



Arrangements for bodies transitioning to Machinery Regulation (EU) 2023/1230

NF 41

Introduction

The Machinery Regulation (EU) 2023/1230 was published on 14th June 2023, and has a variety of application dates as follows (taken from Article 54 of the Regulation):

The Regulation itself applies from 14th January 2027, but significant elements of it apply sooner:

- Article 6(7) and Articles 48 and 52 apply from 13th July 2023
- Article 50(1) applies from 14th October 2023
- Articles 26 to 42 apply from 14th January 2024
- Article 6(2) to (6), (8) and (11) and Articles 47 and 53(3) from 14th July 2024

This communication is applicable to all accredited bodies that provide conformity assessment services in relation to the current Machinery Directive, as well as any bodies that may be considering application to INAB for such accreditation.

Taking these application dates in turn:

13th July 2023

Article 6(7) requires notified body involvement if the machinery presents serious inherent potential risk, as well as meeting one of four conditions. This could potentially be any type of machine, and INAB therefore does not envisage recording all possibilities on each scope of accreditation. Therefore, conformity assessment bodies who wish to be accredited to certify these types of machines will need to apply to INAB for an extension to scope to include activities which come under this Article. INAB will assess each CAB's ability to ensure that it has the ability to consistently and credibly assess its own competence and capability to perform this task, only accepting work which it has the ability to handle.

INAB will accept such applications with immediate effect. Such applications will require an on-site assessment.

Articles 48 (committee procedure) and 52 (existing certificates and safeguard clause) do not directly apply to INAB's involvement with notified bodies.

14th October 2023

Article 50(1) applies to penalties applied by each member state for infringements by operators of the Regulation. It therefore does not apply directly to INAB's involvement with notified bodies.

14th January 2024

This application date involves Articles 26 through to 42 of the Regulation. Most of these Articles apply to how the member state manages the notification process, but there are some which directly apply to INAB's involvement with notified bodies. These are listed as follows:

Article 30 - Requirements relating to notified bodies.

Article 31 - Allows for presumption of conformity with Article 30 if the CB demonstrates conformity to an accreditation standard but only '*Insofar as the applicable harmonised standards cover those requirements,*' so any differences will be individually assessed by INAB.

Article 32 - Has requirements for how notified bodies manage subcontractors and subsidiaries.

Article 38 - Operational obligations of notified bodies.

Article 39 - Appeals against decisions of notified bodies.

Article 40 - Information obligation of notified bodies.

Article 42 - Coordination of notified bodies - Note that this is a tighter requirement, requiring each notified body to participate in these coordination activities '*directly or by means of designated representatives*' and no longer allows for the option to '*ensure that they know the situation in respect of relevant standards*' given in the current Directive.

14th July 2024

Article 6(2) to (6), (8) and (11) and Articles 47 and 53(3) all apply to the Commission and/or member states. These Articles do not apply directly to INAB's involvement with notified bodies.

General

Notified bodies that wish to begin certification against the Regulation may apply to INAB via an extension to scope.

Further information

For further information, please contact your INAB assessment manager.