
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2006/42/EC](#) of the European Parliament and of the Council (O.J. No. L 157, 9.6.2006, p.24) on machinery, and amending Directive [95/16/EC](#) (“the Machinery Directive”). The Machinery Directive revokes and replaces Directive [98/37/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to machinery (O.J. No. L 207, 23.7.98, p.1) with effect from 29 December 2009. Directive [98/37/EC](#) was implemented in the United Kingdom by the Supply of Machinery (Safety) Regulations 1992 ([S.I. 1992/3063](#)), as amended, which these Regulations revoke with effect from the same date.

The Machinery Directive is a “New Approach” directive. New Approach directives aim to remove technical barriers to trade in particular products by harmonising national health and safety provisions applicable to such products when they are first placed on the market or put into service in the EEA. Products which comply with their requirements are “CE” marked and can be placed on the market and put into service throughout the EEA.

The scope of the Regulations is set out in Part 1 (which also deals with other preliminary matters, such as commencement) and Part 2. In particular, regulations 4(2) and 6 set out the types of product which constitute “machinery” and “partly completed machinery” and are subject to the Regulations.

Part 3 sets out the key obligations on those who place machinery or partly completed machinery on the market or put it into service (referred to in the Directive as “manufacturers or their authorised representatives” and in the Regulations as “responsible persons”). These obligations include ensuring the safety of products (by reference to the essential health and safety requirements set out in Part 1 of Schedule 2); following a “conformity assessment procedure” (regulations 10 to 12); and documenting their compliance with the requirements of the Directive in various ways (notably by drawing up an “EC declaration of conformity” and affixing the CE marking to the product).

Part 4 makes further provision about CE marking. Part 5 is concerned with the activities of “notified bodies”, whose function is to assess the conformity of products with the Regulations. Part 6 makes provision about enforcement.

One of the functions of the Machinery Directive is to redefine the boundary between the regulation of machinery in general and the regulation of passenger lifts under the “Lifts Directive” (Directive [95/16/EC](#), O.J. No. L 213, 7.9.1995, p.1). Regulation 25 makes the changes to the United Kingdom regulations implementing the Lifts Directive (the Lifts Regulations 1997 ([S.I. 1997/831](#))) which the Machinery Directive requires. The remaining provisions of Part 7 make consequential changes to or avoid overlaps with other pieces of legislation, as well as rectifying some technical drafting defects in regulations implementing other New Approach Directives.

An Impact Assessment (IA) in respect of these Regulations is available and a copy can be obtained from the Department for Business, Enterprise and Regulatory Reform. As these Regulations transpose the Machinery Directive, a transposition note (TN) setting out how the Government will transpose the Directive into UK law has been prepared. Copies of the IA and TN are available from the Business Group, Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET. Copies of these documents have been placed in the libraries of both Houses of Parliament.