

**ARISE PLUS
PHILIPPINES**

**BUSINESS GUIDE:
EXPORTING TO
THE EU MARKET**

MACHINERY & EQUIPMENT



ABOUT THE BUSINESS GUIDE

This Business Guide on Exporting Machinery and Equipment to the EU is part of a series of business guides developed for the Philippines.

These guides are developed under the ASEAN Regional Integration Support – Philippines Trade-Related Assistance Project for the Philippines (ARISE Plus Philippines), funded by the European Union. The International Trade Centre (ITC) is the technical agency implementing the ARISE Plus Philippines project. The Department of Trade and Industry (DTI) of the Philippines is the focal agency for the project.

Under the scope of the ARISE Plus Philippines project, ITC is providing support to strengthen the Philippines' access to the EU market, including by strengthening utilisation of the EU's unilateral trade preferences under the EU's Generalised Scheme of Preferences Plus (GSP+) scheme.

In this context, activities are underway to build awareness on and capacity to access the EU market and benefit from the opportunities delivered by the EU's unilateral trade preferences – including through the development of this series of business guides on exporting to the EU market, and making use of the GSP scheme, where relevant.

This Business Guide focuses on machinery and equipment – providing information on access to the EU market, technical and regulatory requirements to be complied with in the Philippines to export products under the machinery and equipment sectors to the EU and measures to meet to cross the EU border. This guide should be ready in conjunction with the general Business Guide.

Alongside the general Business Guide, the other sector-specific guides in the series cover the following sectors: agricultural products, processed food products, garments and textiles, and electrical equipment. These sectors were prioritised drawing from their current export status, priorities in the Philippines' development plans, and GSP market access related concerns.

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ABBREVIATIONS

AMMDA	Agricultural Machinery Manufacturers and Distributors Association Foundation, Inc.
ATEX	ATmosphere EXplosible
CECE	Committee for European Construction Equipment
CEMA	European Agricultural Machinery Association
CEMATEX	The European Committee of Textile Machinery Manufacturers
CN	Combined Nomenclature
DTI	Department of Trade and Industry
EC	European Commission
ECCP	European Chamber of Commerce of the Philippines
EMB	Export Marketing Bureau
EC	European Commission
EU	European Union
EUR	Euro
FPI	Federation of Philippine Industries
FTSC	Foreign Trade Service Corps
GSP	Generalised Scheme of Preferences
GSP+	Generalised Scheme of Preferences Plus
HS	Harmonized System
ITC	International Trade Centre
LDCs	Least-Developed Countries
MAMIA	Mindanao Agricultural Machinery Industry Association
MFN	Most Favoured Nation
NSGL	National Strategic Goods List
PCCI	Philippine Chamber of Commerce and Industry
PHILEXPORT	Philippine Exporters Confederation, Inc.
REX	Registered Exporter
RoO	Rules of Origin
SGS	Société Générale de Surveillance
SI	Spark-ignition
STMA	Strategic Trade Management Act
STMO	Strategic Trade Management Office
USD	US Dollar
WomenBizPH	Women's Business Council Philippines, Inc.

INTRODUCTION

The International Trade Center (ITC), under the scope of the ARISE Plus Philippines project, is providing support to strengthen the Philippines' access to the EU market, including by making use of preferential market access benefits.

In this context, ITC is undertaking activities to build awareness on and capacity to access the EU market and benefit from the preferential market access opportunities available – including through the development of this series of business guides on exporting to the EU market, and making use of the EU's GSP scheme, where relevant.

ITC has developed a General Business Guide for businesses seeking to export to the EU – to understand market access opportunities available to the Philippines under the GSP+ scheme and requirements to comply with to export to the EU (at the domestic and EU level). The General Business Guide is the key general reference for exporting to the EU.

To complement the General Business Guide, a series of sector-specific business guides have been developed for target sectors in the Philippines exporting to the EU, providing detailed sector-specific information and discussing the respective market requirements.

This Business Guide focuses on exports of machinery from the Philippines to the EU.

Materials reviewed include studies/information published by the EU and Philippine authorities, as well as the ITC Export Potential Analysis.

The Guide is organised as follows:

Key Steps	Summary of the main steps to be followed by Philippines exporters to the EU for the relevant products
Context	Setting out the Philippines' current exports and potential for the relevant products, and other general information in this regard
Technical Requirements	Covering the <ul style="list-style-type: none">- relevant tariffs/duties applicable,- specifics of rules of origin requirements for products within the sector, and- other technical export/import rules in relation to permits/licences, documentation, and checks at the borders
Key Regulatory Requirements	Providing details on matters relating to relevant standards, technical regulations, and conformity assessment.
Labelling Requirements	Setting out requirements for labelling of products
Further Information and Key Contacts	Providing contact details for key agencies and business organizations in the EU and the Philippines, which can be contacted for the relevant sectors

MAIN STEPS FOR EXPORTING MACHINERY

Comply with the steps required in the Philippines



- | Register the enterprise in accordance with local rules
- | Prepare export documents
- | Fill out the relevant forms for customs clearance

Comply with the importing requirements of the EU



- | Check and ensure compliance with the applicable rules of origin
- | Ensure registration with the EU's Registered Exporter (REX) system
- | Request and obtain a product certification and declaration of conformity

Comply with any product-specific rules that apply to products to be placed on the EU market:



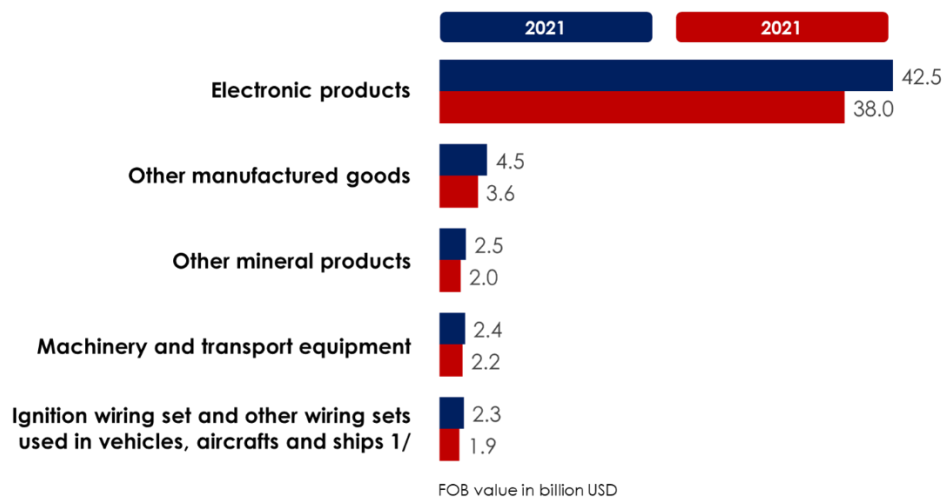
- | Check the relevant EU directives on machinery
- | Check the EU rules for the safety requirements that must be complied with
- | Check for any labelling and marking requirements
- | Check for specific rules for a certain type of machinery

PART I:

The Philippines' Machinery Exports to the EU market

Significant level of exports to the EU: Philippine exports to the EU are dominated by machinery. In 2021, exports from the sector of "*Machinery and Transport Equipment*" had a total value of EUR 2.18 billion (USD 2.4).

Figure 1: Philippine exports of Top Five Major Commodity Groups, 2020 and 2021¹



Machinery (HS Chapter 85), as well as electronic equipment (HS Chapter 84), account for the Philippines' largest export sectors not only to the world but also to the EU, accounting for almost 70% of total exports to the EU in 2021 when combined.²

Currently, machinery products from the Philippines are mainly exported to Germany:

Table 1: Philippines' machinery exports to certain EU Member States

HS Chapter	Sector	Philippines' overall exports to all destinations (in USD thousand)	Exports to certain EU Member States (in EUR)	
			Country	Value
Chapter 84 ³	Machinery, mechanical appliances, nuclear reactors, boilers; parts thereof	8,696,841	Germany	613,708
			Netherlands	170,186
			Poland	100,548
			Czech Republic	67,126
			France	63,616
			Hungary	58,381
Chapter 85 ⁴	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles	35,013,139	Germany	1,752,475
			Netherlands	907,446
			France	242,308
			Belgium	162,276
			Ireland	154,416

The Philippines is competing with other larger markets, such as China and the US, in exporting machinery products to the EU. Moreover, the Philippines is

competing, *inter alia*, with China and Viet Nam in exporting electrical machinery products to the EU.

Table 2: Key countries of origin of machinery exports and the Philippines' exports to the EU in 2021⁵

HS Chapter	Sector	Country	Import value to the EU (in EUR)
Chapter 84 ⁶	Machinery, mechanical appliances, nuclear reactors, boilers; parts thereof	China	100,071,632,018
		United States	36,265,052,149
		United Kingdom	17,357,066,313
		Philippines	1,618,836,933
Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles	China	142,877,404,115
		Viet Nam	16,554,086,271
		United States	15,393,827,336
		Philippines	4,072,919,821

Export Potential to the EU: The country's total export potential in the subsector machinery and electricity amounts to EUR 10.9 billion.⁷ In 2019, machinery and transport equipment ranked the second most exported product by the Philippines, with a total value of EUR 289 million.⁸

The ITC *Export Potential Analysis* notes that EUR 72 billion, or almost three quarters of total export potential of the Philippines, is concentrated in the machinery and electronic equipment sector. More specifically, the electronic equipment sector accounts for an export potential of EUR 60 billion, while machinery and electricity account for EUR 10.9 billion.⁹ However, 45% of this export potential remains untapped; with EUR 11.8 billion driven by frictions, which can be addressed by removing barriers, such as the lack of information about rules and regulations of the target market and facilitate compliance with regulations, quality

requirements, etc, and EUR 20 billion attributed to growth-driven potential, which refers to growth from future economic growth in the country or demand growth in the target country.¹⁰ The ITC *Export Potential Analysis* further notes that export potential exists in 161 different products in the subsector.¹¹

While East Asia is the most important market for Philippine exports of machinery and electronic equipment, with a total export potential to the region exceeding EUR 1.36 billion, the EU also operates as an important market in this sector with an export potential amounting to EUR 342 million.¹² In 2021, products such as machinery and electronic equipment, including high-tech products (*i.e.*, aerospace, computers and office machines, electronics-telecommunications, pharmacy, scientific instruments, electrical machinery, chemistry, non-electrical machinery and armament) represented 19% of total EU imports.¹³

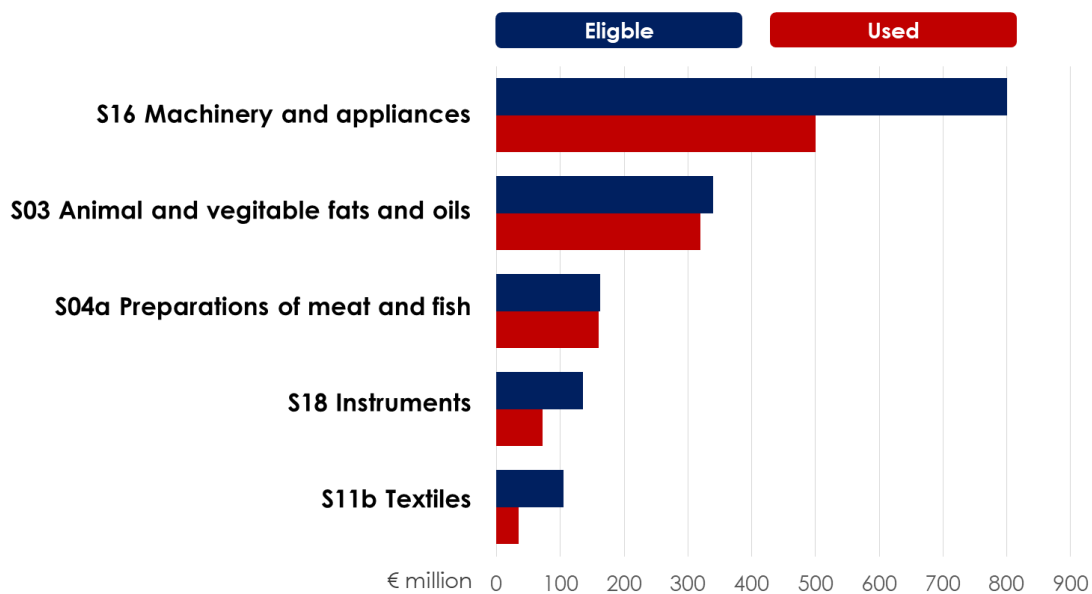
Table 3: Export potential for the machinery and electronic equipment sectors¹⁴

Product	Unrealized export potential (values in USD '000)
Machinery and electronic equipment	3,570,359

Potential to claim GSP+ benefits: These products are also the largest product sections from the Philippines eligible to benefit from the EU GSP+ (see Figure 2).

However, despite being the top Philippine exports to the EU, the GSP utilisation rates for these products remain low (see Table 4).

Figure 2: Largest product sections for the Philippines under the GSP+ (in million EUR)¹⁵



Source: EU GSP Hub

Table 4: EU import values and GSP utilisation for the machinery and electronic equipment sectors¹⁶

Product	EU Imports from PH 2021 (values in EUR)	GSP Utilisation
Chapter 84 - Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof	1,483,156,390	42.91%
Chapter 85 - Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles	3,948,259,823	70.09%

The ITC *Export Potential Analysis* notes that the reason for the relatively low utilization rates, in comparison to other GSP beneficiary countries, for products under HS

Chapters 84 and 85 is that MFN tariffs are already low for most of the tariff lines, despite some tariff lines being subject to MFN tariff rates of up to 14%.¹⁷

Table 5: MFN tariffs and GSP+ rates for the machinery and electronic equipment sectors¹⁸

Product	MFN Tariff Rate/Range	GSP+ Rate
Non-electric machinery	0% - 9.7%	0%
Electric machinery	0% - 14%	0%

The machinery sector is highly regulated in the EU. Exporting machinery to the EU requires manufacturers and traders to comply with relevant measures for their products to be placed on the EU market.

This sector-specific guide for 'machinery products' has been developed for the following reasons:



1. There are still certain products under within the machinery sector subject to MFN tariff rates up to 14% for which the GSP+ benefits would be relevant and accordingly, it would be useful for exporters to understand opportunities available in this regard; and



2. Given that there is large export potential for such products in the EU market, which has yet to be tapped into, it would be relevant for exporters to understand the export processes in place and requirements to comply with to export to the EU.



PART II:

Utilising the EU GSP+ benefits for machinery exports from the Philippines

This section will focus on the relevant technical requirements for exports of machinery products from the Philippines to the EU to benefit from the preferential market access under the EU's GSP.

2.1. Step 1: Tariff Preferences for exports of machinery products under the GSP+ scheme

The first step that a Philippine business must take is to determine the proper EU Combined Nomenclature (hereinafter, CN) code for the particular product it produces and intends to export. Generally, for machinery products, the relevant chapter in the CN are Chapters 84 and 85.

As stated in Article 12(1) of the GSP Regulation, "*The Common Customs Tariff ad valorem duties on all products listed in Annex IX which originate in a GSP+ beneficiary country shall be suspended*". In Annex IX, Chapters 84 and 85 are included with no exceptions:

S-16	84	Chapter 84	Nuclear reactors, boilers, machinery and mechanical applications; parts thereof
	85	Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers and parts and accessories of such articles

Products from all Chapters listed above enter the EU duty-free and quota-free under the GSP+ scheme.¹⁹

2.2. Step 2: Ensure compliance with Rules of Origin requirements for machinery products

To claim tariff-free entry to the EU market under the GSP+ scheme, the products **must originate in a beneficiary country**.²⁰

The product is deemed to '*originate*' from the beneficiary country, when the products have been:

- "*wholly obtained*" in that country or
- "*sufficiently worked or processed*" in that country.

For machinery products, the rules of origin are laid out in Part II of Annex 22-03 of *Commission Delegated Regulation (EU) 2015/2446*.²¹

Annex 22-03 is organised into three columns, as shown in Figure 3 below, which provides an extract of the table setting out the rules of origin for Chapters 84 and 85.

Figure 3: Extract of table demonstrating rules of origin for machinery products of Chapter 84⁸⁴

LIST OF PRODUCTS AND WORKING OR PROCESSING OPERATIONS WHICH CONFER ORIGINATING STATUS			
Harmonised System heading	Description of product	Qualifying operation (Working or processing, carried out on non-originating materials, which confers originating status)	
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture from materials of any heading, except that of the product <i>or</i> Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product	
8401	Nuclear reactors; fuel elements (cartridges), non-irradiated, for nuclear reactors; machinery and apparatus for isotopic separation	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product	
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	(a)LDCs Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product	(b)Other beneficiary countries Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	(a)LDCs Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product	(b)Other beneficiary countries Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
Column 1 – Chapter No.	Column 2 – Product description as in the CN	Column 3 – Relevant qualifying operations	

In simple terms, for exporters from the Philippines, column 3 states the minimum '*qualifying operation*' necessary for a machinery product, not originating from the Philippines, to be deemed to have originated from the Philippines for the GSP Plus scheme.

Accordingly, producers in the Philippines will need to review the chapters covering machinery products in Annex 22-03 of *Commission Delegated Regulation (EU) 2015/2446* and identify the type of working and processing that must be undertaken for the final

product to be deemed as originating from the Philippines.

Table 6 below provides the requirements for Chapter 84 covering '*Machinery, mechanical appliances, nuclear reactors, boilers; parts thereof*' and Chapter 85 covering '*Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles*' (as set out in Annex 22-03 of *Commission Delegated Regulation (EU) 2015/2446*):

Table 6: Rules of origin requirements for Chapters 84 and 85 (Machinery products)

Chapter No.	Description of Product	Qualifying operation (working or processing, carried out on non-originating materials, which confers originating status)	
Chapter 84	Machinery, mechanical appliances, nuclear reactors, boilers; parts thereof	Manufacture from materials of any heading, except that of the product; or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.	
8401	Nuclear reactors; fuel elements (cartridges), non-irradiated, for nuclear reactors; machinery and apparatus for isotopic separation.	Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.	
8407	Spark-ignition reciprocating or rotary internal combustion piston engines.	(a) LDCs Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.	(b) Other beneficiary countries Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines).	(a) LDCs Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.	(b) Other beneficiary countries Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.
8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment.	Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.	
8482	Ball or roller bearings.	(a) LDCs Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product	(b) Other beneficiary countries Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.



Chapter No.	Description of Product	Qualifying operation (working or processing, carried out on non-originating materials, which confers originating status)	
Chapter 85²²	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles.	Manufacture from materials of any heading, except that of the product; or Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.	
8501, 8502	Electric motors and generators; Electric generating sets and rotary converters.	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8503; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8503; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8513	Portable electric lamps designed to function by their own source of energy (for example, dry batteries, accumulators, magnetos), other than lighting equipment of heading 8512.	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8519	Sound recording and sound reproducing apparatus	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8522; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8522; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8521	Video recording or reproducing apparatus,	(a) LDCs	(b) Other beneficiary countries

Chapter No.	Description of Product	Qualifying operation (working or processing, carried out on non-originating materials, which confers originating status)	
8521 (cont.)	whether or not incorporating a video tuner	<p>Manufacture from materials of any heading, except that of the product and of heading 8522; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>Manufacture from materials of any heading, except that of the product and of heading 8522; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8523	Discs, tapes, solid-state non-volatile storage devices, 'smart cards' and other media for the recording of sound or of other phenomena, whether or not recorded, including matrices and masters for the production of discs, but excluding products of Chapter 37	<p>(a) LDCs</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and other video camera recorders	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>

Chapter No.	Description of Product	Qualifying operation (working or processing, carried out on non-originating materials, which confers originating status)	
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529 or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8529; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8535 to 8537	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits; connectors for optical fibres, optical fibre bundles or cables; boards, panels, consoles, desks, cabinets and other bases, for electric control or the distribution of electricity	<p>(a) LDCs</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8538; or</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture from materials of any heading, except that of the product and of heading 8538; or</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8540 11 and 8540 12	Cathode ray television picture tubes, including video monitor cathode ray tubes	<p>(a) LDCs</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>

Chapter No.	Description of Product	Qualifying operation (working or processing, carried out on non-originating materials, which confers originating status)	
ex 8542 31, ex 8542 32, ex 8542 33, ex 8542 39	Monolithic integrated circuits	<p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product; or</p> <p>The operation of diffusion, in which integrated circuits are formed on a semi-conductor substrate by the selective introduction of an appropriate dopant, whether or not assembled and/or tested in a non-party.</p>	
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	<p>(a) LDCs</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	<p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product</p>	
8546	Electrical insulators of any material	<p>(a) LDCs</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading 8546;	<p>(a) LDCs</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>

Chapter No.	Description of Product	Qualifying operation (working or processing, carried out on non-originating materials, which confers originating status)	
8547 (cont.)	electrical conduit tubing and joints therefor, of base metal lined with insulating material		
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	<p>(a) LDCs</p> <p>Manufacture in which the value of all the materials used does not exceed 70% of the ex-works price of the product.</p>	<p>(b) Other beneficiary countries</p> <p>Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product.</p>

Key Points to Note

- | In certain subchapters, the term '*or*' is used, which signifies an option by the business to rely on either rule.
- | As explained above, some of the Columns setting out the minimum '*qualifying operations*' (i.e., column 3) are split into two sub-columns, indicating the rules governing LDCs, and rules for '*other beneficiary countries*', applicable to the Philippines; and
- | The exceptions to Rules of Origin, namely cumulation and derogation, should be noted by Philippines exporters, knowing that these are subject to certain rules and conditions.



2.2.1. Exception to RoO: Cumulation

Cumulation refers to a system that allows the origin of materials or processing undertaken in country A to be added to the materials and processing undertaken

within country B, so long as they are further processed or added to products originating in country B. Cumulation can take place in the following ways:

Figure 4: Types of cumulation

	Principle	Applicability to the Philippines
The two main types of cumulation are:		
i. Bilateral Cumulation	<p>Bilateral cumulation allows materials originating in the EU to be counted as if they were originating in the GSP beneficiary country when used in manufacturing a product. Provided that certain requirements are met:</p> <ul style="list-style-type: none"> materials <u>originating in the EU</u> (within the meaning of the EU's GSP rules of origin), and further <u>worked or processed in a beneficiary country</u>, <p>are considered to originate in the beneficiary country.²³</p>	<p>If a Philippine business imports material originating from the EU and these materials are further worked or processed in the Philippines, then the product is considered as originating from the Philippines and, if the product is covered by the preferences, will be entitled to the GSP+ tariff preferences.</p>
ii. Regional Cumulation	<p>Regional cumulation refers to a system whereby products originating in a country that is a member of a regional group will be considered as materials originating from another country of the same regional group (or a country of another regional group where cumulation between groups is possible), when further processed or incorporated in a product manufactured there.²⁴</p> <p>The EU's GSP recognises four regional groups.²⁵ Accordingly,</p> <ul style="list-style-type: none"> Materials originating in one country of the group, which are further worked or processed in another beneficiary country of the same group, <p>are considered to originate in the latter country.²⁶</p>	<p>The Philippines is a part of 'Group 1' from the four regional groups, along with Brunei, Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Thailand, and Viet Nam.²⁷</p> <p>If a Philippine business imports material from any of the abovementioned countries that benefits from the GSP (namely Cambodia, Indonesia, and Myanmar) and this product is further worked or processed in the Philippines, the product can be considered as originating from the Philippines and, if the product is covered by the preferences, will be entitled to benefit from the GSP+ preferences.</p>
In addition, there are also two other types of cumulation that could apply:		
iii. Extended Cumulation²⁸	<p>This is applied between the GSP beneficiary country and a country with which EU has a preferential trade agreement.</p> <p>Extended cumulation does not apply to products classified under Chapters 1 to 24</p>	<p>If a Philippine business imports materials from a country with which the EU has concluded a preferential trade agreement, such as Viet Nam,³⁰ and further works or processes these materials in the Philippines, the product can be taken as originating in the</p>

iii. Extended Cumulation (cont.)	of the EU's Combined Nomenclature, which concerns agricultural and food products. ²⁹	Philippines and, if the product is covered by the preferences, can be entitled to benefit from GSP+ preferences. (Provided that the products do not fall within the Chapters 1 – 24 of the CN).
iv. Cross-Regional Cumulation³¹	<p>Cross-regional cumulation allows for GSP beneficiary countries from neighbouring regions (<i>i.e.</i>, groups) to apply cumulation as though they were in the same region.</p> <p>For cross-regional cumulation to apply, the working and processing carried out must go beyond minimal operations.³²</p>	<p>If a Philippine business imports materials from a GSP beneficiary from regional Group III (<i>e.g.</i>, Bangladesh or Sri Lanka) and further works or processes these materials in the Philippines, the product can be taken as originating in the Philippines and, if the product is covered by the preferences, can be entitled to benefit from GSP+ preferences.</p> <p>This type of cumulation is not granted automatically but is subject to a request. Currently there is only one such cumulation in place.³³</p>

2.2.2. Exception to RoO: Derogations from the rules of origin

Derogations from the rules of origin may also be granted to beneficiary countries upon the European Commission's initiative or in response to a request from the beneficiary country.

This is only possible in case:

- | internal or external factors temporarily deprive the country of the ability to comply with the applicable rules of origin where it could do so previously, or
- | the country requires time to prepare itself to comply with the 'normal' rules of origin.³⁴

A specific request has to be made by the Government of the Philippines to the European Commission to obtain a derogation.



PART III:

Other Regulatory Requirements to Export Machinery Products to the EU

Machinery imported or locally produced in the EU are subject to safety standards, labelling, documentation and testing requirements. Philippine traders should, therefore, be aware of the various EU rules governing machinery to export products in this sector to the EU.

3.1. Import Rules on Machinery Products in the EU Market

Imports of machinery products are covered in the EU's [*Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery and amending Directive 95/16/EC*](#) (hereinafter, Directive 2006/42/EC).³⁵ [*Directive 2006/42/EC*](#) provides the technical requirements for machinery products that are imported into or sold in the EU. [*Directive 2006/42/EC*](#) also covers the conformity assessment procedure with respect to the list of harmonised standards, documentation requirements (*e.g.*, technical file, instruction manual, and declaration of conformity), and labelling requirements, such as the required CE marking.

Philippine exporters should consult [*Directive 2006/42/EC*](#) and check whether the exported machinery product falls within the requirements of this Directive.

According to Article 1 of [*Directive 2006/42/EC*](#), the Directive applies to the following products:

- | Machinery;
- | Interchangeable equipment;
- | Safety components;
- | Lifting accessories;
- | Chains, ropes and webbing;
- | Removable mechanical transmission devices (*e.g.*, cables); and
- | Partly completed machinery.

Accordingly, to export to machinery products to the EU market – Philippine exporters must take note of the following elements:

- | The machinery products satisfy the relevant essential health and safety requirements that are set out in Annex I to the Directive 2006/42/EC;
- | The technical file is provided by the exporters in accordance with Part A of Annex VII to the Directive 2006/42/EC. The technical file must demonstrate that the machinery complies with the requirements of Directive 2006/42/EC with respect to the design, manufacture, and operation of the machinery;
- | Provide information about the machine, such as instructions;
- | Draw up the EC Declaration of Conformity in accordance with Annex II, Part 1, Section A to the Directive 2006/42/EC and ensure that it accompanies the machinery;
- | Affix the CE marking;
- | Carry out the appropriate procedures for assessing conformity.³⁶

These elements are further elaborated below.

3.2. Conformity Assessment and Safety Requirements for Machinery provided in the EU's Machinery Directive 2006/42/EC

The detailed requirements for machinery products subject to conformity assessment, documentation requirements, and safety standards are set out in the

Annexes to Directive 2006/42/EC. The annexes in the Directive are organised as follows:

Annex I	- Essential health and safety requirements relating to the design and construction of machinery
Annex II	- Contains the declarations of machinery
Annex III	- Contains the details for CE marking
Annex IV	- Provides categories of machinery to which one of the procedures referred to in Article 12(3) and (4) must be applied
Annex V	- Indicative list of the safety components
Annex VI	- Assembly instructions for partly completed machinery
Annex VII	- Contains the technical file and technical documentation for machinery and partly completed machinery
Annex VIII	- Contains the assessment of conformity with internal checks on the manufacture of machinery
Annex IX	- EC type-examination
Annex X	- Full quality assurance
Annex XI	- Minimum criteria to be taken into account by Member States for the notification of bodies

3.2.1 Complying with conformity assessment requirements for machinery

Machinery products are typically subject to conformity assessment requirements when being imported into the EU.

The procedures for assessing the conformity of machinery are provided in the table below:³⁷

Table 7: Conformity assessment procedures according to the type of machinery

Type of Machinery	Conformity Assessment Procedures
For machinery that is not referred to in Annex IV to Directive 2006/42/EC	Apply the procedure for assessment of conformity with internal checks on the manufacture of machinery provided for in Annex VIII to Directive 2006/42/EC.
The machinery that is referred to in Annex IV to Directive 2006/42/EC (Refer Box 1 below), manufactured in accordance with the harmonised standards, and has covered essential health and safety requirements	The manufacturer or his/her authorised representative shall apply one of the following procedures: <ul style="list-style-type: none"> The procedure for assessment of conformity with internal checks on the manufacture of machinery, provided for in Annex VIII to Directive 2006/42/EC; The EC type-examination procedure provided for in Annex IX to Directive 2006/42/EC, and the internal checks on the manufacture of machinery provided for in Annex VIII, point 3; and The full quality assurance procedure provided for in Annex X to Directive 2006/42/EC.
For machinery that is referred to in Annex IV to Directive 2006/42/EC but: <ul style="list-style-type: none"> Has not been manufactured in accordance with the harmonised standards; Has been manufactured only partially in accordance with such standards; The harmonised standards do not cover all the relevant essential health and safety requirements; or No harmonised standards exist for the machinery in question. 	The manufacturer or his/her authorised representative shall apply one of the following procedures: <ul style="list-style-type: none"> The EC type-examination procedure provided for in Annex IX to Directive 2006/42/EC, and the internal checks on the manufacture of machinery provided for in Annex VIII to Directive 2006/42/EC, point 3; and The full quality assurance procedure provided for in Annex X to the EU's Directive 2006/42/EC.
For partially completed machinery	Philippine exporters must ensure that they have followed the regulated procedures, namely that: <ul style="list-style-type: none"> The relevant technical documentation described in Part B of Annex VII to Directive 2006/42/EC is prepared; Assembly instructions described in Annex VI to Directive 2006/42/EC are prepared; and A declaration of incorporation described in Part 1 of Section B of Annex II to Directive 2006/42/EC has been drawn up.



Box 1

Machinery Categories referred to in Annex IV of Directive 2006/42/EC for conformity assessment procedures

1. Circular saws (single- or multi-blade) for working with wood and material with similar physical characteristics or for working with meat and material with similar physical characteristics, of the following types:
 - 1.1 Sawing machinery with fixed blade(s) during cutting, having a fixed bed or support with manual feed of the workpiece or with a demountable power feed;
 - 1.2 Sawing machinery with fixed blade(s) during cutting, having a manually operated reciprocating saw-bench or carriage;
 - 1.3 Sawing machinery with fixed blade(s) during cutting, having a built-in mechanical feed device for the workpieces, with manual loading and/or unloading;
 - 1.4 Sawing machinery with movable blade(s) during cutting, having mechanical movement of the blade, with manual loading and/or unloading.
2. Hand-fed surface planing machinery for woodworking.
3. Thicknessers for one-side dressing having a built-in mechanical feed device, with manual loading and/or unloading for woodworking.
4. Band-saws with manual loading and/or unloading for working with wood and material with similar physical characteristics or for working with meat and material with similar physical characteristics, of the following types:
 - 4.1 Sawing machinery with fixed blade(s) during cutting, having a fixed or reciprocating-movement bed or support for the workpiece;
 - 4.2 Sawing machinery with blade(s) assembled on a carriage with reciprocating motion.
5. Combined machinery of the types referred to in points 1 to 4 and in point 7 for working with wood and material with similar physical characteristics.
6. Hand-fed tenoning machinery with several tool holders for woodworking.
7. Hand-fed vertical spindle moulding machinery for working with wood and material with similar physical characteristics.
8. Portable chainsaws for woodworking.
9. Presses, including press-brakes, for the cold working of metals, with manual loading and/or unloading, whose movable working parts may have a travel exceeding 6 mm and a speed exceeding 30 mm/s.
10. Injection or compression plastics-moulding machinery with manual loading or unloading.
11. Injection or compression rubber-moulding machinery with manual loading or unloading.
12. Machinery for underground working of the following types:
 - 12.1 Locomotives and brake-vans;
 - 12.2 Hydraulic-powered roof supports.
13. Manually loaded trucks for the collection of household refuse incorporating a compression mechanism.
14. Removable mechanical transmission devices including their guards.
15. Guards for removable mechanical transmission devices.
16. Vehicle servicing lifts.
17. Devices for the lifting of persons or of persons and goods involving a hazard of falling from a vertical height of more than three metres.
18. Portable cartridge-operated fixing and other impact machinery.
19. Protective devices designed to detect the presence of persons.
20. Power-operated interlocking movable guards designed to be used as safeguards in machinery referred to in points 9, 10 and 11.
21. Logic units to ensure safety functions.
22. Roll-over protective structures (ROPS).
23. Falling-object protective structures (FOPS).

3.2.2 Complying with health and safety requirements provided in Annex I to Directive 2006/42/EC

Directive 2006/42/EC provides detailed and strict health and safety requirements that must be complied with for products to be placed on the EU market. Exporters must ensure that the products placed on the EU market

comply with the health and safety requirements provided in Annex I to Directive 2006/42/EC.³⁸ The details regarding the health and safety standards are set out in Annex I to Directive 2006/42/EC:

Part I	Essential Health and Safety Requirements
Part II	Supplementary Essential Health and Safety Requirements for Certain Categories of Machinery
Part III	Supplementary Essential Health and Safety Requirements to Offset Hazards Due to The Mobility of Machinery
Part IV	Supplementary Essential Health and Safety Requirements to Offset Hazards Due to Lifting Operations
Part V	Supplementary Essential Health and Safety Requirements for Machinery Intended for Underground Work
Part VI	Supplementary Essential Health and Safety Requirements for Machinery Presenting Particular Hazards Due to The Lifting of Persons

3.2.2.1 Risk Assessment to Determine Health and Safety Requirements

Philippine machinery manufacturers must ensure that they have carried out a risk assessment to determine the health and safety requirements that will apply to the machinery.

In designing and constructing the machine, the manufacturers must reduce the risk by taking into account the result from the risk assessment.

To reduce the risk of the machinery and when carrying out the risk assessment, the manufacturer or the authorised representative must:

- | Determine the limits of the machinery, which include the intended use and any reasonably foreseeable misuse;
- | Identify the hazards that can be generated by the machinery and the associated hazardous situations;
- | Estimate the risks, by taking into account the severity of the possible injury or damage to health and the probability of its occurrence;

- | Evaluate the risks, with a view to determining whether risk reduction is required; and

- | Eliminate the hazards or reduce the risks associated with these hazards by application of protective measures.³⁹

Pursuant to Point I of Annex I to Directive 2006/42/EC, it is important for Philippine manufacturers to ensure that the machinery that they design and construct is stable. In addition, manufacturers must ensure the safety of the machinery in its transportation, assembly, dismantling, disabling, and scrapping of the machine.⁴⁰

With regard to **materials**, the materials used to construct the machinery must not endanger persons' safety or health. For instance, if fluids are used, the machinery must be designed and constructed to prevent risks linked to filling, use, recovery, or draining.⁴¹

3.2.2.2. Design and construction of Control Systems

Control systems, which refers to systems that control the machine and/or its functions, must be designed and constructed to prevent hazardous situations from

arising. A control system must be designed and constructed in a way that:

- | It can withstand the intended operating stresses and external influences;
- | The hardware or the software of the control system does not lead to hazardous situations;
- | Errors in the control system logic do not lead to hazardous situations; and
- | Foreseeable human error during operation does not lead to hazardous situations.⁴²
- | No moving part of the machinery or piece held by the machinery must fall or be ejected;
- | Automatic or manual stopping of the moving parts, whatever they may be, must be unimpeded;
- | Protective devices must remain fully effective or give a stop command; and
- | Safety-related parts of the control system must apply in a coherent way to the whole of an assembly of machinery and/or partly completed machinery.⁴³

Particular attention must be given to the following:

- | Machinery must not start unexpectedly;
- | Parameters of the machinery must not change in an uncontrolled way, where such change may lead to hazardous situations;
- | Machinery must not be prevented from stopping if the stop command has already been given;

3.2.2.3. Protection against mechanical hazards

To ensure protection against mechanical hazards, it is important to pay attention to risks that might arise. The risks and their protective measures are elaborated in Annex I to Directive 2006/42/EC and summarised below.

Table 8: Types of risks and protective measures⁴⁴

Type of Risks	Protective Measures
Risk of loss of stability	Machinery and its components and fittings must be stable enough to avoid overturning, falling or uncontrolled movements during transportation, assembly, dismantling and any other action involving the machinery.
Risk of break-up during operation	Various parts of machinery and their linkages must be able to withstand the stresses to which they are subject when used.
Risks due to falling or ejected objects	Precautions must be taken to prevent risks from falling or ejected objects.
Risks due to surfaces, edges or angles	Insofar as their purpose allows, accessible parts of the machinery must have no sharp edges, no sharp angles and no rough surfaces likely to cause injury.
Risks related to combined machinery	Must be designed and constructed in such a way that each piece may be utilized independently without posing a risk to those who are exposed.
Risks related to variations in operating conditions	Machinery must be designed and constructed in such a way that selection and adjustment of these conditions can be carried out safely and reliably.
Risks related to moving parts	The moving parts of machinery must be designed and constructed in such a way as to prevent risks of contact which could lead to accidents or must, where risks persist, be fitted with guards or protective devices.
Choice of protection against risks arising from moving parts	Guards or protective devices designed to protect against risks arising from moving parts must be selected on the basis of the type of risk.
Risks of uncontrolled movements	When a part of the machinery has been stopped, any drift away from the stopping position, for whatever reason other than action on the control devices, must be prevented or must be such that it does not present a hazard.

3.2.2.4. Required characteristics of guards and protective devices

Guards (*i.e.*, part of the machinery used specifically to provide protection by means of a physical barrier) or protective devices (*i.e.*, a device, which reduces the risk, either alone or in conjunction with a guard) are required to avoid risks related to moving parts of the machine. In this context, guards and protective devices must:

- | Be a robust construction;
- | Be securely held in place;
- | Not give rise to any additional hazard;
- | Not easy to by-pass or render non-operational;
- | Be located at an adequate distance from the danger zone;
- | Cause minimum obstruction to the view of the production process;

- | Enable essential work to be carried out on the installation and/or replacement of tools and for maintenance purposes by restricting access exclusively to the area where the work has to be done; and

- | Guards must also protect against the ejection or falling of materials or objects and against emissions generated by the machinery.⁴⁵

3.2.2.5. Protective measures to deal with risks from other hazards

Directive 2006/42/EC also provides a detailed list of risks from other hazards, such as electricity and radiation in Annex I, for which protective measures must be taken. Annex I to Directive 2006/42/EC provides detailed instructions to ensure that the machinery avoid the listed risks.

Table 9: Types of risks due to other hazards and protective measures:⁴⁶

Types of risks due to other hazards	Protective Measures
Electricity supply	For machinery that has an electricity supply, it must be designed, constructed and equipped in such a way that all hazards of an electrical nature are or can be prevented.
Static electricity	Machinery must be designed and constructed to prevent or limit the build-up of potentially dangerous electrostatic charges and/or be fitted with a discharging system.
Energy supply other than electricity	For machinery that is powered by a source of energy other than electricity, it must be so designed, constructed and equipped to avoid all potential risks associated with such sources of energy.
Errors of fitting	Errors likely to be made when fitting or refitting certain parts must be made impossible by the design and construction of such parts.
Extreme temperatures	Steps must be taken to eliminate any risk of injury arising from contact with or proximity to machinery parts or materials at high or very low temperatures.
Fire	Machinery must be designed and constructed in such a way to avoid any risk of fire or overheating posed by the machinery itself or by gases, liquids, dust, vapours or other substances produced or used by the machinery.
Explosion	Machinery must be designed and constructed in such a way to avoid any risk of explosion posed by the machinery itself or by gases, liquids, dust, vapours or other substances produced or used by the machinery.
Noise	Machinery must be designed and constructed in such a way that risks resulting from the emission of airborne noise are reduced to the lowest level, taking account of technical progress and the availability of means of reducing noise, in particular at the source.
Vibrations	Machinery must be designed and constructed in such a way that risks resulting from vibrations produced by the machinery are reduced to the lowest level.

Types of risks due to other hazards	Protective Measures
Radiation	Undesirable radiation emissions from the machinery must be eliminated or reduced to levels that do not have adverse effects on persons.
Emissions of hazardous materials and substances	Machinery must be designed and constructed in such a way that risks of inhalation, ingestion, contact with the skin, eyes and mucous membranes and penetration through the skin of hazardous materials and substances that it produces can be avoided.
Risk of being trapped in a machine	Machinery must be designed, constructed or fitted to prevent a person from being enclosed within it or, if that is impossible, with a means of summoning help.
Risk of slipping, tripping or falling	Parts of the machinery where persons are liable to move about or stand must be designed and constructed in such a way as to prevent persons from slipping, tripping or falling on or off these parts.
Lightning	Machinery in need of protection against the effects of lightning while being used must be fitted with a system for conducting the resultant electrical charge to earth.

3.2.3 Supplementary essential health and safety requirements applied for machinery

Part 2 of Annex I of Directive 2006/42/EC provides supplementary essential health and safety requirements for certain categories of machinery, for hazards due to the mobility of the machinery, for hazards due to the lifting operations, for machinery for underground work, and for machinery that presents hazards due to lifting of persons.



3.2.3.1 Supplementary essential health and safety requirements for certain categories of machinery

Part 2 of Annex I of Directive 2006/42/EC provides supplementary essential health and safety requirements for certain categories of machinery. The types of machinery covered under Part 2 of Annex I to Directive 2006/42/EC are machinery for cosmetics or pharmaceutical products, foodstuffs machinery, hand-held and/or hand-guided machinery, machinery for working wood and material with similar physical characteristics, portable fixing and other impact machinery. The aforementioned types of machinery are required to meet all the essential health and safety requirements.⁴⁷ The details of the health and safety requirements for the aforementioned types of machinery are provided in the table below:

Table 10: Health and safety requirements for certain categories of machinery:

Types of Machine	Health and Safety Requirements
Foodstuffs machinery and machinery for cosmetics or pharmaceutical products	<p>The machine must be designed and constructed to avoid any risk of infection, sickness or contagion.</p> <ul style="list-style-type: none"> The machine must be designed so that it can be cleaned, disinfected, and rinse fluids from liquids, gases, and aerosols from foodstuffs, cosmetics or aerosols products; In particular, the design of the machine must be smooth and do not have ridges or crevices; designed and constructed to reduce projections, edges, and recesses of assemblies; and can be easily cleaned and disinfected;

Types of Machine	Health and Safety Requirements
Foodstuffs machinery and machinery for cosmetics or pharmaceutical products (cont.)	<ul style="list-style-type: none"> The machine must be designed and constructed to prevent any substances or living creatures, such as insects to enter areas of the machine that cannot be cleaned; and The machine must be designed and constructed in a way that no hazardous substances and lubricants used can come into contact with foodstuffs, cosmetics, or pharmaceutical products.⁴⁸
Portable hand-held and/or hand-guided machinery	<p>The machine must be designed and constructed to:</p> <ul style="list-style-type: none"> Have a supporting surface that is of a sufficient size, sufficient number of handles and supports of an appropriate size, that are arranged to ensure the stability of the machinery according to its operation; Must present no risks of accidental starting after the operator has released the handles; In case the handles cannot be released in complete safety, the machine must be fitted with manual start and stop control devices that is arranged in a way the operator can operate them without releasing the handles; and The handles of the portable machinery must be designed and constructed to make starting and stopping straightforward. <p>The instructions must give the following information concerning vibrations transmitted by portable hand-held and hand-guided machinery:</p> <ul style="list-style-type: none"> the vibration total value to which the hand-arm system is subjected, if it exceeds 2,5 m/s². Where this value does not exceed 2,5 m/s², this must be mentioned, and the uncertainty of measurement. <p>These values must be either those actually measured for the machinery in question or those established on the basis of measurements taken for technically comparable machinery which is representative of the machinery to be produced.</p> <p>If harmonised standards are not applied, the vibration data must be measured using the most appropriate measurement code for the machinery.</p> <p>The operating conditions during measurement and the methods used for measurement, or the reference of the harmonised standard applied, must be specified.⁴⁹</p>
Machinery for working wood and material with similar physical characteristics	<p>The machine must be designed and constructed to fulfil the following requirements:</p> <ul style="list-style-type: none"> The machine can be placed and guided safely. In particular, the machine must be stable during the work and must not impede the movement of the wood or material with similar characteristics; Ensure that the machine prevents the ejection of wood or the ejection must not pose risks to the operator and/or exposed persons; Must be equipped with an automatic brake that stops the machine in a short time; and The machine must eliminate or reduce the risk of accidental injury.

3.2.3.2. Supplementary essential health and safety requirements to offset hazards due to the mobility of the machinery

Part III of Annex I to Directive 2006/42/EC provides that machines that present risks due to their mobility must fulfil all essential safety and health requirements. The essential safety and health requirements are provided below:



Table 11: Health and safety requirements due to mobility of the machinery:

Work Positions	Health and Safety Requirements
Driving position	The machine with driving position must ensure the visibility from the driving position so as to ensure the person driving can operate the machinery and its tools. ⁵⁰
Control systems	The machine must ensure the prevention of unauthorised use of controls. For instance, the remote-control system must be designed and constructed to only affect the machinery and functions in question. ⁵¹
Protection against mechanical hazards	The machine must, <i>inter alia</i> , be designed, constructed and equipped in such a way that when the machine is moved, it does not affect the stability or exert excessive strain on the machine's structure. In particular, the machine must be stable during the work and must not impede the movement of the wood or material with similar characteristics. ⁵²
Protection against other hazards	<ul style="list-style-type: none"> Batteries in the machine must have a battery housing that is designed and constructed in such a way to prevent the electrolyte being ejected on to the operator. In case of fire, the machine must allow accessible fire extinguishers to be fitted or the machine has a built-in fire extinguisher system. The machine must be designed and constructed to protect the operator from the risk of exposure to hazardous emissions.⁵³
Information and indications	To ensure the safety of the person using the machinery, all machinery must have signs or instruction on how to use, adjust, and maintain the machine. Instructions are required for: 1) vibrations transmitted by the machinery to the hand-arm system or to the whole body; and 2) machinery that allows several uses, which must contain instructions for safe assembly and use of the basic machinery. Furthermore, marking shall be visibly shown on all machinery. For instance, marking of nominal power expressed in kilowatts (kW) shall be visibly shown. ⁵⁴

3.2.3.3. Further supplementary essential health and safety requirements

Other than the previously elaborated essential health and supplementary safety requirements, Parts IV to VI of Annex I to Directive 2006/42/EC provide further supplementary health and safety requirements to offset lifting operations, offset hazards for underground work, and hazards due to lifting of persons.

In simple terms, Part IV of Annex I to Directive 2006/42/EC provides the health and safety

requirements for machinery that presents hazards due to lifting operations. For instance, machinery that falls under Part IV of Annex I to Directive 2006/42/EC must ensure that the mechanical strength of the machine is constructed in such a way to prevent failure from "*fatigue and wear, taking due account of their intended use*".⁵⁵

Part V of Annex I to Directive 2006/42/EC provides the health and safety requirements for machinery that are to be used for underground work. For instance, the control devices of the machine, such as the accelerator and brake control must be hand-operated.⁵⁶

Lastly, Part VI of Annex I to Directive 2006/42/EC provides the health and safety requirements for machinery presenting hazards from the lifting of persons. In this context, the machinery must ensure its

mechanical strength by constructing the carrier, including any trapdoors are required to offer the space and strength that corresponds to the maximum number of persons that are permitted on the carrier.⁵⁷

3.3. Marking and Labelling of Machinery Products

Marking and labelling requirements are one of the key non-tariff measures that businesses should be aware of, as products that are not correctly marked or labelled may not be placed on the relevant market. The below subsections provide detailed information on relevant

marking and labelling requirements for machinery products that Philippine exporters must either already apply or provide relevant information to their customers in the EU so that the marking and labelling can occur in the EU.

3.3.1 Marking of Machinery Products

Directive 2006/42/EC provides for detailed rules for the marking of machinery products. All machinery must be marked visibly, legibly, and indelibly with at least the following particulars:

- | The business name and full address of the manufacturer and, where applicable, his authorised representative;
- | Designation of the machinery;
- | CE Marking in accordance with Annex III to Directive 2006/42/EC;
- | Designation of series or type;

- | Serial number; and
- | The year of construction (*i.e.*, the year in which the manufacturing process is completed).

With regard to machinery designed and constructed for use in a potentially explosive atmosphere, the machinery must be marked accordingly. Machinery must also bear full information relevant to its type and essential for safe use. Where a machine part must be handled during use with lifting equipment, its mass must be indicated legibly, indelibly and unambiguously.⁵⁸

3.3.2 Instructions required for machinery products

All machinery products must be accompanied by instructions in the official EU language or languages of the Member State where the machinery product is placed on the market and/or put into service. The instructions accompanying the machinery must be either '*Original instructions*' or a '*Translation of the original instructions*'. The translation must be accompanied by the original instructions.⁵⁹

Annex I to Directive 2006/42/EC provides the **general principles** for drafting instructions:

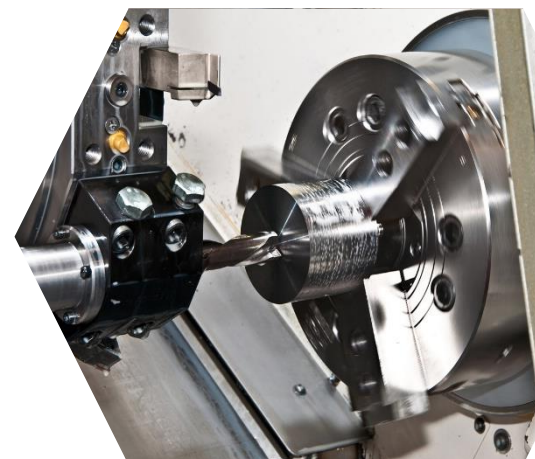
- | The instructions must be drafted in one or more official Community languages;
- | Where no '*Original instructions*' exist in the official language(s) of the country where the

machinery is to be used, a translation into that/those language(s) must be provided. The translations must bear the words '*Translation of the original instructions*';

- | The contents of the instructions must cover not only the intended use of the machinery but also take into account any reasonably foreseeable misuse thereof; and
- | For machinery products intended for use by non-professional operators, the wording and layout of the instructions for use must take into account the level of general education that can reasonably be expected from such operators.⁶⁰

The **instruction manual** must contain at least the following information:⁶¹

- Business name and full address of the manufacturer and of his authorised representative;
- Designation of the machinery as marked on the machinery itself, except for the serial number;
- EC declaration of conformity, or a document setting out the contents of the EC declaration of conformity, showing the particulars of the machinery;
- A general description of the machinery;
- Drawings, diagrams, descriptions and explanations necessary for the use, maintenance and repair of the machinery and for checking its correct functioning;
- Description of the workstation likely to be occupied by operators;
- Description of the intended use of the machinery;
- Warnings concerning ways in which the machinery must not be used that experience has shown might occur;
- Assembly, installation and connection instructions, including drawings, diagrams and the means of attachment and the designation of the chassis or installation on which the machinery is to be mounted;
- Instructions relating to installation and assembly for reducing noise or vibration;
- Instructions for the putting into service and use of the machinery and, if necessary, instructions for the training of operators;
- Information about the residual risks that remain despite the inherent safe design measures, safeguarding and complementary protective measures adopted;
- Instructions on the protective measures to be taken by the user, including, where appropriate, the personal protective equipment to be provided;
- Characteristics of tools which may be fitted to the machinery;
- Conditions in which the machinery meets the requirement of stability during use, transportation, assembly, dismantling when out of service, testing or foreseeable breakdowns;
- Instructions to ensure that transport, handling and storage operations can be made safely, giving the mass of the machinery and of its various parts where these are regularly to be transported separately;
- The operating method to be followed in the event of accident or breakdown; if a blockage is likely to occur, the operating method to be followed so as to enable the equipment to be safely unblocked;
- Description of the adjustment and maintenance operations that should be carried out by the user and the preventive maintenance measures that should be observed;
- Instructions designed to enable adjustment and maintenance to be carried out safely, including the protective measures that should be taken during these operations;
- Specifications of the spare parts to be used, when these affect the health and safety of operators; and
- Information on airborne noise emissions.



3.3.3 Information and warnings

Information and warnings provided on the machinery should preferably be provided in the form of understandable symbols or pictograms. Accordingly, any written or verbal information and warnings must be expressed in an official EU language or languages, which “may be determined in accordance with the

*Treaty by the Member State in which the machinery is placed on the market and/or put into service and may be accompanied, on request, by versions in any other official Community language or languages understood by the operators”.*⁶²

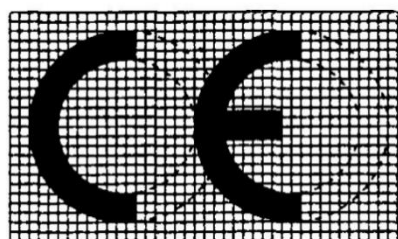
3.3.4 CE Marking Required for Machinery Products

CE marking is required for products such as electronics, medical devices, and machinery. The CE mark indicates that a product is compliant with the applicable EU directives and regulations. To obtain the CE mark, the product must undergo testing, as elaborated in Directive 2006/42/EC.

After undergoing the testing procedures, the test report (*i.e.*, a document that allows the certification body to issue the CE certificate) will be issued. After obtaining the test reports and the CE certificate, the manufacturer can issue the Declaration of Conformity and affix the CE mark to the machinery product.

The CE marking must be affixed visibly, legibly and indelibly to the product or to its data plate. Where that

is not possible or not warranted on account of the size or nature of that product, it is to be affixed to the packaging and to the accompanying documents. The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm, though the minimum dimension may be waived for small-scale machinery.⁶³



Process for obtaining the CE Marking

As the CE marking for machinery products is mandatory, Philippine exporters should check its compliance with the applicable safety and quality requirements. Philippine machine exporters could obtain a CE Marking from a notified body. A notified body is “an organisation designated by an EU country to assess the conformity of certain products before being placed on the market”.⁶⁴

Pursuant to Article 14 of Directive 2006/42/EC, EU Member States have to notify the European

Commission and other EU Member States of the notified bodies that they have appointed to “carry out the assessment of conformity for placing on the market”. The list of appointed notified bodies is published by the Commission in the Official Journal of the European Union, and the Commission must keep the list up to date.⁶⁵ Currently, the list does not include notified bodies from the Philippines. However, there are some companies in the Philippines that offer assistance for exporters to obtain the CE marking:

Company Name	Link
Factocert	https://factocert.com/philippines/ce-mark-certification-in-philippines/
Société Générale de Surveillance (SGS)	https://www.sgs.com/en-ph/certified-clients-and-products#DD4
The British Standards Institution	https://www.bsigroup.com/en-PH/our-services/product-testing-and-certification/ce-marking/ce-marking---frequently-asked-questions/

3.4. Specific rules for certain types of machinery

3.4.1. Technical standards for outdoor equipment contributing to environmental noise emission

The EU has issued a specific Directive that establishes the standards to regulate noise emissions aimed at protecting human health and well-being through [*Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors*](#) (hereinafter, Directive 2000/14/EC).⁶⁶ Directive 2000/14/EC applies to equipment for outdoor use such as equipment for loading and unloading silos or tanks on trucks, mobile cranes and tower cranes. The Directive lays down specific noise level limits and noise marking obligations which would apply to the products listed in this category.⁶⁷

The equipment may not be placed on the market or put into service until the manufacturer, or his/her authorised representative ensures that:

- | The equipment satisfies the requirements concerning the noise emission in the environment of this Directive;
- | The conformity assessment procedures have been completed; and
- | The equipment bears CE marking and the indication of the guaranteed sound power level and is accompanied by an EC declaration of conformity.⁶⁸

The following requirements need to be complied with for outdoor equipment contributing to environmental noise emission to enter the EU market

1) EC declaration of conformity

In order to certify that an item of equipment is in conformity with the provisions of this Directive, an EC declaration of conformity for each type of equipment manufactured is required.⁶⁹

2) Marking

The machinery equipment that is to be placed in the EU market must have a CE marking of conformity. The CE marking thereof shall be accompanied by the indication of the guaranteed sound power level. The CE marking of conformity and the indication of the guaranteed sound power level shall be affixed in a visible, legible and indelible form to each item of equipment.⁷⁰

3) Conformity assessment

Machinery products are subject to conformity assessment procedures. The conformity assessment procedures that must be followed are:

- | The internal control of production with the assessment of technical documentation and periodical checking procedure, in accordance with Annex VI to Directive 2000/14/EC;
- | Unit verification procedure, in accordance with Annex VII to Directive 2000/14/EC; and
- | Full quality assurance procedure referred to in Annex VIII to Directive 2000/14/EC.



The annexes are organised as follows:

Annex I	Definitions Of Equipment
Annex II	EC Declaration of Conformity
Annex III	Method of Measurement of Airborne Noise Emitted By Equipment For Use Outdoors
Annex IV	Models of the Ce Marking Of Conformity And Of The Indication Of The Guaranteed Sound Power Level
Annex V	Internal Control of Production
Annex VI	Internal Control of Production With Assessment Of Technical Documentation And Periodical Checking
Annex VII	Unit Verification
Annex VIII	Full Quality Assurance
Annex IX	Minimum Criteria to Be Taken Into Account By Member States For The Notification Of Bodies
Annex X	Unit Verification

3.4.2. Technical standards for equipment and protective systems intended for use in potentially explosive atmospheres (ATEX)

The EU has issued a specific directive that applies to equipment and protective systems, including components that are intended to be incorporated into them, intended for use in potentially explosive atmospheres through *Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres*.⁷¹ Directive 2014/34/EU applies to products intended for use in underground parts of mines.⁷²

Directive 2014/34/EU divides equipment into two groups:

- 1) Equipment-group I: Equipment intended for use in underground parts of mines, and in those parts of surface installations of such mines, liable to be endangered by firedamp and/or combustible dust, comprising equipment categories M 1 and M 2 as set out in Annex I to Directive 2014/34/EU; and
- 2) Equipment-group II: Equipment intended for use in other places liable to be endangered by explosive atmospheres, comprising equipment categories 1, 2 and 3 as set out in Annex I to Directive 2014/34/EU.

Table 12: Detail list of equipment categories

Equipment-Group 1	
Equipment Category M 1	<p>Comprises equipment designed and, where necessary, equipped with additional special means of protection to be capable of functioning in conformity with the operational parameters established by the manufacturer and ensuring a very high level of protection.</p> <p>The equipment thereof is intended for use in underground parts of mines as well as those parts of surface installations of such mines endangered by firedamp and/or combustible dust.</p> <p>Equipment in this category is required to remain functional, even in the event of rare incidents relating to equipment, with an explosive atmosphere present.</p>

Equipment-Group 1	
Equipment category M 2	<p>Comprises equipment designed to be capable of functioning in conformity with the operational parameters established by the manufacturer and ensuring a high level of protection.</p> <p>The equipment thereof is intended for use in underground parts of mines as well as those parts of surface installations of such mines likely to be endangered by firedamp and/or combustible dust.</p> <p>This equipment is intended to be de-energised in the event of an explosive atmosphere.</p>
Equipment-Group II	
Equipment category 1	<p>Comprises equipment designed to be capable of functioning in conformity with the operational parameters established by the manufacturer and ensuring a very high level of protection.</p> <p>The equipment thereof is intended for use in areas in which explosive atmospheres caused by mixtures of air and gases, vapours or mists or by air/dust mixtures are present continuously, for long periods or frequently.</p> <p>Equipment in this category must ensure the requisite level of protection, even in the event of rare incidents relating to equipment.</p>
Equipment category 2	<p>Comprises equipment designed to be capable of functioning in conformity with the operational parameters established by the manufacturer and of ensuring a high level of protection.</p> <p>The equipment thereof is intended for use in areas in which explosive atmospheres caused by gases, vapours, mists or air/dust mixtures are likely to occur occasionally.</p> <p>The means of protection relating to equipment in this category ensure the requisite level of protection, even in the event of frequently occurring disturbances or equipment faults which normally have to be taken into account.</p>
Equipment category 3	<p>Comprises equipment designed to be capable of functioning in conformity with the operating parameters established by the manufacturer and ensuring a normal level of protection.</p> <p>The equipment thereof is intended for use in areas in which explosive atmospheres caused by gases, vapours, mists, or air/dust mixtures are unlikely to occur or, if they do occur, are likely to do so only infrequently and for a short period only.</p> <p>Equipment in this category ensures the requisite level of protection during normal operation.</p>

Machinery products that fall under Directive 2014/34/EU are required to meet the essential health and safety requirements that are set out in Annex II of Directive 2014/34/EU.



3.4.2.1. Obligations of manufacturers

Manufacturers of machinery products that are regulated in Directive 2014/34/EU have the obligation to:

- | Ensure that the product has been designed and manufactured in accordance with the essential health and safety requirements;
- | Draw up the technical documentation and carry out the relevant conformity assessment procedure. This includes drawing up an EU declaration of conformity and affixing the CE marking;
- | Keep the technical documentation and the EU declaration of conformity or, where applicable, the attestation of conformity for 10 years after the product has been placed on the market;
- | Ensure that products which have been placed on the market have a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow it, the required information is provided on the packaging or in a document accompanying the product;
- | Ensure that products, other than components, which they have placed on the market bear the specific marking of explosion protection and, where applicable, the other markings and information referred to in point 1.0.5 of Annex II (e.g., CE marking, year of construction, and designation of series or type);
- | Indicate, on the product, their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the product;
- | Product is accompanied by instructions and safety information in a language which can be easily understood by end-users;
- | Manufactures shall immediately take corrective measures in the event the product which they have placed on the market is not in conformity with this Directive; and
- | Manufacturers must submit, upon a reasonable request from a competent national authority, all information and documentation in paper or electronic form required to establish the product's compliance with this Directive, in a language that that authority can easily understand.⁷³

Other than obligations of manufacturers, Articles 8 and 9 of Directive 2014/34/EU also provide obligations for importers and distributors that Philippine exporters must consider for purposes of compliance.⁷⁴ The obligations of importers are, *inter alia*, to only place compliant machinery products on the EU market, to ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer, and to ensure that the machinery is accompanied by instructions and safety information. Meanwhile, the obligations of distributors are, *inter alia*, to verify that the machinery bears the CE marking and to ensure that the machinery is in compliance with the health and safety requirements.⁷⁵



3.4.2.2. Conformity assessment procedures

The procedures for assessing the conformity of equipment are as follows:

Table 13: Conformity assessment procedures for different types of equipment groups

Equipment groups	Requirement
Equipment groups I and II, equipment -categories M 1 and 1	<ul style="list-style-type: none"> Conformity to type based on quality assurance of the production process set out in Annex IV; Conformity to type based on product verification set out in Annex V.
Equipment-groups I and II, equipment categories M 2 and 2	<ul style="list-style-type: none"> Internal combustion engines and electrical equipment in these groups and categories must undergo the EU-type assessment outlined in Annex III in combination with one of the following: <ul style="list-style-type: none"> Conformity to type based on internal production control plus supervised product testing set out in Annex VI; Conformity to type based on product quality assurance set out in Annex VII; Other equipment in these groups and categories must undergo internal production control as specified in Annex VIII, as well as submission of technical documentation as specified in Annex VIII, point 2, to a notified body, which must confirm receipt as soon as feasible and shall retain it.
Equipment-group II, equipment category 3	Internal production control set out in Annex VIII
Equipment-groups I and II	Conformity based on unit verification set out in Annex IX may also be followed. ⁷⁶

3.4.2.3. EU Declaration of Conformity

Machinery products that are regulated in Directive 2014/34/EU are required to have an EU declaration of conformity. The EU declaration of conformity must specify that the essential health and safety standards outlined in Annex II to Directive 2014/34/EU have been met.

The structure of the EU declaration of conformity is set out in Annex X to Directive 2014/34/EU, which is to contain the elements in the conformity assessment procedures set out in Annexes III to IX to Directive 2014/34/EU.⁷⁷

Pursuant to Annex X to Directive 2014/34/EU, the EU Declaration of Conformity must contain:

- 1) Product model/product (product, type, batch or serial number)
- 2) Name and address of the manufacturer and, where applicable, his authorised representative

- 3) This declaration of conformity is issued under the sole responsibility of the manufacturer
- 4) Object of the declaration (identification of product allowing traceability; it may, where necessary for the identification of the product, include an image)
- 5) The object of the declaration described above is in conformity with the relevant Union harmonisation legislation
- 6) References to the relevant harmonised standards used or references to the other technical specifications in relation to which conformity is declared
- 7) Where applicable, the notified body ... (name, number) performed ... (description of intervention) and issued the certificate
- 8) Additional information:
 - Signed for and on behalf of:
 - (place and date of issue):
 - (name, function) (signature):

3.4.2.3. Marking

All equipment and protective systems must be marked legibly and indelibly with at least the following particulars:

- | Name, registered trade name or registered trade mark, and address of the manufacturer;
- | CE marking;
- | Designation of series or type;
- | Batch or serial number, if any;
- | Year of construction;
- | The specific marking of explosion protection symbol followed by the symbol of the equipment group and category;
- | For equipment-group II, the letter 'G' (concerning explosive atmospheres caused by gases, vapours or mists); and/or
- | The letter 'D' (concerning explosive atmospheres caused by dust).



Where necessary, the products must also be marked with all information essential to their safe use.⁷⁸

3.4.2.4. CE Marking

CE marking is required for machinery products that falls under Directive 2014/34/EU. The CE marking is to be affixed visibly, legibly, and indelibly to the product or to its data plate. The CE marking is to be affixed before the product is placed on the EU market and is to be followed by the identification number of the notified body.⁷⁹

It is important to note that CE marking for machinery products that fall under Directive 2014/34/EU must be followed by the specific marking of the explosion protection symbol.



3.4.3. Emission limits for gaseous and particulate pollutants for internal combustion engines for non-road mobile machinery

The EU has issued a specific regulation that limits the emissions for gaseous and particulate pollutants for internal combustion engines for non-road mobile machineries, such as bulldozers and excavators through [*Regulation \(EU\) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations \(EU\) No 1024/2012 and \(EU\) No 167/2013, and amending and repealing Directive 97/68/EC*](#).⁸⁰ Since 2021, Regulation (EU) 2016/1628 also

applies to machinery fitted with engines in the power ranges greater than or equal to 56 kw and less than 130 kw.

This Regulation applies to all engines falling within the categories set out in Article 4(1) (set out in Table 14 below) and which are installed in or are intended to be installed in non-road mobile machinery and, insofar as the emission limits for gaseous and particulate pollutants from those engines are concerned, to such non-road mobile machinery.



3.4.3.1. Categories of engine

Table 14: Categories of engines

Category	Description
Category NRE	<ul style="list-style-type: none"> Engines for non-road mobile machinery intended and suited to move, or to be moved, by road or otherwise, that are not excluded under Article 2(2) and are not included in any other category set out in points (2) to (10) of this paragraph; Engines having a reference power of less than 560 kW used in the place of Stage V engines of categories IWP, IWA, RLL or RLR.
Category NRG	<ul style="list-style-type: none"> Engines having a reference power that is greater than 560 kW, exclusively for use in generating sets; Engines for generating sets other than those having those characteristics are included in the categories NRE or NRS, according to their characteristics.
Category NRSh	Hand-held SI (<i>i.e.</i> , an engine that works on the spark-ignition ('SI') principle) engines having a reference power that is less than 19 kW, exclusively for use in hand-held machinery.
Category NRS	SI engines having a reference power that is less than 56 kW and not included in category NRSh.
Category IWP	<ul style="list-style-type: none"> Engines exclusively for use in inland waterway vessels, for their direct or indirect propulsion, or intended for their direct or indirect propulsion, having a reference power that is greater than or equal to 19 kW; Engines used in place of engines of category IWA provided that they comply with Article 24(8).
Category IWA	Auxiliary engines exclusively for use in inland waterway vessels and having a reference power that is greater than or equal to 19 kW. ⁸¹
Category RLL	Engines exclusively for use in locomotives, for their propulsion or intended for their propulsion.
Category RLR	<ul style="list-style-type: none"> Engines exclusively for use in railcars, for their propulsion or intended for their propulsion; Engines used in the place of Stage V engines of category RLL.
Category SMB	Engines exclusively for use in snowmobiles; engines for snowmobiles other than SI engines are included in the category NRE.
Category ATS	SI engines exclusively for use in ATVs and SbS; engines for ATVs and SbS other than SI engines are included in the category NRE.



3.4.3.2. Obligations of manufacturers

In order for internal combustion engines for non-road mobile machineries to be placed on the EU market, manufacturers must ensure that the engines entering the EU market are manufactured and approved in accordance with Regulation 2016/1628. Manufacturers have the following obligations:

- | Provide the original equipment manufacturer with a duplicate of the statutory marking;
- | Keep the EU type-approval certificate with its attachments and, where applicable, a copy of the statement of conformity at the disposal of the approval authorities for a period of 10 years after the placing on the market of an engine;
- | Provide a copy of the EU-type approval certificate for an engine. That copy shall be in a language which can be easily understood by the requesting national authority; and
- | Manufactures established outside the EU shall appoint a single representative established within the Union to represent them in their dealings with the approval authority.⁸²



3.4.3.3. Obligations of importers

EU importers of internal combustion engines for non-road mobile machineries may place on the market only compliant engines that have received EU type-approval. Pursuant to Article 3 of Regulation 2016/1628, an EU type-approval is "*the procedure whereby an approval authority certifies that an engine type or engine family satisfies the relevant administrative provisions and technical requirements of this Regulation*".

Before placing on the market an EU-type-approved engine, importers must ensure that:

- | The EU type-approval certificate with its attachments are available;
- | Engine bears the statutory marking;
- | The engine shall indicate, the name, registered trade name or registered trade mark and the address in the Union at which they can be contacted;
- | Importers shall keep a copy of the statement of conformity for a period of ten years following the placing on the market of the engine;
- | Importers shall indicate, on the engine or in a document accompanying the engine, their name, registered trade name or registered trade mark and the address at which they can be contacted;
- | Importers shall ensure that the engine is accompanied by the information and instructions; and
- | Importers shall provide a requesting national authority, upon reasoned request, with all the information and documentation necessary to demonstrate the conformity of an engine.⁸³

PART IV:

Complying with domestic requirements to export to the EU

For products that are prohibited or regulated for export according to Philippine law, certain accreditations, clearances or permits are needed to export these products.⁸⁴ The information in this section is derived from official sources and updated as of May 2023. Exporters may refer to the relevant website/s to check for any changes that may apply.

The *Republic Act No. 10697*, also known as the *Strategic Trade Management Act (STMA)*,⁸⁵ enforces measures to prevent the proliferation of weapons of mass destruction and their means of delivery from or within the Philippines. Any person or entity that engages or intends to engage in the export, import, re-export, reassignment, transit, or transshipment of goods included in the *National Strategic Goods List (NSGL)*,⁸⁶ which includes certain machinery products and dual use goods, or provides related services (such as brokering, financing, transporting in relation the movement of strategic goods between two foreign countries and providing technical assistance) is required to register with the DTI-STMO. Exporters are advised to check the NSGL and its Annexes to ascertain whether their products are covered by the STMA, and therefore need to obtain authorisation from the STMO.

Table 15: Details of STMO authorization⁸⁷

Fees	None
Contact	Address: 3F Tara Building, 389 Sen. Gil J. Puyat Ave., Makati City E-mail: stmo@dti.gov.ph Phone: (+632) 8639.0812 Website: https://www.dti.gov.ph/negosyo/strategic-trade-management/

Prior to engaging in the export, import, re-export, reassignment, transit, transshipment of strategic goods, or the provision of technical assistance or related services, any person must apply for an authorisation from the DTI-STMO.

There are three types of authorisations:⁸⁸

- 1) Individual authorisation: A license granted to one specific person or entity to engage in the export of strategic goods to one end-user, consignee and covering one or more strategic goods.
- 2) Global authorisation: A type of license granted to one specific person or entity to engage in the export of strategic goods to two or more specific end- users and/or in one or more countries.
- 3) General authorisation: A license to export specific strategic goods to destination countries under the conditions specified in the general authorisation. This type of authorisation may be used by STMO-registered persons if they comply with two requirements: (1) Notify the STMO before the use of such authorisation; and (2) comply with the conditions set forth therein. The STMO publishes this type of authorisation on its website.

PART V:

Further Information and Key Contacts

5.1. Government/Official Departments

5.1.1. In the EU

For further information on the machinery industry in the EU, the European Commission provides the following:

Table 16: EU government authorities' websites

Information on:	Link
Machinery Sector	https://single-market-economy.ec.europa.eu/sectors/mechanical-engineering/machinery_en
Directive 2006/42/EC - Guidance on the application of the essential health and safety requirements on ergonomics set out in section 1.1.6 of Annex I to the Machinery Directive 2006/42/EC	https://ec.europa.eu/docsroom/documents/9484/attachments/1/translations
List of notified bodies for Directive 2006/42/EC	https://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&sort=country&dir_id=131881
Guide to application of the Machinery Directive 2006/42/EC - Edition 2.2	https://ec.europa.eu/docsroom/documents/38022
Details about CE Marking	https://europa.eu/youreurope/business/product-requirements/labels-markings/ce-marking/index_en.htm
Contact points in charge of implementation and market surveillance for the Machinery Directive 2006/42/EC in EU Member States	https://ec.europa.eu/docsroom/documents/50535

5.1.2. In the Philippines

For any export-related queries, concerns, or request for assistance, exporters may contact the Department of Trade and Industry's Export Marketing Bureau (DTI-EMB) and Foreign Trade Service Corps (FTSC).

Table 17: Philippine government authorities

Institution	Description	Contact Details
Export Marketing Bureau (EMB)	EMB is mandated to oversee the development, promotion, and monitoring of Philippine exports and offers a wide variety of services and assistance programs for exporters.	Address: 1-2F DTI International Building 375 Sen. Gil J. Puyat Ave., Makati City Phone: (+632) 8465.3300 locals 102, 110 E-mail: Exports@dti.gov.ph Website: https://www.tradelinephilippines.dti.gov.ph/
Foreign Trade Service Corps (FTSC)	FTSC maintains a number of Philippine Trade and Investment Centers (PTIC) abroad that provide assistance to Philippine exporters to be able to access international markets. For market-specific concerns, exporters may contact the FTSC and the various PTIC posts in the EU.	<p>FOREIGN TRADE SERVICE CORPS (FTSC) Address: 3F DTI International Building 375 Sen. Gil J. Puyat Ave. Makati City Contact: (+632) 8465.3380 E-mail: FTSC@dti.gov.ph</p> <p>PTIC-BERLIN, GERMANY Commercial Counsellor: Nicanor S. Bautista Address: Philippine Trade and Investment Center Embassy of the Philippines, Rankestr. 26, Berlin Contact: +4930.8800.7719/8867.7499 E-mail: Berlin@dti.gov.ph</p> <p>PTIC-BRUSSELS, BELGIUM Commercial Counsellor: Magnolia Misolas-Ashley Address: Philippine Trade and Investment Center Embassy of the Philippines, 207 Ave. Louise, Box 5 Brussels Contact: +322.649.4400 E-mail: Brussels@dti.gov.ph</p> <p>PTIC-PARIS, FRANCE Commercial Counsellor: Rosa Katrina V. Banzon Address: Philippine Trade and Investment Center Embassy of the Philippines, 19 rue de l'Amiral d'Estang, Paris Contact: +33.1.58120064 E-mail: Paris@dti.gov.ph</p>



5.2. Business associations

It is useful for Philippine exporters of food products to be familiar with the following business associations.

5.2.1. In the EU

For further information, businesses can refer to the following entities/institutions based in the EU:

Table 18: EU business associations

Institution	Description	Contact Details
Cecimo	European Association of the Machine Tool Industries and related Manufacturing Technologies	Cecimo – Boulevard Brand Whitlock 165 – B – 1200 Brussels Tel: +32 2 502 70 90 https://www.cecimo.eu/
European Agricultural Machinery Association	CEMA is the association representing the European agricultural machinery industry. With 11 national member associations, the CEMA network represents both large multinational companies and numerous European SMEs active in the sector.	Boulevard Auguste Reyers 80, 1030 Brussels Tel: +32 (0)2 706 81 73 secretariat@cema-agri.org https://www.cema-agri.org/index.php
Committee for European Construction Equipment (CECE)	CECE is the recognized organization representing and promoting the European construction equipment and related industries, co-ordinating the views of National Associations and their members by influencing the European/National Institutions and other organizations worldwide to achieve a fair competitive environment via harmonized standards and regulations.	Boulevard Auguste Reyers 80 B-1030, Brussels, Belgium Tel. +32 2 706 82 26 Fax. +32 2 706 82 10 info@cece.eu https://www.cece.eu/home
CE Marking Contacts in the EU Member States		https://single-market-economy.ec.europa.eu/single-market/ce-marking/ce-marking-your-country_en
The European Committee of Textile Machinery Manufacturers	CEMATEX (Le Comité Européen des Constructeurs de Machines Textiles) is an organisation comprising 9 national European textile machinery associations in the free market economy.	https://www.cematex.com/

5.2.2. In the Philippines

It is useful for Philippine exporters of electronics and electrical machinery to be familiar with the following business associations:

Table 19: Philippine business associations

General Business Organizations		
Institution	Description	Contact Details
European Chamber of Commerce of the Philippines (ECCP)	ECCP is a bilateral foreign chamber offering a wide business network and business support services to promote Philippine-European business relations.	Address: 19th Floor, Philippine AXA Life Centre, Sen. Gil J. Puyat Avenue cor. Tindalo St., Makati City, 1200 Metro Manila, Philippines Contact: (+632) 8845.1323, (+632) 8856.0423 E-mail: info@eccp.com Website: https://www.eccp.com/
Federation of Philippine Industries (FPI)	FPI is a multi-sectoral umbrella organization for Philippine businesses.	Address: Unit 701 Atlanta Centre Condominium #31 Annapolis St., Greenhills, San Juan City Contact: (+632) 8722.3409, (+632) 8584.9642, (+632) 8727.4359 E-mail: fpi@fpi.ph , fpi@philonline.com , info@fpi.ph , fpi.secretariat@gmail.com Website: www.fpi.ph
Philippine Chamber of Commerce and Industry (PCCI)	PCCI is one of the leading umbrella business organization in the Philippines.	Address: 3F Commerce and Industry Plaza, 1030 Campus Ave. cor. Park Ave. McKinley Town Center, Fort Bonifacio, Taguig City Contact: (+632) 8846.8619 E-mail: secretariat@philippinechamber.com Website: www.philippinechamber.com
Philippine Exporters Confederation, Inc. (PHILEXPORT)	PHILEXPORT is an umbrella organization of Philippine exporters. It serves as an important government partner and provides business services for exporters.	Address: ITC Complex Roxas Boulevard, cor Sen. Gil J. Puyat Ave, 1300 Pasay Contact: (+632) 8230.5555, (+632) 8935.1025, (+632) 8782.9847 Mobile: (+63) 919.0734992, (+63) 917.7183966 E-mail: communications@philexport.ph Website: www.philexport.ph

Specific Industry Associations

Institution	Description	Contact Details
Mindanao Agricultural Machinery Industry Association (MAMIA)	MAMIA represents the agricultural machinery industry of Mindanao.	Address: Payo Building, 8000 Davao City, Davao Del Sur Mobile: 0995.7935229 Email: mamiaagrimach.ph@gmail.com

ENDNOTES

¹ PSA.

² 2021 Eurostat data; 2021 ITC Trademap data.

³ ITC Trade Map, available at https://www.trademap.org/Country_SelProductCountry.aspx?nvpm=1%7c608%7c%7c%7c84%7c%7c%7c2%7c1%7c1%7c2%7c1%7c1%7c2%7c1%7c1%7c1 (accessed 4 November 2022).

⁴ Trade Map ITC, available at https://www.trademap.org/Country_SelProductCountry.aspx?nvpm=1%7c608%7c%7c%7c85%7c%7c%7c2%7c1%7c1%7c2%7c1%7c1%7c2%7c1%7c1%7c1 (accessed 4 November 2022).

⁵ Trade Helpdesk, European Commission, available at https://trade.ec.europa.eu/tradehelp/statistics ##node_56304 (accessed 4 November 2022).

⁶ <https://trade.ec.europa.eu/access-to-markets/en/statistics>

⁷ ITC Export Potential Analysis, p. 38.

⁸ Highlight of the Philippine Export and Import Statistics: January 2019, available at <https://psa.gov.ph/content/highlights-philippine-export-and-import-statistics-january-2019> (accessed 4 November 2022).

⁹ ITC Export Potential Analysis, p. 12.

¹⁰ ITC Export Potential Analysis, p. 12.

¹¹ ITC Export Potential Analysis, p. 38.

¹² ITC Export Potential Analysis, p. 39.

¹³ Eurostat, available at International trade and production of high-tech products, available at https://ec.europa.eu/eurostat/statistics%2Dexplained/index.php?title=Production_and_international_trade_in_high-tech_products&oldid=561185 (accessed 4 November 2022).

¹⁴ ITC Export Potential Analysis.

¹⁵ Available at <https://gsphub.eu/country-info/Philippines> (accessed 4 November 2022).

¹⁶ Eurostat.

¹⁷ Products under Chapters 84 and 85 also benefit from tariff liberalization under commitments from signatories of the plurilateral World Trade Organization's Information and Technology Agreement (ITA), which includes the EU. About three quarters of EU trade in ITA products are concentrated in items under Chapters 84 and 85. Nonetheless, tariffs for products under Chapters 84 and 85, including in the EU, are lower compared to other ITA-covered products. See https://trade.ec.europa.eu/doclib/docs/2016/april/tradoc_154430.pdf (accessed 4 November 2022).

¹⁸ EU TPR Secretariat Report, p. 64. Regulation (EU) No. 978/2012, Annex IX.

¹⁹ See Article 12 and Annex IX of the GSP Regulation, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02012R0978-20220101&from=EN> (accessed 4 November 2022).

²⁰ Article 33 of the GSP Regulation.

²¹ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code, OJ L 343, 29.12.2015, available at <http://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX%3A32015R2446> (accessed 4 November 2022).

²² See <https://trade.ec.europa.eu/access-to-markets/en/results?product=852412&origin=PH&destination=BE> (accessed 4 November 2022).

²³ Article 53 of Commission Delegated Regulation (EU) 2015/2446.

²⁴ Article 37 of Commission Delegated Regulation (EU) No 2015/2446.

²⁵ Laid down in Article 55 of Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015, available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.343.01.0001.01.ENG (accessed 4 November 2022), which provides that:

"Regional cumulation shall apply to the following four separate regional groups:

(a) group I: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar/Burma, Philippines, Thailand, Vietnam;

(b) group II: Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Peru, Venezuela;

(c) group III: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka;

(d) group IV: Argentina, Brazil, Paraguay and Uruguay".

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- ²⁶ Article 55 of Commission Delegated Regulation (EU) 2015/2446.
- ²⁷ Article 55(1)(a) of Commission Delegated Regulation (EU) 2015/2446.
- ²⁸ Article 56 of Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015.
- ²⁹ See Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31987R2658>. The information is also provided in the EU's Access2Markets database at <https://trade.ec.europa.eu/access-to-markets/en/home> (accessed 4 November 2022).
- ³⁰ See <https://ec.europa.eu/trade/policy/countries-and-regions/negotiations-and-agreements/> (accessed 4 November 2022) for list of Agreements maintained by the EU.
- ³¹ Article 55(5) and (6) of Commission Delegated Regulation (EU) 2015/2446.
- ³² Article 47(1) of Commission Delegated Regulation (EU) 2015/2446.
- ³³ See <https://trade.ec.europa.eu/access-to-markets/en/content/generalised-scheme-preferences-gsp> (accessed 20 January 2023).
- ³⁴ Article 64(6) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code OJ L 269, 10.10.201, available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32013R0952> (accessed 4 November 2022).
- ³⁵ Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast), available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006L0042-20190726> (accessed 4 November 2022).
- ³⁶ Article 5 of Directive 2006/42/EC.
- ³⁷ Article 12 of Directive 2006/42/EC.
- ³⁸ Article 5 of Directive 2006/42/EC.
- ³⁹ Point 1 of Annex I to Directive 2006/42/EC.
- ⁴⁰ Point 4.1.2.1 of Annex I to Directive 2006/42/EC.
- ⁴¹ Point 1.1.3 of Annex I to Directive 2006/42/EC.
- ⁴² Point 1.1.2 of Annex I to Directive 2006/42/EC.
- ⁴³ Point 1.1.2 of Annex I to Directive 2006/42/EC.
- ⁴⁴ Point 1.3 of Annex I to Directive 2006/42/EC.
- ⁴⁵ Point 1.4.1 of Annex I to Directive 2006/42/EC.
- ⁴⁶ Point 1.5 of Annex I to Directive 2006/42/EC.
- ⁴⁷ Part 2 of Annex I to Directive 2006/42/EC.
- ⁴⁸ Point 2.1, Part 2 of Annex I to Directive 2006/42/EC.
- ⁴⁹ Point 2.2, Part 2 of Annex I to Directive 2006/42/EC.
- ⁵⁰ Point 3.2, Part 3 of Annex I to Directive 2006/42/EC.
- ⁵¹ Point 3.3, Part 3 of Annex I to Directive 2006/42/EC.
- ⁵² Point 3.4, Part 3 of Annex I to Directive 2006/42/EC.
- ⁵³ Point 3.5, Part 3 of Annex I to Directive 2006/42/EC.
- ⁵⁴ Point 3.6, Part 3 of Annex I to Directive 2006/42/EC.
- ⁵⁵ Part 4 of Annex I to Directive 2006/42/EC.
- ⁵⁶ Part 5 of Annex I to Directive 2006/42/EC.
- ⁵⁷ Part 6 of Annex I to Directive 2006/42/EC.
- ⁵⁸ Point 1.7.3 of Annex I to Directive 2006/42/EC.
- ⁵⁹ Point 1.7.4 of Annex I to Directive 2006/42/EC.
- ⁶⁰ Point 1.7.4.1 of Annex I to Directive 2006/42/EC.
- ⁶¹ Point 1.7.4.2 of Annex I to Directive 2006/42/EC.
- ⁶² Point 1.7.1 of Annex I to Directive 2006/42/EC.
- ⁶³ Annex III to Directive 2006/42/EC.
- ⁶⁴ EU Commission – Notified bodies, available at https://single-market-economy.ec.europa.eu/single-market/goods/building-blocks/notified-bodies_en (accessed 4 November 2022).
- ⁶⁵ The list is available at https://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=131881 (accessed 4 November 2022).
- ⁶⁶ Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors, OJ L 162, 3.7.2000, p. 1–78, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000L0014> (accessed 4 November 2022).
- ⁶⁷ Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors, OJ L

162, 3.7.2000, p. 1–78, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000L0014> (accessed 4 November 2022).

⁶⁸ Article 4 of Directive 2000/14/EC.

⁶⁹ Article 8 of Directive 2000/14/EC.

⁷⁰ Article 11 of Directive 2000/14/EC.

⁷¹ Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (recast), OJ L 96, 29.3.2014, p. 309–356, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32014L0034> (accessed 4 November 2022).

⁷² Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres (recast), OJ L 96, 29.3.2014, p. 309–356, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32014L0034> (accessed 4 November 2022).

⁷³ Article 6 of Directive 2014/34/EU.

⁷⁴ Articles 8 and 9 of Directive 2014/34/EU.

⁷⁵ Article 9 of Directive 2014/34/EU.

⁷⁶ Article 13 of Directive 2014/34/EU.

⁷⁷ Article 14 of Directive 2014/34/EU.

⁷⁸ No. 1.0.5 of Annex II to Directive 2014/34/EU.

⁷⁹ Article 16 of Directive 2014/34/EU.

⁸⁰ Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC, available at <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX%3A02016R1628-20220717> (accessed 4 November 2022).

⁸¹ Article 4 of Regulation (EU) 2016/1628.

⁸² Article 8 of Regulation (EU) 2016/1628.

⁸³ Article 11 of Regulation (EU) 2016/1628.

⁸⁴ The list of regulated and prohibited products as of December 2020 is available at <https://tradelinphilippines.dti.gov.ph/ja/web/tradeline-portal/prohibited-and-regulated-products> (accessed 4 November 2022).

⁸⁵ Republic Act No. 10697, also known as the Strategic Trade Management Act (STMA), available at <https://www.officialgazette.gov.ph/2015/11/13/republic-act-no-10697/> (accessed 13 September 2022).

⁸⁶ NSGL: https://www.dti.gov.ph/sdm_downloads/national-strategic-goods-list/ (accessed 4 November 2022). The NSGL consists mostly of arms, ammunition, and chemicals but the Annex 2 to the also contains electronic items that are considered dual use and are thus regulated.

⁸⁷ DTI website, see <https://www.dti.gov.ph/negosyo/strategic-trade-management/> and <https://dtiwebfiles.s3-ap-southeast-1.amazonaws.com/STMO/Issuances/General+Authorization/Memorandum+Circular+No.+22-13.pdf> and <https://dtiwebfiles.s3-ap-southeast-1.amazonaws.com/Laws+and+Policies/Trade+Laws/Memorandum+Circular+No.+20-26.pdf> (accessed 4 November 2022).

⁸⁸ See the STMO website for the authorization procedure and requirements: <https://dtiwebfiles.s3-ap-southeast-1.amazonaws.com/STMO/Publications/Registration+Guidelines.pdf> (accessed 4 November 2022).

