



european coordinating committee of manufacturers
of electrical switchgear and controlgear

CAPIEL position paper on the Machinery Regulation proposal

- There are around 800 standards harmonised under the Machinery Directive which would all need amending for the proposed Machinery Regulation. The vast majority of this work is carried out by industry volunteers. In addition, the commission would need to have the finances and expertise in place in terms of HAS consultants and Commissions legal services to process this quantity of standards in a relatively short space of time. For a fair and consensus led standardisation process, we propose that this regulation shall apply 60 months after the date of entry into force. CAPIEL recognizes the amendment 312 to Article 52 by Svenja Hahn, Dita Charanzová, Vlad-Marius Botoş, Karen Melchior, to extend the time from 30 to 48 months, but this would still be inadequate due to the considerable time required.
- CAPIEL supports the removal of the term 'high risk' where the machinery product is a machinery product listed in Annex I. CAPIEL supports the proposed amendment 257 by Svenja Hahn, Dita Charanzová, Vlad-Marius Botoş, Karen Melchior.
- The ability to use internal production control (Module A) for conformity assessment has been of great economic benefit to the EU with no negative impact on safety. It has been particularly beneficial for SME manufacturers who may be crippled by the cost of having to go to a third party for conformity assessment, in the absence of a harmonized product standard. The applicable standards need to be in place before the new regulation comes in to effect to avoid forcing manufacturers to go to third party testing. CAPIEL members have experienced that in instances like this, there isn't enough capacity in 3rd party Conformity Assessment Bodies. CAPIEL supports Amendment 259 by Svenja Hahn, Dita Charanzová, Vlad-Marius Botoş, Karen Melchior with regards to the inclusion of (-a) the internal production control procedure (module A) set out in Annex VI.
- We are not in favour of the Commission writing Technical Specifications. This goes against the principles of the new Approach. The use of harmonised standards is voluntary. In the absence of a harmonised standard, we would advocate that the technical specifications defined in International standards represent the 'state of the art'. When or if it comes to the need for technical specifications, a competing European standardisation system should not be created, the internationally agreed and recognised technical specifications should be

used. CAPIEL supports Amendments 233, 234, 235, 248 and 119.

- Logging and Data retention

We agree with the parliament's proposed deletion of this requirement. It would have been a particularly heavy burden for SMEs. The requirements for tracing logs and security-related data recording are unclear and create burdensome compliance efforts. For instance, to what extent these obligations fall on the machinery product's user, which would lead to significant data safety and confidentiality concerns if the manufacturer is expected to be the one to retain all relevant logs and data. The scope of such retention obligations should be clarified and limited. Further, the proposed and possibly constantly renewed retention periods should be limited due to the potentially vast amounts of data. We recommend that the appropriate retention periods, and selection of which data to log, to harmonised standards or to the manufacturer's case-by-case risk assessment. CAPIEL supports the Amendment 359 by Svenja Hahn, Dita Charanzová, Vlad-Marius Botoş, Karen Melchior and Amendment 360 by Christel Schaldemose.

- Artificial Intelligence system

The definition of an "artificial intelligence system" in the proposed Machinery Regulation refers to Article 3 (1) in the proposed AI regulation, which in its turn refers to Annex I in the same document. The Annex I include statistical approaches, Bayesian estimation, search and optimization methods which are not artificial intelligence, but proven and well established mathematical methods. There must be no unreasonable requirements for these mathematical tools, which are well established in many applications since this will lead to increased costs and thus international competitive disadvantages for the European machinery industry. Statistical approaches, Bayesian estimation, search and optimization methods are deterministic and do not require any training (e.g., machine learning), unlike the AI techniques in Annex I (a) and (b). In addition, the required transparency ("sufficiently transparent") as well as the foreseeable behaviour of the output as required by the proposed Article 13 (paragraph 1) is given for these techniques at all times. It is of greatest importance that either item c in Annex I in the AI regulation is deleted or that the definition of AI in the MR is changed to reflect this issue. CAPIEL supports the Amendment 211 Salvatore De Meo, Andrea Caroppo. CAPIEL supports the justification of Amendment 322 by Carlo Fidanza, Evžen Tošenovský.

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