

FREQUENTLY ASKED QUESTIONS – CE MARKING

Manufacturers of machinery must affix the CE marking to any new machine (manufactured after January 1, 1995) that is to be placed into service in the European Community, accompanied by the EC Declaration of Conformity and the instruction manual.

The first concept that should be clarified is: who is considered the “manufacturer”? The “Manual for Adapting Work Equipment to Current Legislation” provides guidance on this.

1. The company buys a second-hand machine manufactured before 01/01/1995.

In this case, the buyer can require the seller to have adapted the machine or work equipment to meet the minimum requirements set out in Royal Decree 1215/1997, or to provide a certificate proving compliance with the requirements set in the Machinery Safety Regulation (R.D. 1495/1986 and ITC MSG-SM-1), relating to used machinery, machine elements, or protective systems.

The seller, importer, lessor, or transferor is responsible for compliance, which may be verified by a certificate issued by the manufacturer, their legal representative within the EU, a recognized inspection body, or an accredited laboratory justifying compliance with general safety rules (Chapter VII) or other applicable regulations within the EU.

This certification is not required for spare parts or tools.

If the machinery or parts originate from an EU member state or a country with a mutual recognition agreement, the required certificates may be issued by legally recognized organizations in the country of origin, provided they offer equivalent technical, professional, and independence guarantees as required by Spanish regulations.

2. The company buys a second-hand machine manufactured after 01/01/1995.

The seller must provide the EC Declaration of Conformity, the instruction manual, and all related documentation. The machine must bear the CE marking.

3. The company buys a machine manufactured after 01/01/1995 in a country outside the EU.

In this case, the EU representative of the manufacturer must provide the CE Declaration of Conformity, the instruction manual, and the CE-marked machine.

4. The company substantially modifies the function of a machine manufactured after 01/01/1995.

The company becomes the manufacturer and must create a new technical construction file and issue a new EC Declaration of Conformity.

5. The company substantially modifies a machine manufactured before 01/01/1995.

According to Royal Decree 1435/1992, the company becomes the manufacturer and must draft the technical file, affix the CE marking, and issue the EC Declaration of Conformity.

6. The company manufactures a machine for its own use.

It is considered the manufacturer under Royal Decree 1435/1992 and must prepare the technical file, apply the CE marking, and issue the EC Declaration of Conformity.

7. The employer assembles a system or cell from new machines.

Each machine must have its own CE marking, declaration of conformity, and manual, unless it is an *incomplete machine* (designed to be incorporated into a system and not operate independently). In such cases, the manufacturer must issue a declaration stating it must not be put into service until the entire assembly complies with the Machinery Directive.

The employer is responsible for the overall system: preparing the technical file (potentially using the partial files from subcomponent manufacturers), CE marking the system (e.g., on the main control panel), and issuing a system-wide EC Declaration of Conformity. It is advisable for the employer to confirm the actual existence of all technical documentation and ensure it is accessible if needed.

8. The company modernizes a production line, connecting machines built before and after 1995.

Machines built after 01/01/1995 will have CE marking and documentation, but older ones won't. The company must try to comply with the directive as much as possible, given current technical standards. A technical construction file must be prepared, the assembly CE marked, and an EC Declaration of Conformity issued.

9. If a machine was manufactured between January 1, 1993 and December 31, 1994 and comes with the CE marking, EC Declaration of Conformity, and an instruction manual in Spanish, it is considered compliant with the minimum requirements of Royal Decree 1215/1997.

10. If a machine was manufactured between January 21, 1987 and January 1, 1995 by a Spanish manufacturer, it should have been delivered with a self-certification of compliance with safety requirements as set out in the Machinery Safety Regulation (Royal Decree 1495/1986 of May 26). If this certificate is available, the machine is considered compliant with Royal Decree 1215/1997.