




Basic information	
<p>2011/0354(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Lifts and safety components for lifts: making available on the market. Recast. 'Goods package'</p> <p>Repealing Directive 95/16/EC 1992/0394(COD) See also 2007/0029(COD) See also 2007/0030(COD) Amended by 2017/0353(COD) Amended by 2022/0280(COD)</p> <p>Subject</p> <p>2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.08 Mechanical engineering, machine-tool industry</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	IMCO	Internal Market and Consumer Protection	ROITHOVÁ Zuzana (PPE)	29/11/2011
			Shadow rapporteur	
			SCHALDEMOSE Christel (S&D)	
			MANDERS Antonius (ALDE)	
			RÜHLE Heide (Verts/ALE)	
		FOX Ashley (ECR)		
		SALVINI Matteo (EFD)		
	Committee for opinion		Rapporteur for opinion	Appointed
	ITRE	Industry, Research and Energy	The committee decided not to give an opinion.	
	JURI	Legal Affairs		
Council of the European Union	Council configuration		Meetings	Date
	Competitiveness (Internal Market, Industry, Research and Space)		3295	2014-02-20

European Commission	Commission DG	Commissioner
	Internal Market, Industry, Entrepreneurship and SMEs	TAJANI Antonio
European Economic and Social Committee		

Key events			
Date	Event	Reference	Summary
21/11/2011	Legislative proposal published	COM(2011)0770 	Summary
30/11/2011	Committee referral announced in Parliament, 1st reading		
10/07/2012	Vote in committee, 1st reading		
25/07/2012	Committee report tabled for plenary, 1st reading	A7-0260/2012	Summary
04/02/2014	Debate in Parliament		
05/02/2014	Decision by Parliament, 1st reading	T7-0089/2014	Summary
05/02/2014	Results of vote in Parliament		
20/02/2014	Act adopted by Council after Parliament's 1st reading		
26/02/2014	Final act signed		
26/02/2014	End of procedure in Parliament		
29/03/2014	Final act published in Official Journal		

Technical information	
Procedure reference	2011/0354(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 95/16/EC 1992/0394(COD) See also 2007/0029(COD) See also 2007/0030(COD) Amended by 2017/0353(COD) Amended by 2022/0280(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/07946




Documentation gateway
European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE488.065	07/05/2012	
Amendments tabled in committee		PE491.132	07/06/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0260/2012	25/07/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0089/2014	05/02/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00052/2013/LEX	26/02/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0770 	21/11/2011	Summary
Commission response to text adopted in plenary	SP(2014)446	20/05/2014	
Follow-up document	COM(2019)0087 	22/02/2019	Summary
Follow-up document	SWD(2019)0026 	22/02/2019	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0770	16/01/2012	
Contribution	IT_SENATE	COM(2011)0770	20/02/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

[Directive 2014/0033](#)
[OJ L 096 29.03.2014, p. 0251](#)

[Summary](#)

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

2011/0354(COD) - 25/07/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Zuzana ROITHOVÁ (EPP, CZ) 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).

The committee recommends that the position of the European Parliament adopted in first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Further align the Directive to the new legislative framework and ensure legal certainty: Members propose to amend the proposed Directive in order to reach a higher level of consistency with the terms used by the Decision No 768/2008/EC and to eliminate the possible inconsistencies in the text which could otherwise create legal uncertainty.

They also want to clarify **the legal situation for products that have been legally placed on the market in compliance with the current Directive before the new Directive applies, but which are still in stock.** In this respect, they suggest that economic operators should be able to sell stocks of simple pressure vessels that are already in the distribution chain on the date of application of national measures transposing the Directive.

Obligations imposed on economic operators: each lift must be accompanied by **instructions and safety information.** Manufacturers shall draw up the required **technical documentation** and carry out the applicable conformity assessment procedure. An amendment stipulates that manufacturers shall indicate, on the instrument (or on the label if this is not possible), their name, registered trade name or registered trade mark the postal, or, if available, the **website address** at which they can be contacted. The contact details shall be in a **language easily understood** by end-users and market surveillance authorities.

With a view to enhancing **consumer protection,** **each lift must be accompanied by instructions and safety information** for use drawn up in a language which can be **easily understood** by consumers and other end-users, as determined by the Member State concerned. **Such instructions and safety information, and any labelling, shall be clear, understandable and intelligible.** It is also proposed to enhance the safety requirements of **vulnerable consumers** by ensuring that the concept of the safety also includes the safety of children, elderly and the persons with disabilities in those cases, when the lifts are intended for transport of persons. Moreover, they consider that all obligations imposed on economic operators by this Directive should also apply in the case of **distance selling.**

EU declaration of conformity: upon request of the market surveillance authority, the economic operator shall provide a copy of the EU declaration of conformity in **paper form or by electronic means** and shall ensure that it is **translated** into the language or languages required by the Member State in which market the non-automatic weighing instruments is placed or made available.

To cut red tape, Members state that when issuing a single EU declaration of conformity could cause specific problems due to the complexity or scope of that single EU declaration, it should be possible to replace that single EU declaration by individual EU declarations of conformity.

Restrictive measures in the case of non-compliance: appropriate restrictive measures should be taken, such as **withdrawal of the instrument from their market,** without delay.

Improve market surveillance: Members propose that the Member States: (i) provide, on an annual basis, the Commission with details of the activities of their market surveillance authorities; (ii) provide adequate funding to their market surveillance authorities in order to ensure that their activities are coherent and effective across the Union.

Improper marking and penalties: Members call on the Member States to build upon existing mechanisms to **ensure correct application of the regime governing the CE marking** and to take appropriate action in the event of improper use of the marking. Rules on penalties applicable to infringements by economic operators may include **criminal penalties** for serious infringements. The penalties shall be effective, proportionate to the seriousness of the offence.

Transparency: the Commission should have the obligation to **publish on the Internet** the national provisions of transposed Directive and relevant sanctions.

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

2011/0354(COD) - 21/11/2011 - Legislative proposal

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, in particular to Decision No 768/2008/EC establishing a common framework for the marketing of products (Goods Package).

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: experience with the implementation of Union harmonisation legislation has shown – on a cross-sector scale – **certain weaknesses and inconsistencies in the implementation and enforcement of this legislation**, leading to:

- the presence of non-compliant or dangerous products on the market and consequently a certain lack of trust in CE marking;
- competitive disadvantages for economic operators complying with the legislation as opposed to those circumventing the rules;
- unequal treatment in the case of non-compliant products and distortion of competition amongst economic operators due to different enforcement practices;
- differing practices in the designation of conformity assessment bodies by national authorities;
- problems with the quality of certain notified bodies.

To remedy these horizontal shortcomings in Union harmonisation legislation observed across several industrial sectors, the “**New Legislative Framework**” was adopted in 2008 as part of the goods package. Its objective is to strengthen and complete the existing rules and to improve practical aspects of their application and enforcement. The New Legislative Framework (NLF) consists of two complementary instruments, **Regulation (EC) No 765/2008 on accreditation and market surveillance and Decision No 768/2008/EC establishing a common framework for the marketing of products**.

This proposal on the harmonisation of the laws of the Member States relating to making available on the market of lifts and safety components for lifts is presented in the framework of the **implementation of the “goods package”** adopted in 2008. It is part of a package of proposals aligning ten product directives to Decision No 768/2008/EC establishing a common framework for the marketing of products.

IMPACT ASSESSMENT: based on the information collected, the Commission carried out an impact assessment which examined and compared three options:

- **Option 1** – No changes to the current situation;
- **Option 2** – Alignment to the NLF Decision by non-legislative measures;
- **Option 3** – Alignment to NLF Decision by legislative measures: this option consists in integrating the provisions of the NLF Decision into the existing directives.

Option 3 was found to be the preferred option for the following reasons: (i) it will improve the competitiveness of companies and notified bodies taking their obligations seriously, as opposed to those cheating on the system; (ii) it will improve the functioning of the internal market by ensuring equal treatment of all economic operators, notably importers and distributors, as well as notified bodies; (iii) it does not entail significant costs for economic operators and notified bodies; (iv) it is considered more effective than option 2: due to the lack of enforceability of option 2 it is questionable that the positive impacts would materialise under that option.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the alignment to the NLF Decision requires a number of substantive amendments to the provisions of Directive 95/16/EC. To ensure the readability of the amended text, the technique of **recasting** has been chosen. The proposal does not change the scope of Directive 95/16/EC and the essential health and safety requirements.

The main elements of the proposal are as follows:

- **Horizontal definitions:** the proposal introduces harmonised definitions of terms which are commonly used throughout Union harmonisation legislation and should therefore be given a consistent meaning throughout that legislation.
- **Obligations of economic operators and traceability requirements:** the proposal clarifies the obligations of manufacturers and introduces obligations for importers and distributors. Importers must verify that the manufacturer has carried out the applicable conformity assessment procedure and has drawn up a technical documentation. They must also make sure with the manufacturer that this technical documentation can be made available to authorities upon request. Furthermore importers must verify that the lifts and safety components for lifts are correctly marked and accompanied by instructions and safety information. They must keep a copy of the Declaration of conformity and indicate their name and address on the product, or where this is not possible on the packaging or the accompanying documentation. Distributors must verify that the product bears the CE marking, the name of the manufacturer and of the importer, if relevant, and that it is accompanied by the required documentation and instructions.
- **Harmonised standards:** compliance with harmonised standards provides a presumption of conformity with the essential requirements. On 1 June 2011, the Commission adopted a [proposal for a Regulation on European Standardisation](#) that sets out a horizontal legal framework for European standardisation. The proposal for the Regulation contains inter alia provisions on standardisation requests from the Commission to the European Standardisation Organisations, on the procedure for objections to harmonised standards and on stakeholder participation in the standardisation process. Consequently the provisions of Directive 95/16/EC which cover the same aspects have been deleted in this proposal for reasons of legal certainty. The provision conferring presumption of conformity to harmonised standards has been modified to clarify the extent of the presumption of conformity when standards only partially cover the essential requirements.
- **Conformity assessment and CE marking:** Directive 95/16/EC on the placing on the market of lifts and safety components for lifts has selected the appropriate conformity assessment procedures which manufacturers have to apply in order to demonstrate that their products comply with the essential safety requirements. The proposal aligns these procedures to their updated versions set out in the NLF Decision.
- **Notified Bodies:** the proposal 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.
- **Market surveillance and the safeguard clause procedure:** the proposal 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 product is found.

BUDGETARY IMPLICATIONS: this proposal does not have any implications for the EU budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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 practices 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.

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 staff working document accompanying the report from the Commission on the implementation and functioning of Directive 2014/33/EU on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts.

The main purpose of document is to assess the performance of the Directive and the extent to which the Directive meets its objectives. The evaluation examined whether the Directive has been effective, efficient, coherent and relevant in meeting these objectives and assessed its EU added value, drawing on the research conducted by external contractors and the Commission's experience with the enforcement and management of the Directive. The date of entry into force of Directive 95/16/EC, 1 July 1999, is taken as a starting point of the assessment.

Conclusions

The main conclusion of the evaluation is that the Directive is **functioning properly** and is contributing positively to its main objectives of ensuring an effectively operating internal market for safety components and lifts and of improving the health and safety of lift users and maintenance personnel.

While the provisions of the Directive have been uniformly transposed across the Member States, the evaluation has nevertheless identified discrepancies in the implementation of some of the provisions and most notably the essential health and safety requirements (EHSR) 2.2. on the prevention of the risk of crushing and the prior approval as well as the provisions on lift accessibility for disabled persons. However, the evaluation has concluded that the implementation issues related to both of these provisions are essentially due to the diverging provisions and/or practices adopted by the Member States to complement the relevant provisions of the Directive. Regarding the provision on the lift accessibility for disabled persons, the evaluation has concluded that the additional requirements, which are sometimes introduced by the Member States to complement the relevant EHSRs of the Directive, do not impose additional burden on the economic operators and do not hinder the internal market for lifts.

The evaluation reveals the following:

Relevance – this is assessed by checking the relevance of its objectives to current needs, especially taking into account innovation and new technologies and the clarity of the Directive. The document states that the Directive's objectives are still considered to be relevant. The Directive is able to be aligned to technological developments in the lift sector and to take into account risks related thereto.

With respect to clarity, the evaluation identifies certain issues some issues relating to the definitions such as “lift installer” and the concepts of “putting into service” and “placing on the market”. In addition, some concerns have been raised regarding the precise definition of the scope of the Directive. However, the evaluation has concluded that these concerns are not to be attributed to unclear or conflicting wording within the Directive, but rather to certain difficulties in the interpretation. Therefore, while some issues have been clarified by Directive 2014/33/EU, others are covered in the revised version of the Guide to the application of the Lifts Directive.

Effectiveness - 96% of survey respondents consider that the Directive facilitated the free movement of lifts and safety components, and 75% deem this is specifically achieved through a reduction of different requirements across Member States. This general perception of the stakeholders is also supported by the available market data, which clearly indicates an overall growth of the value of sold production of lifts between 1995 and 2015. Based on the evidence gathered, the Directive contributed to an effectively operating internal market for the products in its scope.

Regarding specifically the Directive's contribution to objective of improving the lift safety, the major difficulty in assessing the performance of the Directive is the lack of official data on lift-related accidents across Member States. Nevertheless, the available data concerning the period between 2008 and 2015 indicates an average annual decrease of accidents involving maintenance personnel. Regarding the users of lifts, the evaluation has concluded that the impact of the Directive is in no circumstances adverse and the Directive could even have brought a minor positive contribution to the improvement of the level of lift safety.

Efficiency - the evaluation has concluded that there is no evidence that compliance costs due to the Directive have increased in comparison to the period prior to its entry into force. Based on the available qualitative data, it can be concluded that the Directive has achieved a balance of the costs and benefits for all stakeholder categories. By replacing the different national regimes with a single harmonised EU-wide legal framework, the Directive reduced the associated administrative and compliance costs. However, these benefits seem not evenly spread, with larger companies benefiting more than SMEs from harmonisation due to their orientation to intra-EU export.

Coherence - the Lifts Directive is interrelated with other EU legislation, in particular [the Machinery Directive](#), the [Cableway Installations Regulation](#), and the [Construction Products Regulation](#). No major issues of overlaps or inconsistencies have emerged from the evaluation. On the contrary, a number of complementarities exist, and they cause no duplication of costs according to 88% of survey respondents.

EU added value - a large majority (94%) of respondents to the survey recognise the EU Added Value of the Directive, especially in terms of enhanced free circulation of lifts and safety components and of their increased safety. Alongside the stakeholders' perception, the EU Added Value of the Directive in terms of enhanced free movement of lifts and safety components is confirmed by the increasing relevance of intra-EU trade since 1995, which suggests an improvement in the conditions for placing lifts and safety components on the market due to the introduction of the Directive.

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.

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.