

Implications of retrofit systems on NRMM in relation to other applicable Directives.

The first concern about retrofit installation on machinery is about maintenance of compliance to the essential health and safety requirements defined in the Machinery Directive (2006/42/EC).

We can consider that such an installation is not to be classified as the placing on the market of a new machine, but it may be rather considered as the modification of existing machine as provided for in Article 5.2.b. of Directive 2009/104/EC on the use of work equipment.

As reference here below the relevant part of the EC Guide to application of the Machinery Directive:

§140

...

The provisions of Directive 2009/104/EC are applicable to machinery in service in workplaces. During the lifetime of the machinery, the employer must take the measures necessary to ensure that machinery in service is kept, by means of adequate maintenance, at a level such that it complies with the provisions that were applicable when it was first made available in the undertaking or establishment. This does not mean that the machinery must be maintained in an “as new” condition, since it is subject to wear. But the necessary maintenance must be carried out to ensure that it continues to comply with the applicable health and safety requirements. Thus machinery that was subject to the provisions of the Machinery Directive when it was first made available must be maintained in a state of conformity with the essential health and safety requirements of the Machinery Directive that were applied when it was first placed on the market or put into service.

This also applies whenever machinery is modified by the user during the course of its lifetime, unless the modifications are so substantial that the modified machinery must be considered as new machinery and be subject to a new conformity assessment according to the Machinery Directive – see §72: comments on Article 2 (h).

This sets the responsibility for the correct retrofit installation on the user, i.e. the machine owner. It is clear that, given the normally limited knowledge of the users, it will be important that the retrofit manufacturer supplies adequate instructions and recommendations for the correct installation and maintenance of the conformity of the machine to the essential health and safety requirements. In particular, the retrofit installation must avoid or protect against new risks that may be created by the retrofit, such as, for example, the risk of contact with hot surfaces or risks due to reduced visibility from the driving position. The workshop performing the installation is to be considered as a contractor of the user and as such cannot relieve the user of his/her responsibilities.

On the conformity to the electromagnetic compatibility Directive 2004/108/EC, we may consider the electric or electronic system of the retrofit as apparatus and its sufficient to guarantee its compliance to this Directive.

For the outdoor equipment noise directive (2000/14/EC) there is no provision for alterations or modifications, but, as a first approach, the considerations valid for the Machinery Directive can also apply.