



European Furniture Industries Confederation

EFIC POSITION PAPER Revision of Machinery Directive

13 May 2020

In view of the ongoing revision of the Machinery Directive (Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006), the European Furniture Industries Confederation, EFIC, encourages the European Commission to:

- 1) Introduce in the future revised Machinery Directive, or Regulation, if this will be the case, the clarifications of the Guide to the application of the Machinery Directive, version 2.2. of October 2019, specifying that electrically operated furniture remains subject to the Machinery Directive.**
- 2) Consider introducing or adapting current provisions of the text so as to cover aspects related to second-hand products placed on the EU market, such as product safety and liability, which will be more and more prominent in the context of initiatives in circularity.**

Arguments:

1) The placing of electrically motorized furniture on the EU market is increasing. As such, EFIC welcomes the clarifications of the Guide to the application of the Machinery Directive, version 2.2 of October 2019, specifying that electrically operated furniture (listing relevant categories) remains subject of the Machinery Directive.

EFIC believes that these clarifications must be included in the text of the Directive, or Regulation, if this will be the case, as this would provide a uniform and legally-binding understanding at EU level of the products which fall under the Machinery Directive. Legal clarity is needed, as at the moment, there is no common understanding in Europe on the application of the Machinery Directive. Member States and their market surveillance authorities are interpreting the Directive in different ways, leading to confusion for furniture manufacturers as to their obligations. The inclusion of the clarifications of the guide into the legal text is therefore imperative to avoid differing views and the need to bring matters to court for interpretation, which is time-consuming and leads to uncertainty until the case is resolved.

The clarification in the EU Guide mentioned here does not have the quality of being an interpretation-free clarification. It must be made clear that:

- a) Furniture with electric drives is covered by the Machinery Directive;
- b) Drives can (as shown in the EU guide) be placed on the market by the drive manufacturer (with the respective associated obligations) as:
 - i. Partly completed machinery or
 - ii. Complete machines.



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In the case b) ii. the drive manufacturer carries out a conformity assessment procedure including risk assessment and the declaration of conformity of the drive clearly states that it is a (complete) machine and the drive is labelled with a CE mark.

In the case of the installation of an electric drive that has been placed on the market by the drive manufacturer as a (complete) machine as described in the declaration of conformity, while fulfilling the obligations in accordance with Article 5 of the Machinery Directive, the installation of this drive in **furniture does not result in a new machine**, provided that the furniture manufacturer observes the specifications of the drive manufacturer. In this case there is no obligation for the furniture manufacturer to carry out a (further) conformity assessment procedure and CE marking of the furniture, as this does not result in any additional safety and information gain and all requirements of the Machinery Directive are fulfilled by the conformity assessment procedure already carried out by the drive manufacturer for the drive placed on the market as a (complete) machine and the CE marking of the drive.

The furniture manufacturer therefore has the following obligations:

- a) Ensure that the drive is installed in accordance with the technical documentation and operating instructions of the drive manufacturer.
- b) Make the EC Declaration of Conformity of the drive available to the market surveillance authority upon request within a reasonable time period.
- c) Accompany the furniture with the necessary information, in particular the operating instructions in the national languages of the EU.

In the case of installation of a drive which is declared as a partly completed machine by the manufacturer of the drive or where the furniture manufacturer deviates from the specifications of the drive manufacturer, the furniture manufacturer must fulfil the obligations of Article 5 of the Machinery Directive.

In addition to the above, EFIC stresses that a common understanding and legal certainty applicable to both products manufactured in the EU and imported products is key to ensure a level playing field on the EU market. EFIC strongly believes in a deeper harmonisation of the EU internal market and the above proposal would be beneficial in this regard. Standardisation is also a key aspect to ensure a level playing field and as such EFIC is actively involved in the development of the European standard on electrically motorized furniture (ongoing process of harmonising the IEC standard 60335-2-116:2019 under the Machinery Directive).

2) EU initiatives to promote circularity are very welcome by the European furniture industries, given that a circular economy is key to achieve the environmental and climate goals of the EU by 2050. However, given that circularity will completely revamp production processes and business models as we know them now, many pieces of legislation need to be adapted accordingly. As such, we encourage the European Commission to address in the future Machinery Directive (or Regulation, if that will be the case) aspects related to Product Safety, ownership and liability, taking into account that many second-hand products will be proliferating on the market for reuse, or which have been refurbished or remanufactured (sometimes not by the original manufacturer). Once again, legal clarity is needed.