

Important Legal Guidelines

with reference to CE-marking and production of a risk analysis

Legal requirements for the production of a risk analysis: The CE-marking and required compulsory risk analysis and risk judgement for a machine (functional overall machine) is, according to the statutory requirements (MRL 2006/42/EC), the responsibility of the (overall) machine manufacturer (merging of mechanical, electrical and control systems and their individual components). Delegation of this legal requirement to individual suppliers of machine components and/or partial machines has no legal basis and therefore in no way releases the party responsible for the overall machine from his legally determined responsibility and liability. Suppliers **can** only be provided with the safety data of the party responsible for the overall machine that can/should be taken into account in the risk analysis **to a limited extent** for safety reasons and **may** only be provided with them **to a limited extent** for liability reasons. A limitation of the production of the risk analysis of the functional overall machine to the safety data of suppliers or even the sole use of the supplier's safety data a kind of "risk analysis" is not legally permissible (e.g. on the grounds of unforeseeable combinational risks with other machine components, electrical components, control technology etc.) and would be considered as clear gross negligence in the event of damage (or even as intentional failure to fulfil legal obligations).

Analysis and evaluation of risk: There are no absolutely usable tools for a **risk analysis and evaluation** in the relevant norms. Some of the norms even contradict one another: according to EN 14121 (4.1. note paragraph) quantifying risk is often not even possible, according to EN 13849-1 there is then the general attempt to carry out the systematic quantification of risks. In accordance with MRL **every (!)** risk must be constructively prohibited (without taking quantitative probabilities into account!) or (if not technically feasible) minimized as far as possible (despite the many internal contradictions in the norm on this topic this is also referred to in EN 12100-1, section 5.3, last paragraph - sentence 2).

The possibility of avoiding risk is dealt with sufficiently in the description of the solution (without systematic "P"-classification). The allocation of a "performance level" is only possible for functional entire machines and/or with the use of control-system relevant safety components and **does not constitute any (!) estimation of the extent of the risk.**

Norms: In accordance with **legally binding** MRL 2006/42/EC **all norms** are only "desirable" **civil law and non-binding (!)** "facilitation aids" for the fulfilment of the binding requirement of the MRL, which is often not taken into sufficient account. Only the fulfilment of the binding requirements of MRL 2006/42/EC, appendix I (basic requirements) is decisive for liability on all levels.