

# Executive order on Design etc. of Machinery

**Executive Order No. 693 of 10 June 2013 on Design etc. of Machinery issued by the National Working Environment Authority as subsequently amended - unofficial version**

THE COMPILATION covers Executive Orders

- No. 693 of 10 June 2013, which entered into force on 1 July 2013
- No. 479 of 25 May 2016, which entered into force on 1 July 2016

The following shall be laid down pursuant to section 2(2), section 4(3), section 6(3), section 7(2), section 8(3), section 9(3), section 11, section 13, section 17(4), section 20, section 21(1) and section 27(4) of Act no. 155 of 20 February 2013 on the Design, etc. of Certain Products, as well as according to authorisation pursuant to section 22 of the Act:

## Scope

1. This Executive Order shall implement Directive 2006/42/EC of the European Parliament and of the Council on machinery (the Machinery Directive) with later amendments. The Directive is enclosed as annex 1 to this Executive Order.
2. This Executive Order shall apply to machinery, etc. as specified and defined in articles 1 and 2 of annex 1.
3. This Executive Order shall apply to manufacturers and their representatives, notified bodies and other parties obligated under annex 1.

## General provisions

**4.-(1)** Machinery, etc. may be placed on the market, made available on the market or put into service only if it does not endanger the health and safety of persons, and when properly installed and maintained and used for its intended purpose or under circumstances which are reasonably foreseeable.

(2) Machinery, etc. shall furthermore meet the provisions in annex 1.

(3) Manufacturers and their representatives, notified bodies and other parties obligated under annex 1, shall meet the requirements laid down by this Executive Order.

## Notified bodies

**5.-(1)** The Director-General of the Danish WEA may appoint notified bodies, cf. annex 1, article 14.

(2) In order to be appointed as a notified body, the applicant shall be a legal person established in Denmark.

(3) In order to be appointed as a notified body, the applicant shall be accredited by DANAK (the Danish Accreditation Fund), cf. the Executive Order on Appointment by the National Accreditation Body ("Bekendtgørelse om udpegning af det nationale akkrediteringsorgan").

(4) Accreditation pursuant to subsection (3) shall be in relation to the task for which application for appointment has been made, and shall ensure compliance with the minimum requirements in annex XI of the Directive.

(5) In order to be appointed as a notified body, the applicant shall meet the requirements laid down in annex XI of the Directive. The Danish WEA may set further conditions than those stipulated in the annex.

(6) The Danish WEA may control and supervise that the notified bodies comply with the criteria laid down in annex XI of the Directive at all times. The notified body shall, on request, submit all relevant information, including budget-technical documents.

(7) The Director-General of the Danish WEA may revoke the notification if it is ascertained that the notified body is no longer able to meet the criteria for the notification, cf. subsections (1)-(5).

**6.-(1)** The Danish WEA may charge a fee for the time spent by the Danish WEA on processing applications for appointment as a notified body. This applies regardless of whether an application is refused or withdrawn.

(2) The fee charged by the Danish WEA for processing cases concerning appointment shall be fixed to ensure coverage for long-term average costs. Fees to the Danish WEA are set at DKK 525 per hour.

(3) Fees to the Danish WEA shall be adjusted annually on 1 April against the general price and pay index.

(4) Fees which are not paid on time shall be subject to interest of 1.5 percent per month from the due date.

(5) If an applicant, despite repeated demands for payment, fails to pay a fee to the Danish WEA pursuant to this Executive Order, the Danish WEA will transfer collection of the debt to the Central Customs and Tax Administration (SKAT).

## Appeals

7. Decisions pursuant to this Executive Order may not be appealed to another administrative authority, cf. however, section 8.

8. Appeals against decisions made by notified bodies may be brought before the Danish WEA within four weeks after the relevant person has been notified of the decision.

## Penalties

9. Unless a more severe penalty is prescribed by the Act on the Design, etc. of Certain Products ("lov om indretning m.v. af visse produkter") or any other legislation, anyone who:

1. violates section 4, or provisions laid down in annex 1, or
2. fails to comply with decisions, including any improvement notice or enforcement notice issued in accordance with the provisions of this Executive Order,

shall be liable to a fine.

(2) Companies etc. (legal persons) may incur criminal liability according to

the regulations in chapter 5 of the Criminal Code.

## Entry into force and transitional provisions

10.-(1) This Executive Order shall enter into force on 1 July 2013.

(2) This Executive Order shall apply to machinery, etc. which is placed on the market, made available on the market or put into service after the entry into force of this Executive Order. For machinery, etc. which is placed on the market, made available on the market or put into service before the entry into force of this Executive Order, the hitherto applicable regulations shall apply.

(3) At the same time, part 2 and annexes I-XI of Executive Order no. 612 of 25 June 2008 on the Design of Technical Equipment shall be repealed. Furthermore, Executive Order no. 561 of 24 June 1994 on the Design of Technical Equipment shall be repealed.

### Annexes



**Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)**