

COMMISSION IMPLEMENTING DECISION (EU) 2022/621**of 7 April 2022****amending Implementing Decision (EU) 2019/436 as regards harmonised standards for truck mixers, cranes and other machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ⁽²⁾, and in particular Article 7(3) thereof,

Whereas:

- (1) In accordance with Article 7 of Directive 2006/42/EC machinery manufactured in conformity with a harmonised standard, the reference to which has been published in the *Official Journal of the European Union*, is to be presumed to comply with the essential health and safety requirements covered by such a harmonised standard.
- (2) By letter M/396 of 19 December 2006, the Commission made a request to the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (Cenelec) ('the request') for the drafting, the revision and the completion of the work on harmonised standards in support of Directive 2006/42/EC to take account of changes introduced by that Directive in comparison with Directive 98/37/EC of the European Parliament and of the Council ⁽³⁾.
- (3) On the basis of the request, CEN drafted new harmonised standards EN 13852-3:2021 on light offshore cranes, EN 12385-5:2021 on stranded ropes for lifts, and EN 12609:2021 on safety requirements for truck mixers.
- (4) On the basis of the request, CEN and Cenelec also revised existing harmonised standards, the references of which are published in the C series of the *Official Journal of the European Union* by Commission Communication 2018/C 092/01 ⁽⁴⁾ to adapt them to technological progress. This resulted in the adoption of the following new harmonised standards: EN 12312-5:2021 on aircraft fuelling equipment; EN 13001-2:2021 on crane safety; EN 1501-1:2021 on rear loaded refuse collection vehicles; EN 1501-2:2021 on side loaded refuse collection vehicles; EN 1501-3:2021 on front loaded refuse collection vehicles; EN 1501-5:2021 on lifting devices for refuse collection vehicles; EN 1829-1:2021 on high pressure water jet machines; EN ISO 22868:2021 on the engineering method for noise testing portable hand-held machines with internal combustion engine; EN 303-5:2021 on heating boilers

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ OJ L 157, 9.6.2006, p. 24.

⁽³⁾ Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery (OJ L 207, 23.7.1998, p. 1).

⁽⁴⁾ Commission communication in the framework of the implementation of the Directive 2006/42/EC of the European Parliament and of the Council on machinery, and amending Directive 95/16/EC (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 92, 9.3.2018, p. 1).

for solid fuels; EN ISO 11202:2010/A1:2021 on determining emission sound pressure levels at a work station and at other specified positions; EN ISO 19085-1:2021 on common requirements for woodworking machines; EN 1756-1:2021 on safety requirements for tail lifts; and EN IEC 62061:2021 on functional safety for safety-related control systems.

- (5) In addition, CEN and Cenelec amended harmonised standards EN 13001-3-6:2018, EN 50636-2-107:2015/A1:2018 and EN 60335-1:2012/A13:2017, the references of which have been published by Commission Implementing Decision (EU) 2019/436 ⁽⁵⁾.
- (6) The Commission together with CEN and Cenelec has assessed whether the standards drafted, revised and amended by CEN and Cenelec comply with the request.
- (7) The harmonised standards drafted, revised and amended by CEN and Cenelec on the basis of the request satisfy the safety requirements which they aim to cover and which are set out in Directive 2006/42/EC. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*, together with references of any relevant amending or correcting standards thereto.
- (8) The reference of harmonised standard EN 474-1:2006+A6:2019 was published in the *Official Journal of the European Union* with a restriction by Commission Implementing Decision (EU) 2021/1813 ⁽⁶⁾. It replaced the reference of harmonised standard EN 474-1:2006+A5:2018 without providing for a transitional period. In order to give manufacturers time to prepare for the application of the new standard, it is appropriate to exceptionally republish the reference to harmonised standard EN 474-1:2006+A5:2018 in the *Official Journal of the European Union* for a limited time period. For reasons of legal certainty, the publication of the reference to harmonised standard EN 474-1:2006+A5:2018 should cover also the period prior to the entry into force of this Decision.
- (9) The text of the restriction for harmonised standard EN 474-1:2006+A6:2019 introduced by Implementing Decision (EU) 2021/1813 is not clear, since it confuses two separate shortcomings identified with the harmonised standard.
- (10) The first shortcoming concerns the inadequate level of visibility identified with EN 474-1:2006+A6:2019 when applied in combination with EN 474-5:2006+A3:2013 requirements for hydraulic excavators. Harmonised standard EN 474-1:2006+A6:2019, similarly to harmonised standard EN 474-1:2006+A5:2018, does not ensure that the driver can operate the machinery and its tools in their foreseeable conditions of use, in complete safety for the driver and exposed persons. Therefore, the restriction provided for in harmonised standard EN 474-1:2006+A5:2018 in relation to essential health and safety requirements 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC should be maintained for harmonised standard EN 474-1:2006+A6:2019.
- (11) The second shortcoming concerns the fact that the quick couplers mechanism used to attach hydraulic excavators and backhoe loaders to earth-moving machinery does not include an active warning system or active monitoring system for the operator when incorrectly coupling the machine with the extension. As such, harmonised standard EN 474-1:2006+A6:2019 fails to meet the essential health and safety requirements for safety integration and for the prevention of risks from falling objects set out in points 1.1.2 (b), 1.1.2 (c) and 1.3.3 of Annex I to Directive 2006/42/EC. Those points should be referred to in the restriction for harmonised standard EN 474-1:2006+A6:2019.
- (12) For reasons of clarity and legal certainty, the identified shortcomings should be expressed by way of two separate restrictions for harmonised standard EN 474-1:2006+A6:2019.

⁽⁵⁾ Commission Implementing Decision (EU) 2019/436 of 18 March 2019 on the harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council (OJ L 75, 19.3.2019, p. 108).

⁽⁶⁾ Commission Implementing Decision (EU) 2021/1813 of 14 October 2021 amending Implementing Decision (EU) 2019/436 as regards harmonised standards for aircraft ground support equipment, cranes, mining tools, and other machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council and repealing Commission Implementing Decision (EU) 2015/27 (OJ L 366, 15.10.2021, p. 109).

- (13) The reference of harmonised standard EN 60335-1:2012 was first published by Commission Communication 2012/C 159/1 ⁽⁷⁾. The reference of that standard included a reference to corrigendum EN 60335-1:2012/AC:2014 as of publication of that standard by Commission Communication 2016/C 14/1 ⁽⁸⁾. The reference of harmonised standard EN 60335-1:2012 was published in Implementing Decision (EU) 2019/436 only with reference to amendments EN 60335-1:2012/A11:2014 and EN 60335-1:2012/A13:2017. By error the reference to corrigendum EN 60335-1:2012/AC:2014 was omitted from the publication of the reference of harmonised standard EN 60335-1:2012 in Implementing Decision (EU) 2019/436. It is therefore appropriate to replace the reference of the harmonised standard EN 60335-1:2012 together with the references of amendments EN 60335-1:2012/A11:2014 and EN 60335-1:2012/A13:2017 and include the reference of corrigendum EN 60335-1:2012/AC:2014. For reasons of legal certainty, the reference of harmonised standard EN 60335-1:2012 as amended by this Decision should apply retroactively.
- (14) Implementing Decision (EU) 2019/436 provides in Annex I the references of harmonised standards conferring a presumption of conformity with Directive 2006/42/EC and provides in Annex II the references of harmonised standards conferring a presumption of conformity with restrictions. In order to ensure that the references of harmonised standards drafted in support of Directive 2006/42/EC are listed in one act, the references of the standards that are replaced, revised or amended by CEN and Cenelec should be included in Implementing Decision (EU) 2019/436.
- (15) Annex III to Implementing Decision (EU) 2019/436 lists the references of harmonised standards in support of Directive 2006/42/EC that are withdrawn from the C series of the *Official Journal of the European Union* as from the dates set out in that Annex.
- (16) As a result of the work by CEN and Cenelec on the basis of the request, the following harmonised standards published in the C series of the *Official Journal of the European Union* have been replaced, revised or amended: EN 12312-5:2005+A1:2009; EN 13001-2:2014; EN 1501-1:2011+A1:2015; EN 1501-2:2005+A1:2009; EN 1501-3:2008; EN 1501-5:2011; EN 1829-1:2010; EN ISO 22868:2011; EN 303-5:2012; EN ISO 11202:2010; EN ISO 19085-1:2017; EN 1756-1:2001+A1:2008; and EN 62061:2005/A2:2015. It is therefore necessary to withdraw the references of those standards from the *Official Journal of the European Union* by including those references in Annex III to Implementing Decision (EU) 2019/436.
- (17) It is also necessary to withdraw the references of harmonised standards EN 13001-3-6:2018, EN 50636-2-107:2015/A2:2020; and EN 60335-1:2012/A13:2017 published by Implementing Decision (EU) 2019/436, given that those standard have been amended. It is therefore appropriate to delete those reference from Annex I to that Implementing Decision.
- (18) In order to give manufacturers sufficient time to prepare for application of the new, revised or amended standards, it is necessary to defer the withdrawal of the references of the following harmonised standards: EN 12312-5:2005+A1:2009; EN 13001-2:2014; EN 1501-1:2011+A1:2015; EN 1501-2:2005+A1:2009; EN 1501-3:2008; EN 1501-5:2011; EN 1829-1:2010; EN ISO 22868:2011; EN 303-5:2012; EN ISO 11202:2010; EN ISO 19085-1:2017; EN 1756-1:2001+A1:2008; EN 62061:2005/A2:2015; EN 13001-3-6:2018, EN 50636-2-107:2015/A2:2020; and EN 60335-1:2012/A13:2017.
- (19) Implementing Decision (EU) 2019/436 should therefore be amended accordingly.
- (20) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

⁽⁷⁾ Commission communication in the framework of the implementation of the Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (Publication of titles and references of harmonised standards under the directive) (OJ C 159, 5.6.2012, p. 1).

⁽⁸⁾ Commission communication in the framework of the implementation of the Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (Publication of titles and references of harmonised standards under Union harmonisation legislation) (OJ C 14, 15.1.2016, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2019/436 is amended as follows:

(1) in Article 1, the following paragraph is added:

'The reference of harmonised standard EN 474-1:2006+A5:2018 for Earth-moving machinery drafted in support of Directive 2006/42/EC, listed in Annex IIA to this Decision, is hereby published with restriction in the *Official Journal of the European Union*. That reference shall be deemed to have been published in the *Official Journal of the European Union* for the period set out in that Annex.;

- (2) Annex I is amended in accordance with Annex I to this Decision;
- (3) Annex II is amended in accordance with Annex II to this Decision;
- (4) Annex IIA, as set out in Annex III to this Decision, is inserted;
- (5) Annex III is amended in accordance with Annex IV to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Points (1), (4), and (6) of Annex I shall apply from 11 October 2023.

Point (3) of Annex I shall apply from 19 March 2019.

Done at Brussels, 7 April 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex I is amended as follows:

- (1) row 12 is deleted;
 (2) the following row 12a is inserted:

'12a.	EN 13001-3-6:2018+A1:2021 Cranes – General design – Part 3-6: Limit states and proof of competence of machinery – Hydraulic cylinders	C;
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- (3) row 33 is replaced by the following:

'33.	EN 60335-1:2012 Household and similar electrical appliances – Safety – Part 1: General requirements IEC 60335-1:2010 (Modified) EN 60335-1:2012/AC:2014 EN 60335-1:2012/A11:2014 EN 60335-1:2012/A13:2017	C;
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- (4) row 33 is deleted;
 (5) the following row 33a is inserted:

'33a.	EN 60335-1:2012 Household and similar electrical appliances – Safety – Part 1: General requirements IEC 60335-1:2010 (Modified) EN 60335-1:2012/AC:2014 EN 60335-1:2012/A11:2014 EN 60335-1:2012/A13:2017 EN 60335-1:2012/A15:2021	C;
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- (6) row 90 is deleted;
 (7) the following row 90a is inserted:

'90a.	EN 50636-2-107:2015 Safety of household and similar appliances – Part 2-107: Particular requirements for robotic battery powered electrical lawnmowers IEC 60335-2-107:2012 (Modified) EN 50636-2-107:2015/A1:2018 EN 50636-2-107:2015/A2:2020 EN 50636-2-107:2015/A3:2021	C;
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- (8) the following rows are added:

'119.	EN ISO 11202:2010 Acoustics – Noise emitted by machinery and equipment – Determination of emission sound pressure levels at a work station and at other specified positions applying approximate environmental corrections (ISO 11202:2010) EN ISO 11202:2010/A1:2021	B
120.	EN 303-5:2021 Heating boilers – Part 5: Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW – Terminology, requirements, testing and marking	C

121.	EN 1501-1:2021 Refuse collection vehicles – General requirements and safety requirements – Part 1: Rear loaded refuse collection vehicles	C
122.	EN 1501-2:2021 Refuse collection vehicles – General requirements and safety requirements – Part 2: Side loaded refuse collection vehicles	C
123.	EN 1501-3:2021 Refuse collection vehicles – General requirements and safety requirements – Part 3: Front loaded refuse collection vehicles	C
124.	EN 1501-5:2021 Refuse collection vehicles – General requirements and safety requirements – Part 5: Lifting devices for refuse collection vehicles	C
125.	EN 1756-1:2021 Tail lifts – Platform lifts for mounting on wheeled vehicles – Safety requirements – Part 1: Tail lifts for goods	C
126.	EN 1829-1:2021 High-pressure water jet machines – Safety requirements – Part 1: Machines	C
127.	EN 12312-5:2021 Aircraft ground support equipment – Specific requirements – Part 5: Aircraft fuelling equipment	C
128.	EN 12385-5:2021 Steel wire ropes – Safety – Part 5: Stranded ropes for lifts	C
129.	EN 12609:2021 Truck mixers – Safety requirements	C
130.	EN 13001-2:2021 Crane safety – General design – Part 2: Load actions	C
131.	EN 13852-3:2021 Cranes – Offshore cranes – Part 3: Light offshore cranes	C
132.	EN ISO 19085-1:2021 Woodworking machines – Safety – Part 1: Common requirements (ISO 19085-1:2021)	C
133.	EN ISO 22868:2021 Forestry and gardening machinery – Noise test code for portable hand-held machines with internal combustion engine – Engineering method (Grade 2 accuracy) (ISO 22868:2021)	C
134.	EN IEC 62061:2021 Safety of machinery – Functional safety of safety-related control systems IEC 62061:2021	B'

ANNEX II

In Annex II, row 1 is replaced by the following:

'1.	EN 474-1:2006+A6:2019 Earth-moving machinery – Safety – Part 1: General requirements Notice 1: This publication does not concern clause 5.8.1 Visibility – Operator's field of view of this standard, but only in relation with EN 474-5:2006+A3:2013 requirements for hydraulic excavators, the application of which does not confer a presumption of conformity to the essential health and safety requirements 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC. Notice 2: With regards to Annex B.2 – Quick couplers, the harmonised standard EN 474-1:2006+A6:2019 does not confer a presumption of conformity to the essential health and safety requirements 1.1.2 b), 1.1.2 c) and 1.3.3 of Annex I to Directive 2006/42/EC when applied in combination with EN 474-4:2006+A2:2012 requirements for backhoe loaders and EN 474-5:2006+A3:2013 requirements for hydraulic excavators.	C.
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ANNEX III

'ANNEX IIA

No	Reference of the standard	Type	From	To
1.	EN 474-1:2006+A5:2018 Earth-moving machinery – Safety – Part 1: General requirements Notice: This publication does not concern clause 5.8.1 Visibility – Operator's field of view of this standard, but only in relation with EN 474-5:2006+A3:2013 requirements for hydraulic excavators, the application of which does not confer a presumption of conformity to the essential health and safety requirements 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC.	C	15 October 2021	11 October 2022.'

ANNEX IV

In Annex III, the following rows are added:

114.	EN 12312-5:2005+A1:2009 Aircraft ground support equipment – Specific requirements – Part 5: Aircraft fuelling equipment	11 October 2023	C
115.	EN 13001-2:2014 Crane safety – General design – Part 2: Load actions	11 October 2023	C
116.	EN 1501-1:2011+A1:2015 Refuse collection vehicles – General requirements and safety requirements – Part 1: Rear loaded refuse collection vehicles	11 October 2023	C
117.	EN 1501-2:2005+A1:2009 Refuse collection vehicles and associated lifting devices – General requirements and safety requirements – Part 2: Side loaded refuse collection vehicles	11 October 2023	C
118.	EN 1501-3:2008 Refuse collection vehicles and their associated lifting devices – General requirements and safety requirements – Part 3: Front loaded refuse collection vehicles	11 October 2023	C
119.	EN 1501-5:2011 Refuse collection vehicles – General requirements and safety requirements – Part 5: Lifting devices for refuse collection vehicles	11 October 2023	C
120.	EN 1756-1:2001+A1:2008 Tail lifts – Platform lifts for mounting on wheeled vehicles – Safety requirements – Part 1: Tail lifts for goods	11 October 2023	C
121.	EN 1829-1:2010 High pressure water jet machines – Safety requirements – Part 1: Machines	11 October 2023	C
122.	EN 303-5:2012 Heating boilers – Part 5: Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW – Terminology, requirements, testing and marking	11 October 2023	C
123.	EN 62061:2005 Safety of machinery – Functional safety of safety-related electrical, electronic and programmable electronic control systems IEC 62061:2005 EN 62061:2005/AC:2010 EN 62061:2005/A1:2013 EN 62061:2005/A2:2015	11 October 2023	B
124.	EN ISO 11202:2010 Acoustics – Noise emitted by machinery and equipment – Determination of emission sound pressure levels at a work station and at other specified positions applying approximate environmental corrections (ISO 11202:2010)	11 October 2023	B

125.	EN ISO 19085-1:2017 Woodworking machines – Safety – Part 1: Common requirements (ISO 19085-1:2017)	11 October 2023	C
126.	EN ISO 22868:2011 Forestry and gardening machinery – Noise test code for portable hand-held machines with internal combustion engine – Engineering method (Grade 2 accuracy) (ISO 22868:2011)	11 October 2023	C.