



EU **DECLARATION OF CONFORMITY**

OFFICIAL JOURNAL OF MACHINERY
REGULATION (EU) 2023/1230

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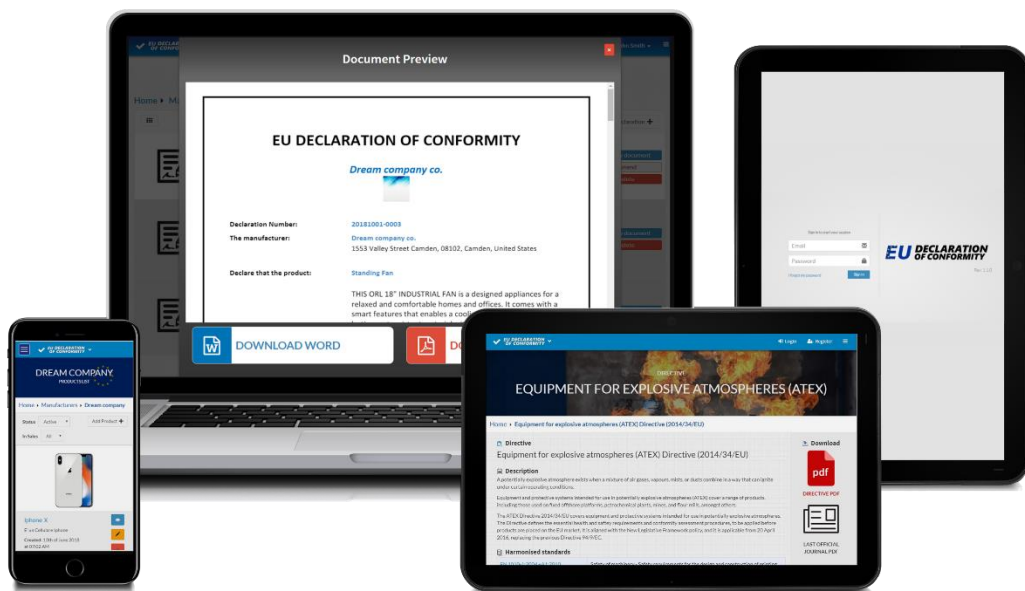
EU **DECLARATION
OF CONFORMITY**



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2024/1256

30.4.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/1256

of 26 April 2024

amending and correcting Implementing Decision (EU) 2023/1586 as regards harmonised standards for front loader agricultural machinery, all terrain vehicle quads, as well as electric motor-operated hand-held tools

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery and amending Directive 95/16/EC ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 7 of Directive 2006/42/EC, machinery manufactured in conformity with a harmonised standard, the reference to which has been published in the *Official Journal of the European Union*, is to be presumed to comply with the essential health and safety requirements covered by such harmonised standard.
- (2) By letter M/396 of 19 December 2006, the Commission made a request ('request M/396') to the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) for the drafting, the revision and the completion of the work on harmonised standards in support of Directive 2006/42/EC to take account of changes introduced by that Directive in comparison with Directive 98/37/EC of the European Parliament and of the Council ⁽²⁾.
- (3) On the basis of the request M/396, CEN and Cenelec drafted harmonised standards EN 12525:2000+A2:2010, on agricultural machinery and safety of front loaders, EN 15997:2011, as corrected by EN 15997:2011/AC:2012, on all terrain vehicles and safety of quads, EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015 and amended by EN 62841-1:2015/A11:2022, on electric motor-operated hand-held tools and general requirements for safety of transportable tools and lawn and garden machinery, and EN 62841-2-11:2016, as amended by EN 62841-2-11:2016/A1:2020, on electric motor-operated hand-held tools, transportable tools and lawn and garden machinery and particular requirements for hand held reciprocating saws. The references of those standards are published in the *Official Journal of the European Union* by Commission Implementing Decision (EU) 2023/1586 ⁽³⁾.
- (4) On 6 June 2022, Germany raised a formal objection in accordance with Article 10 of Directive 2006/42/EC against harmonised standard EN 12525:2000+A2:2010 explaining that the harmonised standard fails to satisfy the essential health and safety requirements set out in points 1.1.2. and 1.7.4.2. (l) of Annex I to Directive 2006/42/EC. Germany argues that the standard on front loaders for agricultural vehicles imposes organisational measures instead of technical measures, as regards the requirements set out in point 1.1.2. of Annex I to that Directive. Moreover, Germany argues that the presence of a roll-over protection structure is not deemed sufficient to cover the requirements set out in point 1.7.4.2. (l) of Annex I to Directive 2006/42/EC as a falling object protective structure corresponding to the Organisation for Economic Cooperation and Development (OECD) code 10 ⁽⁴⁾ should be present instead.

⁽¹⁾ OJ L 157, 9.6.2006, p. 24, ELI: <http://data.europa.eu/eli/dir/2006/42/oj>.

⁽²⁾ Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery (OJ L 207, 23.7.1998, p. 1).

⁽³⁾ Commission Implementing Decision (EU) 2023/1586 of 26 July 2023 on harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council (OJ L 194, 2.8.2023, p. 45, ELI: http://data.europa.eu/eli/dec_impl/2023/1586/oj).

⁽⁴⁾ OECD standard code 10 on the official testing of falling object protective structures on agricultural and forestry tractors, established by the Organisation for Economic Cooperation and Development, as referred to in row 40 of Annex I to Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

- (5) The formal objection was discussed in the Commission Expert Group on Machinery^(?) in its meetings on 10 October 2022 and 23 March 2023. It was discussed by the Committee established by Article 22 of Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁽⁶⁾ on European standardisation on 15 December 2023.
- (6) Having examined harmonised standard EN 12525:2000+A2:2010 together with the representatives of the Commission Expert Group on Machinery and the representatives of the committee established by Article 22 of Regulation (EU) No 1025/2012, the Commission concluded that the standard fails to meet the essential health and safety requirements set out in points 1.1.2. and 1.7.4.2. (l) of Annex I to Directive 2006/42/EC.
- (7) On 30 September 2022, France raised a formal objection in accordance with Article 10 of Directive 2006/42/EC against harmonised standard EN 15997:2011, as corrected by EN 15997:2011/AC:2012, explaining that it fails to satisfy the essential health and safety requirements set out in points 1.1.2., 1.3.1., and 3.4.1. of Annex I to Directive 2006/42/EC. France argues that the standard, covering all terrain vehicles and quads, does not adequately address the principles of safety integration and the reasonably foreseeable misuse set out in point 1.1.2 of Annex I to Directive 2006/42/EC. France also argues that it also has serious shortcomings relating to the loss of stability as it lacks requirements for lateral stability and longitudinal forward stability set out in point 1.3.1 of Annex I to the Directive. In addition, France argues that that harmonised standard does not have specifications to prevent uncontrolled movements set out in point 3.4.1 of Annex I to the Directive 2006/42/EC. According to France, roll-over event and rider ejection are considered to be the most relevant accident scenarios.
- (8) The formal objection was discussed in the Commission Expert Group on Machinery in its meeting on 23 March 2023. It was discussed by the Committee established by Article 22 of Regulation (EU) No 1025/2012 on European standardisation on 15 December 2023.
- (9) Having examined harmonised standard EN 15997:2011, as corrected by EN 15997:2011/AC:2012, together with the representatives of the Commission Expert Group on Machinery and the representatives of the committee established by Article 22 of Regulation (EU) No 1025/2012, the Commission concluded that the standard fails to meet the essential health and safety requirements set out in points 1.1.2., 1.3.1., and 3.4.1. of Annex I to Directive 2006/42/EC.
- (10) On 20 May 2022, Germany raised a formal objection in accordance with Article 10 of Directive 2006/42/EC against harmonised standard EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015, and harmonised standard EN 62841-2-11:2016, as amended by EN 62841-2-11:2016/A1:2020, explaining that those harmonised standards fail to satisfy the essential health and safety requirements set out in points 1.2.3. and 2.2.1. of Annex I to Directive 2006/42/EC. Germany argues that harmonised standard EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015, and harmonised standard EN 62841-2-11:2016, as amended by EN 62841-2-11:2016/A1:2020, both covering hand-held electrical machines such as jigsaws, do not provide sufficient protection against unintentional starting after voltage loss, as regards the requirements set out in point 1.2.3. (second paragraph, first indent, applied with the first paragraph) and point 2.2.1. (first paragraph, third indent) of Annex I to Directive 2006/42/EC.
- (11) The formal objection was discussed in the Commission Expert Group on Machinery in its meeting on 10 October 2022 and in the Committee established by Article 22 of Regulation (EU) No 1025/2012 on European standardisation on 15 December 2023.

^(?) Group E03676 of the Register of Commission Expert Groups and Other Similar Entities.

⁽⁶⁾ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12, ELI: <http://data.europa.eu/eli/reg/2012/1025/oj>).

- (12) Having examined harmonised standard EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015, and harmonised standard EN 62841-2-11:2016, as amended by EN 62841-2-11:2016/A1:2020, together with the representatives of the Commission Expert Group on Machinery and the committee established by Article 22 of Regulation (EU) No 1025/2012, the Commission concluded that the standard fails to meet the essential health and safety requirements set out in points 1.2.3. and 2.2.1. of Annex I to Directive 2006/42/EC.
- (13) Given that the reference of amendment EN 62841-1:2015/A11:2022 was published in the *Official Journal of the European Union*, by Implementing Decision (EU) 2023/1586, after the objection raised by Germany, the Commission considered also harmonised standard EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015 and amended by EN 62841-1:2015/A11:2022, and concluded that the standard still fails to meet the essential health and safety requirements set out in point 1.2.3. (second paragraph, first indent, applied with the first paragraph) and point 2.2.1. (first paragraph, third indent) of Annex I to Directive 2006/42/EC.
- (14) Harmonised standards EN 12525:2000+A2:2010; EN 15997:2011, as corrected by EN 15997:2011/AC:2012; EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015 and amended by EN 62841-1:2015/A11:2022; and EN 62841-2-11:2016, as amended by EN 62841-2-11:2016/A1:2020, should therefore be maintained in the *Official Journal of the European Union* with a restriction.
- (15) The references of harmonised standards EN 12525:2000+A2:2010; EN 15997:2011, as corrected by EN 15997:2011/AC:2012; EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015 and amended by EN 62841-1:2015/A11:2022; and EN 62841-2-11:2016, as amended by EN 62841-2-11:2016/A1:2020, are listed in Annex I to Implementing Decision (EU) 2023/1586. That Annex also includes the references of harmonised standards drafted in support of Directive 2006/42/EC, but that are published in the *Official Journal of the European Union* with restrictions. The references of those harmonised standards should therefore be maintained, by deleting them from that Annex and reintroducing them therein, with the appropriate restrictions.
- (16) The reference of harmonised standard EN 62841-1:2015, as corrected by EN 62841-1:2015/AC:2015, is listed in Annex II to Implementing Decision (EU) 2023/1586, which lists the references of harmonised standards that are withdrawn after specific dates. That Annex also includes the references of harmonised standards drafted in support of Directive 2006/42/EC with restrictions. The reference of that harmonised standard should therefore be maintained, by deleting it from that Annex and reintroducing it therein, with the appropriate restriction.
- (17) For reasons of clarity and certainty, Article 3 of Implementing Decision (EU) 2023/1586 should provide that the applicability of standards, the references of which are listed in that Annex, is subject to any restrictions set out in Annex III to that Implementing Decision. Article 3 of that Implementing Decision should therefore be corrected.
- (18) Implementing Decision (EU) 2023/1586 should therefore be amended and corrected accordingly.
- (19) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Implementing Decision (EU) 2023/1586

Implementing Decision (EU) 2023/1586 is amended as follows:

- (1) Article 1 is replaced by the following:

'Article 1

The references of harmonised standards for machinery drafted in support of Directive 2006/42/EC listed in Annex I to this Decision are hereby published in the *Official Journal of the European Union*.

The references of the standards listed in Part Three, point 2, rows 121, 266, 324a, 343, 405, 495, 513a, 671a and 681a of Annex I to this Decision are published or maintained in the *Official Journal of the European Union* with restrictions.;

- (2) in Article 2, the second paragraph is replaced by the following:

'However, it shall continue to apply to the references of harmonised standards listed in Annex II to this Decision until the dates of withdrawal of those references set out in that Annex, subject to any restrictions set out in that Annex.;

and

- (3) Annexes I and II are amended in accordance with the Annex to this Decision.

Article 2

Correction to Implementing Decision (EU) 2023/1586

In Article 3 of Implementing Decision (EU) 2023/1586, the second paragraph is replaced by the following:

'However, it shall continue to apply to the references of harmonised standards listed in Annex III to this Decision until the dates of withdrawal of those references set out in that Annex, subject to any restrictions set out in that Annex.'

Article 3

Entry into force

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 26 April 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I and II of the Implementing Decision (EU) 2023/1586 are amended as follows:

(1) in Part Three of Annex I, point 2 is amended as follows:

(a) row 324 is deleted;

(b) the following row 324a is inserted:

‘324a.	EN 12525:2000+A2:2010 Agricultural machinery – Front loaders – Safety Restriction: This harmonised standard does not confer a presumption of conformity with the essential health and safety requirements set out in point 1.1.2. of Annex I to Directive 2006/42/EC, which requires technical measures, and not organisational ones such as protective structures specifically mitigating falling objects instead of addressing other accident scenarios including vehicle roll-over events, and point 1.7.4.2 (l) of Annex I to Directive 2006/42/EC, which requires information about the residual risks that remain despite the inherent safe design measures, safeguarding and complementary protective measures adopted.’;
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(c) row 513 is deleted;

(d) the following row 513a is inserted:

‘513a.	EN 15997:2011 All terrain vehicles (ATVs – Quads) – Safety requirements and test methods EN 15997:2011/AC:2012 Restriction: This harmonised standard does not confer a presumption of conformity with the essential health and safety requirements set out in point 1.1.2. of Annex I to Directive 2006/42/EC, which requires compliance with the principles of safety integration and reasonably foreseeable misuse of the vehicle, point 1.3.1. of Annex I to Directive 2006/42/EC, which requires lateral and longitudinal stability mitigation, and point 3.4.1. of Annex I to Directive 2006/42/EC, which requires prevention of uncontrolled movement.’;
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(e) row 671 is deleted;

(f) the following row 671a is inserted:

‘671a.	EN 62841-1:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery – Safety – Part 1: General requirements (IEC 62841-1:2014, modified) EN 62841-1:2015/AC:2015 EN 62841-1:2015/A11:2022 Restriction: This harmonised standard does not confer a presumption of conformity with the essential health and safety requirements set out in point 1.2.3. (second paragraph, first indent, applied with the first paragraph) and point 2.2.1. (first paragraph, third indent) of Annex I to Directive 2006/42/EC, which require sufficient protection against unintentional starting regardless of the cause.’;
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(g) row 681 is deleted;

(h) the following row 681a is inserted:

'681a.	<p>EN 62841-2-11:2016 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery – Safety – Part 2-11: Particular requirements for hand-held reciprocating saws (IEC 62841-2-11:2015, modified) EN 62841-2-11:2016/A1:2020</p> <p>Restriction: This harmonised standard does not confer a presumption of conformity with the essential health and safety requirements set out in point 1.2.3. (second paragraph, first indent, applied with the first paragraph) and point 2.2.1. (first paragraph, third indent) of Annex I to Directive 2006/42/EC, which require sufficient protection against unintentional starting regardless of the cause.;</p>
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(2) in Part Two of Annex II, point 2 is amended as follows:

- (a) row 79 is deleted;
- (b) the following row 79a is inserted:

'79a.	<p>EN 62841-1:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery – Safety – Part 1: General requirements (IEC 62841-1:2014, modified) EN 62841-1:2015/AC:2015</p> <p>Restriction: This harmonised standard does not confer a presumption of conformity with the essential health and safety requirements set out in point 1.2.3. (second paragraph, first indent, applied with the first paragraph) and point 2.2.1. (first paragraph, third indent) of Annex I to Directive 2006/42/EC, which require sufficient protection against unintentional starting regardless of the cause.</p>	2 February 2025'.
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