



## Consideration of IMCO Committee Compromise Amendments – Proposal for a Regulation on Machinery Products

April 2022

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Dear Member of the European Parliament's IMCO Committee,

First of all, we would like to thank you for your work on the proposal for Regulation on Machinery Products that is currently under consideration in the IMCO Committee. With view to the final vote on the Draft Report in the IMCO Committee on 20<sup>th</sup> April, we would like to call your attention on the following points, which are of particular interest to Small Business Standards and its members.

Regarding the **exclusion for Light Electric Vehicles** - Article 2.2(e), SBS **deeply regrets** to see the course of action taken by IMCO, which calls for a roll-back of the original exclusion present in the Commission proposal. Throughout the debate, **SBS has been vocal in its opposition to any amendment which cancels the proposed exclusion**. Unfortunately **Compromise Amendment 2 further exacerbates the issue**, also adding elements that would cause uncertainty in terms of definitions and legislative framework for the LEV sector. SBS strongly believes that the best solution for LEVs is to simply exclude all vehicles for the transport of goods, animals and **persons** by road from the Machinery Regulation and call for the European Commission to urgently propose specific and tailored legislation covering LEVs.

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With regards to the proposal to empower the Commission to **establish technical specifications (Art 17.3)**, SBS supports Compromise Amendment 7, believing that such an empowerment by the Commission should be taken **exclusively as a last resort** and in any case providing an **inclusive role of stakeholders, including SMEs**, in the process.

Regarding the issue of **substantial modification (Art. 3.16; Art. 15)**, SBS appreciates the clarification provided in sections of Compromise Amendment 3 regarding the definition of "substantial modification". SBS reiterates that it is of paramount importance for SMEs that only modifications that **fundamentally change the purpose of the machine or lower the level of safety** should fall under the definition of "substantial modification".

On Annex I, "**high-risk**" machinery, SBS appreciates the improvement offered by Compromise Amendment 5 regarding the **Annex III, point 1.1.9 – "Protection against corruption"** over many of the amendments originally proposed in IMCO, which would have severely weakened, or deleted altogether, said provisions. On the other hand, Compromise Amendment 5 would cause a **step back** compared to the Commission text with regards to Annex III – Part 1 – point

1.6 – point 1.6.2 – paragraph 2. SBS believes that the amended text does not sufficiently highlight the need to consider the possible use of rescue equipment and its implications, potentially to the detriment of the involved personnel.

On the issue of **conformity assessment procedures**, SBS reiterates its position that the manufacturer should be allowed to assess the conformity of a machinery product included in Annex I without being obliged to involve a third party, **only if said machinery product is manufactured in conformity with harmonised standards covering all the relevant EHSRs**. Furthermore, SBS opposes the letter of Compromise Amendment 8 regarding Recital 24, where the Commission proposal for **adaptation and reduction of third-party conformity assessment fees for SMEs is eliminated**.

## Contact

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