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Brussels, 7 December 2021

New Machinery Regulation: a vital cog for the future of European SMEs

Brussels, 7 December 2021 - The Machinery Directive covers a wide range of products, from agricultural and industrial machinery to slow speed lifts and electric furniture. In all these sectors, SMEs represent the vast majority of stakeholders, as manufacturers, users and service providers. SBS published a position paper that analyses the new proposal for a Machinery Regulation and the ongoing discussion in the European Parliament on the Commission text. The position paper recommends modifications and measures to ensure that the text responds more effectively to the needs of SMEs.

In April 2021, the Commission published its proposal for a revision of the Machinery Directive (Directive 2006/42/EC). In its proposal, the Commission sets out a number of objectives to be pursued, including adapting to new technological developments, clarifying scope and definitions, re-evaluating the provisions on machines deemed as "high-risk" and converting the directive into a regulation.

The European Parliament Committee on Internal Market and Consumer Protection (IMCO) is currently discussing the proposal with a vote foreseen on the report in March 2022. SBS supports the work carried out in the Parliament on this issue and appreciates the positive developments proposed by MEPs in several areas of the proposal. However, the position paper warns against certain steps currently under consideration in the Parliament debate, including amendments supporting a rollback of the proposed exclusion of Light Electric Vehicles (LEVs) from the scope of the Commission proposal.

With regards to the Commission proposal, SBS calls for the clarification of several outstanding issues. Firstly, the current proposal empowers the Commission to adopt technical specifications to meet the Essential Health and Safety Requirements (EHSRs) of the future regulation under certain conditions. SBS opposes in principle this new provision and reiterates its support for the current standardisation system in which the technical details to meet EHSRs are developed via harmonised standards drafted by stakeholders. Any empowerment of the Commission in this sense should be clearly codified in the text as a "last-resort measure" and in any case subject to stakeholders' involvement, including SMEs, in the drafting process.

Secondly, SBS is concerned by the introduction of the concept of "substantial modification" in the text implying additional obligations for end users wanting to modernise or upgrade existing machinery and thereby jeopardising the competitiveness of SMEs by creating an environment where original equipment manufacturers would obtain a de-facto monopoly.

Finally, the proposal states that all machinery products considered "high-risk" need to be subject to a third-party conformity assessment, even when manufactured in full conformity with existing harmonised standards. This would create undue additional costs on companies, particularly on SMEs. SBS proposes to maintain the provisions of the current Machinery Directive, whereby machinery products manufactured in conformity with harmonised standards covering all EHSRs can be subject to self-assessment without recurring to third-party certification.

SBS Director Maitane Olabarria commented: "SBS is generally supportive of the Commission proposal, nevertheless there are some points that need to be improved to ensure the new revised legislation will support the competitiveness of SMEs."

The position paper be consulted via [this link](#).

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EDITORS' NOTES: Small Business Standards (SBS) is the association representing European SMEs in standardisation. SBS is co-financed by the European Commission and EFTA. Its 21 members are national and European sectoral and inter-professional associations representing SMEs in 32 European countries.

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