

BRITISH PLASTICS FEDERATION

MACHINERY SAFETY

GUIDANCE ON THE LAW & SAFETY REQUIREMENTS

Background

- Europe-wide laws now exist to help ensure that machinery supplied for use in industry is safe. This leaflet tells you what the law requires and about actions you may need to take.
- All machinery, new or old, in the workplace must comply with the Provision and Use of Work Equipment Regulations 1992 and subsequent amendments. Responsibility for meeting them lies with the user company. Additionally, new machinery has to meet the requirements of the "Supply of Machinery (Safety)" Regulations 1992 and its amendments. Responsibility for meeting them lies with the manufacturer (see below). These are how the UK has implemented the requirements of the European Machinery Directive (89/392/EEC), and subsequent amendments.
- Some machinery, such as manually loaded injection moulding machines, is classed as Annex 4 because they are considered to be particularly dangerous. For these, the Certification process involves approval from an Authorised Body. The manufacturer cannot self certify as with non-annex 4 machines.
- Used machinery, sold within the EC, is not usually covered by this Directive or the UK Regulations (although it is covered by the Provision & Use of Work Equipment Regulations).
- The ultimate requirement is of course that the machine supplied is safe. This is the Health & Safety Executive's main concern.

Manufacturers / Suppliers / Importers

- The Regulations requires manufacturers to certify that a machine complies with the essential safety requirements, affix the CE mark, complete a technical file and provide a certificate of conformity, or in the case of a machine which cannot or is not intended to work independently from another, a Certificate of Incorporation.
- The manufacturer should carry out a risk assessment at the design stage to identify the hazards, assess the risk, introduce control measures to reduce the risk to the lowest level and document that process.
- If the machinery (old & new) is from outside the European Economic Area (EEA) (EC and EFTA countries except Switzerland), the importer has a responsibility for making quite sure that it complies with the EC requirements unless bought from an agent established in the EEA.

- The duties on the manufacturer or responsible person can be summarised as:
 - a conformity (risk) assessment.
 - issue of a declaration of conformity or incorporation.
 - fixing the CE mark to the machine.
 - instructions for safe use

Users / Buyers

- Before buying, think about the planned use of the machine, its location, how it will be used and what health and safety issues may result. This will help decide which type of machine may be suitable.
- The CE mark is a manufacturer's claim of conformity. Most manufacturers will have taken their responsibilities seriously but unscrupulous companies may mark it when it does not comply.
- The user should ensure that the "Instructions for Use" contain all the information that they need to use the machine in a safe manner. While not a legal requirement to provide, the user should try to obtain a copy of the manufacturer's technical file.
- Most machinery has received some form of "modification" prior to supply to meet the buyer's specification. The user needs to ensure that safeguards have not been compromised and should request the supplier to assess the installed machine to ensure its continued conformity with the original declaration. The machinery should not be used until this is completed and approved.
- When a machinery line consists of more than one individually CE marked machine, the main contractor is responsible for obtaining the CE mark for the whole line. If no main contractor is appointed, the user is responsible.
- The user should inspect the machine in position to ensure that the guarding is adequate at all times. This will form part of the Risk Assessment for the machine that will include maintenance and the work environment.
- The buck stop with the employer of people using the machine. If in doubt, seek professional advice.

References

The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER 98)

The Provision and Use of Work Equipment Regulations 1998 (PUWER 98)

The Supply of Machinery (Safety) Regulations 1992

Other documents in the Plastics Processors Health & Safety Liaison
Committee advice folder

Note: This is a brief fact sheet and not a comprehensive guide.

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