

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

2011/0354(COD) - 26/02/2014 - Final act

PURPOSE: to align Directive 95/16/EC on the harmonisation of the laws of the Member States relating to making available on the market of lifts and safety components for lifts with the new legislative framework, which established a common framework for the marketing of products (Goods Package).

LEGISLATIVE ACT: Directive 2014/33/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts.

CONTENT: the Directive is part of a package aiming to recast **eight directives** in order to adapt them to the EU's new legislative framework on sectoral product harmonisation.

The recast seeks to further harmonise and simplify national laws applicable to:

- [explosives for civil uses](#)
- [simple pressure vessels](#)
- [electromagnetic compatibility](#)
- [non-automatic weighing instruments](#)
- [measuring instruments](#)
- **lifts and safety components for lifts**
- [equipment for use in potentially explosive atmospheres](#)
- [electrical equipment designed for use within certain voltage limits.](#)

The EU's "new legislative framework", which was adopted in 2008, is a general measure of the internal market with the objective of strengthening the effectiveness of the Union's legislation on product safety and its implementation mechanisms. It aims to **strengthen the safety of products** available on the market, and ensures a better functioning internal market for instance through equal treatment of economic operators on the market.

It is made up of **two complementary texts**: regulation 765/2008 outlining the requirements concerning accreditation and surveillance for the marketing of products, and decision 768/2008/EC relating to a common framework for the marketing of products.

The main elements of the new Directive are as follows:

Scope and application: 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 and safety while guaranteeing the functioning of the internal market.

The lifts covered by this Directive only come into existence as finished products once they have been permanently installed in buildings or constructions.

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

Obligations of economic operators and traceability requirements: the Directive clarifies the obligations of manufacturers and introduces obligations for installers and distributors:

- When placing a lift on the market, **installers** shall ensure that it has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in Annex I of the Directive;
- **Installers and manufacturers** shall draw up the technical documentation and carry out the relevant conformity assessment procedure and ensure that it accompanies the lift, and affix the CE marking. They shall keep the technical documentation, the EU declaration of conformity and, where applicable, the approval decision(s) 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 shall ensure that lifts bear a type, batch or serial number or other element allowing their identification.
- Before placing a safety component for lifts on the market, **importers** shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the instrument bears the CE marking.
- When placing a safety component for lifts on the market, every importer should indicate on the safety component for lifts his **name, registered trade name or registered trade mark and the postal address** at which he can be contacted. Exceptions should be provided for in cases where the size or nature of the safety component for lifts does not allow it. The contact details shall be in a language easily understood by end-users and market surveillance authorities. Such instructions and information, as well as any labelling, shall be **clear, understandable and intelligible**.
- Manufacturers who consider or have reason to believe that a safety component for lifts which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that safety component for lifts into conformity, to withdraw it or recall it, if appropriate.

Conformity assessment procedures: the Directive stipulates that 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: the EU declaration of conformity shall have the model structure set out in Annex II of this Directive. In drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the safety component for lifts and the installer shall assume responsibility for the compliance of the lift with the requirements laid down in this Directive. 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: the Directive states that the CE marking shall be affixed **visibly, legibly and indelibly** to each lift car and to each safety component for lifts or, where that is not possible, on a label inseparably attached to the safety component for lifts. As requested by the European Parliament, Member States shall 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: the Directive reinforces the notification criteria for notified bodies. It clarifies that subsidiaries or subcontractors must also comply with the notification requirements. Specific requirements for notifying authorities are introduced, and the procedure for notification of notified bodies is revised. The competence of a notified body must be demonstrated by an accreditation certificate. A conformity assessment body shall be a **third-party body independent** of the organisation or the lifts or safety components for lifts it assesses. 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 and the safeguard clause procedure: the Directive revises the existing safeguard clause procedure. It introduces a **phase of information exchange** between Member States, and specifies the steps to be taken by the authorities concerned, when a non-compliant article is found. 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, or under conditions of use which can be reasonably foreseen, they do not endanger the health and safety of persons.

Restrictive measures in case of non-compliance: appropriate restrictive measures, such as **withdrawal of the safety components for lifts** from the market should be taken in respect of the instrument concerned without delay.

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

Transitional provisions/products in stock: Member States shall not impede the putting into service of lifts or the making available on the market of safety components for lifts covered by Directive 95/16/EC which are in conformity with that Directive and which were placed on the market before 20 April 2016.

ENTRY INTO FORCE: 18/04/2014.

TRANSPOSITION: 19/04/2016. Measures shall apply from 20.04.2016.