacts. We have no official regulation for the time being other than ESR's, but we can rely on:

- experience of some notified body ("ringing round")
- completing a technical sheet "proposal for enquiry"
- informative report and discussion in the vertical group
- compliance with national specifications/standards.

## 5.3. What action should be taken if deficiencies and/or mistakes in standards are detected?

Question concerning possible deficiencies and/or mistakes in standards shall be brought to the attention of relevant CEN/CENELEC Technical Committees for possible solution.

Before decision is taken, the Vertical Group shall discuss the matter in order to reach a common agreement on how to proceed with the testing.

However, if the questions require an urgent solution the notified body who detected the possible deficiency(ies) or mistake(s) can start within the VG members a quick enquiry (by fax) in order to collect answers within a reasonable period of time (10 days).

If the question(s) are deemed to be of general interest, the Horizontal Committee shall also be informed.

The Member States are automatically informed through the minutes of the meeting of the Horizontal Committee.

## 5.4. For how long must the EC type-examination files be stored by the notified body?


Directive 98/37/EC did not give explicit limitation to the notified bodies concerning the retention of the EC type-examination files.

In order to ensure some degree of coherence with respect to Annex V paragraph 4 b of directive 98/37/EC, the notified bodies were advised to keep the file for fifteen years after the last intervention of the notified body.

The 2006/42/EC directive now states that the manufacturer and the notified body shall retain a copy of the certificate, of the technical file and of all the relevant documents for a period of 15 years from the date of the issue of the certificate (Annex IX, 9.3. third paragraph)


<sup>8</sup> J-P Van Gheluwe - Community legislation on machinery - Comments on Directive 98/37/EC - Section 822 - 1999 Edition

<sup>9</sup> This is the text of CNB/M/00.204/R/E Rev 01 now replaced by this Recommendation for Use

	<b>CO-ORDINATION OF NOTIFIED BODIES</b> <b>Machinery Directive 2006/42/EC + Amendment</b>  <b>RECOMMENDATION FOR USE</b>	CNB/M/00.251 Revision 06  Language: E
Date of first stage: 09/11/2010	To be approved by:	Approved on:
Origin: Horizontal Committee	<input type="checkbox"/> Vertical Group ..... <input checked="" type="checkbox"/> Horizontal Committee .....	28/06/2012  Endorsed on: 17/01/2013
Question related to: Directive 2006/42/EC Article: 12.3 b), 12.4 a)  Annex: IX ESR (1):	EN/prEN:  Clause:  CEN TC concerned:	Other:  Other clause:
Key words: EC type-examination of a modified Machinery		
Question: How must a Notified Body (NB2) deal with an application of an assessment of conformity (EC type-examination) for a modified machinery while the base machinery was assessed by a Notified Body (NB1) who is different from NB2 and who delivered an EC type-examination certificate to the base machinery?		
Solution:  The manufacturer has to address the NB1 when he makes changes to a machine (see Machinery Directive); NB1 will assess what impact the intended modifications may have on the validity of the EC type-examination certificate he issued. If NB1 reaches the conclusion that machinery, when subject to the envisaged modifications, will no longer be covered by the original EC type-examination certificate, he will inform the manufacturer about his conclusion.  If the manufacturer decides to go ahead and implement the envisaged changes, he must change the type and he has to make a new application in order to assess conformity with essential health and safety requirements of the Machinery directive. Such application may in this case be made to other NB2 that the manufacturer chooses. NB2 is responsible for the whole new type and it's up to the NB2 to accept technical files, certificates (e.g. for type approved Annex IV safety components) and /or test reports.		

## (1) Essential safety requirement

Note: According to point 6.6 of the Guide of the implementation of directives based on the New Approach and the Global Approach, the notified bodies apply as general guidance this recommendation for use.

	<b>CO-ORDINATION OF NOTIFIED BODIES</b> <b>Machinery Directive 2006/42/EC + Amendment</b>  <b>RECOMMENDATION FOR USE</b>	CNB/M/00.252 Revision 03  Language: E
Date of first stage: 05/06/2009	To be approved by:	
Origin: Generalisation of CNB/M/11.048/R/E Rev 01 from VG11 Safety components	<input checked="" type="checkbox"/> Vertical Group ..... <input checked="" type="checkbox"/> Horizontal Committee .....	Approved on: 26/10/2010 14/12/2010
		To be endorsed by: <input checked="" type="checkbox"/> Machinery Working Group....
Question related to: Directive 2006/42/EC	Article:	EN/prEN:
Annex: IX	ESR (1):	Other:
		Clause:
		Other clause:
Key words: EC type-examination, series manufacture, internal checks		
Question:		
Article 12 lists as one possible procedure for assessing the conformity in its point 3 (b) the following: "The EC type-examination procedure provided for in Annex IX, plus the internal checks on the manufacture of machinery provided for in Annex VIII, point 3."		
Does a Notified Body carrying out an EC type-examination also have to assess these internal checks, i.e. all measures necessary in order that the manufacturing process ensures compliance of the manufactured machinery with the technical file?		
Solution:		
Reminder: "EC type-examination is the procedure whereby a notified body ascertains and certifies that a representative model of machinery referred to in Annex IV (hereafter named the type) satisfies the provisions of this Directive."		
No, the type-examination procedure described in Annex IX does not include the "assessment of conformity with internal checks on the manufacture of machinery" (Annex VIII).		
According to Annex VII, point 1 b) "for series manufacture, the internal measures that will be implemented to ensure that the machinery remains in conformity with the provisions of this Directive" are part of the technical file.		
Part of work of a Notified Body in performing an EC type-examination is to examine the technical file (see Annex IX, point 3.1). Therefore in case of series manufacture of a machine the Notified Body has to check also the measures foreseen by the manufacturer. The Notified Body has to check whether such measures exist and whether they seem appropriate, but does not have to perform production surveillance.		

## (1) Essential safety requirement

Note: According to point 6.6 of the Guide of the implementation of directives based on the New Approach and the Global Approach, the notified bodies apply as general guidance this recommendation for use.



Where the mass of a component to be handled is not obvious, (a strengthened, heat insulating guard for example), an indication regarding its sturdiness must be affixed to the guard itself.

The notified body should ensure that the instruction handbook gives all the details pertinent to the handling of these components. The mass of components exceeding 25 Kg must be mentioned in the instruction handbook.

MASS (m) (kg)	MAXIMUM DISTANCE BETWEEN LIFTING AND LAYING (m)	
	HORIZONTAL DIRECTION	VERTICAL DIRECTION
$0 < m \leq 15$	1,2	1
$10 < m \leq 20$	1	0,8
$15 < m \leq 25$	0,8	0,6







The manufacturer and any notified body which may be involved in the conformity assessment process must ensure that these rather particular aspects are properly dealt with. We should bear in mind that effects of interference on the machine are covered specifically by the EMC directive and not the machinery directive. The following are possible approaches:

- reports drawn up by competent EMC bodies;
- declarations of conformity to the EMC directive for components, apparatus, systems forming part of the machine;
- analysis of the electrical circuit to determine whether the electromagnetic interference is likely to create a dangerous situation. The designer may have decided to guarantee immunity by using electromechanical devices which are not vulnerable to interference. In this case of complex control circuits, the manufacturer must make a risk analysis to evaluate the effect of faults. This analysis is to be included in the technical file.

It is often impossible to verify by testing whether a large machine is immune. In this case, the immunity of the electronic control systems and safety components is to be checked.

(1) = International Radiation Protection Association  
PO Box 662 - 5600 Ar - Eindhoven - Netherlands

(2) = National Radiological Protection Board  
Chilton - Didcot - Oxon - United Kingdom