

ORGALIME

Brussels, 15 April 2004

*The Secretary General*

Mr. Heinz Zourek,  
Deputy Director General  
DG Enterprise,  
EUROPEAN COMMISSION,  
200, rue de la Loi,  
B-1049 Bruxelles.

### **Commission proposal amending the Machinery Directive**

Dear Mr. Zourek,

We would like to thank you once again for welcoming our Orgalime delegation led by our Chairman, Mr. Paul van Roon on 3 March and for discussing with us our concerns about the ongoing proposal for the revision of the Machinery Directive.

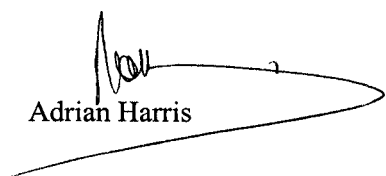
As you may remember during this meeting, we explained that we have always considered that the present Machinery Directive was and remains an excellent example of successful internal market legislation. We also discussed in some detail the reasons which have incited us to ask the Commission to withdraw its proposal issued in 2001, which has now been discussed by Member States for over three years.

At the end of our meeting, we nevertheless, as you requested, agreed to once again meet your colleagues who are managing the issue on a regular basis with the Member States. We held this meeting on 31 March. Our minutes of this meeting have been transmitted to Mr. Montoya.

While this meeting did help to clarify certain issues, we still believe, on balance, that our position must remain unchanged: the costs associated with the proposal amending the existing Directive far outweigh the benefits it might provide. Moreover the proposal in our view in no way contributes to the competitiveness of the EU engineering industry which we feel must be at the heart of any major changes of internal market legislation, such as represented by this proposal. We provide you in annex the many reasons which underpin our request.

We would therefore once again request the Commission to consider withdrawing the proposal.

Yours sincerely,

  
Adrian Harris

Cc: Mr. Cozigou  
Mssrs Ayrat, Montoya, Mrs. Spiliopoulou, Mssrs Eifel and Fraser

## ANNEX

Orgalime's position is that the existing Machinery Directive is an excellent example of successful EC harmonisation, which has provided for a high level of safety and for free trade in the EU's internal market. Orgalime believes that it does not need an overhaul at this time, as the European mechanical engineering industry needs regulatory stability and not bureaucratic changes.

Orgalime's main arguments for being against the revision of the Machinery Directive, include the following:

1. The Commission initiated the revision due to the Molitor Report and the SLIM initiative (Simpler Legislation for the Internal Market), but Orgalime does not see any simplification in the revised text.
2. The revised text clarifies some aspects but, at the same time, it creates new "grey zones" (e.g. what is a "assembly which is almost machinery" under the definition of "partly completed machinery" in Article 2 (h)?). Remaining "grey zones" could be cleared up pragmatically by the Standing Committee (system of questions/answers); besides, there is already comprehensive guidance on many of these, which industry now understands.
3. Efforts to improve the Directive or to reduce or prevent accidents should, at this time, require other types of initiatives, such as improving market surveillance, promoting the existing Directive and supporting improved training.
4. The parallel review of the New Approach should be taken into account before revising vertical legislation such as the Machinery Directive.
5. Orgalime believes the revision will create new bureaucratic costs for companies (especially with regards to the documentation produced by the manufacturer, retraining of personnel), while only a small part of the changes in the proposal are related to the substance.
6. Our industry is increasingly affected by Directives in the technical and environmental area: PED, SPVD, ATEX, Physical agents, Noise emissions by machinery used outdoors, WEEE, RoHS, Emissions Trading Directive, etc. Furthermore there are many proposals in the legislative pipeline such as EuP, REACH, IPP. Our industry has to commit extensive resources to adapt to continuous changes in the legislation affecting our products, rather than focusing on innovation, which is vital to the competitiveness of manufacturers.
7. Enlargement: Orgalime strongly recommends focusing on consolidating the existing "acquis communautaire" in a new enlarged Europe, rather than producing new legislation.
8. This is the seventh Presidency during which the text of the proposal is being discussed (over 35 meetings). The Commission should use its right to withdraw, especially taking into account the Communication of the Commission's Action plan "Simplifying and improving the regulatory environment" of 5 June 2002 (page 9), where it is stated that one of the actions to achieve simplification is that the Commission should make greater use of the opportunities to withdraw legislative proposals. This should be specially observed in two cases: "when a proposal is pending and has not been discussed for several years..." OR "when amendments are introduced by the European Parliament and/or Council which denature the proposal, introduce a level of complexity which is incompatible with the objectives and provisions contained in the Treaty..."