TIC Council Position on Proposal for a Regulation on Machinery Products

TIC Council, representing the testing, inspection and certification organisations globally, including the notified bodies for Machinery legislation, welcomes the European Commission's proposal for a Regulation on Machinery Products. With this position paper, we would like to provide our general comments and recommendations on this proposal tabled by the European Commission.

High risk products
We would like to express our strong support for establishing that high-risk machinery should only be subject to third-party certification.

Indeed, we consider that depending on the risk potential of the respective machinery, in particular if connected, a mandatory involvement of an independent notified body is best suited to address the risks related to machinery for a higher level of safety.

Integration of new technology & Alignment with the New Legislative Framework (NLF)
We are pleased to see that the list of high-risk machinery in Annex I will take into account the progress of technical knowledge and other types of high-risk machinery such as machinery with AI ensuring safety functions. Moreover, the delegated acts which will enable the European Commission to identify new risks and continuously amend the list of high-risk machinery products as well as the list of safety components, will ensure that risks for the users and the environment can be kept as low as reasonable possible.

TIC Council also welcomes the alignment of the Machinery legislation with the New Legislative Framework (NLF) which will strengthen the European regulatory framework to ensure the application and implementation of harmonized and uniform requirements in the EU single market.

Relations with other legislation applicable on machinery
We fully agree with the proposal that the Machinery Regulation should be coherent with the Cybersecurity Act (CSA), as well as the upcoming artificial intelligence (AI) rules and the Radio Equipment Directive.

Particularly the CSA should operate as framework legislation for the certification against cybersecurity risks for all products and should prevail on cybersecurity issues against all sector-specific directives. It is worth mentioning that the CSA provides for the application of conformity assessment programs developed by expert groups and (to be) adopted as legislation by the EU Commission, such as the Industrial Automated Control Systems schemes. Therefore, the future Machinery legislation should not override CSA's provisions in any sense.

Independent and accredited conformity assessment bodies provide compliance services for all machinery and safety components based on their competence, qualifications and expertise on Machinery legislation, guidelines, and standards. We stand at your disposal for any further information, and we would be glad to discuss our comments in detail with you.

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TIC Council is a global association representing over 90 international independent third-party testing, inspection, certification and verification organisations. Testing, Inspection and Certification (TIC) companies cater to a diverse range of industry sectors and a variety of standards and legislation. The industry represents an estimated one million employees across the world with annual sales of approximately USD 200 billion. For further information please see the Report on the TIC sector.

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