

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

2011/0354(COD) - 22/02/2019 - Follow-up document

The Commission presents a report on the implementation and functioning of 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 (the Lifts Directive).

The Directive aims to achieve a high level of protection of users, installers and maintenance personnel of lifts across the EU, and contribute to the proper functioning of the internal market by harmonising aspects of Member States' laws relating the safety of lifts.

The report is based on an external evaluation, which has assessed the performance of the Lifts Directive on the basis of the extent to which it meets its objectives, its efficiency (with a focus on examining the regulatory costs and benefits and potential for simplification, its coherence with other EU legislation, its relevance versus stakeholders needs and its EU added value. The Directive has been uniformly transposed across Member States.

Key findings

The Commission notes that the outcome of the evaluation is positive. The evidence collected confirms that the Directive is working well and that its objectives are generally met. The Directive is also deemed to be an efficient means to establish a Union wide harmonised framework for lifts and their safety components. No inefficiency or simplification potential requiring legislative change has been identified. The Directive is also considered coherent, relevant and clearly brings added value at EU level.

However, the report notes **some findings that affect the functioning of the Directive.**

Prior approval – 20 Member States have a provision affording Member States, in specific cases, the possibility of giving "prior approval", particularly in existing buildings, to adopt other appropriate means to avoid the risk of crushing than by providing free space or refuge beyond the extreme positions of the lift car. In four Member States, the "prior approval" can be applied only when a lift is to be installed in "existing buildings" where structural constraints exist. Member States have adopted diverging national practises thus making it difficult for installers to find information about the national approval procedures and criteria applied. The Directive leaves room for manoeuvre for lift installers to cover the risk of crushing, the problem being lack of transparency and certainty in the granting of the prior approval by the Member States' authorities. The evaluation concluded that, despite the fact that "prior approval" is in line with the New Approach, the 'Lifts Guide' does not currently provide sufficiently detailed guidance regarding this procedure. The Commission states that it will bring this issue before the Lifts Administrative Co-operation group of market surveillance authorities (Lifts AdCo) to ensure a more coherent and uniform application of the "prior approval" procedure.

Accessibility of lifts to disabled persons – the Commission notes that some concerns were identified regarding the clarity of provisions for accessibility of lifts to disabled persons due to the fact that different national accessibility requirements apply to the entire building while the Lifts Directive regulates the accessibility of lifts. The Commission will further clarify the borderline between the lifts accessibility requirements of the Directive vis-à-vis national legislation on accessibility of buildings and constructions

by raising the issue in the framework of the Lifts working group. In particular, attention will be drawn to different conditions of installation and use of lifts, e.g. depending on the type of building and its function, level of floors, etc.

Market surveillance - differences in implementation of market surveillance across Member States were identified in terms of strategies, extent of monitoring activities, frequency and types of checks, and level of penalties, this negatively impacting the Directive's overall effectiveness. Nonetheless, evidence collected suggests that the level of non-compliance of lifts and their safety components placed on the market is actually extremely low. The Commission will carefully monitor the enforcement of the Directive across all Member States and the activities of the Lifts AdCo. It will also suggest concerted actions in the framework of cooperation of competent market surveillance authorities.

Clarity - overall, the Directive is perceived as being clear. However, the evaluation revealed that there is a need to investigate how to improve the clarity of the scope of the Directive as regards major modifications of lifts in service which would trigger application of the Directive instead of national regulations, the definition of "installer" used in the Directive instead of "manufacturer" of a lift and the concepts of "putting into service" and "placing on the market". The Commission will intensify its coordination efforts in the framework of the Lifts working group to clarify the terminology in the Directive.

Lastly, the Commission notes that the new Standardisation Request M/549 provides the necessary tools to guide the preparation of harmonised standards in support of the Directive. Special efforts will be put to efficiently implement the actions to enhance transparency, reinforce legal certainty and speed of adoption of standards in accordance with the [Commission communication](#) on harmonised standards.