

## SCHEDULE 12

### Amendment of the Supply of Machinery (Safety) Regulations 2008

#### Insertion of regulation 12A

##### 9. After regulation 12 insert—

##### **“Obligations which are met by complying with obligations in the Directive**

##### **12A.—(1) In this regulation—**

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “CE marking” means the marking referred to in Article 16(1);
- (c) “harmonised standard” means a harmonised standard within the meaning of Article 2(1), the reference to which has been published in the Official Journal of the European Union.

##### **(2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing machinery on the market or putting machinery into service, the responsible person—**

- (a) ensures that the machinery satisfies the essential health and safety requirements set out in Annex I;
- (b) ensures that the technical file referred to in Annex VII, part A is available;
- (c) provides the necessary information, referred to in Article 5(1)(c);
- (d) carries out the appropriate procedures for assessing conformity in accordance with Article 12;
- (e) ensures that the technical file, necessary information and records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (f) draws up the EC declaration of conformity in accordance with Annex II, part I, Section A and ensure that it accompanies the machinery;
- (h) ensures that the EC declaration of conformity is prepared in or translated into English; and
- (i) affixes the CE marking in accordance with Article 16.

##### **(3) Where this paragraph applies—**

- (a) the requirements of regulations 7(2)(a), (b), (c), (e)(i) and (f) are to be treated as being satisfied;
- (b) regulations 7(2)(e)(ii), 15 and 21 apply subject to the modifications in paragraph (8);
- (c) Part 8 of Schedule 2 does not apply.

##### **(4) Subject to paragraphs (6) and (7) paragraph (5) applies where, before placing partly completed machinery on the market, the responsible person ensures that—**

- (a) the relevant technical documentation referred to in Annex VII part B is prepared in or translated into English;
- (b) the assembly instructions referred to in Annex VI are prepared in or translated into English; and

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* ISBN 978-0-11-118040-2

- (c) a declaration of incorporation referred to in Annex II part 1, Section B has been drawn up in or translated into English.
- (5) Where this paragraph applies the requirements of regulation 8(1) are to be treated as being satisfied.
- (6) This paragraph applies to machinery listed in Annex IV where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 7(2).
- (7) Where paragraph (6) applies, paragraph (2)(d) is to be read as requiring the responsible person to have carried out the conformity assessment procedure in Article 12(4).
- (8) The modifications referred to in paragraph (3)(b) are that—
  - (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
  - (b) any reference to “UK marking” is to be read as a reference to the CE marking.”.