



# Machinery Directive 2006/42/EC

## Orgalime Proposal for the European Commission Guidelines

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Annex I, point 1.7.4.1. a)

### **What is unclear in the directive 2006/42/EC and has to be clarified?**

The responsibility for “original instructions”/“translation of the original instructions” are under the aspect of the product liability directive because manufacturers could believe that they can be exonerated of their liability by providing as many translations as possible instead of original versions.

The role of the manufacturer is expressed in different ways in various language versions of the Directive, which may lead to confusion as to the responsibility of the manufacturer. (For example: whereas the English/French versions speak of “Original instructions “(...) verified by the manufacturer, the German/Italian versions speak of “der Sprachfassung, für die der Hersteller die Verantwortung übernimmt”, which means that the manufacturer takes over the responsibility.)

This implies, or could be understood, in a way that the manufacturer does not take responsibility for the translations of the instructions. This, however, is not true under the product liability directive 85/374/EC where a manufacturer is always responsible for the instructions when they give reason for the damage, being either originals or translations.

### **Orgalime Proposal for the European Commission Guidelines:**

In order to avoid any misunderstanding, manufacturers must note that they are always responsible of the content and existence of instructions under Product liability law (directive 85/374/EC). The wording in the machinery directive only refers to responsibilities and obligations imposed by the Machinery Directive which forms part of public law whereas product liability falls under private law.

**Disclaimer: The content of this fiche represents European industries’ position on the subject. This position has been coordinated and agreed by European industrial associations collaborating on Orgalime’s platform. This is therefore not an official European Commission guidance document.**

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