

# Lifts and safety components for lifts: making available on the market. Recast. 'Goods package'

2011/0354(COD) - 05/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 650 votes to 14, with 10 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of lifts and safety components for lifts (recast).

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

**Further align the Directive to the “new legislative framework” and ensure legal certainty:** the amendments made by the Parliament seek to ensure that the proposed Directive is more consistent with the terms used by Decision No 768/2008/EC and to eliminate any inconsistencies in the text which could otherwise create legal uncertainty.

**Purpose and scope:** it is stated that the lifts covered by this Directive only come into existence as **finished products once they have been permanently installed in buildings or constructions.**

The Directive covers **safety components** for lifts which are new to the Union market when they are placed on the market; that is to say they are either new safety components made by a manufacturer in the Union or new or second-hand safety components imported from a third country.

This Directive aims to ensure that lifts and safety components for lifts on the market fulfil the requirements providing for a **high level of protection of health or safety** and, where appropriate, to the **safety of property.**

This Directive should apply to all forms of supply, including **distance selling.**

**Obligations of economic operators:** installers and manufacturers should draw up the technical documentation and carry out the relevant conformity assessment procedure. They should keep the technical documentation for 10 years after the lift has been placed on the market.

Manufacturers shall ensure that procedures are in place for series production to remain in conformity with this Directive.

Installers should indicate, on the lift, their **name, registered trade name or registered trade mark and the postal address** at which they can be contacted.

The contact details shall be in a **language easily understood** by end-users and market surveillance authorities.

In order to facilitate communication between economic operators, market surveillance authorities and end-users, Member States should encourage economic operators to include a **website address** in addition to the postal address.

Before making a safety component for lifts available on the market, **distributors** shall verify that the safety component for lifts bears the CE marking, that it is accompanied by the EU declaration of conformity, by the required documents and by the instructions referred to in point 6.1 of Annex I, in a language which can be easily understood by end-users.

**Conformity assessment procedures:** in certain cases where the person responsible for the design and manufacture of the lift and the person responsible for the installation and testing of the lift are not the same, the former shall supply to the latter all the necessary documents and information to enable the latter to ensure correct and safe installation and testing of the lift.

**EU declaration of conformity:** in order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.

**CE marking:** Parliament called on the Member States to build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

**Notified bodies:** a conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities. The **impartiality** of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

**Market surveillance:** Member States should take all appropriate measures to ensure that safety components for lifts may be placed on the market only if, when properly stored and used for their intended purpose, they do not endanger the health and safety of persons.

**Restrictive measures in case of non-compliance:** Member States should ensure that appropriate restrictive measures, such as withdrawal of a safety component for lifts from the market, are taken in respect of the measuring instrument concerned without delay.

Rules on **penalties** applicable to infringements by economic operators may include criminal penalties for serious infringements. These penalties should be effective, proportionate and dissuasive.

**Stock:** distributors should therefore be able to supply safety components for lifts that have been placed on the market, namely stock that is already in the distribution chain, before the date of application of national measures transposing this Directive.

**Implementing measures:** in order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission.

On duly justified imperative grounds of urgency relating to the protection of health and safety of persons, the Commission should adopt immediately applicable implementing acts.

The Commission should be assisted by the Lifts Committee. When matters relating to this Directive, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, the **European Parliament should receive full information** and documentation and, where appropriate, an invitation to attend such meetings.