
MACHINERY DIRECTIVE REVIEW PROCESS – EUROMOT COMMENTS ON PARTLY COMPLETED MACHINERY

Brussels, 6th May 2020

EUROMOT (the European Association of Internal Combustion Engine Manufacturers) would like to comment on a number of proposals made in the context of the review of the Machinery Directive (MD) to modify the definition of “Partly Completed Machinery” (PCM).

The concept of PCM was introduced in the MD to grant a fair differentiation of compliance responsibilities along the supply chain.

EUROMOT members have a deep experience of the whole machinery supply chain, many of them being engine manufacturers as well as final machine manufacturers. Based on said experience, we can surely say that the concept of PCM has proven to be fit for purpose, particularly in the engine sector. That is why we believe that the current common interpretation of engines as PCM should not be changed: as already highlighted in the [EUROMOT’s response](#) to the preliminary roadmap on the MD review (February 2019), engine manufacturers have set up the relevant systems and processes according to said interpretation, which has provided us and our customers with the necessary legal certainty to operate at best.

More specifically, EUROMOT would like to highlight the benefits of the PCM concept for the engine value chain, in terms of **safety and legal certainty**.

It is important to understand that the PCM concept, following requests from various stakeholders, was introduced by the European Commission through its proposal “COM(2000) 899 final”, and included the following statement:

Although the body of provisions of this Directive may not apply to partly completed machinery, it is nevertheless important that their free movement be guaranteed where they are specifically stated to be intended for incorporation into or assembled with other machinery to form a machine covered by this Directive.

This proposal was approved by the European Parliament and the European Council and is part of the current Directive.

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ENGINE IN SOCIETY

A European Interest Representative (EU Transparency Register Id. No. 6284937371-73)

A Non Governmental Organisation in observer status with the UN Economic Commission for Europe (UNECE) and the UN International Maritime Organisation (IMO)

Today, art. 2(g) of the MD mentions a drive system as PCM, and the Commission’s Guide on the MD explicitly indicates internal combustion engines as examples of PCM.

Art. 2(g) of the MD

‘partly completed machinery’ means an assembly which is almost machinery but which cannot in itself perform a specific application. A drive system is partly completed machinery. Partly completed machinery is only intended to be incorporated into or assembled with other machinery or other partly completed machinery or equipment, thereby forming machinery to which this Directive applies;

§46 of the MD Guide

*For example, an **internal combustion engine** or a high voltage electric motor placed on the market ready to be fitted, i.e. with the connections necessary for the fitting, to machinery that is subject to the Machinery Directive are to be considered as partly completed machinery.*

From this status of engines as PCM derives the obligation for engine manufacturers to provide :

- A **Declaration of incorporation (DoI)** indicating the Essential Health and Safety Requirements (EHSRs) that have been fulfilled (as described in Annex II, part 1, Section B)
- **Assembly instructions** including essential information to enable safe incorporation and, where relevant, data on safety performance/reliability (according to Annex VI)

Manufacturers of the final machinery are advised to eventually check the DoI and the assembly instructions prior to purchasing, to make sure that the PCM is suitable for integration in the machine.

What if the PCM concept was deleted from the MD?

Should the PCM concept be deleted from the MD, engines would either be considered as “**machinery**” or as “**components**”. However, this would have several serious implications in terms of safety and legal certainty, which we try to enumerate below, and which lead us to conclusion that either option cannot be taken into consideration.

Engines could not be considered as “**Machinery**”. Indeed, according to Article 2 (a) of the Machinery Directive, ‘machinery’ means:

*an assembly, **fitted with or intended to be fitted with a drive system** other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together **for a specific application**.* How does this definition lead us to the conclusion that engines cannot be considered as machines?

- The engine is the drive system of the machine, not a machine itself.
- An engine is only sold to other manufacturers and not to end users. An engine itself does not perform any work or specific application: it must be incorporated into other machinery before it can function.
- Engine manufacturer cannot perform the full machinery risk assessment.
- In most cases, the final application and the information needed to assess the final machine are unknown to the engine manufacturer. The engine manufacturer cannot foresee all end uses and must design the engine with features that suit most, recognising that many requirements can only be met during installation.
- In making the engine compliant to all EHSRs, the engine manufacturer would have fitted components such as guarding, knowing that for most applications this will be unnecessary waste when it is removed by the installer.

Engines could be considered as “**Components**”, however at the expense of safety-related requirements, as:

- MD does NOT apply to components. This would also imply that engines would not be covered anymore by art. 6 of the MD (‘Freedom of Movement’), and that differentiated national requirements might be applied to engines.
- Component manufactures MAY decide to provide customers with relevant technical information. However, components being out of scope, engine manufacturers would not be required to provide any declaration of conformity/incorporation, technical file nor assembly instructions.
- Component manufacturers are not required to perform any process or risk assessment, either: it is up to the final machine manufacturer to perform the whole machine risk assessment, including its components. Engines being very complex “components”, such a risk assessment would be extremely difficult for the machine manufacturer, especially without the technical information currently requested to engine manufacturers and deriving from their status as PCM.
- Considering engines as components would also imply that safety standards would not necessarily be applied anymore.
- It should not be neglected that in many cases engines are sold to relatively small customers, who do not necessarily have the experience nor the adequate direct lines of communication with engine manufacturers to handle safety aspects (as they are purchasing through distributors or dealers). In these cases in particular, the legal obligations deriving from the PCM concept are today a guarantee that safety aspects are not overlooked.

Increased safety and legal certainty are two key objectives that the EU Commission would like to reach when considering the modification of some of the definitions contained in the MD. We have illustrated that, at least in the case of engines, deleting the concept of PCM would have the exact opposite effect.

For these reasons,

1. **We strongly oppose those proposals that were made in the context of the Commission’s Machinery Working Group to remove the concept of PCM from the MD, or to apply the same requirements to complete machinery and to PCM (which would be disproportionate).**
2. **We are aware that, for some sectors other than the engine sector, the distinction between equipment considered as Machinery and equipment considered as PCM might not always be clear enough. However, we believe that the MD Guide – and not the legal text – would be the most appropriate place where such sector-specific clarifications might be provided.**
3. **Concerning the status of internal combustion engines, we call on the Commission to maintain both the current definition of PCM given in the MD (which mentions a drive system as PCM) and the current interpretation given in the Guide (which explicitly mentions internal combustion engines as examples of PCM).**
4. **Concerning the request made in the Commission’s Machinery Working Group to establish (in the MD or in an update to the Guide) a restrictive list of equipment which may be deemed as PCM, we would like to underline that this would not be our preferred policy option (which would rather be the *status quo*). However, should this proposal be accepted by the Commission, we ask the Commission to consider the current common interpretation of internal combustion engines as PCM when creating such a list.**

EUROMOT would like to thank the European Commission for the opportunity to raise these concerns in the context of the MD review, and reiterates its willingness to contribute to the MD review process.

EUROMOT – 2020-05-06

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EU Transparency Register ID number: 6284937371-73

EUROMOT is the European Association of Internal Combustion Engine Manufacturers. It is committed to promoting the central role of the IC engine in modern society, reflects the importance of advanced technologies to sustain economic growth without endangering the global environment and communicates the assets of IC engine power to regulators worldwide. For more than 20 years we have been supporting our members - the leading manufacturers of internal combustion engines in Europe, USA and Japan - by providing expertise and up-to-date information and by campaigning on their behalf for internationally aligned legislation. The EUROMOT member companies employ all over the world about 200,000 highly skilled and motivated men and women. The European market turnover for the business represented exceeds 25 bn euros. Our **EU Transparency Register** identification number is **6284937371-73**.

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