

Letter to Deputy Permanent Representatives on the negotiations of the Regulation on machinery products

Dear Ambassadors,

ETUC and IndustriAll Europe have followed closely the legislative ordinary procedure following the presentation by the European Commission of the proposal for a regulation on machinery products.

We appreciate the European Commission's willingness to update the Machinery Directive 2006/42/EC with a view to take stock of the latest technological developments and, among other objectives, better protect workers from risks associated to artificial intelligence technologies.

You may be aware of our critical assessment of some aspects of the Parliamentary report and the general approach of the Council of the European Union. The main elements of concern for ETUC and IndustriAll Europe are the removal of the concept of "high-risk machinery" and the split of annex I in two parts, along with the reduction of the types of machines for which a third-party conformity assessment would be required from 25 to only 10. Also, the definitions provided for machinery embedding AI technologies have been modified by the European Parliament to the point of addressing technologies which are not yet available on the European market, as this definition would only cover AI systems that have been developed through machine learning, thereby neglecting the relevance to also regulate systems that have been developed under a broader approach of machine learning. Yet, according to the impact assessment accompanying the EC proposal, workers are already being victims of accidents caused by machines embedding AI technologies.

Nevertheless, and in the light of the ongoing negotiations between the European co-legislators, ETUC and IndustriAll Europe would like to stress their support for the following elements of the mandate of the European Parliament:

ETUC and IndustriAll Europe support the criteria included in the Parliamentary report to assess the machinery products belonging to the group of machinery products subject to third party conformity assessment and will engage in making sure that the European Commission – through its power to enact delegated acts – includes within this group any machine which may pose a risk to the safety and health of workers.

Additionally, compared to the Parliament's position, the mandate of the Council includes a more precise definition of AI technologies, which the European trade union movement believes should prevail in the adopted regulation, this being:

Safety components with fully or partially self-evolving behaviour using machine learning approaches ensuring safety functions.

Machinery embedding Systems with fully or partially self-evolving behaviour using machine learning approaches ensuring safety functions that have not been placed independently on the market, in respect only to those systems.

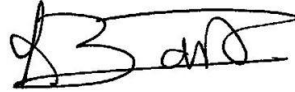
However, there is still strong support in the European trade union movement for the original definition as proposed by the Commission, as this would also have been consistent with the draft AI act.

Lastly, it should be avoided that the final regulation includes the list of machines included in annex I as proposed by the Council (which is limited to only 3 machines).

With best regards,



Claes-Mikael Stahl
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