



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

New Approach Industries, Tourism and CSR
Mechanical, Electrical and Telecom Equipment

Head of Unit

Brussels, **30 OCT. 2009**
ENTR/I4/IF/ck D(2009) 34596

Subject: postponed delivery of machinery due to the economic crisis.

Dear Mr. Harris,

At our request, your letter relating to delayed deliveries of machinery produced in 2009 was carefully examined by the representatives of the Member States' market surveillance authorities at their meeting held in Tampere, Finland on 21 October 2009.

The Member States were of the opinion that most such cases could be resolved by one of the two following solutions:

- If such machinery complies with all of the requirements of Directive 2006/42/EC, a Declaration of conformity can be drawn up according to that Directive for machinery placed on the market in 2010. (The year of manufacture marked on the machinery is not necessarily the same as the date of the Declaration of conformity);
- If machinery produced in 2009 has been transferred to the distribution chain in 2009 (which includes the case where the machinery has been made available to the distribution network of the manufacturer himself), the machinery is considered to have been placed on the market in 2009. Directive 98/37/EC is thus applicable.

The Member States also stressed that their main priority will be to ensure that machinery produced and placed on the market in 2010 complies with Directive 2006/42/EC.

Yours sincerely,


Alexandra Jour-Schroder

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