

I. Implementation of the Machinery Directive into the Polish legal system

Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 *on machinery* ('Machinery Directive') has been implemented into the Polish legal system by the Act of 30 August 2002 *on the conformity assessment system* and the Regulation of the Minister for the Economy of 21 October 2008 *on the essential requirements for machinery*, amended by the Regulation of the Minister for the Economy of 13 June 2011 *amending the Regulation on the essential requirements for machinery*. The national Regulation implementing the Machinery Directive must be read in conjunction with the above Act.

II. Conformity assessment of products

Before being placed on the market, machinery covered by the Machinery Directive must be assessed for conformity with essential requirements or other requirements. The choice of conformity assessment procedure applicable to the machinery concerned depends on the level of hazard that can be generated by the machinery concerned: assessment of conformity with internal checks on the manufacture of machinery, EC type-examination, and full quality assurance. As part of the conformity assessment process, a manufacturer may or must (depending on the requirements for the conformity assessment procedure) have the conformity assessment carried out by a third party – a notified body. The above third party must be accredited by the Polish Centre for Accreditation (Polskie Centrum Akredytacji, PCA).

Search engine for product certification bodies accredited by the PCA

<https://www.pca.gov.pl/akredytowane-podmioty/akredytacje-aktywne/jednostki-certyfikujace-wyroby/>

III. Standardisation

In order to help manufacturers demonstrate the conformity of their products with essential requirements and to make it easier to verify that conformity, it is advisable to apply harmonised standards during the design and construction of machinery – a product that is in conformity with harmonised standards is presumed to comply with essential requirements. The national standardisation body in Poland is the Polish Committee for Standardisation (Polski Komitet Normalizacyjny, PKN).

Please note that if any directive provides for the possibility of carrying out conformity assessments according to module A (internal production control), for example, allowing manufacturers to assess the conformity of their products by themselves on the basis of harmonised standards, and a hazard analysis and conformity assessment reveal that:

- the standards do not completely cover the hazard concerned,
- no standard currently covers the hazard concerned,
- at least one Member State has expressed reservations about the standard concerned or a part thereof,

and, as a result, manufacturers are unable to carry out a full conformity assessment on the basis of these standards, they have their products or parts thereof that have not been assessed due to the deficiencies in the standards examined by a conformity assessment body that will be able to carry out such examinations.

Irrespective of the above, manufacturers may always have such examinations carried out if, for example, there are any doubts as to whether they have correctly carried out conformity assessments.

Search engine for standards

<https://wiedza.pkn.pl/wyszukiwarka-norm>

IV. Requirements set out in the Machinery Directive

Annex I of Machinery Directive contains essential information on hazards and dangerous situations to be eliminated. It sets out essential health and safety requirements relating to the design and construction of machinery, including the following requirements:

- general requirements: terminology and guidelines on how to ensure safety in three steps: eliminate or reduce risks as far as possible (inherently safe machinery design and construction) and/or take the necessary protective measures in relation to risks that cannot be eliminated and inform users of other existing risks;
- requirements for control systems: starting, stopping, emergency stop devices, mode selection and software;
- requirements for protection against mechanical hazards: types of safeguards, characteristics of guards, and interlocking devices;
- requirements for guards and protective devices: types, selection conditions and characteristics of protective devices;
- requirements for protection against other hazards, for example electricity supply and electrical equipment, protection against fire, explosion, noise and vibration, emissions of hazardous dust and gases;
- requirements for safe machinery maintenance;
- requirements for marking and information on use (instructions).

Further requirements apply to specific machinery categories, for example foodstuffs machinery, machinery for cosmetics or pharmaceutical products, portable hand-held and/or hand-guided machinery, machinery for working wood, and machinery intended for underground work, or specific hazards, for example relating to the movement of machinery, lifting operations and the movement of persons.

V. Market Surveillance Authorities

The market surveillance authorities responsible for the Machinery Directive are:

National Labour Inspectorate (Państwowa Inspekcja Pracy)

<https://www.pip.gov.pl/pl/>

Trade Inspectorate (Inspekcja Handlowa)

https://www.uokik.gov.pl/wazne_adresy.php#faq595

State Mining Authority (Wyższy Urząd Górniczy)

<http://www.wug.gov.pl/>

VI. Technical inspection

Selected machinery is also subject to technical inspection. The rules, scope and forms of technical inspection are set out in the Technical Inspection Act of 21 December 2000. The Office of Technical Inspection (Urząd Dozoru Technicznego) and specialised technical

inspection authorities – the Transport Technical Inspection (Transportowy Dozór Techniczny) and the Military Technical Inspection (Wojskowy Dozór Techniczny) – are responsible for technical inspection.

Equipment subject to technical inspection

<https://www.udt.gov.pl/co-i-kiedy-podlega-dozorowi>