Basic information

2014/0107(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Cableway installations Repealing Directive 2000/9/EC 1994/0011(COD) Amended by 2017/0353(COD) Amended by 2022/0279(COD) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.20 Transport policy in general 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles 4.60.08 Safety of products and services, product liability	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	LÓPEZ-ISTÚRIZ WHITE Antonio (PPE)	17/07/2014
	Shadow rapporteur ANDERSON Lucy (S&D) TREBESIUS Ulrike (ECR) CHARANZOVÁ Dita (ALDE) DURAND Pascal (Verts/ALE)	

Former committee responsible	Former rapporteur	Appointed
IMCO Internal Market and Consumer Protection		

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
TRAN Transport and Tourism	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed

	ITRE Industry, Research and Energy		
	TRAN Transport and Tourism		

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3445	2016-02-12
Competitiveness (Internal Market, Industry, Research and Space)	3353	2014-12-04

European Commission

Commission DG	Commissioner
Mobility and Transport	BULC Violeta

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
27/03/2014	Legislative proposal published	COM(2014)0187	Summary
02/04/2014	Committee referral announced in Parliament, 1st reading		
20/10/2014	Resumption of business from the previous parliamentary term		
04/12/2014	Debate in Council		
17/03/2015	Vote in committee, 1st reading		
17/03/2015	Committee decision to open interinstitutional negotiations with report adopted in committee		
25/03/2015	Committee report tabled for plenary, 1st reading	A8-0063/2015	Summary
10/11/2015	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE610.758 GEDA/A/(2015)010803	
19/01/2016	Debate in Parliament		
20/01/2016	Decision by Parliament, 1st reading	T8-0014/2016	Summary
20/01/2016	Results of vote in Parliament		
12/02/2016	Act adopted by Council after Parliament's 1st reading		
12/02/2016	End of procedure in Parliament		
09/03/2016	Final act signed		
31/03/2016	Final act published in Official Journal		

Technical information

Procedure reference	2014/0107(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealing Directive 2000/9/EC 1994/0011(COD) Amended by 2017/0353(COD) Amended by 2022/0279(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114
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/8/00405

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE537.493	27/11/2014	
Amendments tabled in committee		PE544.306	16/01/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0063/2015	25/03/2015	Summary
Text agreed during interinstitutional negotiations		PE610.758	12/10/2015	
Text adopted by Parliament, 1st reading/single reading		T8-0014/2016	20/01/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2015)010803	12/10/2015	
Draft final act	00057/2015/LEX	09/03/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0187	27/03/2014	Summary
Document attached to the procedure	SWD(2014)0116	27/03/2014	
Document attached to the procedure	SWD(2014)0117	27/03/2014	
Commission response to text adopted in plenary	SP(2016)191	16/03/2016	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2014)0187	19/05/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2911/2014	09/07/2014	

Additional information

Source	Document	Date
European Parliament	Briefing	
European Commission	EUR-Lex	

Final act

Regulation 2016/0424
OJ L 081 31.03.2016, p. 0001 Summary

Corrigendum to final act 32016R0424R(01)
OJ L 266 30.09.2016, p. 0008

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.

Cableway installations

2014/0107(COD) - 25/03/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Antonio LÓPEZ-ISTÚRIZ WHITE (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council on cableway installations.

The committee recommended that the European Parliament’s position at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Purpose and scope of the proposal: this Regulation applies to new cableway installations and covers **subsystems and safety components** which are new to the Union market when they are placed on the market; that is to say they are either new subsystem and safety components made by a manufacturer established in the Union or subsystems and safety components, whether new or second-hand, imported from a third country.

Cableway installations are mainly lift systems, such as funicular railways, aerial ropeways, cable cars, gondolas, chairlifts drag lifts and other installations for tourism or sport purpose.

The provisions of this Regulation are based on the **precautionary principle**. The Regulation shall not apply to:

- cableway installations of historical construction, including cable-operated tramways, funicular railways and cliff railways, as identified by national law, 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;
- on-site or mobile equipment exclusively designed for leisure and amusement purposes and not as a means for transporting persons.

Entry into service of cableway installations: the subsystems and safety components should be incorporated into cableway installations only if they enable the construction of cableway installations which satisfy the requirements of this Regulation and are not liable to endanger the health or safety of persons or property when properly incorporated, 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 submit the safety report.

The safety analysis required for every cableway installation shall take into account every mode of operation envisaged taking into account the local surroundings and the most adverse situations in order to ensure satisfactory safety conditions. The safety analysis shall also cover the safety devices and their effect on the cableway installation and related subsystems that they bring into action.

Consistency with the New Legislative Framework (NLF): Members supported 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.

Following the adoption of nine proposals which together form the "alignment package", the report proposed amendments seek **to improve the consistency of the text with the NLF** in particular as regards the obligations of economic operators, the EU declaration of conformity, rules on affixing the CE marking requirements, the information obligation incumbent on notifying authorities, the presumption of conformity of the notified bodies and the information obligation on notified bodies.

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

In order to increase transparency and to reduce processing time, it is necessary to improve the existing safeguard procedure, with a view to making it more efficient and drawing on the expertise available in the Member States. The existing system should:

- be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to subsystems and safety components presenting a risk to the health or safety of persons;
- allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such subsystems and safety components.

When matters relating to this Regulation, other than its implementation or infringements, are being examined, the European Parliament should in line with existing practice receive full information and documentation and an invitation to attend such meetings.

Cableway installations

2014/0107(COD) - 27/03/2014 - Legislative proposal

PURPOSE: to revise Directive 2000/9/EC in order to ensure that cableway installations fulfil the requirements providing for a high level protection of and safety of users while guaranteeing the functioning of the internal market for subsystems and safety components.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2000/9/EC relating to cableway installations designed to carry persons became applicable on 3 May 2002. It sets out essential requirements with which cableway installations, their infrastructure, subsystems and safety components must comply in order to be safe. The main types of cableway installations covered by Directive 2000/9/EC are funiculars, gondolas, detachable chair lifts, fixed-grip chair lifts, aerial tramways, funitels, combined installations (made of several cableway types, such as those of gondolas and chairlifts) and drag lifts.

Experience from the implementation of Directive 2000/9/EC showed the **need to modify some of its provisions** in order to clarify and update them and ensure thus legal certainty mainly as regards the: (i) scope, in particular with regard to new types of cableway installations; (ii) lack of an appropriate range of conformity assessment procedures for subsystems, which has led to divergent interpretations and implementation of the conformity assessment of subsystems.

It is also necessary to align Directive 2000/9/EC to the “goods package” adopted in 2008 and in particular to the **NLF Decision EC No 768/2008 establishing a common framework for the marketing of products** (NLF Decision). The Commission has already proposed the alignment of nine other Directives to the NLF Decision within an “alignment package” adopted on 21 November 2011.

IMPACT ASSESSMENT: the preferred solution consists of combining **two options**: (i) amending Directive 2000/9/EC; (ii) providing more extensive guidance on the implementation of Directive 2000/9/EC with regard to its scope and of recommending the application of specific conformity assessment procedures for the assessment of subsystems.

CONTENT: the proposal intends to replace Directive 2000/9/EC on cableway installations designed to carry persons by a Regulation. It lays down rules on the design and construction of cableway installations designed to transport persons and on the making available on the market and the free movement of subsystems and safety components for such installations.

The proposal intends to align Directive 2000/9/EC to the “goods package” adopted in 2008 and in particular to the NLF Decision EC No 768/2008.

Scope: the proposal clarifies and updates the existing scope:

- in light of the development of new types of cableway installations, it is clarified that the exclusion of cableway installations used for leisure purposes in fairgrounds or amusement parks does not apply to cableway installations that are intended for a dual function, namely of transporting persons and for leisure activities;
- the exclusion of certain cableway installations intended for agricultural or industrial purposes is maintained, but it clarifies that it also covers cableway installations intended for the service of mountain shelters or huts that are not intended for the transport of the public;
- the current exclusion of cable-operated ferries is also updated to all cable-operated installations where the users or carriers are water-borne, such as cable-operated water ski installations;
- the exclusions provided for in Directive 2000/9/EC relating to rack-and-pinion railways and chain-driven installations are not reintroduced.

Obligations of economic operators: the proposal contains, with regard to subsystems and safety components, the typical provisions for product-related Union harmonisation legislation and sets out the obligations of the relevant economic operators (manufacturers, authorised representatives, importers and distributors), in accordance with the NLF Decision.

Harmonised standards: Regulation (EU) No 1025/2012 sets out a horizontal legal framework for European standardisation. Consequently the provisions of Directive 2000/9/EC which cover the same aspects have not been reintroduced in this proposal for reasons of legal certainty.

Conformity assessment: the proposal keeps the requirement for a notified body intervention in the design and production phase of all subsystems and safety components. It introduces a **range of conformity assessment procedures for subsystems** based on the conformity assessment modules of the NLF Decision. In this framework, it also introduces the **CE marking** for subsystems.

Notified bodies: in line with the NLF Decision, the proposal **reinforces the notification criteria** for notified bodies and introduces specific requirements for notifying authorities.

Application: the proposed Regulation will become applicable **two years** after its entry into force to allow manufacturers, notified bodies and Member States time to adapt to the new requirements. However, the designation of notified bodies pursuant to the new requirements and process needs to start shortly after the entry into force of this Regulation.

A transitional provision is foreseen for the certificates issued by notified bodies under Directive 2000/9/EC with regard to subsystems and safety components so as to allow stocks to be absorbed and ensure a smooth transition to the new requirements.

Cableway installations

2014/0107(COD) - 09/03/2016 - Final act

PURPOSE: to update internal market rules applicable to cableway installations in order to ensure that these installations conform to requirements guaranteeing a high level of protection of the health and safety of persons and ensuring the proper functioning of the internal market for subsystems of cableway installations and safety components.

LEGISLATIVE ACT: Regulation (EU) 2016/424 of the European Parliament and of the Council on cableway installations and repealing Directive 2000/9/EC.

CONTENT: the new Regulation replaces Directive 2000/9/EC. It lays down **rules on the making available on the market and the free movement of subsystems and safety components for cableway installations.** It also contains rules on the design, construction and entry into service of new cableway installations.

Scope: the Regulation applies to cableway installations designed to transport persons used in particular in high-altitude tourist resorts, in urban transport facilities or in sports facilities. Cableway installations are mainly **lift systems, such as funicular railways, aerial ropeways (cable cars, gondolas, chairlifts) and drag lifts.**

Excluded from the scope of the Regulation are: lifts; 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; installations intended for agricultural or forestry purposes; cableway installations for the service of mountain shelters.

The Regulation applies to **new cableway installations, to modifications of cableway installations requiring a new authorisation** and covers subsystems and safety components that are new to the Union market when they are placed on it.

Safety analysis, entry into service, authorisation and operation of cableway installations: the new Regulation specifies the following:

- Member States should **take the necessary steps to ensure that cableway installations enter into service only if they comply with the 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;
- the person responsible for the cableway installation, determined by a Member State, shall **carry out a safety analysis of the planned cableway installation**. The safety analysis shall 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 safety analysis shall also cover the safety devices. 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.

Obligations of economic operators (manufacturers, importers, distributors): all economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market subsystems and safety components which are in conformity with the Regulation.

In particular, **manufacturers** shall ensure, when placing their subsystems or safety components on the market or when incorporating them into a cableway installation, that the former have been designed and manufactured in accordance with the essential requirements on health and safety set out in Annex II. They must:

- **implement the conformity assessment procedures** established by the Regulation;
- draw up an **EU declaration of conformity** and affix the CE marking;
- keep **the technical documentation** and the EU declaration of conformity **for 30 years** after the subsystem or the safety component has been placed on the market;
- carry out **sample testing** of subsystems or safety components made available on the market, investigate, and, if necessary, keep a **register** of complaints, of non-conforming subsystems and safety components and recalls of such subsystems and safety components, and shall keep distributors informed of any such monitoring;
- ensure that subsystems or safety components bear a **type, batch or serial number** or other element allowing their identification;
- 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;
- ensure that **instructions and safety information**, as well as any labelling, is clear, understandable, intelligible and legible;
- further to a reasoned request from a **competent national authority**, provide it with all the information and documentation necessary to demonstrate the conformity of the subsystem or the safety component with this Regulation, in a language which can be easily understood by that authority
- immediately take the **corrective measures** necessary to bring that subsystem or safety component into conformity, to withdraw it or recall it, if appropriate.

For their part, **importers** must make sure that the subsystems or safety components they place on the market comply with the essential requirements and which do not present a risk. They must also make sure that conformity assessment procedures have been carried out and that subsystem and safety component marking and documentation drawn up by manufacturers are available for inspection by the competent national authorities.

CE marking: before the subsystem or the safety component is placed on the market, the CE marking shall be affixed **visibly, legibly and indelibly** to the subsystem or the safety component or to its data plate, or where that is not possible, it shall be affixed to the packaging and to the accompanying documents. The CE marking and the identification number may be followed by any other mark indicating a special risk or use. Member States shall take appropriate action in the event of **improper use** of that marking.

Notifying authorities: the Regulation sets requirements for notifying authorities responsible for conformity assessment bodies. These bodies must apply the conformity assessment procedures without creating unnecessary burdens for economic operators. Interested parties have the **right to appeal** against the result of a conformity assessment carried out by a notified body.

Market surveillance: in the context of aligning the legislation on subsystems and safety components with the new legislative framework for the marketing of products, and in order to ensure legal certainty, the rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to subsystems or safety components referred to in the Regulation.

The new Regulation also contains provisions regarding procedures at national level for dealing with subsystems or safety components presenting a risk, Union safeguard procedures, and compliant subsystems or safety components which present a risk to health and safety.

Transitional provisions: Member States shall not impede the making available on the market of subsystems or safety components which are in conformity with Directive 2009/9/EC and which were placed on the market before 21 April 2018.

ENTRY INTO FORCE: 20.4.2016.

APPLICATION: from 21.4.2018, with the exception on certain provisions which are applicable from 21.10.2016 or from 21.3.2018.