

COMMISSION IMPLEMENTING DECISION (EU) 2015/975**of 19 June 2015****on a measure taken by Spain in accordance with Directive 2006/42/EC of the European Parliament and of the Council to prohibit the placing on the market of an impact drill imported to Spain by Hidalgo's Group, Spain***(notified under document C(2015) 4086)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ⁽¹⁾, and in particular Article 11(3) thereof,

Whereas:

- (1) Spain informed the Commission of a measure to prohibit the placing on the market of the impact drill, type Dayron/70000, imported to Spain by Hidalgo's Group, Spain.
- (2) The impact drill bore CE marking, according to Directive 2006/42/EC.
- (3) The reason for taking the measure was the non-conformity of the impact drill with the essential health and safety requirements set out in Annex I to Directive 2006/42/EC, points 1.3.2 — Risk of break up during operation, 1.7.3 — Marking of machinery and 1.7.4.2 — Contents of instructions, on the grounds that the machine did not pass the resistance test, breaking the framework, with the consequent risk of cut and/or the possibility of accessing to the active parts.
- (4) Spain informed the distributor and importer about the deficiencies. The importer voluntarily took the necessary measures to remove non-compliant products from the market.
- (5) The documentation available, the comments expressed and the action taken by the parties concerned demonstrate that the impact drill, type Dayron/70000, fails to satisfy the essential health and safety requirements of Directive 2006/42/EC. It is therefore appropriate to consider the measure taken by Spain as justified,

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by Spain to prohibit the placing on the market of the impact drill, type Dayron/70000, imported to Spain by Hidalgo's Group, Spain, is justified.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 June 2015.

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission

⁽¹⁾ OJ L 157, 9.6.2006, p. 24.