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EUROPEAN COMMISSION DIRECTORATE-GENERAL FOR THE INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AS WELL AS SMALL AND MEDIUM-SIZED COMPANIES Ecosystem III: Construction industry, machines and standardization The director

Bernd Stymer Helgarö, Väla 3 SE-645 92 STRÄNGNÉS SWEDEN E-mail: valab@helgaro-liv.se Preliminary closure of case CHAP(2022)01358 – The Machinery Directive

Thank you for your complaint of 16 May 2022 and the subsequent documents, of which the latest dated September 14, 2022, about the Swedish authorities' violation of machinery directive 2006/42/EC.

Regarding compliance with the machinery directive 2006/42/EC, the Swedish Work Environment Authority has according to your complaint has not carried out the market control prescribed in Article 4 i the machinery directive regarding wind turbines, which poses a risk for the Swedish the population and especially for workers.

In addition, you write in the complaint that none of the wind turbines that are in operation in Sweden have CE marked in accordance with the Machinery Directive and that there is no evidence that the manufacturer has carried out a risk assessment. According to your complaint it seems so too as the Swedish authorities have not appointed any notified bodies in accordance with Article 14 i the machinery directive, which must carry out conformity assessment.

Finally, you state in the complaint that the Swedish government has not correctly incorporated the Machinery Directive.

It should be noted that Commission departments are only competent for machinery directives 2006/42/EC and they have focused the analysis on the arguments relating to that directive.

The Swedish Work Environment Authority, which is responsible for market control according to the Machinery Directive, has carried out extensive inspections of wind turbines in Sweden, and subsequently took, based on non-compliance with certain essential health and safety requirements i Annex I of the Machinery Directive, measures to prohibit and/or withdraw certain wind turbines from the market.

In accordance with the safeguard clause procedure set out in Article 11 of the Machinery Directive The Swedish Work Environment Agency then notified the commission of these measures. It should be noted that the Commission published a decision¹ in the Official Journal of the European Union on 3 May 2019 which justified the measures taken by Sweden to ban emissions on the market of wind power models SWT-2.3-101 and SWT-3.0-113 and if recall of machines already placed on the market.

Regarding EC assurances on the conformity of wind turbines, commented The Swedish Work Environment Authority in some cases the content of these and the manufacturers remedied the deficiencies.

These factors show that the Swedish authorities have carried out special market controls of wind turbines and took subsequent measures.

Vad gäller bristen på anmälda organ och bedömning av överensstämmelse bör det noteras att det förfarande som anges i artikel 14 i maskindirektivet endast är obligatoriskt när maskinen ingår i den förteckning som anges i bilaga IV i maskindirektivet och om tillverkaren inte tillämpar de relevanta harmoniserade standarderna. Du kan hitta den officiella förteckningen över av medlemsstaterna anmälda organ på Nandos webbplats.

När den svenska regeringen anmälde införlivandet av maskindirektivet till kommissionen fanns inga belegg för att införlivandet inte var korrekt.

When the Swedish government reported the incorporation of the machinery directive to the commission there was no evidence that the incorporation was not correct.

Based on the above, the Commission has concluded that there are none evidence of a violation of the Machinery Directive. Because there is no legal basis, the Commission will close the case.

If you have any new information that could indicate a violation, we would appreciate it against them as soon as possible and no later than four weeks from the date of this letter. Otherwise, the Commission will close the case.

Med vänlig hälsning
Gwenole Cozigou