



European Furniture Industries Confederation

## The application of the Machinery Directive 2006/42/EC to electrically operated furniture products: a need for clarification

### POSITION PAPER

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#### EFIC key messages:

- Legal clarity is key
- There should be a differentiation among “electrically operated furniture” products
- EFIC supports the developments of harmonised standards for furniture products falling under the Machinery Directive
- Special attention should be paid to SMEs producing small series of products

#### Background

The Directive 2006/42/EC regulates the harmonisation of essential health and safety requirements for machinery at EU level. The Directive has two main scopes: promoting the free movement of machinery within the Single Market and guaranteeing a high level of protection for EU workers and citizens.

As it is a 'New Approach' Directive, it promotes harmonisation through a combination of mandatory health and safety requirements and voluntary harmonised standards. The Machinery Directive only applies to products that are to be placed on the EU market for the first time.

For the purpose of the application of the 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,*
- *an assembly referred to in the first indent, missing only the components to connect it on site or to sources of energy and motion,*
- *an assembly referred to in the first and second indents, ready to be installed and able to function as it stands only if mounted on a means of transport, or installed in a building or a structure,*
- *assemblies of machinery referred to in the first, second and third indents or partly completed machinery referred to in point (g) which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole,*
- *an assembly of linked parts or components, at least one of which moves and which are joined together, intended for lifting loads and whose only power source is directly applied human effort;*

Article 1, second paragraph, excludes from the scope of the Directive, among others, the *household appliances intended for domestic use*.

## Furniture products and the Machinery Directive

- **About the European furniture industry**

The furniture sector is labour-intensive sector which employs about 1 million workers in close to 118.000 companies. Most companies are SMEs and micro firms (99%).<sup>i</sup> In 2016, the production reached about 88 bill €. <sup>ii</sup> Europe accounts for about 25% of total world furniture production. The European furniture industry is highly export-oriented, with the main share of export happening inside the EU. <sup>iii</sup>

Furniture products are currently not subject to harmonised European legislation, and in the absence of European rules, certain Member States have been active in drafting country specific regulations and standards for different types of furniture. Office furniture and furniture for the public and contract market can be subject to different standards and regulations, comparing to those applied to domestic furniture intended for private use.

In recent years, furniture with electric drives has become increasingly important. The type of furniture and its functions are manifold. Depending on function and equipment, furniture with electric drives may fall under different EU regulations, such as the Machinery Directive, the Low Voltage Directive, the EMC Directive or the Waste Electrical & Electronic Equipment (WEEE) Directive.

- **Do the Machinery Directive apply to furniture products?**

1. Guide to application of the Machinery Directive

In July 2017, the Machinery Directive Working Group (MDWG) has issued the Edition 2.1 (update of the 2nd edition) of the Guide. In this edition, it is specified that:

❖ *electrically operated furniture, such as beds, chairs, tables, storage furniture including kitchen furniture, remain subject to the Machinery Directive as they are not household appliances of the types indicated above. However, where provided for medical purposes such that they are within scope of the Directive 93/42/EEC (as amended) concerning medical devices, that Directive applies instead of the Machinery Directive.*

During the meeting on 19-20 April 2018, the UK member of the MDWG raised the question whether there is a need for differentiation among different powered furniture products and units, depending on the level of risk.

2. Status in the European furniture industry

The release of the new Guidance document has led to an intensive debate in the furniture industry, not yet completely solved.

EFIC has run an internal collection of data and discovered that so far there has not been a common understanding in Europe on the application of the Machinery Directive. The differences among countries have been relevant involving some key questions on whether:

- 1) The Machinery Directive applies to furniture products at all.  
Some furniture producers have relied on the fact that furniture was considered by their National authority as a household appliance of the types excluded by the Directive.

2) Which are the boundaries between Machinery Directive and Low Voltage Directive

3) Differences depending on the use and/or final market.

Some furniture producers have intended that different regulations should apply – on the assumption that there is a relevant difference among electrically operated furniture for the domestic market and powered furniture intended for commercial and industrial use. Such interpretation was in the past shared by the European Commission.

An additional issue of prominent importance for the European furniture industry is that, there is still not one consistent methodology being used to assess furniture for the purpose of the Machinery Directive.

## EFIC proposal

Against this backdrop, EFIC recognises the primary need to **provide legal clarity to the industry** and the importance of having a clear and common understanding across the EU of the cases when the Machinery Directive apply to electrically operated furniture and under which legal criteria.

However, in EFIC's view, the definition "electrically operated Furniture" (according to "Guide to application of the MD 2006/42/EC") is too general and does not reflect the different hazard potentials of furniture with electrical components.

For this reason, EFIC propose to **differentiate** and wishes to work together with the European Commission and the Machinery Directive Working Group to this goal. It is indeed key to establish a common understanding and procedure in all EU countries, reducing the level of bureaucracy at the minimum while guaranteeing the needed safety level. A concrete example of differentiation can be found in the box below:

### **Storage furniture with pre-installed or retrofittable electric drives for opening and closing functions, e.g. for doors, flaps and pull-outs.**

The electric drives of this furniture should be regarded as ready-to-use drives (with CE mark according to the Machinery Directive) which can be installed in the furniture according to the installation instructions.

A comprehensive risk analysis is carried out in advance by the manufacturer (of the electric drive), taking into account the function in the furniture.

The installation instructions clearly specify the area of application, the installation and the limits of the drive. When the installation instructions have been completely implemented, the furniture with electric drive can be safely put into operation without creating new risks that have not yet been taken into account.

If new, unforeseen hazards arise during installation or if the installation conditions deviate from the binding specifications of the electric drive manufacturer, a new conformity assessment must be carried out for the furniture and the electric drive.

However, storage furniture with its own electric drives, either individually or in combination in a room, should not have to be regarded as one large machine.

Additionally, but with equal urgency, EFIC believes that it is key to provide the industry with **a common and consistent methodology** to prove compliance with the Machinery Directive. To this extent, EFIC supports the development of **Harmonised European Standards** for furniture that fully meets the EHSR within the Machinery Directive. It is important that furniture experts are involved in this process.<sup>iv</sup>

Last but not last, EFIC invites the European Commission and the experts in the MDWG to pay attention to the fact that most furniture industries are SMEs - with the largest share of **micro enterprises** (85%) - and some of them produce electrically operated furniture in **very small series**. It is fundamental to reduce bureaucracy so that SMEs are also able to meet the MD requirements, without major competitiveness disadvantage and too high costs.

## About EFIC

EFIC – the European Furniture Industries Confederation - is the voice of the jointly united European Furniture Industries.

EFIC was founded in 2006 by seven national federations representing the furniture industries in Belgium, Denmark, Germany, Italy, Slovakia, Spain and Turkey and it was later joined by Portugal, Sweden, Austria, Russia and Norway. Furthermore, Hungary, the Netherlands and France joined EFIC in 2015 and Bulgaria in 2018. Since 2018, IKEA of Sweden is an Associated member of EFIC.

EFIC now represents more than the 70% of the total turnover of the furniture industries in Europe.

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<sup>i</sup> In the EU furniture sector, Micro companies account for about 85% (fewer than 10 employees), and another 12% being small (10 to 49). Medium-sized companies account for 2%. *Source*: “The EU Furniture Market Situation and a possible Furniture Products Initiative”, report commissioned by DG GROW, November 2014, page 62 ([link](#))

<sup>ii</sup> *Source*: CSIL World Furniture Outlook, Centre for Industrial Studies

<sup>iii</sup> According to the different estimates and sources available, the EU accounts for about 40-45% of world furniture imports and for around 30-35% of world furniture exports, and accounts for about 45% of total world trade. The majority of this (about 85%) is represented by intra-EU trade. *Source*: “The EU Furniture Market Situation and a possible Furniture Products Initiative”, report commissioned by DG GROW, November 2014 ([link](#))

<sup>iv</sup> The European Standards committee TC207 Furniture has decades of experience in writing standards for furniture, and has produced many standards covering the structural strength, safety, durability and stability of furniture, including seating, tables, storage furniture and beds.