



Supply of Machinery (Safety) Regulations 2008



Machine or partly completed machine?

Fact

Compressors fall within the scope of the Supply of Machinery (Safety) Regulations 2008, a copy of which can be downloaded from: <https://www.legislation.gov.uk/ukxi/2008/1597/contents/made>

Question

When is a compressor a 'machine' and when is it a 'partly completed machine'?

Consideration

If a compressor is a 'machine' then it requires a Declaration of Conformity whereas if it is a 'partly completed machine' then it requires a Declaration of Incorporation.

Accepted practice

It is the case that in some instances compressors are supplied without drive motors.

Definition

The definition of 'machine' has taken into account experience gained over the years since the original introduction of the Machines Directive in 1989. Looking at Article 2 of 2006/42/EC we see a selection of definitions each of which identifies the configuration of what is considered a 'machine' to which a Declaration of Conformity would apply. The first of this selection covers the situation where a compressor is supplied without a drive motor. "An assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for specific application."

A conundrum - 'partly completed machinery'

Looking at the definition of 'partly completed machinery' it could also be considered that a compressor without a drive motor may be a partly completed machine! "Partly completed machinery" means an assembly which is almost machinery but which cannot in itself perform a specific application. A drive system is partly completed machinery. Partly completed machinery is only intended to be incorporated into or assembled with other machinery or other partly completed machinery or equipment, thereby forming machinery to which this Directive applies."

This would then appear to provide a conundrum for the manufacturer of what to do.

The solution

Fortunately there is a solution in the guidance document issued in December 2009 by the European Commission which gives an indication of how a manufacturer makes the decision.

Usually the manufacturer of complete machinery supplies the machinery fitted with its drive system. However machines intended to be fitted with a drive system but supplied without it may also be considered as machinery. This provision takes account, for example, of the fact that certain users of machinery prefer to have a homogeneous stock of motors for their machines in order to facilitate maintenance.

For machinery to be supplied without a drive system:

- the manufacturer's risk assessment must take into account all the risks associated with the machinery, including those relating to the drive system to be fitted to the machinery – see §158: comments on General Principle 1 of Annex I;
- the machinery manufacturer must set out in their instructions all the necessary specifications for the drive system to be fitted such as the type, power and means of connection, and provide precise fitting instructions for the drive system
- see §264: comments on section 1.7.4.2 (i) of Annex I; – the conformity assessment of the machinery must cover the specifications of the drive system to be fitted and the fitting instructions;
- the CE-marking on the machinery and the EC Declaration of Conformity that accompanies the machinery must cover the specifications and instructions relating to the drive system to be fitted.

If the above conditions are not fulfilled, machinery without a fully specified drive system must be considered as partly completed machinery – see §46: comments on Article 2 (g). In that case, the combination of such partly completely machinery and the drive system must be considered as the final machinery and must be subject to a specific conformity assessment – see §38: comments on the fourth indent of Article 1 (a).

This then indicates the issues which need to be considered to decide when a compressor is supplied without a drive motor but can still be provided with a Declaration of Conformity or when a Declaration of Incorporation is required. The full text of 'Guide to application of the Machinery Directive 2006/42/EC - 2nd Edition - June 2010' can be downloaded from: <http://ec.europa.eu/docsRoom/documents/9483/attachments/1/translations/en/renditions/native>. Further information can be obtained from BCAS.