



Raising standards for consumers

ANEC reply to the European Commission Inception Impact Assessment on the Revision of the Machinery Directive 2006/42/EC



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ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation like the Machinery Directive 2006/42/EC and public policies.

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.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind.

ANEC welcomes the European Commission's inception impact assessment¹.

The Machinery Directive has generally worked well in providing a sufficient level of safety for consumers in the EU, as well as aiding the free movement of machinery products. Consumers benefit from the greater choice of products, and from competition. However, some limitations can still be observed. We therefore agree the Machinery Directive needs updating to improve safety levels further and take account of the latest IT innovations.

For the reasons mentioned above, **ANEC does not support Option 0** - baseline scenario (no change).

ANEC supports the alignment of the Machinery Directive with the New Legal Framework (NLF) as foreseen in option 2, to explicitly address aspects relating to emerging digital technologies, e.g. AI, cybersecurity, IoT. Most connected products presently available in the Single Market are designed and manufactured without even the most basic security features embedded in their software. In order for consumers to trust the Internet of Things, consumers must be assured that the connected products they purchase, or services they use, are secure and protected from software and hardware vulnerabilities. For this to happen security by design and by default must become a priority. To this end, the Machinery Directive (and other legislation) must be revised to ensure that connected products are both safe and secure before being able to be placed on the Single Market. Revisions to cover AI and other self learning systems, robots and cobots are very important and essential, particularly the question of how such machines are verified as being 'safe' and remain safe. Option 2 is surely the only possible option that will take proper account of digitisation.

ANEC does not support option 3 as it perpetuates lack of coherence with other NLF measures.

Finally, **ANEC fully supports option 4** (together with option 2) to convert the Directive into a Regulation. A Regulation imposes rules and requirements that are applicable at the same time throughout the Union, and which do not give room for divergent interpretation or transposition by Member States. It would therefore ensure the same level of safety, create legal certainty, allow for a more-coherent enforcement and also contribute to a level playing field between economic operators.

¹ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-6426989_en

In conclusion, ANEC is of the opinion that the Machinery Directive has generally worked well in providing a sufficient level of safety for consumers in the EU, as well as aiding the free movement of machinery products. We support turning the Directive into a Regulation and to align it with the New Legislative Framework, duly addressing aspects relating to emerging digital technologies, e.g. AI, cybersecurity, IoT.

END.



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