

Cableway installations

2014/0107(COD) - 20/01/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 639 votes to 69, with 2 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on cableway installations.

Parliament's position, adopted at first reading following the ordinary legislative procedure, amended the Commission proposal as follows:

Subject matter and scope: this Regulation:

- lays down rules on the making available on the market and the free movement of **subsystems and safety components** for cableway installations ;
- contains rules on the **design, construction and entry into service** of new cableway installations;
- applies to new cableway installations designed to transport persons, to modifications of cableway installations requiring a new authorisation, and to subsystems and safety components for cableway installations.

Cableway installations are mainly lift systems, such as funicular railways, aerial ropeways (cable cars, gondolas, chairlifts) and drag lift.

The Regulation does not apply to the following:

- **lifts** covered by Directive 2014/33/EU;
- cableway installations that are categorised by Member States as **historic, cultural or heritage installations, that entered into service before 1 January 1986** and that are still in operation, and that have not had any significant changes in design or construction, including subsystems and safety components specifically designed for them;
- installations intended for **agricultural or forestry** purposes;
- cableway installations for the service of **mountain shelters and huts** intended only for the transport of goods and specifically authorised persons;

Entry into service of cableway installations: Member States shall take all appropriate measures to determine the procedures for ensuring that the subsystems and safety components are incorporated into cableway installations only if they enable the construction of cableway installations which comply with this Regulation and are not liable to endanger the health or safety of persons or property when properly installed, maintained and operated in accordance with their intended purpose.

Safety analysis: the person responsible for the cableway installation, **determined by a Member State in accordance with national law**, shall carry out a safety analysis of the planned cableway installation or have such a safety analysis carried out. The safety analysis required for each cableway installation shall **take into account all modes of operation** envisaged and ensure that the design and configuration of the cableway installation takes account of the local surroundings and the most adverse situations in order to ensure satisfactory safety conditions.

The analysis shall also cover the **safety devices** and their effects on the cableway installation and related subsystems that they bring into action so that the safety devices are capable of reacting to an initial breakdown or failure detected so as to remain either in a state that guarantees safety, in a lower operating mode or in a fail-safe state.

The result of the safety analysis shall be included in a **safety report**.

Each Member State shall lay down procedures for authorising the construction and the entry into service of cableway installations which are located within its territory.

Consistency with the New Legislative Framework (NLF): Parliament approved the alignment of the provisions to the goods package adopted in 2008 and in particular to the [Decision No 768/2008/EC](#) on a common framework for the marketing of products. The framework set out by the NLF consists of provisions which are commonly used in EU product legislation.

The **amendments** seek to improve the consistency of the text with the NLF. They state inter alia that:

- manufacturers shall indicate on the subsystem or the safety component 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 the packaging or in a document accompanying the subsystem or safety component. Where the manufacturer indicates a website address, he shall ensure that the information on that website is accessible and kept updated;
- where a large number of subsystems or safety components are delivered to a single economic operator or user, the batch or consignment concerned may be accompanied by a single copy of the EU declaration of conformity;
- the CE marking shall be affixed visibly, legibly and indelibly to the subsystem or the safety component or to its data plate. Where that is not possible or not warranted on account of the nature of the subsystem or the safety component, it shall be affixed to the packaging and to the accompanying documents.

Right to appeal: interested parties should have the right to appeal against the result of a conformity assessment carried out by a notified body. For that reason, Members proposed that notified bodies shall ensure that an appeal procedure against their decisions is available.

Market surveillance: Parliament proposed the addition of a new provisions on the Union market surveillance and control of subsystems and safety components entering the Union market and the Union safeguard procedure.

Penalties: the penalties provided for shall be effective, proportionate and dissuasive and may be increased where the relevant economic operator has previously committed a similar infringement of this Regulation.