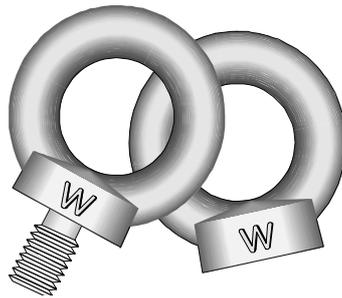


QUESTIONS AND ANSWERS

ON THE **CE** MARKING

(MACHINE DIRECTIVE EN 2006/42/EC)



This document was drawn up by the Engineering Department of the company MEC WOLF SRL, with registered office in Erba (COMO) ITALY

Via Cascina California, 39

VAT e Tax Code n. IT02711670139

Telephone +39.031.33303 – Fax +39.031.3330411

infomec@wolf.it – www.mecwolf.it

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MEC·WOLF

This document does not in any way replace regulations EN 2006/42/EC and the explanatory GUIDELINES drawn up by the European Commission, which remain in their entirety the official documents of reference. This document is an annotated excerpt from the regulatory articles and official reference material on Eye bolts and Eye nuts that our Engineering Department deemed useful to highlight to our customers.

Must lifting accessories comply with the regulations of European ‘Machinery’ Directive EN 2006/42/EC?

Yes.

Lifting accessories are defined by article 1/d :

Article 1

Scope

1. This Directive applies to the following products:
 - a) Machinery;
 - b) Interchangeable equipment;
 - c) Safety components;
 - d) Lifting accessories;**
 - e) Chains, ropes and webbing;
 - f) Removable mechanical transmission devices;
 - g) Partly-completed machinery.

Are Eye bolts and Eye nuts ‘Lifting accessories’?

Yes.

Lifting accessories are better defined by article 2 /d :

Article 2 (EN 2006/42/CE)

Definitions

The following definitions shall apply:

- a) Omission ...
- b) Omission ...
- c) Omission ...
- d) ‘Lifting accessories’: components or equipment not attached to the lifting machinery, which allow the load to be held, placed between the machinery and the load or intended to constitute an integral part of the load and to be placed on the market independently; slings and their components are also regarded as lifting accessories.**
- e) Omission ...

For a better identification of eye bolts and eye nuts as lifting accessories, in December 2009 the European Commission issued the ‘**Classification of equipment used for lifting loads with lifting machinery**’ which specifically refers to directive 2006/42/EC.

The picture on page 2 (position 4) of this classification clearly shows eye bolts and eye nuts under the definition of ‘lifting eyelets’, which is shown below:

N°	Picture / examples	Designation	Description	Standard / Reference	Lifting accessory covered by Directive 2006/42/EC	Work equipment not covered by Directive 2006/42/EC
4		Lifting eyelets	Eyelets intended to be placed on the load by threading for lifting it *		X	
5		Lifting eyelets	Eyelets intended to be placed on the load by welding for lifting it *		X	

Must eye bolts and eye nuts bear the CE marking?

Yes.

As seen, eye bolts and eye nuts are included among lifting accessories; the CE marking is therefore mandatory in order to guarantee that the product's safety features comply with those provided for by Directive 2006/42/EC.

The CE marking must be affixed on each piece so as to be visible, readable and indelible, as provided for by article 16 /2 of Directive 2006/42/EC.

According to point 3 of the same article 16:

The affixing on machinery of markings, signs and inscriptions which are likely to mislead third parties as to the meaning or form of the CE marking, or both, shall be prohibited ... omission.

Pursuant to Annex III, the 'CE' marking must be made according to the following form:



N.B.: The thin lines represent the layout structure and must not be reproduced.

Please note: there is on the market a marking which is very similar but with the two letters much closer one to the other. This marking stands for Chinese products classified as 'China Export'. The use of this marking on lifting accessories or machinery subject to the regulations of the Machinery Directive constitutes trade fraud as it breaches article 16 point 3 (see above).

Is the Manufacturer obliged to issue the EU declaration of EC conformity?

Yes.

The person (meaning a natural person, not a legal entity) authorised to sign such declaration must sign the EU declaration of EC conformity which must accompany eye bolts and eye nuts. The authorised person must be a legal representative of the Manufacturer or hold the relative power of attorney (*for example, Importers of eye bolts and eye nuts produced by Manufacturers residing outside the European Community should have a written power of attorney issued by the Manufacturer before being able to import within the European Community and they must also issue themselves the EU certification of EC conformity in the European territory in place of the Manufacturer – author's note*)

Therefore, **Eye bolts and Eye nuts must be placed on the market subject to the issuing of and accompanied by the EU certificate of EC conformity by way of guarantee of the product's compliance with the safety requirements specified in European Directive 2006/42/EC. Said certification must be signed by an individual acting as legal representative of the Manufacturer (or a representative of the same).** Failure to provide the EU certification of EC conformity signed by a legal representative of the Manufacturer (or a representative of the same) results in the eye bolts or eye nuts **not being suitable for sale and use within the European territory.**

What are the obligations for the **IMPORTERS of eye bolts and eye nuts (and other products referred to in EN 2006/42/EC)?**

(excerpt from the **BLUE GUIDE** on the implementation of Community directives drawn up by the European Commission in 2014)

The Importer must ensure that the Manufacturer has correctly fulfilled his obligations. The Importer is not a simple Re-seller of products, but has a key role to play in guaranteeing the compliance of imported products.

The Importer is defined as any natural or legal person who places a product from a third country on the EU market. As a general rule, before placing a product on the market the Importer must ensure:

1. that the appropriate conformity assessment procedure has been carried out by the Manufacturer (*technical dossier – note of the author*). If he has any doubt about the conformity of the product, he must refrain from placing it on the market. If the product has already been placed on the market, he has to take corrective actions. ...*omission*;
2. that the Manufacturer has drawn up the technical documentation (*technical dossier – note of the author*), affixed the relevant conformity marking (e.g. the CE marking), fulfilled his obligations with respect to traceability and, where relevant, (*for eye bolts and eye nuts it is relevant! - note of the author*) provided the instructions and safety information (*certificate 3.1 EN 10204 – note of the author*) together with the product in a language which is easily understood by consumers and other end-users, as set out by the Member State concerned.

The objective of these obligations is to make Importers aware of their responsibility to place only compliant products on the market.

The Importer also has to:

- 1) indicate his name, registered trade name or trade mark and the address at which he can be contacted on the product or, where not possible because of the size or physical characteristics of the product or because the packaging would need to be opened, on the packaging and/or on the accompanying documentation. By doing so, he must not impede the visibility of any safety information printed on the product or the accompanying documents;
- 2) ensure that, while a product is under his responsibility, storage and transport conditions do not jeopardise its compliance with the requirements set out in the applicable legislation;
- 3) keep a copy of the EU declaration of EC conformity for ten years after the product has been placed on the market.
... *omission*;
- 4) ensure that the technical documentation (*technical dossier – note of the author*) can be made available to the competent national authority upon request. The Importer has to cooperate with that authority and, upon a reasoned request, has to provide that authority with all the information and documentation necessary to demonstrate the conformity of the product in a language which can be easily understood by that authority. ...*omission*.
- 5) on request by market surveillance authorities, the Importer must identify any economic operator who has supplied him or to whom he has supplied the product. He must be able to present this information for a period of ten years after he has been supplied with the product and for a period of ten years after he has supplied the product.

*The regulation further provides for eye bolts and eye nuts being traceable through a **lot number** which must always be present on each piece, on the labels and on the certifications, as well as on sales documents. This guarantees that, in case of any manufacturing defects and/or non-compliant eye bolts or eye nuts, **products can be called back** from the individual customers to which they have been sold.*

Further, under certain Union harmonisation acts, the Importer, as well as the Manufacturer, may be required to perform or have performed sample testing of products already placed on the market.

Equally, Importers who have reason to believe that a product which they have placed on the market is not in conformity with the Union harmonisation legislation applicable, shall immediately take the corrective measures necessary to make that product compliant, to withdraw it or to recall it, as appropriate.

Furthermore, where the product presents a risk, Importers shall immediately inform the competent national authorities.

The Importer needs neither a mandate from the Manufacturer, nor a preferential relationship with the same, as is the case with the authorised representative. However, to fulfil his responsibilities, the Importer must ensure that he is able to contact the Manufacturer (*for example to make available the technical documentation to the authorities requesting it*).

The Importer may wish to carry out administrative tasks on behalf of the Manufacturer. In such case he has to be expressly appointed authorised representative by the Manufacturer.

Finally, if an Importer modifies a product or **supplies it under his own name** (*or trade mark – note of the author*) such Importer is deemed to be a Manufacturer and, as such, is subject to all the obligations pertaining to Manufacturers. As a consequence, said Importer must guarantee that the product complies with the applicable European Union regulations and that the appropriate conformity assessment procedure has been carried out.

What are the obligations for the **DISTRIBUTORS (OR RESELLERS) of eye bolts and eye nuts (and other products referred to in EN 2006/42/EC)?**

(excerpt from the **BLUE GUIDE** on the implementation of Community Directives drawn up by the European Commission in 2014)

The Distributor (or Reseller) is a natural or legal person in the supply chain other than the Manufacturer or the Importer, who makes a product available on the market.

Distributors (or Resellers) are subject to specific obligations and have a **key role to play in the context of market surveillance.**

Retailers, wholesalers and the other Distributors in the supply chain are not required to have a preferential relationship with the Manufacturer like the authorised representative. A Distributor (or Reseller) acquires products for further distribution from a Manufacturer, from an Importer or from another Distributor.

Distributors (or Resellers) must act with due care in relation to the applicable requirements. They have to know, for instance, which products must bear the CE marking, what information is to accompany the product (for example the EU Declaration of Conformity), what are the language requirements for labelling, user instructions, technical tests (3.1 EN 10204 certificate – note of the author) and other accompanying documents, and what are the elements that clearly demonstrate a

product's compliance. Distributors (or Resellers) are obliged to demonstrate to the market national surveillance authority that they have acted with due care and to ensure that the Manufacturer, his authorised representative or the person who supplied the product to him has taken the measures required by the applicable Union harmonisation legislation, as listed in the obligations for Distributors (or Resellers).

... omission

Assessing conformity, drawing up and keeping the EU declaration of conformity and the technical documentation remain the responsibility of the Manufacturer and/or the Importer in the case of products from third countries. Checking whether a product already placed on the market still complies with the legal obligations that are currently applicable in case these have changed does not fall under the Distributor's obligations. The obligations of the Distributor (or the Reseller) refer to the legislation applicable when a product was placed on the market by the Manufacturer or by the Importer, unless otherwise provided by specific legislation.

The Distributor must be able to identify the individual (or the company) which has provided him the product in order to assist the market surveillance authority in its efforts to obtain the EU declaration of conformity and the necessary parts of the technical documentation.

... omission.

Before making a product available on the market, Distributors (or Resellers) must verify the following formal requirements:

- that the product bears the required conformity marking (*for example the CE marking*);
- that the product is accompanied by the relevant documents (*e.g. the EU Declaration of Conformity*) and by instructions and safety information (*e.g. inspection certificate 3.1 EN 10204*) in a language which can be easily understood by consumers and other end users, if required by the applicable legislation;
- that the Manufacturer and/or the Importer have indicated:
 - 1) their name;
 - 2) their registered trade name or registered trademark;
 - 3) the address at which they can be contacted on the product or, when not possible because of the size or the physical characteristics of the product, on its packaging and on the accompanying documentation, and that the product bears a type, batch or serial number or other element allowing its identification.

Distributors (or Resellers) must not supply products that they know or assume to be, based on the information in their possession and as professionals, non-compliant with the legislation. They must further co-operate with the competent authority with respect to any actions taken to avoid or minimise these risks, informing thereof the Manufacturer or the Importer as well as the competent national authorities.

Once a product is made available, Distributors (or Resellers) are bound by similar obligations. If there are reasonable grounds to believe that a product is non-compliant, they have to ensure that the Manufacturer or the Importer take corrective actions to make the same compliant and they have to inform the competent national authorities.

Distributors (or Resellers) must contact the Importer or the Manufacturer to remove any doubts as to the product's conformity.

As well as checking a product's conformity against its formal requirements, Distributors (or Resellers) must:

1. initiate corrective actions in case of suspected non-conformity;
2. assist market surveillance authorities in identifying the Manufacturer or the Importer who is responsible for the product;

3. upon reasonable request by a competent authority, co-operate with that authority and provide it with all the information and documentation needed to prove a product's conformity;
4. on request by the market surveillance authorities, identify any economic operator **who has supplied them or to whom they have supplied** the product and be able to present this information for a period of ten years after having received or supplied the product.

*The regulation therefore provides for eye bolts and eye nuts to be traceable by means of **a lot number** which must always be present on certificates, as well as on all sales documents. This guarantees that in case of manufacturing defects and/or eye bolts or eye nuts found to be non-compliant, **the products can be re-called** from the specific customers to which they have been sold.*

The distribution conditions (for example transport and storage) may have an impact on maintaining compliance with the provisions of the applicable Union harmonisation legislation. The person in charge of distribution (or resale) must therefore undertake any necessary measures to protect the product's compliance and to guarantee that the product is compliant with the essential requirements or with other legal requirements at the time the same is used for the first time within the Union.

... omission.

What are the obligations of the **END USERS of Eye Bolts and Eye Nuts (and other products referred to in EN 2006/42/EC)?**

- Unlike economic operators, end-users are not defined in the Union harmonisation legislation and are not subject to any obligations.
- **Many products regulated by the Union product harmonisation legislation are used on the work-place (for example eye bolts and eye nuts) and are therefore subject to Union legislation on safety on the work place.**

The two points above show that private consumers are not meant to be carrying out checks on a product's compliance with the regulations; it is the responsibility of those who use said product as part of their profession to ascertain said conformity, both when purchasing and when using the same.

As further explained hereinafter, if an end user is an employer, he is required to check a product's compliance with the regulations.

The Union harmonisation legislation does not create any obligations for the end users of those products which are included within its scope. Consequently, the term is not defined by that legislation, **although it is in any case certain that it refers to professional users and consumers (thus to both categories).**

... omission

Many products regulated by the Union product harmonisation legislation are used on the work-place; **employers are therefore subject to the obligations referring to the use of work equipment on the work place.**

According to the Directive on minimum safety and health requirements for the use of equipment by workers at work (2009/104/EC), **an employer must take all necessary precautions to ensure that all work equipment (for example machinery, equipment and lifting accessories) made available to workers be suitable for the work which needs to be carried out and can be used by workers without any risk to their safety and health.**

Employers may only order and/or use work equipment which is compliant with the regulations applicable at the time of their first use or, if no other provision is applicable, or is only partially applicable, in compliance with the minimum requirements set out by the annex to directive 2009/104/EC. Employers must also take all necessary measures to guarantee that such equipment is kept at the required level and, finally, **are required to provide to all workers information and training on the use of said equipment.**

The above clearly explains that employers must ensure that eye bolts and eye nuts always come (either individually or in multi-piece packages) with instructions of use and any other document certifying that they are compliant with regulations and that they are suitable for technical use (certificate 3.1 EN 10204).

As well as the mandatory documentation, our company has drawn up a two-page technical/explanatory document which is very useful, particularly to eye bolt assemblers. This document called 'ALL IN ONE' is sent to our customers so that it can be easily given to assemblers.

The document can in any case be downloaded free of charge in the download section of our website www.mecwolf.it.

Pursuant to the directive on minimum health and safety requirements for use of personal protective equipment by workers (89/656/EEC), said equipment **must comply with the relative Union provisions concerning health and safety for design and building.**

... omission.

Equipment must also be adequate in terms of risk prevention, must satisfy the conditions existing on the work place, must take into account the ergonomic requirements and the state of health of workers and must be compatible if more pieces of equipment are used at the same time. **Before choosing a piece of equipment, employers must check that it complies with the requirements.**

...omission.

Pursuant to the directive on the implementation of measures aimed at encouraging improvements in the health and safety of workers at work (89/391/EEC), the latter have a general responsibility to take care, as far as possible, of their own health and the health and safety of any other persons affected by their actions or omissions while at work. **In accordance with the training and instructions given by their employer, workers must, for instance, make correct use of machinery, equipment and other means of production, as well as personal protective equipment.**

To indemnify or reduce the liability of employers, not only in case of accident, it is therefore essential that the latter ensure that the purchase of Eye bolts and Eye nuts be made from professional suppliers and that all the mandatory documentation required to guarantee the safety of people be found in the packaging by those employees who use them.

ZERO RISK WITH OUR EYE BOLTS AND EYE NUTS

WE OBSERVE ALL REQUIREMENTS PROVIDED FOR BY TECHNICAL STANDARDS
AND BY DIRECTIVE EN 2006/42/EC.

YOU WILL ALWAYS FIND THE MANDATORY DOCUMENTATION ON ALL OUR PACKAGES.

Certificate 3.1 EN 10204

Chemical analysis of material

Double tensile strength test

Declaration of origin

UE declaration on the CE marking

Product LOT number

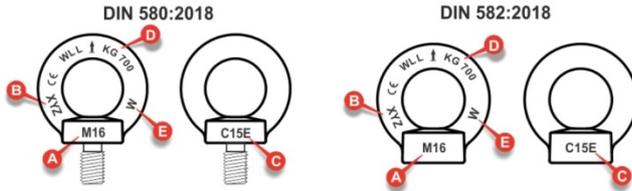
Conformity of zinc-plating treatment
(if it has been carried out)

Permitted lifting limits

LEGEND OF THE LETTERS ON THE FASTENERS:

See the example-drawing as of DIN 580:2018 or DIN 582:2018.

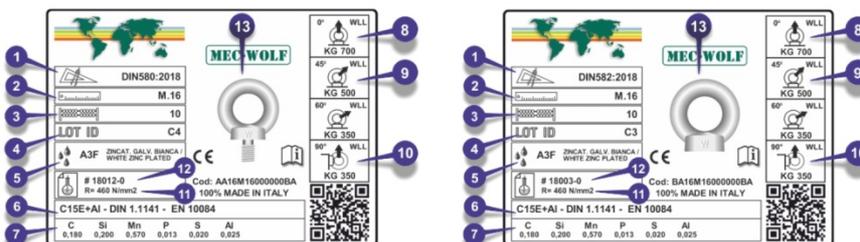
- A** Thread / Dimension.
- B** Lot
- C** Material.
- D** Permissible working load limit (WLL) in kilograms - kg for straight lifting.
- E** Manufacturer's Mark.



LEGEND OF THE SYMBOLS ON THE LABELS:

See the example-drawing as of DIN 580:2018 or DIN 582:2018.

- 1** Standard / Table
- 2** Type and dimension of thread.
- 3** Number of pieces per packing.
- 4** Lot number.
- 5** Surface treatment.
- 6** Material.
- 7** Chemical Analysis.
- 8** Permissible working load limit (WLL) (straight lifting) in kilograms - kg (decimal point is comma).
- 9** Permissible working load limit (WLL) at 45° in kilograms - kg (decimal point is comma).
- 10** Permissible working load limit (WLL) for orthogonal lifting at 90° in kilograms - kg (decimal point is comma).
- 11** Tensile Strength (on the specimen)
- 12** Analysis Number/Certificate Number
- 13** Draft of the fastener in the box.



The download section of our website <https://www.mecwolf.today> includes other useful documents that can be downloaded free of charge.

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