

Orgalime Proposal for the European Commission Guidelines

Article 1.2 a)

Art 1.2 "The following are excluded from the scope of this Directive:

(a) safety components intended to be used as spare parts to replace identical components and supplied by the manufacturer of the original machinery;"

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

The meaning of the term "identical" is unclear: Does it refer to the same component, the same function and same technical specifications?

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This exclusion allows:

→ The manufacturer of the original machinery, to supply the safety components as spare parts, in particular, the safety components that are not normally "independently placed on the market", without having to apply the procedures of the machinery directive (CE marking, European Commission Declaration of Conformity, etc.)

→ The user, to buy, from the manufacturer of the original machinery, the safety components as spare parts, even if not CE-marked, and to use these safety components for maintenance and repair operations without the loss of validity of the original CE Declaration of Conformity (rif. annex II, 1 A). This condition is valid only if the user follows the instructions of the manufacturer.

In this context, the term "identical" is related to function and safety performances of the safety component which includes the manufacturer's replacement parts.

It is thus possible to replace a safety component of generation one by a safety component of generation two from the same manufacturer.

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