

# Open Public Consultation on the revision of the Directive 2006/42/EC on machinery

Fields marked with \* are mandatory.

## Introduction

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The Machinery Directive is the core European legislation regulating products of the mechanical engineering industries. It aims at (i) ensuring a high level of safety and protection for machinery users and other exposed persons and (ii) securing the free movement of machinery in the internal market.

An evaluation of the Directive was finalized in 2018. The overall conclusion of this evaluation was that the Directive is generally relevant, effective, efficient, coherent and has EU added value. However, a need for greater legal clarity of some of its provisions and better coherence with other legislation was identified. It further detected some administrative requirements that affect the efficiency of the Directive and could be simplified. In addition, the evaluation indicated that shortcomings in monitoring and enforcement of the Directive have affected its effectiveness. The evaluation showed that the Directive, supported by the New Approach principles, is relatively flexible to allow technological developments in a digital era. Yet, new innovations in digitisation may test the Directive's effectiveness and fitness for purpose going forward.

The Commission is following up on the findings of the evaluation and will analyse the impacts of possible areas for improvement and implications through an impact assessment. This questionnaire is one of the contributions to this impact assessment.

## About you

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### \* 1 Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian

- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* 2 I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* 3 First name

Tania

\* 4 Surname

VANDENBERGHE

\* 5 Email (this won't be published)

tania.vandenberghe@anec.eu

\* 7 Organisation name

*255 character(s) maximum*

ANEC, the European Consumer Voice in Standardisation

\* 8 Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)

- Large (250 or more)

## 9 Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

507800799-30

## \* 10 Country of origin

Please add your country of origin, or that of your organisation.

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|---|---|--|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti                            | <input type="radio"/> Libya            | <input type="radio"/> Saint Pierre and Miquelon                    |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica                            | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Vincent and the Grenadines             |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic                  | <input type="radio"/> Lithuania        | <input type="radio"/> Samoa  |
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| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt                               | <input type="radio"/> Macau            | <input type="radio"/> São Tomé and Príncipe                        |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador                         | <input type="radio"/> Madagascar       | <input type="radio"/> Saudi Arabia                                 |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea                   | <input type="radio"/> Malawi           | <input type="radio"/> Senegal                                      |
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| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Ethiopia                            | <input type="radio"/> Mali             | <input type="radio"/> Sierra Leone                                 |
| <input type="radio"/> Argentina           | <input type="radio"/> Falkland Islands                    | <input type="radio"/> Malta            | <input type="radio"/> Singapore                                    |
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| <input type="radio"/> Azerbaijan          | <input type="radio"/> France                              | <input type="radio"/> Mayotte          | <input type="radio"/> Somalia                                      |
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- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- North Korea
- Northern Mariana Islands
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu

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| <input type="radio"/> Costa Rica                       | <input type="radio"/> Kiribati   | <input type="radio"/> Réunion                                     | <input type="radio"/> Vatican City      |
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| <input type="radio"/> Czechia                          | <input type="radio"/> Lebanon    | <input type="radio"/> Saint Kitts and Nevis                       | <input type="radio"/> Zambia            |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho    | <input type="radio"/> Saint Lucia                                 | <input type="radio"/> Zimbabwe          |
| <input type="radio"/> Denmark                          | <input type="radio"/> Liberia    | <input type="radio"/> Saint Martin                                |   |

\* 11 Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

12 I agree with the [personal data protection provisions](#)

\* 13 How familiar are you with Directive 2006/42/EC on machinery?

- I have detailed knowledge of the Directive, its objectives, the limits and the requirements/obligations that it imposes across all industry sectors
- I have detailed knowledge of the Directive, its objectives, the limits and the requirements/obligations that it imposes on a specific sector
- I am aware of the existence of the Directive but not of all its specific contents
- I do not really know the Directive

\* 14 Are you or do you represent a:

- Manufacturer of machinery (or parts)
- Importer of machinery (or parts)
- Distributor of machinery (or parts)
- Industry association of producers, importers or distributors of machinery (or parts)

- Professional/worker using machinery
- Private user of machinery
- Consumer organisation
- Researcher/academia
- Machinery safety consultant
- Authority that enforces machinery rules
- Standardisation organisation
- Notified Body
- Other

## General questions

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\* 18 What kind of machinery is relevant for you or your organisation/institution?  
[select as many as relevant]

- Construction
- Agriculture
- Mining and quarrying
- Food processing
- Car and vehicle manufacture
- Wind energy
- Other power production
- General manufacturing
- Horticulture and gardening
- Power tools for personal use
- Leisure industry
- Machine tool manufacture
- Other

\* 20 Have you experienced (or heard about) difficulties in buying machinery from or selling machinery to other countries in the EU/EFTA/Switzerland/Turkey?

- Yes
- No
- No opinion

\* 23 Have you ever encountered (or heard about) situations in which the safety of users (or domestic animals or property) was at risk when using machinery?

- Yes
- No
- No opinion

\* 24 Please specify the problem and the type of machinery:

\* 25 Was the machinery that caused the problem purchased from a company in the EU/EFTA/Switzerland/Turkey?

- Yes
- No
- I do not know

\* 26 Have you ever encountered (or heard about) situations in which the safety of users (or domestic animals or property) was at risk as a result of the internet connection of the machinery?

- Yes
- No
- No opinion

\* 27 Please specify the problem and the type of machinery:

XIAOMI M365 e-scooters can be hacked. If a e-scooter/e-bike can be hacked, then the lack of security can cause a safety problem (eg: speed limits).

\* 28 Was the machinery that caused the problem purchased from a company in the EU/EFTA/Switzerland/Turkey?

- Yes
- No
- I do not know

\* 29 Have you ever experienced difficulties in understanding or finding the information you needed in the user manual provided with machinery you purchased or used (or have you seen evidence of such difficulties)?

- Yes
- No
- I do not usually read the user manual
- No opinion

\* 30 Is it because:

- The manual was too complex / technical
- The manual was badly written / translated into my language
- I had to read the manual in a language that was not my mother tongue
- There was no translation into my mother tongue
- The manual is not available to users within the organization
- Other

\* 32 How should machinery manuals be delivered to users? [select the two methods you most prefer]

- Always a printed user manual
- Printed manual should be available on demand only

- Access to a digital user manual (online or displayed by the product)
- Access to manual on external device such as DVD/USB stick
- A short printed Quick-Start Guide and an access to a more in-depth online user manual
- Other

\* 33 Please specify:

It is important to offer both on-line and paper formats as not all consumers are regularly connected to the Internet. And the digital format should be accessible for people with disabilities.

The specific instructions related to the safe operation of the machinery shall be collated together in the front section of the user instructions. The height of the characters, measured on the capital letters, shall be at least 3 mm.

\* 34 What should be included in the Quick Start Guide in addition to setting up the machine and turning it on?

- Basic handling information, weights etc.
- Details of controls
- Details of safety related control systems
- Other

\* 35 Please specify:

Consumers should be able to safely operate the machine in all reasonable foreseeable circumstances.

\* 36 What would be the impact of switching solely to online manuals?

- Users would use online manuals only
- Users would print the online manual, but only in their own language
- Users would print just relevant parts of the manual
- For those without internet access it would be much more difficult to access the manual
- Other

\* 37 Please explain:

Not all consumers are connected to the Internet and not all the time/everywhere. As several machines are to be used outdoors, this has to be taken into account.

\* 47 Do you currently own or have you previously owned any of the following types of autonomous domestic robots?

- A robot vacuum cleaner
- A robot lawn mower
- A drone
- A robotic walker
- A robot pet/companion



- A robot assistant (a physical robot intended to assist in tasks such as cleaning, security, smart home control, and/or messaging and schedule management)
- A robotic toy (a physical robot intended for entertainment purposes only)
- Other domestic robot
- None of them

\* 48 Please specify:

The highlighted domestic robots under question 47 above are currently available on the market for consumers to buy.

\* 49 Were your domestic robots purchased in the EU/EFTA/Switzerland/Turkey?

- Yes
- No
- I do not know

\* 50 Are any of your domestic robots connected to the internet?

- Yes
- No
- I do not know

\* 51 When using domestic robots, have you ever encountered situations in which your safety, or the safety of someone else, or domestic animals, or property, was at risk?

- Yes
- No
- I do not know

\* 52 Please specify the problem:

Our Norwegian members showed that the i-Que robot (toy) lacks basic security and thus can put the child at risk (eg: speaking to the child).  
In general, lack of security (eg: hacking) can put consumer safety at risk.

\* 53 Was the machinery that caused the problem purchased in the EU/EFTA /Switzerland/Turkey?

- Yes
- no
- I do not know

\* 54 Do you have security/safety/privacy concerns which impact your willingness to buy household appliances with internet connection?

- I have no related security concerns
- I am concerned, but I use the internet connection anyway
- I am concerned, and use the internet connection only when necessary, and /or I have taken other measures (such as covering the camera, disabling the microphone or limiting the areas of the house I use the robot in)

- I am concerned, and as a consequence I do not use the internet connection
- I am obliged to use the internet connection since otherwise my domestic robot can not function properly
- Other concerns
- I do not buy such appliances

## Questions for potential improvement/simplification of existing provisions

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This section intends to collect feedback from stakeholders on:

- the scope of the Directive and whether it is sufficient in some particular cases;
- the need for additional definitions;
- some essential health and safety requirements and whether they are sufficient;
- the categories of machinery subject to conformity assessment involving a Notified Body.

## Questions related to the scope (Article 1)

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\* 64 Have you encountered problems due to exclusions of certain low voltage machinery from the scope of the Machinery Directive (Article 1.2(k))?

- Yes
- No
- I do not know

\* 86 The Pressure Equipment Directive 2014/68/EU contains specific essential safety requirements to address hazards due to pressure. However, pressure equipment classified no higher than category I is excluded from the Pressure Equipment Directive and can be covered by the Machinery Directive (e.g. motorised valves, pressure cookers). As a consequence, that product can be self-assessed by the manufacturer instead of involving a third party conformity assessment body to certify it.

Do you consider that this exclusion from the Pressure Equipment Directive (which has specific essential safety requirements to address hazards due to pressure) leads to increased safety concerns (such as explosion due to pressure)?

- Yes
- No
- No opinion

\* 87 Would it be beneficial for the safety of the machinery if, in addition to the Machinery Directive, the Pressure Equipment Directive also applied even if the items of pressure equipment are classified no higher than category I under the Pressure Equipment Directive?

- Yes
- No
- No opinion

\* 88 Would this change lead to increased or reduced costs for your organisation:

- Increased
- Reduced
- No change

\* 91 The Machinery Directive applies to lifting appliance whose speed is not greater than 0.15 m/s. Lifts whose speed is above 0.15 m/s are covered by the Lifts Directive 2014/33/EU. Given the technical progress in lifts sector, there are suggestions to increase the maximum speed for lifting appliance/platforms under the Machinery Directive from 0.15 m/s to 0.50 m/s. As a consequence, that product can be self-assessed by the manufacturer itself instead of involving a third party conformity assessment body to certify it as required by the Lifts Directive.

Do you consider that such increase of the speed limit for lifts creates safety problems?

- Yes
- No
- No opinion

\* 92 Please explain:

As the Machinery Directive does not contain any accessibility requirements (which the Lifts Directive does), we do not support this change, unless the Machinery Directive will contain similar accessibility requirements.

\* 96 The Machinery Directive excludes machinery specially designed or put into service for nuclear purposes which, in the event of failure, may result in an emission of radioactivity.

Do you agree that the exclusion should refer only to machinery specially designed or put into service for nuclear purposes which, in the event of failure, may result in a *direct* emission of radioactivity *by the machinery itself*?

- Yes
- No
- No opinion

\* 107 Please explain what would be the appropriate criterion to define a substantial modification of machinery, considering also the Commission Blue Guide[1] guidance in this respect.

[1] The Blue Guide on the implementation of EU products rules 2016, section 2.1.

Software updates of AI systems should be considered as substantial modifications, even if the intention is not to change the product. Machine-learning can have an impact on the safety of the product even though the intention is not to change its performance. This is not covered at present in the Blue Guide ('Software updates or repairs could be assimilated to maintenance operations provided that they do not modify a product already placed on the market in such a way that compliance with the applicable requirements may be affected'). This wording should be clarified to cover machine learning but this will depend on the legal requirements.

\* 108 Should the Directive define criteria for machinery modified substantially?

- Yes
- No
- No opinion

\* 109 Please explain:

Software updates of AI systems should be considered as substantial modifications, even if the intention is not to change the product.

## Questions related to definitions (Article 2)

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\* 113 According to the definitions in Article 2, a 'machinery performs a 'specific application' while 'partly completed machinery' (PCM) cannot itself perform a specific application. The notion of 'specific application' is, however, not defined.

Did you experience any problems, such as:

- It led to wrong classification of the product, for instance as machinery instead of partly completed machinery
- The manufacturer of partly completed machinery did not fulfil all the applicable safety requirements which caused problems for the CE marking of the final machinery
- Other
- I did not experience any such problems

\* 114 Please specify:

According to Article 1 (2) b) of Directive 2006/42/EC, "specific equipment for use in fairgrounds and/or amusement parks" is excluded from the scope.  
It is not clear to us what is meant by "specific" equipment. Does this mean that some fairground equipment is included in the scope? If so, which equipment?

\* 115 How would you define the notion of 'specific application'?

No opinion

116 Do you think that other definitions or concepts need to be revised?

	Yes	No	No opinion
* Manufacturer	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Partly completed machinery	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Assembly	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* State of the art	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Nuclear purposes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

\* 117 Please specify/elaborate:

N/A

## Questions related to essential health and safety requirements (Annex I)

\* 118 In the case of a lifting platform with carrier which is not completely enclosed, the current rules prescribe the technical solution, where the user needs to press a button throughout the movement of the platform. Such a requirement may restrict innovation given that there are other technological solutions on the market, such as for example light barrier curtains.

Do you think that the safety requirements should be revised to allow innovative technologies to be used, such as for example light barrier curtains, for carriers which are not completely enclosed?

- Yes
- No
- No opinion

\* 119 Please explain whether these new technologies give rise to safety concerns or if they provide the same level of safety as hold-to-run buttons.

The hold-on run button might be better/safer.  
Some of these lifting platforms are used by/for people with disabilities.  
We are not sure whether light barrier curtains would be ok for blind people.

\* 123 Do you think that essential health and safety requirement (EHSR 1.5.8) on noise is coherent with the requirements of Outdoor Noise Directive 2000/14/EC?

- Yes, to a great extent
- Yes, to some extent
- Yes, to a minor extent
- No, to no extent

\* 124 Please elaborate:

We are not familiar enough with the requirements of the Outdoor Noise Directive 2000/14/EC to answer this question.

## Questions related to categories of machinery which may be subject to conformity assessment involving a Notified Body (Annex IV)

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- \* 125 Annex IV of the Directive sets out a strict list of categories of machinery which may be subject to one of the two conformity assessment procedures involving a Notified Body (EC type-examination or Full quality assurance) and to self-assessment by the manufacturer when it is manufactured in accordance with harmonised standards that cover all of the applicable essential health and safety requirements.

When an Annex IV machinery is manufactured in accordance with harmonised standards that cover all of the applicable essential health and safety requirements, do you think that the option of self-assessment by the manufacturer leads to safety concerns?

- Yes
- No
- No opinion

- \* 130 Do you think that other high risk categories of machinery should be added to Annex IV, therefore subject to conformity assessment procedures involving a notified body when harmonized standards that cover all of the applicable essential health and safety requirements are not used?

- Yes
- No
- No opinion

## Questions for potential adaptation to robotics and artificial intelligence (machine learning)

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Today's emerging digital technologies, for example, artificial intelligence (AI) and the Internet of things (where machinery used at work and/or at home is connected to the internet), have characteristics such as complexity, opacity of algorithms (black boxes), autonomy, data-dependence and vulnerability to cyber-attacks, which may bring new challenges in terms of ensuring the safety of machinery. Consequently, manufacturers must consider and address potential new risks.

The machines integrating these technologies have higher degrees of movement (they have more flexible and extended movements outside previous limits) and thanks to improved sensors, they can interact better with their environment. Furthermore, the increased digitisation means that machines are more connected to each other and to internet via the Internet of things networks.

- \* 133 Do you think that the Machinery Directive sufficiently covers the safety of human-robot collaboration (i.e. robots working in the same operating space as humans)?

- Yes
- No
- No opinion

\* 134 Please elaborate:

It is not 100% clear what is meant by 'collaboration'. If it is about robots and humans working together, then we have no opinion. If it is about the interaction between robots and humans, our answer is no because of the machine learning of AI. As machine learning does not always stop with the putting into service, it is important to have provisions which ensure safety of consumers in an unstructured environment.

\* 135 Do you think any essential health and safety requirements should be adapted to take into account humans and robots sharing a given space, and if yes, which ones?

- Yes
- No
- No opinion

\* 136 Please explain:

Consumer robots might interact with humans in an environment which is not controlled/unstructured, where parameters are not known/foreseeable. This might require some updated/additional requirements, in light the the European approach to AI which is Trustworthy AI/ethical.

\* 137 Do you think any new essential health and safety requirements should be added to take into account humans and robots sharing a given space, and if yes, which ones?

- Yes
- No
- No opinion

\* 138 Please explain:

Consumer robots might interact with humans in an environment which is not controlled/unstructured, where parameters are not known/foreseeable. This might require some updated/additional requirements.

139 Please provide an estimate of the additional costs of such change [at your choice]:

- In man-hours
- % of your turnover.
- % of your total production or purchasing costs

\* 141 Machine learning enables machines to operate by recognising patterns in complex data and to learn to operate in a new or modified way using experience or data.

Do you think that the Machinery Directive should explicitly address transparency of algorithms and datasets?

- Yes

- No
- No opinion

\* 142 Please explain:

This is needed to allow for continuous risk assessment, conformity assessment and market surveillance.

- \* 143 Machine learning software is programmed by humans (manufacturers) who must be able to reasonably foresee the risks posed by machinery integrating machine learning and consequently frame its learning capabilities to avoid harm to users or consumers.

Do you think that Machinery Directive should explicitly address software updates?

- Yes
- No
- No opinion

\* 144 How should software updates be treated under the Machinery Directive?

This is needed to allow for continuous risk assessment, conformity assessment and market surveillance.

- \* 145 Do you think that software which ensures a safety function and is placed independently on the market should be explicitly covered by the Machinery Directive and therefore considered a safety component (Article 2c)?

- Yes
- No
- No opinion

- \* 146 Do you think that the concept of placing on the market is still relevant, in particular when software updates are added later on to the machinery?

- Yes
- No
- No opinion

\* 147 Please explain:

The concept of substantive modifications should be used to cover the software updates.  
The concept of putting into service should also be reconsidered for software updates.  
We do not think that software updates/machine learning is always stopping with the putting into service.

- \* 148 Do you think that the concept of foreseeable misuse as defined in the Machinery Directive is still relevant?

- Yes
- No
- No opinion

\* 149 Please explain:



In order to cover the consumer behaviors and what influences them (which might be different from workers behaviors), we suggest to introduce the concept of foreseeable use (in line with art. 4.1), based on the following elements:

- the technical and functional characteristics of the machine,
- the presentation of the machine,
- the presentation of the equipment
- the factual and human behaviors and physical characteristics,
- the relation with other machines/products and the use with other machines/products.

## Questions for potential adaptation to cybersecurity

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Cybersecurity can be considered as protection against the criminal or unauthorized use of electronic data or the machine control system, or the measures taken to achieve this.

\* 150 Do you think that the Machinery Directive covers cyber threats affecting health and safety, for instance hacking and taking control of a machine/robot?

- Yes
- No
- No opinion

\* 151 Please explain how:

While section 1.2.1 of Annex I deals with 'intended operating stresses and external influences' and 'fault in the software', the concept of cybersecurity, which is wider, is not present. The notion of 'intended' is narrowing the scope of what a security threat is: cyber attacks but also any potential circumstance, event or action that could damage, disrupt or otherwise adversely impact network and information systems, the users of such systems and other persons.

\* 152 What requirements if any should be added?

- Only requirements concerning safety should be added
- Safety and security requirements should be added
- Only security requirements should be added
- No obligatory requirements should be added

\* 153 How should cybersecurity requirements for manufacturers of machinery be implemented in the EU?

- Via voluntary certification and labelling, for example the Cybersecurity Act
- Via sectorial legislation, for example the Machinery Directive
- Through a cross-cutting legislation applying to all products
- Via cross-cutting legislation complemented with more specific requirements in sectorial legislation.
- Other

\* 154 Please specify or explain why:

The present legal framework about security of connected products is fragmented, with many gaps. We need legislation which ensures the safety and security of connected products, protecting consumers and critical infrastructure from cyber threats.

## Questions on conversion into a Regulation

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- \* 155 The evaluation of the Machinery Directive found that in some EU Member States the transposition into national law was delayed. Have you experienced problems due to these delays?
  - Yes
  - No
  - I do not know
  
- \* 157 Have you experienced other problems due to differences in the transpositions of EU Member States?
  - Yes
  - No
  - I do not know
  
- \* 159 Would you be in favour of having exactly the same rules on machinery safety applicable at the same time across the EU (converting the Directive into a Regulation)?
  - Yes
  - No
  - I do not know
  
- \* 160 Please elaborate:

A Regulation imposes rules and requirements that are applicable at the same time throughout the Union, and which do not give room for divergent transposition by Member States. Experience has shown that a Directive can lead to different interpretation and deadlines, creating different levels of safety for consumers and burdens for economic operators in the single market. A Regulation will ensure a uniform level of safety in the internal market.

## Questions for alignment to the NLF

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The New Legislative Framework (NLF), adopted in 2008, is a package of measures to improve market surveillance in the EU and the quality of conformity assessments. In addition, it clarifies the use of the CE marking and creates a measures toolbox for use in product legislation. The NLF consists of Regulation (EC) 765/2008 setting out the requirements for accreditation and the market surveillance of products, Decision 768/2008 on a common framework for the marketing of products, and Regulation (EC) 764/2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another EU country.

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161 Would you be in favour of aligning the Machinery Directive to the New Legislative Framework?

- Yes
- No
- I do not know

\* 162 Please elaborate:

Legal coherence but need to respect architecture of Machinery Directive based on detailed Annex I.

## Closing Questions

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163 Please share any additional comments or remarks you may have regarding the topic of this public consultation.

Accessibility requirements:

In order to support our suggestion to add accessibility requirements, we think that the MD should make a reference to the UN Convention on the Rights of Persons with disabilities (like the Low Voltage Directive and Lifts Directive).

Fairground and amusement park equipment:

In 2018, we welcomed adoption of three European standards for amusement rides and devices (EN 13814-1, EN 13814-2 and EN 13814-3). We regret continued absence of a European legal framework for fairground and amusement park equipment. Over the years, the concept and the design of amusement park equipment has changed considerably into bigger, more exiting and more hazardous attractions. Although millions of consumers make use of this machinery (often when being on a holiday abroad), very serious accidents continue to happen.

E-scooters:

We ask to consider the possibility to introduce an Acoustic Vehicle Alerting System (AVAS) for E-scooters like hybrid and electric cars.

164 Please feel free to upload a concise document, such as a position paper to support your responses.

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

**d20709a7-6ea9-48dd-a9db-0a191ffeb4c6/ANEC-DOMAP-2019-G-013.pdf**

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## Contact

grow-c3@ec.europa.eu