

Norwich Union Risk Services

Ref No 5038 (v2)

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CE Marking for the Machinery Manufacturing Industry

Introduction

The key UK Regulations relating to CE Marking are the Supply of Machinery (Safety) Regulations, 1992 as amended 1994 and 2005 (SMSR) which implement the European Machinery Directive, and which contain detailed requirements for the manufacture of safe new machinery.

What is safe is established by reference to a comprehensive set of Essential Safety Requirements. Safe is defined as “when the machinery is properly installed and maintained and used for the purpose for which it is intended, there is no risk (apart from one reduced to a minimum) of its being the cause or occasion of death or injury to persons or, where appropriate, to domestic animals or damage to property or the environment.

Machinery Covered

The SMSR apply to all new machinery manufactured or supplied in the UK, wherever it is to be used in the European Economic Area (EU).

The term ‘machinery’ is broadly defined as:

- An assembly of linked parts or components, at least one of which moves, joined together for a specific application, such as processing, treatment, moving or packaging of a material.
- An assembly of machines arranged and controlled so that they function together for a single purpose.
N.B. Each individual machine will need to be CE marked, as will the total assembly of machines.
- Interchangeable equipment which modifies the function of a machine.

This broad definition encompasses everything from a small portable electric drill, up to a complex production line.

Second Hand Machinery

Where second hand machinery is sold with the EU it only needs to be CE marked if, when first supplied, it came within the scope of the Regulations, and it has been used within the EU.

Second hand machinery imported from outside the EU must be CE marked irrespective of when it was first supplied or put into use.

Where second hand machinery has been refurbished or rebuilt, it should be treated as new. In any event, section 6 of the Health and Safety at Work etc Act, 1974 will apply, i.e., the article (machine) is so designed and constructed so that it will be safe and without risks to health when properly installed, used, maintained and dismantled.

Requirements of the Supply of Machinery (Safety) Regulations

The SMSR require all manufacturers and suppliers of new machinery to ensure that all machinery they supply is safe. Specifically, this requires that:

- Machinery meets the relevant Essential Health and Safety Requirements as listed in the Regulations, which include the provision of sufficient instructions.
- A Technical File for the machine can be compiled, and for schedule four machinery (certain classified dangerous machinery) that the machine has been type examined by a notified body.
- There is a Declaration of Conformity (or in some cases a Declaration of Incorporation) for the machine, which must be issued with it.
- There is a CE Mark affixed to the machine (unless it comes with a declaration of incorporation).

Responsibility for CE Marking

- Where the manufacturer or supplier is within the EEA, then they are responsible for the CE marking, and are the main duty holder.

- Where the user manufactures machinery in house, or imports from outside the EU, the responsibility for CE marking rests with the user.
- Where a machine is imported from outside the EU it is the responsibility of the “importer” to ensure that the machine is CE marked, this duty may fall for example to: Importers, agents, suppliers, users etc.

The SMSR states that machinery which has the CE mark affixed may be taken as complying with the Essential Health and Safety Requirements, unless there is reasonable grounds for suspecting otherwise.

It should never be assumed, that machinery is safe, just because it has been CE Marked.

Key Action Steps

There is a mandatory requirement in the certificate of declaration to “declare” that the machine has satisfied the EHSR, and the machine is therefore likely to be safe if:

- It satisfies the EHSR, or
 - It has been manufactured in compliance with a relevant BS EN standards, or
 - Complies with other acceptable, recognised standards, or
 - Any combination of the above.
- Manufacturer/supplier appoints a responsible person to manage the CE marking process.
 - Machinery risk assessments are undertaken to ensure compliance with the Essential Health and Safety Requirements. This then allows:
 - Declaration of Conformity
 - Machinery to be marked by self-certification.
 - Be capable of assembling a Technical File (at short notice) for the machinery, and retain for examination. If necessary, in some instances, the technical file will need to be verified by an Approved Body, who will then issue a Certificate of Adequacy, and/or a Type Approved Certificate.

Reference Documents

The Supply of Machinery (Safety) Regulations, 1992 SI 1992 No 3073. HMSO, 1992.

The Supply of Machinery (Safety) (Amendment) Regulations, 1994 SI 1994 No 2063. HMSO, 1994.

The Supply of Machinery (Safety) (Amendment) Regulations 2005 SI 2005 No. 831 HMSO 1995.

Safe Use of Work Equipment Approved Code of Practice and Guidance: Provision and Use of Work Equipment Regulations, 1998. L22 (Rev). HSE Books, 1998.

DTI Product Standards – Machinery. Guidance Notes on UK Regulations. www.dti.gov.uk

Supplying New Machinery IND G 270. HSE Books, 1998.

HSE Books telephone number is 01787 881165.

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Norwich Union Risk Services operate a Risk Helpline during normal business hours for the cost of a local telephone call. The telephone number is:
0845 366 66 66
www.nu-riskservices.co.uk