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<th>PURCHASE OF MACHINERY FROM MANUFACTURERS IN EUROPEAN COMMUNITY COUNTRIES</th>
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<tbody>
<tr>
<td>1. Ask the manufacturer or legal representative for the EC Declaration of Conformity for machinery or for safety components in general.</td>
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<td>2. Check that the machinery has CE marking and all the documents that the manufacturer must include in the sale (instruction manual, etc.).</td>
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<td>3. If the machinery or safety component is listed in Appendix IV of RD 1435/1992, amended by RD 56/1995, request the EC type approval certificate, issued by a regulatory body, as well as the documents described in points 1 and 2.</td>
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<th>PURCHASE OF MACHINERY FROM MANUFACTURERS IN NON-EUROPEAN COMMUNITY COUNTRIES</th>
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<td>If you want to purchase machinery from manufacturers in non-European Community countries, you should consider various aspects before completing the purchase to ensure compliance with European Community regulations on machinery:</td>
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<td>▪ Check whether the manufacturer has sold the machinery in other European Community countries. If so, the machinery will probably comply with European Community regulations, and the company will be able to provide all of the documents related to safety and start-up of the machinery (technical construction file, EC Declaration of Conformity, etc.).</td>
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<td>▪ If this is not the case, the manufacturer may have a legal representative in the European Community, who will be responsible for providing all of these documents on the machinery and certifying that it meets the safety requirements.</td>
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<td>▪ If there is no legal representative in the European Community, and the purchaser wishes to proceed with the purchase, they must ask the manufacturer for the information required to compile the technical construction file (TCF), according to the essential health and safety requirements relating to design and manufacture, as stated in Appendix I of RD 1435/1992, amended by RD 56/1995. They can then draw up the EC Declaration of Conformity, in which they assume responsibility for the machinery’s compliance with European Community regulations. In this way, the machine can obtain the CE marking. These documents must be kept by the purchaser for at least 10 years.</td>
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**Article 8** of RD 1435/1992, amended by RD 56/1995, states the following: […]

6. The obligations in the preceding sections will be the responsibility of all persons who market the machinery or safety component in the European Community when neither the manufacturer nor their legal representative has met these obligations. The same obligations shall apply to those who assemble the machinery, parts of the machinery or safety components from different origins and to those who construct the machinery or safety components for their own use.”

▪ Given the above, you should ask the manufacturer to complete all these procedures, as they shall then be responsible for meeting all EU requirements. If this is not possible, you should seek another manufacturer who belongs to the European community and can ensure that the requirements are met.
PURCHASE OF SECOND HAND MACHINERY

1. The machinery must comply with all regulations in RD 1215/1997, of 18 July, on the minimum health and safety provisions for using work equipment, and in particular the following:

   Article 3. General obligations of the employer (*)
   1. [...] In all cases, employers must only use equipment that complies with the following:
      a. Any applicable legal or regulatory provisions.
      b. The general conditions stated in Appendix I of RD 1215/1997.
   2. To select work equipment, employers must take into account the following factors:
      a. The specific conditions and characteristics of the work to be undertaken.
      b. The existing hazards for the safety and security of workers in the workplace and at work stations in particular, as well as hazards that could be caused or worsened by the presence or use of this equipment.
      c. When applicable, modifications that must be made to the equipment for use by people with disabilities. [...]"

(*) The term “employer” at the UPC refers to the person who purchases the equipment.

2. To acquire second-hand machinery, whether it is purchased, hired or ceded, supplementary technical instruction MSG – SM – 1, Order of 8 April 1991 on used machinery, parts of machinery or protection systems, specifies in the appendix the following:

   “2. Accreditation of compliance with safety regulations:
   Used machinery, parts of machinery or protection systems to which this supplementary technical instruction (STI) applies, must meet the required conditions to ensure that people, assets and particularly the workers who use the machines are protected.

   Compliance with the requirements of the Regulations on the Safety of Machinery and this supplementary technical instruction (STI) is the responsibility of the vendor, importer, lessor or transferor, and can be verified by a certificate issued by the manufacturer or their legal representative in the EEC, by an inspection and regulatory body authorised to apply the aforementioned regulation, or by an accredited laboratory. The certificate must state compliance with the general safety regulations referred to in Chapter VII or others that are in force in the EEC Member States that offer an equivalent level of safety. The aforementioned certification is not required for spare parts or tools. [...]"
### EC DECLARATION OF CONFORMITY

The EC Declaration of Conformity is the procedure by which the manufacturer, or the manufacturer's representative in the European Community, declares that the machinery or the safety component that is marketed meets all the corresponding essential health and safety requirements.

Signature of the EC Declaration of Conformity authorises the manufacturer or its representative in the European Community to place the **CE marking** on the machinery or the safety component.

The EC Declaration of Conformity contains the following:

- The name and address of the manufacturer or its legal representative in the European Community.
- A description of the machinery / safety component (name or trademark, type or model, serial number, etc.).
- All the relevant provisions (directives) with which the machinery complies. (*)
- The function of the safety component, if it is not evident from the description. (**) 
- Whether the EC inspection of the type of product has been carried out, the name and address of the notified body (or regulatory body) and the number of the EC type approval certificate.
- Whether the delivery confirmation procedure has been applied, and the name and address of the notified body (or the regulatory body) to which the technical construction file has been sent.
- Whether the certification of adequacy procedure has been applied, and the name and address of the notified body (or the regulatory body) that has checked the technical construction file.
- If the Declaration refers to conformity with harmonised regulations, or the use of national regulations or technical specifications, the reference of these regulations.
- The name and position of the authorised signatory for the manufacturer or its legal representative in the European Community.

(*) Only for machinery.

(**) Only for safety components.

This Declaration must be written in the same language as the original instruction manual, and must be accompanied by a translation into one of the languages in the country of use.

Machinery with the CE marking and the EC Declaration of Conformity are considered to comply with all provisions of RD 1435/1992, amended by RD 56/1995.

All safety components with the EC Declaration of Conformity are considered to comply with all of the provisions of RD 1435/1992, amended by RD 56/1995.
Example of an EC Declaration of Conformity

EC DECLARATION OF CONFORMITY

Declarant: (Full name and address of the manufacturer or its legal representative in the European Community)
Registered name, full address
In the case of an agent, the registered name and full address of the manufacturer.

We declare, under our sole responsibility, that according to the description in the attached document the machinery
Tradename: .................................................................
Type: ..............................................................................................
Serial number: ..........................................................................................
Year of construction: ..........................................................................................


We declare that this machinery is included in Appendix IV of the Royal Decree and has been the object of an EC type approval inspection, with certificate no. ........................., attached, carried out by the following regulatory body:

Regulatory body (identification)

First name: ........................................................................................................
Surname: ........................................................................................................
Position: ........................................................................................................

Place and date Signature

Attached documents:
- Certificate of EC type approval inspection no. .........................
- List of relevant provisions in Appendix I
CE CONFORMITY MARKING

The CE conformity marking is a symbol showing that the machinery complies with all of the provisions of RD 1435/1992, amended by RD 56/1995. The Royal Decree defines the characteristics of the CE conformity marking as follows:

1. The CE conformity marking is comprised of the initials “CE” alone, with no figures beside these initials.

2. The elements of the CE marking must have the same vertical height, which must be no less than 5 millimetres. Exceptions to the minimum dimension are authorised in the case of small machinery.

3. The CE marking must be placed on the machinery so that it is clear and visible.

4. The machinery must also have at least the following information written on it in a legible, indelible way:
   - The name and address of the manufacturer
   - The name of the series or model
   - The serial number, if applicable
   - The year of manufacture

   In addition, the machinery may be labelled with other indications for safe use.

5. Markings or inscriptions that could create confusion with the CE marking are strictly forbidden.
1. Each machine must be accompanied by an instruction manual containing at least the following information:
   - A reminder of the information included in the markings, except for the serial number, and information to assist maintenance, when applicable, such as the address of the importer or repair technicians, etc.
   - The normal conditions of use.
   - The workplace or work positions that operators could occupy.
   - Instructions for using the machinery without risk:
     - Start-up.
     - Use.
     - Handling, with an indication of the weight of the machinery and of its various parts when it usually has to be transported separately.
     - Installation.
     - Assembly and disassembly.
     - Adjustment.
     - Maintenance (good working order and repairs).
   - If necessary, the basic characteristics of the tools that can be connected to the machinery.
   - When applicable, training instructions.

2. If necessary, the instruction manual should warn of any ways in which the machinery should not be used.

3. In addition, the instruction manual should provide data on noise emission by the machinery and how to reduce it in the stages of installation and assembly. For portable or hand-guided machinery, the manual should also include information about vibrations.

4. If the manufacturer has designed the machinery to be used in an explosive atmosphere, all the necessary indications must be included.
   The manual must be written in one of the languages of the country of use, at least in Spanish, and, when applicable, accompanied by the original manual.

5. The manufacturer’s instruction manual includes the plans and diagrams required to start-up the machinery, keep it in good working order, inspect it, check that it is working properly, repair it if necessary, and any other instructions, particularly related to safety.