

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

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The Council approved the draft common position concerning the approximation of the laws of the Member States relating to lifts, as established by the Conciliation Committee on 17 May 1995. The Spanish delegation voted against. An explanation of that vote and a joint statement by the Danish, Irish and Swedish delegations to be made public will be found below. Since adoption of this Directive is a matter for the codecision procedure with the European Parliament and the latter has also approved the joint draft, the Directive is thus finally adopted. The Directive has a dual aim: to remove barriers to the free movement of lifts and lift components, which arise from disparities in national provisions, and to put in place Community legislation providing users of such lifts with the same high level of safety throughout the European Union. The Directive is a 'new approach' Directive (i.e. it defines only general essential health and safety requirements, leaving the responsibility for framing detailed harmonised standards to bodies such as CEN and Cenelec), which applies to all types of lifts permanently serving buildings and constructions. It will replace Directive 84/529/EEC by substituting for its optional implementing provisions overall implementing rules covering every type of lift. It will therefore have wider scope than the old Directive, which covers only electric and hydraulic lifts. Member States are allowed two years for implementing the national provisions transposing the Directive. Provision is also made for a 4-year transition arrangement to enable installers to place on the market lifts manufactured before the date of implementation of the Directive. Explanation of vote by the Spanish delegation: The Spanish delegation, taking the view that: - the definition of lift installer in Article 1(4) is not realistic and deviates from the context in that it makes the person concerned responsible for the manufacture of the lift; - the conformity assessment procedures laid down in Article 8 are not suitable for all situations likely to arise in practice and are therefore at variance with the interests of installers and in particular of small-scale installers who do not manufacture their own lifts; - and, lastly, that the Directive will give rise to serious problems when it is to be transposed into Spanish law and when the implementing provisions are to be established, cannot support the said Directive and is therefore voting against the text. The Spanish delegation also feels that the essential requirement in point 1.2 of Annex I to the Directive imposes unnecessary and disproportionate excess costs on users, without resolving the problem of access for the disabled to buildings, given the existence of other prior obstacles. The delegation therefore feels that the problem should have been resolved in a comprehensive and consistent manner within the framework of social policy rather than in a Directive based on Article 100a of the Treaty. Statement by the Danish, Irish and Swedish delegations: 'The Danish, Irish and Swedish delegations note that the provisions of this Directive do not affect the Member States' entitlement to lay down requirements as to when buildings and constructions must be equipped with lifts that can be used by disabled persons'.