



EUROPEAN COMMISSION

# **GUIDE TO APPLICATION OF THE LIFTS DIRECTIVE 95/16/EC**

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# GUIDE TO APPLICATION OF THE LIFTS DIRECTIVE 95/16/EC

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# GUIDE TO APPLICATION OF THE LIFTS DIRECTIVE 95/16/EC

## INTRODUCTION

This Guide sets out the text of the Lifts Directive 95/16/EC and includes comments on its provisions.

The Guide has been drawn up by the services of the European Commission following consultation of the Member States and of representatives of the lifts industry, standardisation, Notified Bodies and users of lifts. It draws widely on the discussions and conclusions of the Lifts Working Group. It has been approved by the Lifts Committee set up under Article 6(3) of the Lifts Directive.

Most of the comments address issues that are specific to the Lifts Directive. Guidance on the general concepts underlying the Directive can be found in the Commission's [Guide to the implementation of Directives based on the New Approach and the Global Approach](#).

It is important to stress that while this Guide aims to foster uniform interpretation and application of the provisions of the Lifts Directive, only the texts implementing the provisions of the Directive in each Member State have the force of law.

The Guide is published by the European Commission on the Website EUROPA in English. The Member States have been invited to make available other language versions of the Guide, however, only the English version has been checked by the Commission and, in case of doubt, reference should be made to this version.

It is intended to update the Guide regularly in order to include opinions adopted by the Lifts Committee or answers agreed by the Lifts Working Group to questions that arise during application of the Directive.

The Guide includes hyperlinks to a number of reference documents.

In the following Guide, the text of the Directive is presented in boxes in red italic type and the comments are presented below the text of the Directive in black normal type.

**EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 95/16/EC**  
*of 29 June 1995 on the approximation of the laws  
of the Member States relating to lifts*

**PREAMBLE TO THE LIFTS DIRECTIVE - THE CITATIONS**

**§ 1    *The citations***

The citations included in the preamble to the Lifts Directive indicate the legal basis of Directive, the opinions expressed by the relevant consultative Committee and the procedure according to which the Directive was adopted. The references to the Articles of the EC Treaty are those that were in force when the Directive was adopted and have since been renumbered.

***THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,***

*Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,*

*Having regard to the proposal from the Commission<sup>1</sup>,*

*Having regard to the Opinion of the Economic and Social Committee<sup>2</sup>,*

*Acting in accordance with the procedure laid down in Article 189b of the Treaty<sup>3</sup>) in the light of the joint text approved by the Conciliation Committee on 17 May 1995,*

**§ 2    *The legal basis of the Lifts Directive***

The legal basis of the Lifts Directive is provided by Article 95 of the [EC Treaty](#) (formerly Article 100 A) that enables the Council to adopt measures to harmonise the legislation of the Member States in order to ensure the establishment and functioning of the internal market. Such measures must take as a base a high level of protection of the health and safety of people and of the environment.

The Lifts Directive thus has a dual objective: to permit the free movement of lifts and safety components for lifts within the internal market whilst ensuring that such products provide a high level of protection of the health and safety of people.

Following the proposal by the Commission, the Lifts Directive was adopted by the European Parliament and the Council according to the co-decision procedure set out in Article 251 of the EC Treaty (formerly Article 189 B) after consulting the Economic and social Committee. The footnotes to the citation give the references of the successive steps of the procedure.

<sup>1</sup> OJ No C 62 of 11.3.1992, p. 4 and OJ No C 180 of 2.7.1993, p. 11.

<sup>2</sup> OJ No C 287 of 4.11.1992, p. 2.

<sup>3</sup> Opinion of the European Parliament of 29 October 1992 (OJ No C 305 of 23.11.1992, p. 114), Council common position of 16 June 1994 (OJ No C 232 of 20.8.1994, p. 1) and Decision of the European Parliament of 28 September 1994 (OJ No C 305 of 31.10.1994, p. 48).

## PREAMBLE TO THE LIFTS DIRECTIVE - THE RECITALS

### § 3 *The recitals*

The recitals introduce the main provisions of the Directive and present the reasons for their adoption. They do not have legal force as such and do not usually figure in the national legislation implementing the Directive. However, they help to understand the Directive, in particular, by clarifying the meaning of certain words. In case of litigation, the Courts may take the recitals into consideration to ascertain the intentions of the Council and Parliament when drafting certain provisions. In the published text, the recitals are not numbered. Here, the recitals have been numbered for ease of reference, however no particular importance should be attached to the order in which they appear.

#### *Recital No 1*

*Whereas Member States are responsible within their territory for the health and safety of people;*

### § 4 *Health and safety of people*

The safeguarding of human health and safety is both a fundamental duty and a prerogative of the Member States. Following adoption of the Lifts Directive, the responsibility of Member States to ensure the health and safety of people with regard to the risks covered by the Directive implies ensuring that the requirements of the Directive are correctly applied – see comments on [Article 2\(1\)](#).

#### *Recital No 2*

*Whereas paragraphs 65 and 68 of the White Paper on the completion of the internal market, approved by the European Council in June 1985, provide for a new approach to the approximation of laws;*

### § 5 *The New Approach*

The regulatory technique known as the “New Approach to technical harmonization and standards” was adopted with the objective of the completion of the internal market<sup>4</sup>. Under the “New Approach”, the harmonisation of national legislation is limited to essential health and safety requirements that products placed on the Community market must meet if they are to benefit from free movement within the Community, whereas technical specifications for meeting these essential health and safety requirements are given in European harmonised standards - see [comments on Recital 8](#) and comments on [Article 5\(2\)](#).

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<sup>4</sup> Council Resolution of 7 May 1985; Official Journal C 136, 04/06/1985 p. 1 – 9.

**Recital No 3**

*Whereas Council Directive 84/529/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to electrically, hydraulically or oil-electrically operated lifts does not ensure freedom of movement for all types of lift; whereas disparities between the binding provisions of the various national systems for types of lift not covered by Directive 84/529/EEC constitute barriers to trade within the Community; whereas the national rules on lifts should therefore be harmonised;*

**§ 6 The former Lifts Directives**

The safety of electrically operated lifts was covered by Directive 84/529/EEC the technical requirements of which were based on the European standard EN 81-1: 1977. This Directive was amended several times, and, in particular, by Directive 90/486/EEC which extended the scope of Directive 84/529/EEC to include hydraulically operated lifts following the adoption of standard EN 81-2: 1987. These Directives were repealed from 1<sup>st</sup> July 1999 when the provisions of Directive 95/16/EC became mandatory. The “New Approach” Lifts Directive 95/16/EC has a wider scope than the repealed Directives, since it provides common essential health and safety requirements for lifts, regardless of the operating technique employed.

**Recital No 4**

*Whereas Council Directive 84/528/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to common provisions for lifting and mechanical handling appliances serves as a framework Directive for two specific Directives, namely Directive 84/529/EEC and Council Directive 86/663/EEC of 22 December 1986 on the approximation of the laws of the Member States relating to self-propelled industrial trucks, repealed by Council Directive 91/368/EEC of 20 June 1991 amending Directive 89/392/EEC on the approximation of the laws of the Member States relating to machinery;*

**§ 7 Repeal of Directive 84/528/EEC**

Directive 84/528/EEC was a framework Directive providing the basis for two specific directives: Directive 84/529/EEC on electrical and hydraulic lifts, mentioned in the previous recital, and Directive 86/663/EEC on self-propelled industrial trucks. The Trucks Directive was repealed by the Machinery Directive, the former Lifts Directive was repealed by Directive 95/16/EC, therefore the framework Directive 84/528/EEC no longer had any purpose and could also be repealed – see comments on [Article 13](#).

**Recital No 5**

*Whereas on 8 June 1995 the Commission adopted recommendation No 95/216/EC to the Member States concerning improvement of safety of existing lifts;*

**§ 8 Regulations for existing lifts**

Directive 95/16/EC is based on Article 95 of the EC Treaty which enables the Community to



adopt measures to harmonise national legislation in order to ensure the free circulation of goods in the single market. It deals with the placing on the market and the putting into service of lifts and safety components for lifts and thus applies only to new products.

However, when the Directive was adopted, the European Parliament was also concerned to improve the safety of existing lifts. The safety of existing lifts is the exclusive responsibility of the Member States. However, at the same time as the Lifts Directive was adopted, the safety of existing lifts was addressed in [Commission Recommendation 95/216/EC of 8 June 1995](#).

The fact that the Commission Recommendation 95/216/EC is mentioned in a Recital to Directive 95/16/EC indicates that it represents the wish of the three European Institutions: the Council, the European Parliament and the Commission. However, the Recommendation is not a Directive and is therefore not binding on Member States who are free to implement it as they see fit, taking account of the situation in each country and existing national legislation.

## **§ 9 Standards for existing lifts**

The preliminary remark to the Annex of Commission recommendation 95/216/EC indicates that standards EN 81 parts 1 and 2 may be applied, whenever possible, in order to obtain numerical values relating, in particular, to dimensions, tolerances, speeds or acceleration rates.

In 2003, CEN adopted standard, EN 81-80<sup>5</sup>, that provides a guideline for national authorities, lift owners, lift inspection bodies and maintenance companies for improving the safety of existing lifts, with the aim of bringing the safety of all existing passenger and goods-passenger lifts progressively towards today's state-of-the-art for safety.

EN 81-80 does not address the essential health and safety requirements of the Lifts Directive. It does not therefore have the same status as the harmonised standards supporting the Directive and does not confer a presumption of conformity with any Community legislation.

### ***Recital No 6***

*Whereas the essential requirements of this Directive will guarantee the intended level of safety only if appropriate conformity assessment procedures, chosen from among the provisions of Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives, ensure compliance therewith;*

## **§ 10 The Modules Decision**

The Lifts Directive gives lift installers and manufacturers of safety components for lifts a wide choice of conformity assessment procedures based on the so-called “modules” set out in [Council Decision 93/465/EEC](#). The Lifts Directive is thus a good example of application of the “Global approach to conformity assessment”.

<sup>5</sup> EN 81-80: 2003 - Safety rules for the construction and installation of lifts – Existing lifts - Part 80: Rules for the improvement of safety of existing passenger and goods passenger lifts.

**Recital No 7**

*Whereas the CE-marking must be visibly affixed to lifts or to certain safety components of lifts which meet the essential health and safety requirements of this Directive to enable them to be placed on the market;*

**§ 11 CE-marking**

The CE-marking is the visible symbol indicating that lifts and safety components for lifts satisfy the requirements of the Directive and have been subject to the appropriate conformity assessment procedure – see comments on [Article 10](#).

**Recital No 8**

*Whereas this Directive defines only general essential health and safety requirements; whereas, in order to help manufacturers prove conformity with these essential requirements, it is desirable to have standards harmonised at European level concerning the prevention of risks arising from the design and installation of lifts, and also in order to enable conformity with the essential requirements to be verified; whereas such standards are drawn up at European level by private-law bodies and must retain their non-binding status; whereas, for this purpose, the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical standardisation (Cenelec) are recognised as the competent bodies for adopting harmonised standards in accordance with the general guidelines for co-operation between the Commission and CEN and Cenelec signed on 13 November 1984; whereas a harmonised standard within the meaning of this Directive is a technical specification adopted by CEN and/or Cenelec on the basis of a mandate from the Commission in accordance with Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations and pursuant to the above mentioned general guidelines;*

**§ 12 Harmonised standards**

This recital defines the notion of a harmonised standard and names the European standardisation organisations responsible for drawing up such standards. Most of the harmonised standards relating to lifts are developed by CEN.

The legal framework for European standardisation is now provided by [Directive 98/34/EC](#) (consolidating the provisions of Directive 83/189/EEC and its successive amendment) laying down a procedure for the provision of information in the field of technical regulations and standards. Application of harmonised standards confers a presumption of conformity with the essential health and safety requirements they cover. In order to confer this presumption of conformity, the references of the standards must be published in the Official Journal of the European Union - see comments on [Article 5\(2\)](#).

**Recital No 9**

*Whereas provision should be made for transitional arrangements to enable installers to place on the market lifts manufactured before the date of implementation of this Directive.*

**§ 13 Transitional period**

This recital recognised the need for a transitional period to enable installers and manufacturers to adapt their products to the requirements of the Directive and to enable the bodies responsible for carrying out the conformity assessment procedures to be evaluated, approved and notified by the Member States. A transitional period of two years following the date of application was allowed - see comments on [Article 15](#).

**Recital No 10**

*Whereas this Directive is designed to cover all risks caused by lifts and run by their users and by the occupants of the construction; whereas this Directive should therefore be regarded as a Directive within the meaning of Article 2(3) of Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products;*

**§ 14 The Construction Products Directive**

This recital deals with the relationship between the Lifts Directive 95/16/EC and the Construction Products Directive 89/106/EEC – see comments on [Article 14](#) and [Preliminary remark 4 to Annex I](#).

**Recital No 11**

*Whereas an agreement on a modus vivendi between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the EC Treaty was reached on 20 December 1994.*

**§ 15 Comitology**

This recital refers to the agreement between the Community institutions relating to the functioning of the Committees that assist the Commission in the execution of implementing measures for certain Directives (known as “Comitology”) in the framework of Article 251 of the EC Treaty (formerly Article 189 B).

It should be noted that Article 6 of the Lifts Directive was amended by Regulation 1882/2003/EC to bring the provisions relating to the Lifts Committee in line with Council [Decision 1999/468/EC](#) on Comitology.

## THE ARTICLES OF THE LIFTS DIRECTIVE

### *Chapter 1*

*Scope, placing on the market and free movement.*

### *Article 1 (1)*

*This Directive shall apply to lifts permanently serving buildings and constructions. It shall also apply to the safety components for use in such lifts listed in Annex IV.*

### **§ 16 The scope of the Directive**

Article 1 establishes the scope of the Directive, that is to say the family of products to which the provisions of the Directive are applicable. The scope is established by means of a definition given in Article 1(2) and is limited by the exclusions set out in Article 1(3). The provisions of the Directive apply to two main product classes: lifts as defined in article 1(2) and safety components for lifts as listed in Annex IV.

### **§ 17 Lifts**

Article 1(1) states that the lifts to which the Directive applies are those “*servicing buildings and constructions*”. This corresponds to the most common usage of the word « lifts ». Lifting appliances serving similar transport functions but which are installed in outdoor mountain or urban sites are generally not covered by the Lifts Directive. Most such outdoor appliances are covered by Directive 2000/9/EC relating to Cableways - see comments on [Article 1\(3\)](#).

Only lifts “*permanently*” serving buildings and constructions are in the scope of the Lifts Directive. The Directive does not therefore apply to lifts installed temporarily, for instance, for the transport of construction workers - see comments on [Article 1\(3\)](#).

Directive 95/16/EC applies to lifts when they are first placed on the market and put into service. It therefore applies to new lifts. The Lifts Committee, set up according to Article 6(3) of the Directive, has expressed the opinion<sup>6</sup> that new lifts, subject to the provisions of Directive 95/16/EC, include the following:

- lifts installed in new buildings ;
- lifts installed in existing buildings<sup>7</sup> ;
- lifts installed in existing wells in replacement of existing lifts, including when the existing guide rails and their fixings or the fixings alone are retained.

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<sup>6</sup> Opinion approved at the meeting of the Lifts Committee held on 9th September 2004.

<sup>7</sup> An ‘existing building’ is defined, in standards EN 81, parts 1 and 2, as a building which is used or was already used before the order for the lift was placed. A building whose internal structure is completely renewed is considered as a new building (see footnote 2 to clauses 1.3 (b) of the standards).

## § 18 *Lifting appliances for persons with impaired mobility*

The Commission comments on the [Machinery Directive](#) first published in 1993 and published in a second edition in 1999 state that:

*“lifting platforms moving vertically or obliquely intended for the transport of handicapped persons are covered by the [Machinery] Directive, as are similar devices fitted on staircases”.*<sup>8</sup>

Such lifting platforms are not considered to be subject to the Lifts Directive because they do not have cars to protect the persons being lifted. However, this does not mean that a lift installer can avoid applying the requirements of the Lifts Directive simply by equipping a lift with a carrier that is not fully enclosed when a fully enclosed car is necessary to ensure the safety of persons.

Harmonised standards concerning lifting appliances for persons with impaired mobility are being developed under a Commission mandate under the Machinery Directive.<sup>9</sup> The relevant draft standards are prEN 81-40 and prEN 81-41.<sup>10</sup>

## § 19 *Amendment of the Lifts Directive*

The Commission and the Member States have recognised that the borderline between the scope of the Lifts Directive and the Machinery Directive is insufficiently clear. This is why the [Revised Machinery Directive 2006/42/EC](#)<sup>11</sup> includes, in Article 24(1) an amendment to the scope of the Lifts Directive 95/16/EC (the changes are underlined):

*“Directive 95/16/EC is hereby amended as follows:*

*1. in Article 1, paragraphs 2 and 3 shall be replaced by the following:*

*2. ‘For the purposes of this Directive, ‘lift’ shall mean a lifting appliance serving specific levels, having a carrier moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal, intended for the transport of:*

*— persons,*

*— persons and goods,*

*— goods alone if the carrier is accessible, that is to say a person may enter it without difficulty, and fitted with controls situated inside the carrier or within reach of a person inside the carrier.*

<sup>8</sup> Community legislation on Machinery – Comments on Directive 89/392/EEC and Directive 91/368/EEC, Edition 1993 p. 15. [Community legislation on Machinery – Comments on Directive 98/37/EC – 1999 Edition](#), p. 30, paragraph 96.

<sup>9</sup> Standardisation mandate M/008 given to CEN concerning machinery presenting hazards due to the lifting or moving of persons.

<sup>10</sup> prEN 81-40 - *Stairlifts and inclined lifting platforms intended for persons with impaired mobility* and prEN 81-41 - *Vertical lifting platforms intended for use by persons with impaired mobility*.

<sup>11</sup> [Directive 2006/42/EC](#) of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) – OJEU L 157 of 9.6.2006, p. 24.

*Lifting appliances moving along a fixed course even where they do not move along guides which are rigid shall be considered as lifts falling within the scope of this Directive.*

A “carrier” means a part of the lift by which persons and/or goods are supported in order to be lifted or lowered.

3. This Directive shall not apply to:

- lifting appliances whose speed is not greater than 0,15 m/s,
- *construction site hoists,*
- *cableways, including funicular railways,*
- *lifts specially designed and constructed for military or police purposes,*
- lifting appliances from which work can be carried out,
- *mine winding gear,*
- lifting appliances intended for lifting performers during artistic performances,
- *lifting appliances fitted in means of transport,*
- *lifting appliances connected to machinery and intended exclusively for access to workstations including maintenance and inspection points on the machinery,*
- *rack and pinion trains,*
- escalators and mechanical walkways.”

The first indent of the amended article 1(3) implies that, as from 29<sup>th</sup> December 2009 when Directive 2006/42/EC becomes applicable, lifts with a travel speed not greater than 0.15 m/s will be excluded from the scope of the Lifts Directive and will therefore be subject to the Machinery Directive. In addition, in Annex I of the revised Machinery Directive, essential health and safety requirements have been added to deal with the specific risks associated with lifting machinery serving fixed landings.

Article 24(2) of Directive 2006/42/EC introduces an amendment to section 1.2 of Annex I of the Lifts Directive – see comments on [section 1.2](#) of Annex I.

## **§ 20 Safety components for lifts**

The safety components for lifts subject as such to the Lifts Directive are the six categories of safety component listed exhaustively in Annex IV of the Directive. Other components, even if they play an important role in ensuring the safety of the lift installation, are not subject to the provisions of the Directive as such, but their conformity must be assessed together with the lift installation into which they are incorporated – see comments on [Article 4\(2\)](#).

## **§ 21 Safety components for existing lifts**

The maintenance and the safety of existing lifts are subject to national regulations. When safety components of existing lifts are replaced for maintenance purposes, or when new safety components are fitted in order to improve the safety of existing lifts, components designed and manufactured according to the present state of the art should be used. Such safety components must comply with Directive 95/16/EC.

Exceptionally, for reasons of technical incompatibility with a lift installed many years before the Lifts Directive came into force, it may not be possible to replace the original safety components with safety components designed and manufactured according to the present state of the art. In this case, non-CE-marked safety components may be used. It is recommended that when such safety components are supplied, they should be accompanied by a statement that they are only provided for the replacement of the original non-CE-marked components.<sup>12</sup>

**Article 1 (2)**

*For the purposes of this Directive, 'lift' shall mean an appliance serving specific levels, having a car moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal and intended for the transport of:*

- *persons,*
- *persons and goods,*
- *goods alone if the car is accessible, that is to say, a person may enter it without difficulty, and fitted with controls situated inside the car or within reach of a person inside.*

*Lifts moving along a fixed course even where they do not move along guides which are rigid shall fall within the scope of this Directive (for example, scissor lifts).*

**§ 22 The definition of a lift**

It is useful to examine the different elements of the definition of “lift” given in [Article 1\(2\)](#) in order to clarify the scope of the Directive:

- ***serving specific levels***

A lift is defined as an appliance “*serving specific levels*”. This means that a lift moves between fixed, pre-determined levels of the building or construction (landings) where persons can enter or leave the car. Lifting appliances designed for access to positions at a height but which are not designed to transport persons to and from pre-determined levels or landings are not in the scope of the Lifts Directive.

- ***having a car***

A lift is defined as an appliance “*having a car*”. The term “car” is not defined in the Lifts Directive. It is generally understood that a car is a carrier that supports and protects the persons or persons and goods being transported by the lift.

Section 3.1 of Annex I to the Lifts Directive requires that lift cars must be completely

<sup>12</sup> Opinion approved by the Lifts Committee at the meeting held on 25<sup>th</sup> March 2005.



enclosed in order to protect against hazards to persons in the car, however, it should be noted that this is an essential health and safety requirement for lifts and not part of the definition of a lift.

- ***moving along guides which are rigid***

In general, lifts subject to the Lifts Directive have cars “*moving along guides which are rigid*” in a physical sense. However the last sentence of Article 1.2 includes lifts guided by other means which, while they move along a fixed course, do not have rigid guides in the physical sense.

- ***inclined at an angle of more than 15 degrees to the horizontal***

The Lifts Directive applies to lifts with guides “*inclined at an angle of more than 15 degrees to the horizontal*”. The Lifts Directives thus includes inclined lifts such as those installed alongside an escalator. Inclined lifts subject to the Lifts Directive are installations serving buildings or constructions, which distinguishes them from cableways which are excluded from the scope of the Lifts Directive – see comments on [Article 1\(3\)](#). Installations for transporting persons at an angle of less than 15° to the horizontal are not considered lifts in the sense of the Lifts Directive and are therefore subject to the [Machinery Directive](#).

- ***intended for the transport of persons, persons and goods or goods alone if the car is accessible and fitted with controls inside the car or within reach of a person inside***

The Lifts Directive thus applies to:

- lifts intended for the transport persons only;
- lifts intended for the transport of persons and goods;
- lifts intended for the transport of goods and accompanying persons;
- lifts intended for the transport of goods only, if the car is accessible to persons and if the controls of the lift are inside the car or can be reached from within the car.

On the other hand:

- lifts intended for the transport of goods only with a car that is inaccessible to persons
- and
- lifts intended for the transport of goods with a car that is accessible to persons for the purpose of loading and unloading goods but with controls that are outside the car and cannot be reached from within the car,

are in the scope of the [Machinery Directive](#).

Work platforms used for access to positions at a height that are not designed to transport persons from one level to another are not in the scope of the Lifts Directive. Such work



platforms are covered by the [Machinery Directive](#).

**Article 1 (3)**

*The Directive shall not apply to:*

- *cableways, including funicular railways, for the public or private transportation of persons,*
- *lifts specially designed and constructed for military or police purposes,*
- *mine winding gear,*
- *theatre elevators,*
- *lifts fitted in means of transport,*
- *lifts connected to machinery and intended exclusively for access to the workplace,*
- *rack and pinion trains,*
- *construction-site hoists intended for lifting persons or persons and goods.*

**§ 23 Exclusions**

[Article 1\(3\)](#) sets out a list of lifts and appliances which are not covered by the Lifts Directive. Some of the appliances in the list correspond to the definition of a lift given in [Article 1\(2\)](#) but are nevertheless excluded from the scope. Other appliances in the list do not correspond to the definition, but are included in the list of exclusions for the sake of clarity.

- **Cableways**

Cableways designed to carry persons are covered by the provisions of [Directive 2000/9/EC](#) . Recital 1 to the Cableways Directive indicates that Cableway installations include mountain lift systems used in high-altitude tourist resorts such as funicular railways, cable cars, gondolas, chairlifts and drag lifts, and similar installations used in urban transport facilities.— Article 1 paragraph 6 of Directive 2000/9 clearly excludes from the scope of the Cableways directive the lifts within the meaning of Directive 95/16/EC - see [Application guide to Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons.](#)

- **Lifts for military or police purposes**

It should be noted that this exclusion only concerns lifts specifically designed for military or police purposes. Consequently, lifts serving buildings or constructions used by military or police personnel but which are not designed specifically for military or police purposes fall within the scope of the Lifts Directive.

- **Mine winding gear**

Mine winding gear, used for transporting persons and goods to and from the working levels of mine shafts, correspond to the definition given in [Article 1\(2\)](#) but, since the market for such equipment is essentially national, it was considered that there was no need to harmonise the regulations relating to such equipment at Community level.

Mine winding gear is also excluded from the scope of the Machinery Directive. A document approved by the Machinery Working Group pointed that this exclusion was meant to cover the lifts installed in the mine shaft. If standard, mass-produced lifts, such as rack-and-pinion lifts, are installed in other parts of a mine, they are not concerned by the exclusion of mine winding gear from the Lifts Directive.<sup>13</sup>

- ***Theatre elevators***

Theatre elevators are excluded from the scope of both the Lifts Directive and the Machinery Directive and therefore remain subject to existing national regulations. The revised Machinery [Directive 2006/42/EC](#) excludes “*machinery intended to move performers during artistic performances*”. Consequently, theatre elevators will remain outside the scope of Community legislation.

However, it should be noted that the exclusion of theatre elevators does not extend to lifts installed in theatres to provide access for the public to seating areas or for use by theatre staff for access to other parts of the theatre, which are subject to the Lifts Directive.

- ***Lifts fitted in means of transport***

Lifts fitted in means of transport (road vehicles, trains, ships, aircraft etc.) are not covered by the Lifts Directive since they are not installed in buildings or constructions. Such lifts are often subject to specific national or international regulations.

- ***Lifts connected to machinery and intended exclusively for access to the workplace***

It has been agreed<sup>14</sup> that this exclusion applies in the following cases:

- Lifts, intended exclusively for access to the workplace, that are connected to machinery which is not a building or construction (such as, for example, lifts for access to the operator’s cab connected to tower cranes): such lifts are excluded from the Lifts Directive and are subject to the [Machinery Directive](#)<sup>15</sup>.
- Lifts, intended exclusively for access to the work place, that are connected to buildings or constructions which are an integral part of machinery (such as, for

<sup>13</sup> Doc. 2003.14 - *Note on the exclusion of mine winding gear from the scope of Directive 98/37/EC relating to machinery and from the scope of Directive 95/16/EC relating to lifts*, approved at the meeting of the Machinery Working Group held on 23/24 October 2003 – item 3 (h).

<sup>14</sup> Approved at the meeting of the Lifts Working Group held on 28-29 April 2008, item 8 Inspection lifts

<sup>15</sup> [Directive 98/37/EC](#) of the European Parliament and of the Council of 22 June 1998 on machinery, - OJEU L 207 23.7.98 p. 1-46.

example, lifts in wind generators): such lifts are excluded from the Lifts Directive and are subject to the Machinery Directive.

The exclusion does not apply in the following cases:

- Lifts intended for access to workplaces on machinery that are connected to buildings or constructions which are not an integral part of the machinery: such lifts are subject to the Lifts Directive.
- Lifts connected to machinery, that are intended for transporting members of the public: such lifts are subject to the Lifts Directive.

The wording of this exclusion is modified by the amendment to the Lifts Directive introduced by Article 24 (1) of the revised Machinery Directive 2006/42/EC<sup>16</sup>:

*This Directive shall not apply to*

- *lifting appliances connected to machinery and intended exclusively for access to workstations including maintenance and inspection points on the machinery.*
- **Rack and pinion trains**

Rack and pinion trains are not covered by the Lifts Directive, since, like cableways, they are not installed on buildings or constructions. They are not at present covered by harmonised Community legislation. Rack and pinion trains should not be confused with rack and pinion lifts, which are subject to the Lifts Directive.

- **Construction-site hoists**

Construction-site hoists are lifts installed temporarily for transporting construction workers and goods to the different levels of a building during construction or repair work. At present, construction-site hoists are excluded from the scope of both the Lifts Directive and the Machinery Directive and therefore remain subject to national regulations. However they are the subject of a European standard EN 12159.<sup>17</sup>

Following the adoption of the revised Machinery [Directive 2006/42/EC](#), as from 29<sup>th</sup> December 2009, construction site hoists will be within the scope of the Machinery Directive. Annex I of the revised Machinery Directive also includes new essential health and safety requirements to deal with the specific risks associated with machinery serving fixed landings.

<sup>16</sup> [Directive 2006/42/EC](#) of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) – OJEU L 157 of 9.6.2006, p. 24.

<sup>17</sup> EN 12159: 2000 - *Builders hoists for persons and materials with vertically guided cages.*

**Article 1 (4)**

*For the purposes of this Directive:*

- *the 'installer of a lift' shall mean the natural or legal person who takes responsibility for the design, manufacture, installation and placing on the market of the lift and who affixes the CE-marking and draws up the EC Declaration of Conformity,*

**§ 24 The definition of the installer of a lift**

The obligations of the Lifts Directive relating to lifts fall on the installer of the lift. The use of the term “*installer*” is explained by the history of national lifts regulations which usually created obligations for the person erecting the lift on site. However, in the Lifts Directive, the term “*installer*” is used more in a legal than in a physical sense. The “*installer of a lift*” as defined in Article 1(4) is the person or Company who assumes the responsibility for the conformity of the installed lift with the Lifts Directive, regardless of whether or not that person or Company actually carries out the design, manufacture or installation of the lift. Even if more than one person intervenes in the design, construction, assembly and installation of a lift, the responsibility for the conformity of an installed lift must be assumed by one legal or physical person – the installer.

However, it should be noted that the Lifts Directive also uses the term “*installer of a lift*” for the person who carries out the conformity assessment for the design phase of a lift, even when another person assumes the responsibility for the conformity of the installation – see comments on [Article 8\(2\)](#), [Annex V B](#) and [Annex XIII](#).

The installer is defined as a “*natural or legal person*”. Throughout this guide, the term “*person*” is used to designate either a natural person or a legal person (e.g. a Company).

- *'placing on the market of the lift' shall occur when the installer first makes the lift available to the user*

**§ 25 Placing on the market of a lift**

This definition establishes the moment at which a lift is considered to be placed on the market. This is important, since several Articles of the Directive set out the procedures that must be accomplished *before* a lift is placed on the market. The definition indicates that placing on the market occurs when the lift is first made available to the user.

The Directive does not distinguish between different categories of user. In some cases, lifts installed in new buildings are made available for use by construction workers to facilitate access to the building during the completion of its construction. In this case, the lift must be considered as having been “made available to the user”. The lift must therefore fully comply with the Lifts Directive and the relevant conformity assessment procedures must have been completed before it can be used by construction workers for this purpose.

National regulations on inspection of lifts in service may require an inspection of a lift that has been used by construction workers for access to the building during completion of its

construction, before the completed building is handed over to the owners – see comments on [Article 2\(4\)](#).

### **§ 26 Placing on the market of safety components for lifts**

It was not considered necessary to include an equivalent definition of “*placing on the market*” for safety components for lifts. However, taking account of the general definition of “*placing on the market*” given in Chapter 2.3.1 of the Commission’s [Guide to implementation of Directives based on the New Approach and the Global Approach](#), it can be stated that placing on the market of a safety component for lifts occurs when the manufacturer of the safety component first makes it available on the Community market with a view to its distribution or its incorporation into a lift installation.

If a lift installer manufactures a safety component for incorporation into a lift that he installs, he is considered as the manufacturer of the safety component and has exactly the same obligations as other manufacturers of safety components for lifts.

*- 'safety component' shall mean a component as listed in Annex IV,*

### **§ 27 The definition of safety components for lifts**

The Directive does not actually include a definition of “*safety component*”. Most of the components of a lift contribute in one way or another to its safe operation. However safety components for lifts are components that are fitted with the specific purpose of ensuring a safety function rather than simply the normal operation of the lift. Only safety components for lifts belonging to the six categories listed in Annex IV are included in the scope of the Directive as such. The conformity of all other lifts components is the responsibility the lift installer together with the lift installation into which they are incorporated – see comments on [Article 4\(2\)](#).

It should be noted that the Lifts Directive applies to safety components for lifts whether they are placed on the market separately or directly incorporated into lift installations.

*- the 'manufacturer of the safety components' shall mean the natural or legal person who takes responsibility for the design and manufacture of the safety components and who affixes the CE-marking and draws up the EC Declaration of Conformity.*

## § 28 The definition of the manufacturer of the safety components

The obligations of the Lifts Directive relating to safety components for lifts fall on the manufacturer of the safety components. However, this term is used more in a legal than in a physical sense. The “*manufacturer of the safety component*” as defined in Article 1(4) is the person or the Company who assumes responsibility for the design, manufacture and placing on the market of the safety component, who affixes the CE-marking and draws up the EC Declaration of Conformity, regardless of whether or not that person or Company actually carries out the physical task of manufacturing the component concerned.

The manufacturer of safety components for lifts who is established outside the European Community may delegate certain of his obligations to an authorised representative – see comments on [Article 8\(1\)](#).

*- a 'model lift' shall mean a representative lift whose technical dossier shows the way in which the essential safety requirements will be met for lifts which conform to the model lift defined by objective parameters and which uses identical safety components.*

*All permitted variations between the model lift and the lifts forming part of the lifts derived from the model lift must be clearly specified (with maximum and minimum values) in the technical dossier.*

*By calculation and/or on the basis of design plans it is permitted to demonstrate the similarity of a range of equipment to satisfy the essential safety requirements.*

## § 29 The definition of a model lift

The concept of a “model lift” is important when the lift installer chooses the EC type-examination procedure for conformity assessment in the design phase. The Lifts Directive recognises that a lift design may cover both a representative lift installation and a family of lift installations derived from the same basic design with variants for certain parameters (for example: size of car, number of persons carried, nominal load, number of floors served). This avoids the need to issue separate certificates for each variant of the basic design, since one EC type-examination certificate may cover the whole family.

In this case, the Directive requires that the Technical Dossier described in Annex V B 2, must specify the range of permitted variations for each parameter, including the maximum and minimum values that are covered by the lift design concerned. The Notified Body that carries out the EC type-examination must check that the model lift and all of its permitted variants satisfy the essential health and safety requirements – see comments on [Article 8\(2\)](#).

If the lift installer wishes to install a lift which includes variants that were not specified in the original Technical Dossier, he must inform the Notified Body concerned. The Notified body must examine the variants and inform the installer whether the EC-type examination remains valid, whether additional checks or tests are necessary or whether a new EC type-examination is necessary – see comments on [Annex V B](#).

Guidance has been given on the application of the concept of a model lift by the European Coordination of Notified Bodies – see [NB-L/REC 2/007](#).

**Article 1 (5)**

*Where, for lifts, the risks referred to in this Directive are wholly or partly covered by specific Directives, this Directive shall not apply or shall cease to apply in the case of such lifts and such risks as from application of those specific Directives.*

**§ 30 Application of other Directives**

Other Directives covering specific risks may be applicable to lifts. The Lifts Directive does not apply for the risks covered by such specific Directives. For all requirements not covered by other specific Directives, the conformity assessment procedures foreseen by the Lifts Directive are applicable – see comments on [Article 8\(3\)](#) and [Article 10\(1\)](#).

**§ 31 Electromagnetic Compatibility Directive**

Essential health and safety requirement 1.5.11 of the Machinery Directive, that is applicable to lifts, covers the immunity of lift installations to interference from external radiation - see comments on [section 1.1 of Annex I](#).

The Electromagnetic Compatibility (EMC) [Directive 89/336/EEC](#) is applicable to lifts with respect to the protection requirement relating to emissions of electromagnetic radiation – see [Guidelines on the application of Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the Member states relating to electromagnetic compatibility](#).

The manufacturer may apply harmonised standards in order to satisfy the essential requirements of the EMC Directive. If harmonised standards have not been applied or only applied in part then the manufacturer must compile a technical construction file to demonstrate conformity with the EMC Directive. In either case, the manufacturer must draw up and sign an EC Declaration of Conformity – see comments on [Article 8\(3\)](#).

There are two harmonised standards relating to the electromagnetic compatibility of lifts:

- EN 12016:2004 - *Electromagnetic compatibility - Product family standard for lifts, escalators and moving walks – Immunity*. The reference of this standard is published under the Machinery Directive.
- EN 12015:2004 - *Electromagnetic compatibility - Product family standard for lifts, escalators and passenger conveyors – Emission*. The reference of this standard is published under the Machinery Directive (for escalators) and the Lifts Directive.
  
- **Revision of the EMC Directive**

It should be noted that the EMC Directive has been recently revised. The revised EMC [Directive 2004/108/EC](#) will be applicable from 20th July 2007.



## § 32 Low Voltage Directive

Electrical parts for lifts are excluded from the scope of the Low Voltage Directive now codified as [Directive 2006/95/EC](#)<sup>18</sup> (formerly Directive 73/23/EEC) by Annex II of that Directive, since requirements for the electrical equipment of lifts were included in the former Lifts Directive 84/529/EEC.

However the essential health and safety requirement 1.5.1 of the Machinery Directive relating to the prevention of hazards of an electrical nature are applicable to lifts in virtue of [section 1.1 of Annex I](#) of the Lifts Directive.

Consequently, although it is not subject to the Low Voltage Directive as such, the electrical equipment of lifts and safety components for lifts must comply with the safety objectives set out in Annex I of the Low Voltage Directive— see comments on [section 1.1 of Annex I](#).

### *Article 2 (1)*

*Member States shall take all appropriate measures to ensure that:*

- *lifts covered by this Directive may be placed on the market and put into service only if they are not liable to endanger the health or safety of persons or, where appropriate, the safety of property, when properly installed and maintained and used for their intended purpose.*
- *safety components covered by this Directive may be placed on the market and put into service only if the lifts in which they are to be installed are not liable to endanger the health or safety of persons or, where appropriate, the safety of property when properly installed and maintained and used for their intended purpose.*

## § 33 The duty of Member States to protect health and safety

Article 2(1) refers to the fundamental duty of the Member States to ensure the protection of the health and safety of their citizens. For lifts and safety components for lifts, this implies the duty to ensure that the provisions of the Lifts Directive are properly applied. Safety components for lifts must correctly fulfil their function of ensuring the safety of the lifts into which they are incorporated.

## § 34 Market surveillance

Together with Article 10 of the [EC Treaty](#), Article 2(1) provides the legal basis for the obligation of Member States to carry out market surveillance. Market surveillance refers to the activity of the public authorities needed to ensure that the conformity assessment procedures of the Directive are correctly applied and that the lifts and safety components for lifts placed on the market according to the Directive really comply with the essential health and safety requirements and are safe.

Because market surveillance must be carried out with objectivity and impartiality and can

<sup>18</sup> [Directive 2006/95/EC](#) of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (codified version), OJ L 374 of 27.12.2006, p. 10.



involve legal sanctions, it is a matter for the public authorities. Certain tasks such as technical checks and testing may, however, be entrusted to other bodies but the authorities remain responsible for all decisions taken as a result.

In order to carry market surveillance effectively, the Member States must designate the authority or authorities responsible for market surveillance, provide them with the requisite resources in terms of staff and budget and ensure that they have the facilities to carry out the necessary checks and tests or can call on such facilities as required. The market surveillance system should include a procedure for dealing with complaints and also involve checks on samples of lift installations and safety components for lifts.

If Member States discover that lifts or safety components for lifts placed on the market with CE-marking are not in conformity, they must ensure that the necessary corrective measures are taken. If such measures are not taken voluntarily by the lift installer or the safety component manufacturer concerned, the Member State must ensure that unsafe products are withdrawn from the market in accordance with the safeguard procedure – see comments on [Article 7](#).

### **§ 35 Lifts ADCO**

The Lifts Directive provides for free movement of lifts and safety components for lifts within the single market. However, market surveillance is organised at a national level. For market surveillance to be effective, it is therefore essential that the market surveillance authorities of the Member States cooperate with each other and with the European Commission in order to share information and optimise resources.

In order to facilitate this cooperation, a Group for Administrative Cooperation (Lifts ADCO) has been formed. The Group meets twice a year and the meetings are chaired by one of the Member States. The meetings are restricted to representatives of the Member States and the Commission. The proceedings are confidential since they may include the discussion of specific cases under investigation.

#### **Article 2 (2)**

*Member States shall take all appropriate measures to ensure that the person responsible for work on the building or construction and the installer of the lift, on the one hand, keep each other informed of the facts necessary for, and, on the other hand, take the appropriate steps to ensure, the proper operation and safe use of the lift.*

### **§ 36 The interface between the lift and the building or construction**

Since a lift installation has an interface with the building or construction in which it is installed, it is clearly important to ensure a two-way flow of information between the lift installer and the person responsible for the work on the building or construction:

- the person responsible for work on the building or construction must provide the lift installer with all the necessary information relating to the structure of the building, such as the dimensions of the shaft and the machinery space and the materials used, in order to ensure that the lift design is compatible with the building where it is to be installed. He must also inform the lift installer of any particular requirements the lift

must satisfy in view of its intended use, such as a particular degree of stopping accuracy, accessibility for people with special needs or fire-resistance of the landing doors;

- the lift installer must provide the person responsible for the work on the building or construction with the information necessary to ensure that the relevant structural elements of the construction have the necessary dimensions and load-bearing characteristics to support the elements of the lift that must be fixed to or supported by them. He must also specify the facilities that must be provided before the lift is put into service in order to ensure the safe operation of the lift, including the necessary lighting on the landings and the means of operating the two-way communication system for contact with a rescue service.

In order to achieve the purpose of Article 2(2), it is essential that the information provided by the person responsible for work on the building is passed on to the person responsible for the design phase of the lift if he is different from the installer of the lift, although it should be noted that the installer of the lift, as defined in Article 1 (4), has sole responsibility for the conformity of the lift installation – see comments on [Article 8\(2\)](#).

This is particularly important when the elements of the lift are supplied to the lift installer in the form of a kit ready to install. On the one hand, the installer of the lift must provide the kit supplier with the necessary information relating to the structure of the building and the intended use of the lift. On the other hand, the kit supplier must provide the installer of the lift with the necessary information relating to the required characteristics of the building.

It should be noted that it may not be possible to implement all of the provisions set out in Article 2(2) in the national texts implementing the other provisions of the Lifts Directive, since they create obligations of persons responsible for work on buildings. Member States may include the necessary provisions in their building regulations.

#### **Article 2 (3)**

*Member States shall take all necessary measures to ensure that shafts intended for lifts do not contain any piping or wiring or fittings other than that necessary for the operation and safety of the lift.*

#### **§ 37 Fittings in the lift shaft**

The provision of Article 2(3) does not apply to the lift itself but rather to the location of other fittings in the building in which the lifts is installed. Thus Article 2(3) may also have to be implemented in national building regulations rather than in the texts implementing the other provisions of the Lifts Directive.

The main reason for forbidding the location in the lift shaft of fittings other than those necessary for the operation and safety of the lift is that people may require access to such fittings for inspection or maintenance purposes. The people dealing with plumbing or informatics equipment, for example, cannot be expected to have the necessary knowledge and training to intervene safely in a lift shaft.<sup>19</sup>

<sup>19</sup> The Lifts Directive uses the term “*lift shaft*” to refer to the fully or partially enclosed space through which the lift car moves. The term “*lift shaft*” is therefore used in this Guide. For lifts without an enclosed shaft, the term “*travel*”

### § 38 Automatic fire extinguisher systems

In some countries, there have been requests from the fire prevention services or insurance companies to install automatic fire extinguisher systems in the lift shaft. It would be dangerous to add such a system to a lift installation that is not designed accordingly, since the automatic triggering of a fire extinguisher system could compromise the safe operation of the lift and create a risk of people being trapped in the lift car in the event of fire.

If an automatic fire extinguisher system is installed in a lift shaft it must therefore be treated as an integral part of the lift installation. In particular, the lift installation must include means to ensure that passengers using the lifts are brought to a landing from which they can safely leave the lift car before the automatic extinguisher system is triggered.

#### *Article 2 (4)*

*Without prejudice to paragraphs 1, 2 and 3, the provisions of this Directive shall not affect Member States' entitlement to lay down in conformity with the Treaty such requirements as they may deem necessary to ensure that persons are protected when the lifts in question are put into service or used, provided that this does not mean that the lifts are modified in a way not specified in the Directive.*

### § 39 Regulations on lifts in service

The Lifts Directive concerns the design, manufacture, assembly, installation, placing on the market and putting into service of lifts and the design, manufacture, placing on the market and putting into service of safety components for lifts. The safe use of a lift also requires that the installation is properly maintained, serviced and repaired after it has been put into service so that it remains in conformity with the essential health and safety requirements and in good working order. It may also be considered necessary to check that the requisite maintenance has been carried out by means of periodic or special inspections.

The Lifts Directive requires the installer of the lift to design the lift in such a way that maintenance, inspection and rescue operations can be carried out safely. The lift installer must also provide appropriate instructions for maintenance, inspection, repair periodic checks and rescue operations that must accompany the lift in order to be available on site – see comments on [section 6 of Annex I](#). But the Lifts Directive does not regulate the conditions under which maintenance, inspection or rescue operations must be carried out.

Article 2(4) means that Member States are entitled to adopt regulations concerning the maintenance and inspection of lifts in order to ensure the safety of users and maintenance and inspection staff. Member States may, for example, determine who is permitted to carry out the maintenance of lifts, establish minimum periods between maintenance operations, require inspections to be carried out at certain intervals or in particular circumstances and determine who may carry out such inspections. Member States may also adopt provisions to ensure that the safety of maintenance and inspection staff is protected when they intervene in lift installations.

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*zone*” is used for this space. It should be noted that the EN 81 series of standards use the term “*lift well*” instead of “*lift shaft*”.

However, such regulations must not impose design requirements for lifts that go beyond the essential health and safety requirements of the Lifts Directive. Furthermore, they must not impose authorisation or inspection procedures that overlap with the conformity assessment procedures of the Lifts Directive. Before the Lifts Directive came into force, many Member States had national procedures providing for inspection of a lift installation before it was put into service. The role of such initial inspection has now largely been superseded by the conformity assessment procedures foreseen by the Lifts Directive, and it may be considered that initial inspection is no longer necessary. If such a requirement for initial inspection is maintained, it may only concern aspects which are not covered by the conformity assessment procedures of the Lifts Directive.

#### **§ 40 Directives on the health and safety of workers**

Article 2(4) states that such national provisions relating to safe use of lifts must be adopted “in conformity with the Treaty”. Some of the provisions concerned are regulated by Directives based on Article 137 of the [EC Treaty](#) (formerly Article 118 A) relating to the protection of workers' health and safety. Certain requirements for the maintenance and inspection of lifts installed in workplaces may thus be included in national regulations implementing the following Directives:

- “Framework” Directive 89/391/EEC<sup>20</sup> on the safety and health of workers at work;
- Directive 89/654/EEC<sup>21</sup> on the workplace;
- Directive 89/655/EEC<sup>22</sup> on the use of work equipment by workers at work, as amended by Directive 95/63/EC<sup>23</sup> and Directive 2001/45/EC<sup>24</sup>.

The national provisions implementing Directive 89/391/EEC and Directive 89/655/EEC as amended are always applicable to the protection of the health and safety of inspection and maintenance staff intervening on lifts, wherever the lift installations are located.

Requirements concerning the maintenance and inspection of lifts may also be included in national building regulations.

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<sup>20</sup> Council [Directive 89/391/EEC](#) of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work OJ L 183, 29.06.1989.

<sup>21</sup> Council [Directive 89/654/EEC](#) of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) – OJ L 393 30.12.1989.

<sup>22</sup> Council [Directive 89/655/EEC](#) of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) - OJ L 393 of 30.12.1989.

<sup>23</sup> Council [Directive 95/63/EC](#) of 5 December 1995 amending Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) – OJ L 335 of 30.12.1995.

<sup>24</sup> [Directive 2001/45/EC](#) of the European Parliament and of the Council of 27 June 2001 amending Council Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) – OJ L195 of 19.07.2001.

## § 41 Major modifications to lift installations

Member states may adopt national regulations relating to major modifications to lift installations. Major modifications may include, for example, a change in the number of floors served by the lift, a change of the travel speed or a change of the rated load. Such national regulations may, for example, require particular inspections to be carried out before lifts are put back into service following major modifications.

If such major modifications concern lifts placed on the market and put into service according to the Lifts Directive, the lifts concerned must continue to comply with the essential health and safety requirements of Annex I to the Lifts Directive after modification. However inspections of such lifts following major modifications are not subject to the conformity assessment procedures of the Lifts Directive, they do not require the drawing up of a new EC Declaration of conformity and the lift continues to bear the original CE-marking.

The details of the modifications that have been carried out and any reports or certificates issued following the relevant inspection should be recorded in the documentation of the lift installation referred to in section [6.2 of Annex I](#).

### *Article 2 (5)*

*At trade fairs, exhibitions or demonstrations in particular, Member States shall not prevent the showing of lifts or safety components which do not conform to the Community provisions in force, provided that a visible sign clearly indicates that such lifts or safety components are not in conformity and are not for sale until they have been brought into conformity by the installer of the lift, the manufacturer of the safety components or the latter's authorized representative established in the Community. During demonstrations, adequate safety measures shall be taken to ensure the protection of persons.*

## § 42 Trade fairs, exhibitions and demonstrations

Trade fairs provide an opportunity for lift installers and safety component manufacturers to exhibit and demonstrate new and innovative products. The provisions of Article 2(5) are intended to ensure that the Lifts Directive does not constitute an obstacle to the promotion of such new products. The companies concerned may wish to see whether their products interest potential customers before carrying out the relevant conformity assessment procedures. In other cases, the procedures may not have been completed at the time the product is put on display. Exhibitors may also wish to exhibit their products with certain guards or protective devices removed in order to show their operating characteristics more clearly.

According to Article 2(5), such practices are authorised. However, in order to provide clear information to potential customers and avoid unfair competition with exhibitors of products which are in conformity with the Lifts Directive, non compliant products must be accompanied by a visible sign clearly indicating that they are not in conformity and are not for sale until they have been brought into conformity.

It is helpful for the organisers of Trade Fairs to remind exhibitors of their obligation in this respect. The Lifts Directive does not impose a particular format or wording for this sign. The following wording can be suggested:

***This lift\* / safety component for lifts\* is a product that has not yet been declared in conformity with the applicable European Community legislation and therefore does not bear the CE-marking.***

***Visitors are informed that the product will be available on the European Community market only once it has been declared in conformity with the applicable legislation.***

***\* Delete the inapplicable.***

Special precautions must be taken during demonstrations in order to ensure the safety of the demonstrators and the public, particularly if the products are operated with certain guards, doors or protective devices removed.

### ***Article 3 (1)***

*Lifts covered by this Directive must satisfy the essential health and safety requirements set out in Annex I.*

*The safety components covered by this Directive must satisfy the essential health and safety requirements set out in Annex I or enable the lifts in which they are installed to satisfy the said essential requirements.*

### **§ 43 Essential health and safety requirements for lifts**

Article 3(1) introduces one of the key elements of a “New Approach” Directive. The essential health and safety requirements define the objectives to be attained. In general, the installer or manufacturer remains free to choose the means used to attain those objectives. Conformity with the applicable essential health and safety requirements is mandatory – see comments on the [Preliminary remarks to Annex I](#).

### **§ 44 Essential health and safety requirements for safety components**

With some exceptions, the essential health and safety requirements do not apply directly to safety components, but the safety components must be designed and constructed in order to enable the lifts in which they are installed to comply with the relevant essential health and safety requirements. Manufacturers of safety components must therefore clearly specify the characteristics of the lifts in which their safety components can be incorporated. The lift installer is fully responsible for ensuring that appropriate safety components are incorporated into the lift to enable the installation to comply with the essential health and safety requirements.

### ***Article 4 (1)***

*Member States may not prohibit, restrict or impede the placing on the market or putting into service on their territory of lifts and/or safety components which comply with this Directive.*

### **§ 45 Free movement of lifts and safety components for lifts**

Article 4 (1) institutes the free movement of lifts and their safety components within the single market:

- lifts complying with the provisions of the Directive may be placed on the market, installed and put into service without restriction on the territory of any of the Member States of the European Union.
- safety components for lifts complying with the provisions of the Directive may be placed on the market and incorporated into lift installations or fitted to existing lifts without restriction on the territory of any of the Member States.

In virtue of the [Agreement on the European Economic Area](#), lifts and safety components for lifts that comply with the Lifts Directive also benefit from free movement in Iceland, Liechtenstein and Norway. The same is true for Turkey in virtue of the [EU-Turkey Customs Union](#).

**Article 4 (2)**

*Member States may not prohibit, restrict or impede the placing on the market of components which, on the basis of a declaration by the manufacturer or his authorized representative established in the Community, are intended to be incorporated into a lift covered by this Directive.*

**§ 46 Free movement of other lift components**

Components for lifts, other than the six categories of safety components listed in Annex IV, are not subject to the provisions of the Lifts Directive as such. The conformity of such components is assessed in the course of the conformity assessment of the lift design and the lift installation in which they are incorporated. Such lifts components benefit from free movement on the internal market on the basis of a simple declaration by the manufacturer that they are intended to be incorporated into a lift.

**Article 5 (1)**

*Member States shall regard lifts and safety components bearing the CE-marking and accompanied by the EC Declaration of Conformity referred to in Annex II as conforming to all the provisions of this Directive, including the conformity assessment procedures laid down in Chapter II.*

*In the absence of harmonised standards, Member States shall take any steps they deem necessary to bring to the attention of the parties concerned the existing national technical standards and specifications which are regarded as important or relevant to the proper implementation of the essential health and safety requirements in Annex I.*

**§ 47 Conformity of lifts and safety components for lifts**

The first paragraph of Article 5(1) indicates that lifts and safety components for lifts bearing the CE-marking and accompanied by the EC Declaration of Conformity established by the lift



installer or the manufacturer of the safety components are normally considered to comply with the provisions of the Lifts Directive.

However, Member States also have the duty to ensure, by means of adequate market surveillance, that the conformity assessment procedures have been carried out correctly and that the CE-marking corresponds to real conformity with the essential health and safety requirements of the Directive – see comments on [Article 2\(1\)](#) and [Article 15](#).

#### **§ 48 National standards and specifications**

The second paragraph of Article 5(1) should be understood in conjunction with Article 5(2). When the Lifts Directive was adopted, the European Commission mandated CEN to develop a series of standards to support application of the Directive. Article 5(1) was intended to provide a provisional solution during the time needed for CEN to develop the necessary standards. While awaiting the issue of these harmonised standards, Member States were given the possibility to publish lists of important documents, including national standards and specifications, to help installers and manufacturers to apply the essential health and safety requirements. As the standardisation programme in support of the Lifts Directive has been progressively completed, recourse to this provision has become less and less necessary.

#### **Article 5 (2)**

*Where a national standard transposing a harmonised standard, the reference for which has been published in the Official Journal of the European Communities, covers one or more of the essential health and safety requirements.*

*- lifts constructed in accordance with that standard shall be presumed to comply with the relevant essential requirements.*

*or*

*- safety components constructed in accordance with that standard shall be presumed suitable to enable a lift on which they are correctly installed to comply with the relevant essential requirements.*

*Member States shall publish the references of national standards transposing harmonised standards.*

#### **§ 49 Harmonised standards**

Article 5(2) establishes the status of European harmonised standards with respect to the Lifts Directive. As mentioned in Recital 8, a harmonised standard is a technical specification adopted by one of the European standardisation organisations on the basis of a mandate from the Commission. The Member States are consulted on the mandate via a Committee set up under [Directive 98/34/EC](#) (which codified the provisions of Directive 83/189/EEC and its successive amendments). Once the mandated standard is adopted, it must be transposed unchanged as a national standard by the national standardisation organisations in the Member States. Any existing standards dealing with the same subject must then be withdrawn.



Draft European standards are identified by a reference number preceded by the letters “prEN”. Once the standard is adopted, it is identified by a reference number preceded by the letters “EN” and followed by the year of adoption. When the standard is transposed as a national standard, the letters “EN” are also preceded by the initials used to identify national standards in the country concerned.

Thus, for example the European lifts standard EN 81-1 is published as ÖNORM EN 81-1 in Austria, NBN EN 81-1 in Belgium, БДC EN 81-1 in Bulgaria, CYS EN 81-1 in Cyprus, ČSN EN 81-1 in the Czech Republic, DS EN 81-1 in Denmark, EVS EN 81-1 in Estonia, SFS EN 81-1 in Finland, NF EN 81-1 in France, DIN EN 81-1 in Germany, ΕΛΟΤ EN 81-1 in Greece, MSZ EN 81-1 in Hungary, IS EN 81-1 in Ireland, UNI EN 81-1 in Italy, LVS EN 81-1 in Latvia, LST EN 81-1 in Lithuania, EN 81-1 in Luxembourg, MSA EN 81-1 in Malta, NEN EN 81-1 in the Netherlands, PN EN 81-1 in Poland, NP EN 81-1 in Portugal, SR EN 81-1 in Romania, STN EN 81-1 in Slovakia, SIST EN 81-1 in Slovenia, UNE EN 81-1 in Spain, SIS EN 81-1 in Sweden and BS EN 81-1 in the UK.

Once a European standard has been adopted, the European standardisation organisation communicates it to the European Commission which publishes the references of the standard in the Official Journal of the European Union (formerly called the Official Journal of the European Communities).

#### **§ 50 *Presumption of conformity***

Application of harmonised standard is always voluntary. However, when the reference of a harmonised standard has been published in the OJEU, application of its specifications confers a presumption of conformity with the essential health and safety requirements they cover. This presumption exists from the date on which the reference of the standard is published in the OJEU (even if the standard is implemented and published at a later date by a national standardisation organisation). The presumption of conformity usually ceases when the standard is replaced by a new or revised standard on the “date of cessation of presumption of conformity” that is specified in the OJEU (see below).

The presumption of conformity conferred by application of a harmonised standard is not absolute, since the conformity of the standard itself can be challenged – see comments on [Article 6\(1\)](#). However a product designed and constructed according to a harmonised standard is presumed to be in comply with the essential requirements it covers unless proved otherwise. This gives the lift installer or the safety component manufacturer who applies a harmonised standard a measure of legal security, since he does not have to provide further proof of conformity with the essential health and safety requirements covered by the standard.

Furthermore, full application of the relevant harmonised standards makes an additional design inspection unnecessary when a lift installer uses the full quality assurance procedure for the conformity assessment of his design – see comments on [Article 8\(2\)](#).

#### **§ 51 *Alternative specifications***

Even when a given essential health and safety requirement is covered by a harmonised standard, a lift installer or safety component manufacturer remains free to apply alternative specifications. This is in order to prevent technical standards becoming an obstacle to innovative technical solutions that were not foreseen when the harmonised standard was drafted.

However, a harmonised standard provides an indication of the state of the art at the time it was adopted. In other words, the standard sets the level of safety which can be reasonably expected for a given type of product at a given time. A lift installer or safety component manufacturer who chooses to apply other technical specifications must be able to show that his solution provides a level of safety that it is at least equivalent to that afforded by the specifications of the harmonised standard – see comments on the [Preliminary remark 2 to Annex I](#).

If a lift or a safety component designed according to specifications other than those set out in harmonised standards is submitted to the EC type-examination procedure, the technical dossier referred to in Annex V must include a description of the means used to satisfy the applicable essential health and safety requirements – see comments on [Annex V](#).

If the full quality assurance procedure is used for the conformity assessment of a safety component, the means used to ensure that the applicable essential safety requirements have been met must be documented within the manufacturer's quality assurance system – see comments on [Annex IX](#).

If the full quality assurance procedure is used for the conformity assessment of a lift design, a design inspection by a Notified Body is required when the lift design is not entirely in accordance with harmonised standards – see comments on paragraph 3.3 of [Annex XIII](#).

## **§ 52 Harmonised standards for lifts**

Most of the harmonised standards for lifts are developed by the Technical Committee 10 of the [Comité Européen de Normalisation](#). CEN TC 10 has developed a particular numbering system for lift standards. The family of lift standards bear a generic number EN 81. The family includes a number of separate parts dealing with lifts employing different operating techniques or with particular aspects of lift safety. The numbering system is explained in CEN Technical Report 81-10. It should be noted that the numbering system described in CEN TR 81-10 has been applied to recently adopted standards, but will only be applied to earlier standards when they are revised.

The EN 81 family of standards includes standards for lifts covered by the Lifts Directive, standards for lifting machinery covered by the Machinery Directive and standards for lifting machinery that is not covered by any Community legislation.

## **§ 53 Publication of the references of harmonised standards**

The [consolidated list of harmonised standards](#) is published in the OJEU by the European Commission in support of the Lifts Directive. The list is updated when new standards are communicated to the European Commission by CEN.

The list published in the OJEU includes the following 5 columns:

1. indicates the European standardisation organisation that has adopted the standard;
2. indicates the reference of the standard, that is to say, its number, date of adoption and title.

If the standard has been amended, the references of the successive amendments are

also indicated. When the references of such amendments have been published in the OJEU, only the amended standard confers presumption of conformity with the relevant essential health and safety requirements of the Lifts Directive.

3. gives the date on which the reference of the standard was first published in the OJEU. This is the date from which application of the standard confers a presumption of conformity with the essential health and safety requirement it covers.
4. gives the references of the superseded standard. This column is only used if there was already a harmonised standard dealing with the same subject when the new standard was adopted. In most cases, the superseded standard is an earlier version of a standard that has been revised.
5. indicates the date of cessation of presumption of conformity of the superseded standard. This column is only used when the reference of a superseded standard is given in the third column. In general, according to CEN rules, superseded standards must be withdrawn by the national standardisation organisations six months after the adoption of the new standard. In that case the superseded standard will already have been withdrawn by the time the references of the new standard are published in the OJEU. However, in some cases, CEN considers that industry requires a longer period in order to adapt designs, tools and production to the specifications of the new standard. In such cases, the date of withdrawal of the superseded standard may be fixed later, for example, two years following the adoption of the new standard.

While the new standard confers a presumption of conformity as soon as its reference has been published in the OJEU, the superseded standard continues to confer presumption of conformity until the date indicated in the fifth column. In other words, during the transition period between the two dates, the specifications of either the new standard or the superseded standard confer a presumption of conformity with the essential health and safety requirements they cover.

**Article 5 (3)**

*Member States shall ensure that appropriate measures are taken to enable both sides of industry to have an influence at national level on the process of preparing and monitoring the harmonised standards.*

**§54 Participation of both sides of industry in standardisation**

Standardisation is based on a consensus between interested parties. Article 5 (3) recognises that certain of the parties interested by lifts standards may experience difficulties participating in standardisation. The Article requires Member States to ensure that appropriate measures are taken to enable both sides of industry, that is to say, both employers and employees, to have an influence on the standardisation process. It is up to Member States to decide what measures are appropriate and how they are put into effect.

**Article 6 (1)**

*Where a Member State or the Commission considers that the harmonised standards referred to in Article 5(2) do not entirely satisfy the essential requirements referred to in Article 3, the Commission or the Member State concerned shall bring the matter before the Committee set up under Directive 83/189/EEC, giving the reasons therefore. The Committee shall deliver an opinion without delay.*

*Upon receipt of the Committee's opinion, the Commission shall inform the Member States whether or not it is necessary to withdraw those standards from the published information referred to in Article 5(2).*

**§ 55 Deficient harmonised standards**

In the course of market surveillance, the Member States may discover that a lift or a safety component does not fully comply with the applicable essential health and safety requirements despite having been designed and constructed or installed according to the specifications of a harmonised standard. The Member States or the Commission may also consider that certain specifications of a harmonised standard are in contradiction with an essential requirement of the Directive or do not fully satisfy the essential requirements that they are supposed to cover.

In such cases, two courses of action are open to the Member States or the Commission. They can first raise the issue with the standardisation organisation concerned and suggest that the standard be amended or revised to bring it fully into line with the essential requirements of the Lifts Directive.

If this first course of action is not successful, the Member States and the Commission can use the procedure set out in Article 6(1), sometimes referred to as the safeguard clause for standards or the formal objection procedure. The defective standard is referred to the Committee set up under [Directive 98/34/EC](#) on Technical standards and regulations (consolidating Directive 83/189/EEC and its successive amendments). This Committee is chaired by the Commission and made up of representatives of the national administrations in charge of standardisation policy.

The 98/34/EC Committee seeks the opinion of the Lifts Committee. If the alleged deficiencies in the harmonised standard are confirmed, the Commission adopts a Decision to withdraw the reference of the standard from the OJEU or, at least, to publish a warning with the reference withdrawing the presumption of conformity from the part of the standard that is judged deficient. In general, a mandate will also be given to the European standardisation organisation to amend or revise the standard in order to remedy the deficiency.

**Article 6 (2)**

*The Commission may adopt any appropriate measure with a view to ensuring the practical application in a uniform manner of this Directive in accordance with the procedure laid down in paragraph 3.*

**§ 56 Guidance on application**

The Lifts Directive does not confer any specific implementing powers on the European Commission. In particular, the Commission does not have the power to modify the Directive in any way. The measures referred to in Article 6(2) thus consist mainly in providing guidance to Member States and other stakeholders in order to promote the uniform interpretation of the Directive or promoting cooperation between the Member States or between the Notified Bodies. The publication of the present Guide is an example of such measures.

The guidance provided by the Commission is not legally binding. Only the texts implementing the provisions of the Directive into national law and the interpretation of these provisions by national courts or by the European Court of Justice have the force of law. However, the guidance provided by the Commission, following the consultation of the Member States and other stakeholders, is useful since it promotes uniform interpretation and application of the Directive without the need for lengthy and costly legal procedures.

**Article 6 (3)<sup>25</sup>**

*The Commission shall be assisted by a standing committee (hereinafter referred to as "the Committee"). Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.*

*The Committee shall adopt its rules of procedure.*

**Article 6 (4)**

*The Standing Committee may, furthermore, examine any question concerning the application of this Directive and raised by its chairman either at the latter's initiative or at the request of a member State.*

**§ 57 The Lifts Committee**

The function of the Committee set up according to Article 6 (3) is to advise the Commission on the measures referred to in Article 6(2). The Committee is chaired by a representative of the Commission and made up of representatives designated by the Member States through their Permanent Representations. The members of the EEA and other countries with mutual recognition agreements with the EU for lifts are invited as observers. The Lifts Committee meets when necessary, either on the initiative of the Commission or at the request of one or more Member States.

The reference in Article 6 (3) to Articles 3 and 7 of the "Comitology" [Decision 1999/468/EC](#) means that the Lifts Committee has an advisory role. Draft measures are submitted to the Committee by the Commission and the Committee expresses its opinion by a simple majority vote. Each Member State shall have the right to ask to have its position recorded in the minutes. The Commission is not bound by the opinion of the Committee but, according to Article 3 of the "Comitology" Decision, it "shall take the utmost account of the opinion delivered by the Committee".

According to Article 7 of the "Comitology" Decision, the European Parliament is informed of the agendas of Lifts Committee meetings, receives the draft measures submitted to the Committee for opinion and is provided with summary records of the meetings.

The Commission publishes the opinions adopted by the Lifts Committee on its [Website EUROPA](#).

**§ 58 The Lifts Working Group**

The Lifts Working Group is set up under the Lifts Committee in order to allow observers from industry, standardisation and the Notified Bodies to take part in the discussion of problems relating to the practical application of the Lifts Directive. Like the Lifts Committee, the Lifts Working Group is chaired by a representative of the Commission and made up of representatives of the Member States. EFTA countries are also present as observers.

<sup>25</sup> Article 6(3) of the Lifts Directive was amended by Regulation 2003/1882/EC of the European Parliament and of the Council of 29 September 2003 (OJ L 284 of 31.10.03) adapting to Council Decision 1999/468/EC (OJ L 184 of 17.07.99) on the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.

Associations representing lift installers, lifts components manufacturers and small and medium size enterprises in the lifts industry at European level are invited. CEN TC 10 is also present and provides updates on the development of standards. The Notified Bodies are represented by the European Coordination of Notified Bodies (NB-L) which reports on the work of the Coordination and takes note of the opinion of the Lifts Working Group on the NB-L Recommendations submitted for endorsement. Trades unions and associations of property owners are also represented.

The Lifts Working Group meets twice a year in Brussels or Luxembourg. Documents approved by the Lifts Working Group are published on the [Commission's Website, EUROPA](#).

### **Article 7**

*(1) Where a Member State ascertains that a lift or a safety component bearing the CE-marking and used in accordance with its intended purpose is liable to endanger the safety of persons and, where appropriate, of property, it shall take all appropriate measures to withdraw it from the market, to prohibit it from being placed on the market or put into service or to restrict its free movement.*

*The Member State shall immediately inform the Commission of any such measure, indicating the reasons for its decision and in particular whether non-conformity is due to:*

*(a) failure to satisfy the essential requirements referred to in Article 3;*

*(b) incorrect application of the standards referred to in Article 5 (2);*

*(c) shortcomings in the standards referred to in Article 5 (2) themselves.*

*(2) The Commission shall enter into consultation with the parties concerned as soon as possible. Where, after such consultation, the Commission finds that:*

*- the measures are justified, it shall immediately so inform the Member State which took the initiative and the other Member States; where the decision referred to in paragraph 1 is based on shortcomings in the standards, the Commission shall, after consulting the parties concerned, bring the matter before the Committee referred to in Article 6 (1), if the Member State, which has taken the decision intends to maintain it, and shall initiate the procedure referred to in Article 6(1),*

*- the measures are unjustified, it shall immediately so inform the Member State which took the initiative and the installer of the lift, the manufacturer of the safety components or the latter's authorised representative established in the Community.*

*(3) Where a lift or safety component which does not comply bears the CE-marking, the competent Member State shall take appropriate action against whomsoever affixed the marking and shall so inform the Commission and the other Member States.*

*(4) The Commission shall ensure that the Member States are kept informed of the progress and outcome of the procedure.*

## **§ 59 The safeguard clause**



The safeguard clause is foreseen by Article 95(10) of the [EC Treaty](#):

*“The harmonisation measures referred to above shall, in appropriate cases, include a safeguard clause authorising the Member States to take, for one or more of the non-economic reasons referred to in Article 30, provisional measures subject to a Community control procedure”.*

Article 7 sets out the procedure to be followed when the presumption of conformity conferred by the CE-marking and the EC Declaration of Conformity described in Article 5 is not founded.

#### **§ 60 Lifts or safety components without CE-marking**

If, in the course of their market surveillance activity, Member States discover a lift or a safety component without CE-marking, there is no need for a special procedure to be used, since this is already forbidden under the provisions of the Directive. In that case, Member States may simply use their national provisions to enforce the provisions of the Directive.

#### **§ 61 Non-compliant lifts or safety components with CE-marking**

On the other hand, when a lift or a safety component is found not to comply with the applicable health and safety requirements despite the presence of the CE-marking, the Member State will first contact the person responsible for placing the lift or safety component on the market and require him to bring the product into conformity. If the product is then brought into conformity voluntarily by the installer or manufacturer, there is no need to take the binding measures of the type listed in Article 7(1) and recourse to the safeguard procedure is not necessary. However, in such a case, it is useful for the Member State concerned to inform the market surveillance authorities of the other Member States so that they can ensure that the necessary corrective measures are taken throughout the single market. This can be done in the framework of Lifts ADCO – see comments on [Article 2\(1\)](#).

#### **§ 62 The safeguard procedure**

If voluntary measures to bring the product into conformity are not forthcoming within a reasonable time and if the non conformity is liable to endanger the safety of persons or property, the procedure set out in Article 7 must be used. The safeguard procedure involves the following steps:

1. The first paragraph of Article 7(1) sets out the first step to be taken by the Member State that has discovered an unsafe product. Member States have a duty to take appropriate action in such a case using the powers given to the market surveillance authorities under national law. The first paragraph indicates a range of measures that can be taken. The choice of measure is up to the Member State concerned, but the measure should be both sufficient to protect the health and safety of persons and proportionate to the risk.
2. The measure taken at national level must then be notified by the Member State to the European Commission, indicating the reasons and nature of the non conformity, as required in the second paragraph of Article 7(1). The notification should be transmitted to the Commission through the Permanent Representation of the Member



State concerned. The Lifts ADCO Group has developed a standard electronic form which enables Member States to also transmit the necessary information directly to the relevant Commission service.

It is useful for Member States to transmit all relevant documents with the notification. These may include the EC Declaration of Conformity, relevant elements of the technical dossier or the instructions and reports of any tests or inspections on which the measure is based.

There is no obligation for the Member States to notify a measure taken according to Article 7 to the other Member States, however some Member States do so, for information purposes, in the framework of Lifts ADCO.

3. According to Article 7(2), the Commission then examines the notification and supporting documents and consults the parties concerned, in order to form an opinion as to whether or not the measure taken by the Member State is justified. The parties concerned include the installer of the lift or the manufacturer of the safety component concerned and, where appropriate, the Notified Body that has carried out the conformity assessment. The Commission may also seek further explanations from the Member State that notified the measure. The Commission then adopts a formal opinion.
4. If the Commission considers that the measure taken by the Member State is justified, the Commission's opinion is notified to all of the Member States through their Permanent Representations. It is also made available to the national administrations in charge of market surveillance for lifts in the framework of Lifts ADCO.

If the non conformity concerned reveals a deficiency in a harmonised standard, the Commission must also refer the matter to the Committee set up under Directive 98/34/EC on Technical standards and regulations – see comments on [Article 6 \(1\)](#).

If the Commission considers that the measure taken by the Member State is not justified, the Commission's opinion is notified to the Member State concerned and to the lift installer, safety component manufacturer of the product concerned or to their authorised representative.

5. The Member States must then take appropriate action in light of the Commission's opinion :
  - If the measure is found justified, they must take appropriate action on their territory with respect to the unsafe product in order to protect the health and safety of persons, in accordance with their obligation under Article 2(1) of the Directive – see comments on [Article 2\(1\)](#).
  - If the measure is found not to be justified, the Member State that took the measure must withdraw it.

According to Article 7(4), the Commission informs the Member States when a safeguard measure has been notified and keeps them informed of the progress and outcome of the procedure in the framework of the Lifts ADCO Group.

## **Chapter II - Conformity Assessment Procedure**

### **Article 8**

#### **§ 63 Conformity assessment**

Article 8 sets out the procedure that must be followed by the installer of a lift or by the manufacturer of a safety component before it is placed on the market in order to ensure that his lift or safety component conforms to the Directive. The Lifts Directive offers installers and manufacturers a wide choice of conformity assessment procedures, based on the so-called “Global Approach” to conformity assessment set out in Council Decision 93/465/EEC. The various paragraphs of Article 8 should be read in conjunction with the corresponding Annexes that set out the content of each procedure.

#### **Article 8 (1)**

*Before placing safety components listed in Annex IV on the market, the manufacturer of a safety component or his authorized representative established in the Community must:*

*(a) (i) either submit the model of the safety component for EC type-examination in accordance with Annex V and for production checks by a Notified Body in accordance with Annex XI;*

*(ii) or submit the model of the safety component for EC type-examination in accordance with Annex V and operate a quality assurance system in accordance with Annex VIII for checking production;*

*(iii) or operate a full quality assurance system in accordance with Annex IX;*

*(b) affix the CE-marking on each safety component and draw up a Declaration of Conformity containing the information listed in Annex II, taking account of the specifications given in the Annex used (Annex VIII, IX or XI as the case may be);*

*(c) keep a copy of the Declaration of Conformity for 10 years from the date on which the safety component was last manufactured.*

#### **§ 64 The manufacturer or his authorised representative**

The obligations set out in Article 8(1) must be carried out by the manufacturer of a safety component or by his authorised representative established in the Community.

The manufacturer of a safety component shall be understood in light of the definition given in the 4<sup>th</sup> indent of Article 1(4). The manufacturer may be based in the Community or elsewhere – see comments on [Article 1\(4\)](#).

If the manufacturer is established outside the Community, he may appoint an authorised representative established in the Community to carry out the all or part of the tasks set out in Article 8(1) on his behalf, although this is not obligatory. If a manufacturer decides to appoint an authorised representative, the delegation should be explicit and written and define clearly

which tasks are entrusted to him – see [Guide to the implementation of Directives based on the New Approach and the Global Approach](#) - Chapter 3.2.

### **§ 65 Conformity assessment of safety components**

Article 8(1) sets out the choice of conformity assessment procedure open to manufacturers of safety components and describes the steps that must be followed before a safety component is placed on the market. The conformity assessment procedures for safety components can be distinguished according to whether they concern the design phase or the production phase:

#### **- Design phase**

For the design phase, the manufacturer has a choice of the following procedures:

- the model of safety component is submitted to an EC type-examination carried out by a Notified Body;
- the conformity of the model of safety component is assessed by the manufacturer himself under a full quality assurance system that has been approved by a Notified Body.

#### **- Production phase**

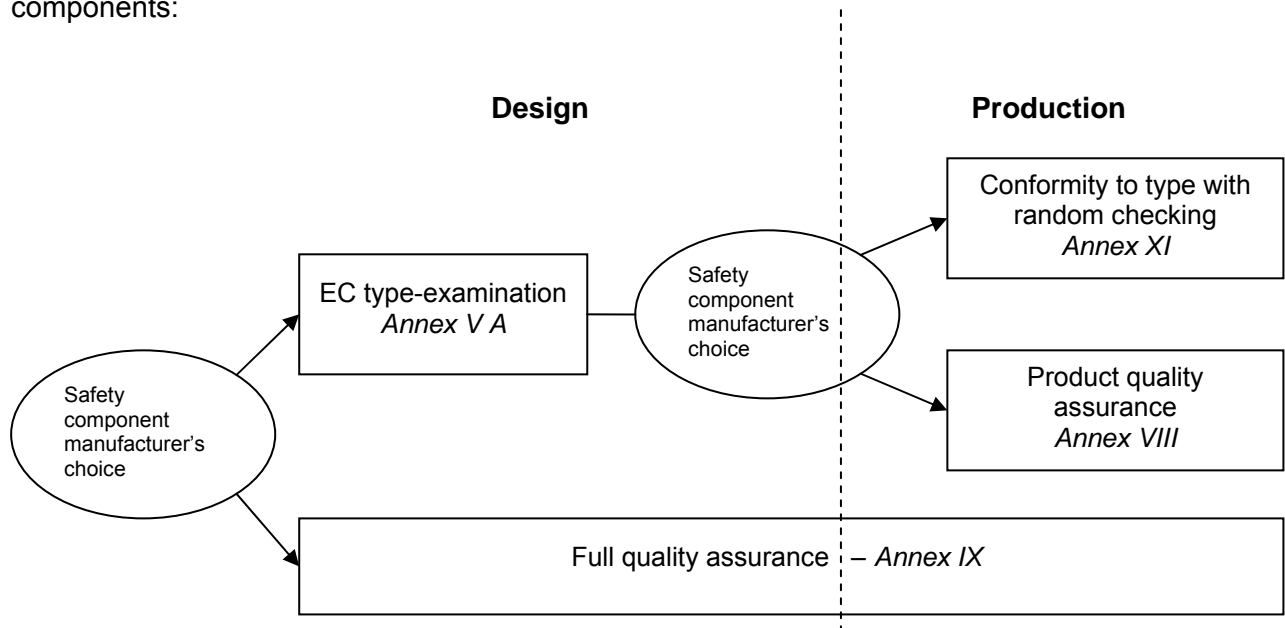
For the production phase, if the model of safety component is subject to an EC type-examination certificate, the manufacturer must then apply one of the following procedures to ensure that the safety components actually produced are in conformity with the approved type:

- he has random checks carried out by a Notified Body on samples of his production;
- he operates a quality system for final inspection and testing of safety components that has been approved by a Notified Body.

When one of these alternatives is chosen, the Notified Body that intervenes in the production phase may be the same as the Notified Body that carried out the EC type-examination of the model of safety component concerned or it may be a different one.

If the design of the safety components has been carried out under an approved full quality assurance system, the same system covers the manufacture and the final inspection and testing of the safety components. In this case, only one Notified Body is involved.

The following diagram illustrates the choice of conformity assessment procedures for safety components:



#### § 66 *EC Declaration of Conformity for safety components*

Article 8(1) (b) requires that, in every case, when the chosen conformity assessment procedure has been carried out, the manufacturer must affix the CE-marking to each safety component and draw up the EC Declaration of Conformity – see comments on [Article 5\(1\)](#), [Article 10](#), [Annex II](#) and [Annex III](#).

Article 5(1) states that the EC Declaration of Conformity must accompany the safety components. Since safety components are produced in series, the EC Declaration of Conformity that accompanies the products can be a printed copy of the original. If several identical safety components are supplied in one box, it is also admissible for the manufacturer to supply one Declaration for each box. The EC declaration of conformity can also be included in the manufacturer's instructions for use referred to in section 6.1 of Annex I.

If a lifts installer manufactures safety components to be incorporated into the lifts he installs, he has the same obligations as other manufacturers of safety components and he must therefore draw up and sign an EC Declaration of Conformity for the safety components he manufactures.

The EC Declaration of conformity for a safety component for lifts must be supplied by the safety component manufacturer to the lift installer or maintenance company who buys the safety component in order to incorporate it in a lift installation or fit it to an existing lift. If the safety component is sold through an intermediary such as a wholesaler or distributor, the intermediary must ensure that the EC declaration of conformity is supplied to the final customer.

The EC Declarations of conformity for the safety components incorporated into a lift installation must be included in the lift documentation referred to in section 6.2 of Annex I.

A copy of the EC declarations of conformity for the safety components incorporated into a lift must be included in the Technical dossier of the lift or, as the case may be, included in the documentation of the lift installer's full quality assurance system– see comments on paragraph 3 of [Annex V B](#) and paragraph 3.2 of [Annex XIII](#).

Article 8(1) (c) requires that a copy of the EC Declaration of Conformity be retained for 10 years from the date on which the safety component was last manufactured. The purpose of this requirement is to ensure that the EC Declaration of Conformity can be consulted by the market surveillance authorities if necessary.

**Article 8 (2)**

*Before being placed on the market, a lift must have undergone one of the following procedures:*

*(i) either, if it was designed in accordance with a lift having undergone an EC type-examination as referred to in Annex V, it shall be constructed, installed and tested by implementing:*

- the final inspection referred to in Annex VI, or*
- the quality assurance system referred to in Annex XII, or*
- the quality assurance system referred to in Annex XIV.*

*The procedures for the design and construction stages, on the one hand, and the installation and testing stages, on the other, may be carried out on the same lift;*

*(ii) or, if it was designed in accordance with a model lift having undergone an EC type-examination as referred to in Annex V, it shall be constructed, installed and tested by implementing;*

- the final inspection referred to in Annex VI, or*
- the quality assurance system referred to in Annex XII, or*
- the quality assurance system referred to in Annex XIV*

*(iii) or, if it was designed in accordance with a lift for which a quality assurance system pursuant to Annex XIII was implemented, supplemented by an examination of the design if the latter is not wholly in accordance with the harmonised standards, it shall be installed and constructed and tested by implementing, in addition:*

- the final inspection referred to in Annex VI, or*
- the quality assurance system referred to in Annex XII, or*
- the quality assurance system in accordance with Annex XIV;*

*(iv) or having undergone the unit verification procedure, referred to in Annex X, by a Notified Body;*

*(v) or, having been subject to the quality assurance system in accordance with Annex XIII, supplemented by an examination of the design if the latter is not wholly in accordance with the harmonised standards.*

*In the cases referred to in (i), (ii) and (iii) above, the person responsible for the design must supply to the person responsible for the construction, installation and testing all necessary documents and information for the latter to be able to operate in absolute security.*

**§ 67 Conformity assessment of lifts**

Article 8(2) sets out the choice of conformity assessment procedures for lifts and describes the steps that must be followed before a lift is placed on the market and put into service. For

every lift, the conformity of the lift design with the essential health and safety requirements of the Directive must be assessed and the conformity of the lift installation with the approved lift design must be checked. The conformity assessment procedures for lifts thus can be distinguished according to whether they concern the design phase or the installation phase:

- ***Design phase***

In order to assess the conformity of a lift design, the lift installer may choose one of the following alternative procedures:

- the lift or model lift design is submitted to an EC type-examination by a Notified Body;
- the conformity of the lift design is assessed by the installer himself under a full quality assurance system that has been approved by a Notified Body.
- the lift design is subject to unit verification by a Notified Body;

In the case of recourse to a full quality assurance system, if a lift design does not wholly comply with the relevant harmonised standards, a design inspection must also be carried out by a Notified Body to assess the conformity of the lift in respect of those aspects of the design which deviate from the harmonised standards.

- ***Installation phase***

In order to check the conformity of a lift installation with the design the conformity of which was assessed during the design phase, the lift installer may choose one of the following alternative procedures:

For lift designs or designs of model lifts that are subject to an EC type-examination certificate or that have been designed under a full quality assurance system, complemented, if necessary, by a design inspection:

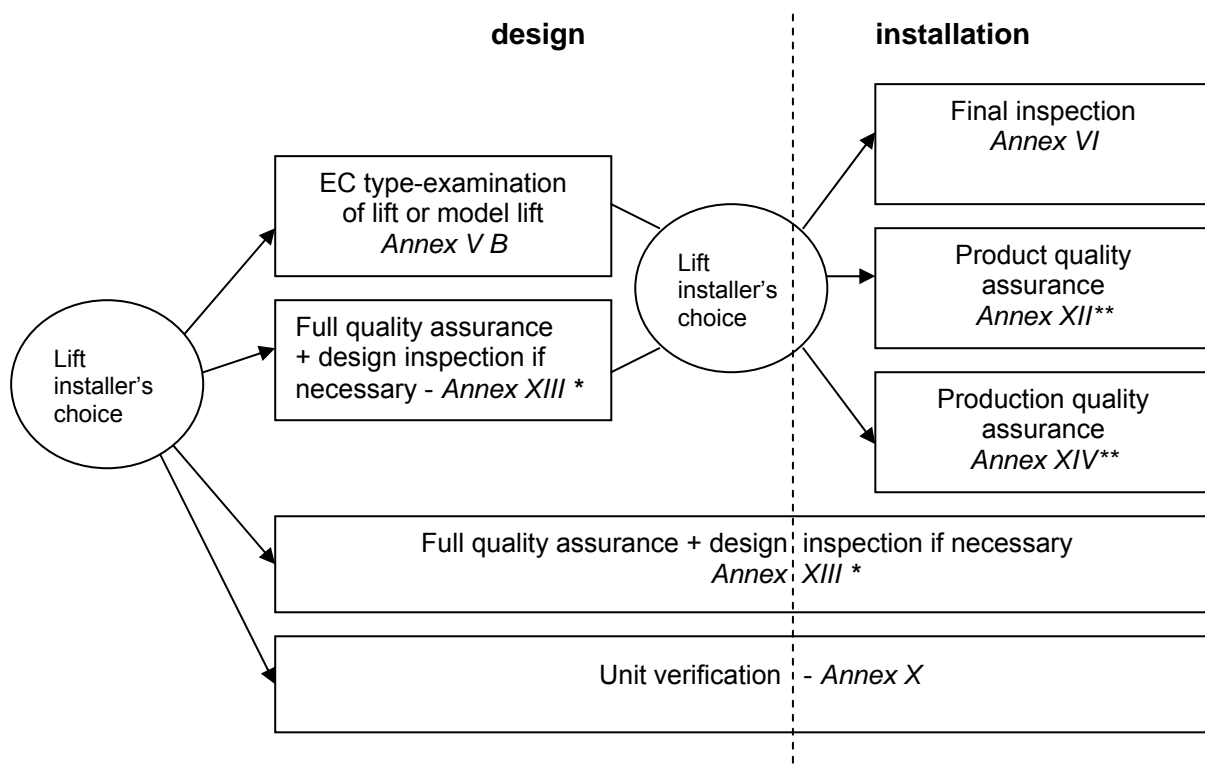
- the lift installation is subject to a final inspection by a Notified Body;
- the lift installer carries out the final inspection and testing of the lift installation himself under a product quality assurance system approved by a Notified Body;
- the lift installer carries out the final inspection and testing of the lift installation himself under a production quality assurance system approved by a Notified Body;
- the lift installer carries out the final inspection and testing of the lift installation under the approved full quality assurance system that also covered the design phase.

For lift designs that have been subject to unit verification by a Notified Body, the same procedure also covers the installation phase.

The unit verification procedure involves a single Notified Body. This is also the case if a full quality assurance system covers both the design and installation phases. If other procedures are followed, the Notified Body that carries out the conformity assessment procedure for the installation phase may be the same Notified Body that carried out the conformity assessment procedure for the design phase or it may be a different one.

The last paragraph of Article 8(2) deals with cases where the person responsible for a lift design that is subject to an EC type-examination certificate or has been designed under a full quality assurance system is different from the person responsible for the installation of the lift. This paragraph requires the person responsible for the design to supply the installer with all the necessary documents and information to ensure safe construction, installation and testing of the lift. This requirement is particularly important when the lift designer supplies the elements of the lift to the lift installer in the form of a kit ready to install.

The following diagram illustrates the choice of conformity assessment procedures for lifts:



\* NOTE: the full quality assurance procedure according to Annex XIII can be used for the design phase only or for both the design and installation phases.

\*\* NOTE: an approved full quality assurance system according to Annex XIII is considered to cover product quality assurance according to Annex XII or production quality assurance according to Annex XIV - see the Recommendation of the Coordination of Notified Bodies: [NB-L/REC 3/003](#).



**Article 8 (3)**

*In all the cases referred to in paragraph 2 :*

- *the installer shall affix the CE-marking on the lift and draw up a Declaration of Conformity containing the information listed in Annex II, taking account of the specifications given in the Annex used (Annex VI, X, XII, XIII or XIV, as the case may be),*
- *the installer must keep a copy of the Declaration of Conformity for 10 years from the date on which the lift was placed on the market,*
- *the Commission, the Member States and the Notified Bodies may, on request, obtain from the installer a copy of the Declaration of Conformity and reports of the tests involved in the final inspection.*

**§ 68 EC Declaration of Conformity for lifts**

Article 8(3) requires that in every case, when the chosen conformity assessment procedures have been carried out, the installer must affix the CE-marking on the lift and draw up the EC Declaration of Conformity see comments on [Article 5\(1\)](#), [Article 10](#), [Annex II B](#) and [Annex III](#).

The installer is to be understood in light of the definition given in the 1<sup>st</sup> indent of Article 1(4), in other words, the natural or legal person who takes responsibility for the design, manufacture, installation and placing on the market of the lift – see comments on [Article 1\(4\)](#).

As is stated in Article 5(1), the EC Declaration of Conformity must accompany the lift, in other words, the installer must provide the original EC Declaration of Conformity to the lift owner when the lift is placed on the market, before it is put into service. According to Article 8(3), the installer must supply a copy of the EC Declaration of conformity to the Commission or to the Member States on request.

When more than one Directive is applicable to the same product (for example, the Lifts Directive and the EMC Directive) it is possible to draw up a single EC Declaration of Conformity attesting conformity with all the applicable Directives, providing that the information required by each Directive is included – see Chapter 5.4 of the [Guide to the implementation of Directives based on the New Approach and the Global Approach](#).

The installer must keep a copy of the EC Declaration of Conformity for 10 years from the date on which the lift was placed on the market and make it available, on request, to the Commission, the Member States and the other Notified Bodies, together with the reports of the tests carried out in the final inspection.

**Article 8 (4)**

(a) Where the lifts or safety components are subject to other Directives concerning other aspects and which also provide for the affixing of the CE-marking, the latter shall indicate that the lift or safety component is also presumed to conform to the provisions of those other Directives.

(b) However, where one or more of these Directives allows the manufacturer, during a transitional period, to choose which arrangements to apply, the CE-marking shall indicate conformity only to the Directives applied by the installer of the lift or the manufacturer of the safety components. In the case, particulars of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instruction required by the Directives and accompanying the lift or safety component.

**§ 69 CE-marking for other Directives**

This provision explains the full meaning of the CE-marking. If other Directives are applicable to a lift or a safety component, the CE-marking signifies that the product also complies with those other Directives - see comments on [Article 1\(5\)](#).

**Article 8 (5)**

Where neither the installer of the lift nor the manufacturer of the safety component nor his authorised representative established in the Community has complied with the obligations of the preceding paragraphs, those obligations shall devolve upon whomsoever places the lift or the safety component on the market in the Community. The same obligations shall apply to whomsoever manufacturers the lift or safety component for his own use.

**§ 70 A person who places the lift or the safety component on the market**

By way of derogation from paragraph Article 8(3), this provision enables any person to carry out the procedures linked to the Declaration of Conformity instead of the installer of a lift or the manufacturer of a safety component for lifts. A person who takes advantage of this provision assumes all the responsibilities normally assumed by the installer of a lift or the manufacturer of a safety component for lifts. He must accordingly ensure that the product conforms to the relevant essential health and safety requirements, he must have the appropriate conformity assessment procedure carried out and he must either be in possession of the technical dossier referred to at Annex V or provide such a dossier himself.

This provision can be invoked only if there are compelling reasons preventing the installer from carrying out those procedures, for example, in the case of an installer or manufacturer situated outside the European Union who does not have an authorised representative in the EU. An installer or manufacturer established in the Community cannot invoke this provision in order to relinquish his responsibilities vis-à-vis a third party.

**Article 9**

*(1) Member States shall notify the Commission and the other Member States of the bodies which they have appointed to carry out the procedures referred to in Article 8, together with the specific tasks and examination procedures which these bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission.*

*The Commission shall publish for information in the Official Journal of the European Communities a list of the Notified Bodies and their identification numbers and the tasks for which they have been notified. The Commission shall ensure that this list is kept up to date.*

*(2) Member States shall apply the criteria laid down in Annex VII in assessing the Notified Bodies. Bodies meeting the assessment criteria laid down in the relevant harmonised standards shall be presumed to fulfil the criteria laid down in Annex VII*

*(3) A Member State which has notified a body must withdraw its notification if it finds that the body no longer meets the criteria laid down in Annex VII. It shall immediately inform the Commission and the other Member States accordingly.*

**§ 71 Notified Bodies**

Article 9 sets out the provisions relating to the Notified Bodies entrusted with the conformity assessment procedures described in Article 8. Each Member State is responsible for evaluating and approving the Notified Bodies they appoint. The Commission assigns an identification number to each Notified Body and publishes a list of the Bodies notified by the Member States. Up to date Information on the Notified Bodies is available from the Commission Online Information System [NANDO](#) (New Approach Notified and Designated Organisations).

This site will enable you to find the European notified bodies as well as third country bodies designated under formal agreements [Mutual Recognition Agreements (MRAs), Protocols to the Europe Agreements on Conformity Assessment and Acceptance of Industrial Products (PECAs) and European Economic Area (EEA)] responsible for carrying out the conformity assessment procedures referred to in the applicable New Approach directives

Lift installers or safety component manufacturers are free to have recourse to the Notified Body of their choice. The Member States fully recognise the certificates and decisions issued by bodies notified by the other Member States.

**§ 72 Notification**

When notifying a body to the Commission, the Member State must indicate the name and address of the body, the basis on which the competency of the body has been evaluated and the tasks for which the body is notified. For the Lifts Directive, the notification must therefore indicate whether the body is notified for lifts, for safety components or for both. If the body is not notified for all the safety components listed in Annex IV, the notification must indicate which of the categories of safety components are covered. Finally, the notification must identify the conformity assessment procedures which the body is authorised to carry out by reference to the relevant Annexes to the Directive.

Member States are now able to carry out the notification online using NANDO.

[Annex VII](#) lists the minimum criteria for the evaluation of Notified Bodies and refers to the relevant harmonised standards (such as the standards of the EN 45000 series and the EN ISO/IEC 17000 series). The Member States may choose to use additional criteria for evaluating the Notified Bodies they appoint. It is up to the Member States to choose the means used to carry out the evaluation. Most Member States have recourse to accreditation to carry out all or part of the evaluation of Notified Bodies.

Article 9(3) obliges Member States to withdraw their notification of a body which no longer meets the criteria listed in Annex VII. The obligation to withdraw a notification that is no longer justified implies that Member States have a duty to supervise the activity of the bodies they have notified in order to ensure that they are carrying out their tasks correctly.

### **§ 73 The coordination of Notified Bodies**

The Notified Bodies for the Lifts Directive have set up a European Coordination Group, NB-L, in order to discuss problems arising in the course of conducting the conformity assessment procedures and to harmonise practice. Participation in NB-L is voluntary. In some cases, Notified Bodies are represented by a national coordination group set up in their country. Meetings of the coordination are held twice a year in Brussels and are chaired by an elected representative of one of the Notified Bodies. Representatives of the European Commission and of three Member States assist as observers. In addition, observers from the lifts industry and standardisation are invited to assist in part of the meetings. Ad Hoc Groups have also been set up to deal with particular topics.

The European Commission contributes to the functioning of NB-L by financing the technical secretariat, which prepares the work of the Group, and the administrative secretariat, which organises the meetings and deals with the circulation of documents.

NB-L adopts [Recommendations for Use](#) which provide agreed answers to questions that have been discussed in the Group. These are then communicated to the Lifts Working Group for endorsement. The Recommendations for use that have been endorsed by the Lifts Working Group are published on the Commission's Website EUROPA.

## ***Chapter III - CE-MARKING***

### ***Article 10 (1)***

*The CE-marking shall consist of the initials CE. Annex III sets out the model to be used.*

### **§ 74 CE-marking**

The CE-marking is the visible symbol signifying the conformity of the product with the requirements of the all EC Directives applicable to the product on which it is affixed. Article 10 gives practical details of the CE-marking. The model set out in [Annex III](#) must be strictly observed and the presentation must not be distorted in any way.

**Article 10 (2)**

*The CE-marking shall be affixed to every lift car distinctly and visibly in accordance with Section 5 of Annex I and shall be affixed on each of the safety components listed in Annex IV or, where that is not possible, on a label inseparably attached to the safety component.*

**§ 75 Affixing the CE-marking**

Article 10 (2) sets out where the CE-marking must be affixed.

For the CE-marking of lifts, Article 10(2) refers to Section 5 of Annex I which in turn refers to section 1.7.3 of Annex I of the Machinery [Directive 98/37/EC](#) (consolidating the provisions of Directive 89/392/EEC and its successive amendments).

Consequently, for lifts, the CE-marking must be affixed legibly and indelibly in the lift car<sup>26</sup> on the same plate as the marking of the name and address of the installer, the designation of series or type, the serial number and the year of construction. This makes it possible to distinguish the CE-marking relating to the conformity of the lift itself from the CE-marking affixed to safety components incorporated in the lift.

As from 29<sup>th</sup> December 2009, the reference to the Machinery Directive shall be read as a reference to [Directive 2006/42/EC](#).

For safety components, the CE-marking must be affixed on each of the safety components listed at Annex IV, unless it is not possible to affix the marking to a safety component for reasons of lack of space, in which case the CE-marking may be affixed to a label providing it is inseparably attached to the safety component.

**Article 10 (3)**

*The affixing on the lifts or safety components of markings which are likely to mislead third parties as to the meaning and form of the CE-marking shall be prohibited. Any other marking may be affixed to the lifts or safety components, provided that the visibility and legibility of the CE-marking are not thereby reduced.*

**§ 76 Misleading markings**

Article 10(3) is intended to ensure that the CE-marking constitutes a unique and unambiguous indication of conformity to the “New Approach” Directives that are applicable to the product. Other markings are not prohibited, but, on the one hand, such other markings must not be liable to be confused with the form of the CE-marking, in other words, they must not imitate the graphical presentation shown in Annex II. On the other hand, other markings with the same meaning of conformity with EC Directives are also forbidden. Moreover, such additional markings must not be affixed in such a way as to reduce the visibility or the legibility of the CE-marking.

<sup>26</sup> The English version of Article 10(2) states that the CE-marking shall be affixed “to” every lift car, however, from the French reference version of the Directive it is clear that the CE-marking shall be affixed *in* the car.

**Article 10 (4)**

*Without prejudice to Article 7:*

*(a) where a Member State establishes that the CE-marking has been affixed irregularly, the installer of the lift, the manufacturer of the safety component or the authorized representative of the latter established within the Community shall be obliged to make the product conform as regards the provisions concerning the CE-marking and to end the infringement under the conditions imposed by the Member State;*

*(b) should non-conformity persist, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the safety component in question or to ensure that it is withdrawn from the market and prohibit the lift from being used and inform the other Member States in accordance with the procedures laid down in Article 7 (4).*

**§ 77 Irregular CE-marking**

Article 10(4) sets out the procedure to be followed in cases where the CE-marking has been affixed on a lift or a safety component irregularly but where the safety of persons is not thereby endangered. This might, for example, be a result of failure to comply with one of the formal or documentary requirements of the Directive or a failure to apply the appropriate conformity assessment procedure.

In such cases, the withdrawal of the product from the market foreseen by Article 7 would not be justified, but, according to Article 10(4) (a), the Member State must nevertheless take appropriate measures to ensure that the installer of the lift or the manufacturer of the safety component takes appropriate corrective action. Such measures do not need to be notified to the Commission.

On the other hand, if the installer or manufacturer does not take the required corrective measures, Article 10(4) (b) requires the Member State to follow the procedure set out in Article 7, that is to say, to withdraw the safety component from the market or prohibit the use of the lift and notify the measure to the Commission – see comments on [Article 7](#).

**CHAPTER IV - FINAL PROVISIONS**

**Article 11**

*Any decision taken pursuant to this Directive which restricts:*

- the placing on the market and/or putting into service and/or use of a lift,*
- the placing on the market and/or putting into service of a safety component,*

*shall state the exact grounds on which it is based. Such a decision shall be notified as soon as possible to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in force in the Member State concerned and of the time limits to which such remedies are subject.*

**§ 78 Motivation of decisions and legal remedies**

Article 11 defines the conditions to be respected by Member States when they take measures to deal with products that do not comply with the requirements of the Lifts Directive according to Article 7. The duty for the Member States to notify such measures to the party concerned, to state the grounds on which they are based and to provide information about the legal remedies available corresponds to good administrative practice and is subject to legal provisions in many Member States.

It is important to note that the legal remedies that may be available under national law to installers or manufacturers whose products are subject to restrictive measures and the procedure set out in Article 7 of the Directive are independent of each other. However a national Court may choose to take into account the Commission's opinion on whether or not the national measure is justified when considering an appeal from an installer or manufacturer against a national measure.

**Article 12**

*The Commission shall take the necessary steps to have information on all the relevant decisions relating to the implementation of this Directive made available.*

**§ 79 Information sources**

Several kinds of information relevant to implementation of the Lifts Directive are made available to the Member States and other stakeholders by the Commission on the [lifts pages of the Commission DG Enterprise and Industry Website EUROPA](#)..

- **Harmonised Standards**

A consolidated list of the references of harmonised standards for lifts is published by the Commission in the Official Journal of the European Union. The [list of harmonised standards](#) is also available on EUROPA.

- **Notified Bodies**



A list of the conformity assessment bodies notified by the Member States for lifts and lift safety components is published periodically in the Official Journal of the European Union. However, since new or modified notifications may be communicated to the Commission at any time, it is useful to consult the most recently updated list which is available from the Commission online information system [NANDO](#).

- ***Recommendations of NB-L***

The [Recommendations for Use](#) adopted by the European coordination of Notified Bodies for Lifts, NB-L that have been endorsed by the Lifts Working Group are published on EUROPA:

- ***Opinions adopted by the Lifts Committee and the Lifts Working Group***

The opinions adopted by the Lifts Committee and certain documents approved by the Lifts Working Group concerning issues of interpretation and practical application of the Lifts Directive are available on [EUROPA](#). In future, such opinions will provide the basis for updating this Guide.

- ***Working documents submitted to the Lifts Working Group***

Working documents for the meetings of the Lifts Working Group are circulated to members of the Group on the Lifts Directive section of the [Commission database CIRCA](#). Organisations representing lifts installers and lifts manufacturers, standardisation organisations, Notified Bodies, trades unions and consumer bodies at European level have access to these documents. Other stakeholders can request the documents from their respective representative organisations. Care should be taken not to take draft working documents or discussion papers as representing the opinion of the Commission or the Lifts Working Group.

- ***Commission opinions on safeguard clauses***

The opinions adopted by the European Commission on the national measures adopted according to [Article 7](#) of the Directive are notified to the Member States via their Permanent Representation to the European Union. They are also made available to the national market surveillance authorities on the Lifts ADCO section of the Commission database CIRCA. The text of such opinions can also be communicated by the Commission on request in accordance with Article 255 of the EC Treaty implemented by Regulation 1049/2001/EC<sup>27</sup> on access to Commission documents.

- ***Commission decisions on formal objections to harmonised standards***

The decisions adopted by the Commission following formal objections to harmonised standards according to the procedure set out in Article 6(1) are published in the OJEU.

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<sup>27</sup> [Regulation 1049/2001/EC](#) of 30 May 2001, OJ L 145 of 31/05/2001 p.43.



**Article 13**

*Directive 84/528/EEC and Directive 84/529/EEC are hereby repealed with effect from 1 July 1999.*

**§ 80 Repeal of superseded Directives**

The Lifts Directive 95/16/EC repealed and replaced Directives 84/528/EEC relating to common provisions for lifting and mechanical handling appliances and Directive 84/529/EEC concerning electrically operated lifts as well as its amending Directives, in particular, Council Directive 90/486/EEC extending the scope of Directive 84/529/EEC to include hydraulically operated lifts. The repeal was effective from 1st July 1999, that is to say, the date when the provisions of the Lifts Directive 95/16/EC became mandatory.

**Article 14**

*With regard to the aspects concerning the installation of the lift, this Directive is a Directive within the meaning of Article 2(3) of Directive 89/106/EEC.*

**§ 81 The Lifts Directive and the Construction products Directive**

Article 14 defines the relationship between the Lifts Directive 95/16/EC and the Construction Products [Directive 89/106/EEC](#).

Lifts correspond to the definition of a “*construction product*” given in Article 1(2) of the Construction Products Directive, that is to say:

*“any product which is produced for incorporation in a permanent manner in construction works, including both buildings and civil engineering works.”*

However, Article 2(3) of the Construction Products Directive states:

*“When a future directive concerns mainly other aspects and only to a minor extent the essential requirements of this Directive, that subsequent directive shall contain provisions ensuring that it also covers the requirements of this Directive.”*

The purpose of this provision is to limit the number of Directives applying to the same product.

Article 14 of the Lifts Directive identifies Directive 95/16/EC as a “*subsequent directive*” in the sense of Article 2(3) of the Construction Products Directive. Recital 10 to the Lifts Directive indicates that the Directive is designed to cover all risks caused by lifts and run by their users and by the occupants of the construction. This implies that the essential requirements of the Lifts Directive should cover all the relevant requirements of the Construction Products Directive.

In particular, the requirements expressed in section 2 of Annex I of that Directive relating to safety in case of fire are covered by specific requirements in sections 4.2, 4.6 and 4.10 of Annex I to the Lifts Directive. Furthermore, the essential requirement expressed in section 4

of Annex I to the Construction Products Directive relating to safety in use is covered in detail by a number of sections of Annex I to the Lifts Directive. There is therefore no need to have further regard for Directive 89/106/EEC with respect to these aspects.

### **Article 15**

*(1) Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1997. They shall forthwith inform the Commission thereof.*

*When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.*

*Member States shall apply these measures with effect from 1 July 1997.*

*(2) Until 30 June 1999 Member States shall allow:*

- the placing on the marking and putting into service of lifts,*
- the placing on the marking and putting into service of safety components,*

*which conform to the provisions in force in their territories on the date of adoption of this Directive.*

*(3) Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.*

### **§ 82 Implementation of the Directive**

The regulations and provisions that need to be adopted by the Member States according to Article 15(1) include the following:

- implementing into national law the obligations set out in the Directive for lift installers and manufacturers of safety components and the setting of effective and proportionate penalties for infractions;
- designating the authorities responsible for market surveillance of lifts and lift safety components;
- establishing the procedure for the evaluation, appointment and notification of the Notified Bodies and ensuring the supervision of their activity;
- publishing the references of national standards transposing harmonised standards according to [Article 5\(2\)](#); taking measures to enable both sides of industry to have an influence at national level on the process of preparing and monitoring the harmonised standards according to Article 5(3);
- taking the measures described in [Article 2\(2\)](#) of the Directive to ensure the necessary cooperation between lift installers and persons responsible for work on the building or construction; taking the measures to prevent the installation of equipment other than

that required for safe operation of the lift in the lift shaft as required by [Article 2\(3\)](#);

- establishing the procedure for giving prior authorisation for derogations to the essential safety requirement of [section 2.2 of Annex I](#) relating to the prevention of the risk of crushing when the car is in one of its extreme positions;

Article 15(1) gave Member States a period of eighteen months to implement these provisions which have been applicable from 1<sup>st</sup> July 1997.

However, in order to allow time for the lifts industry, the standardisation organisations and the Notified Bodies to adapt to the provisions of the Lifts Directive, Article 15(2) established a two-year transition period following the date of application. During this period, the provisions of the Directive could be applied by lift installers or safety components manufacturers who so wished, but the previous national regulations remained applicable. The provisions of the Directive became mandatory from 1<sup>st</sup> July 1999.

For the ten countries that joined the EU on the 1<sup>st</sup> May 2005, the provisions of the Lifts Directive came into force on that date. For the two countries that joined the EU on 1<sup>st</sup> January 2007, the provisions of the Lifts Directive came into force on that date.

#### **Article 16**

*No later than 30 June 2002, the Commission shall, in consultation with the Committee referred to in Article 6(3) and on the basis of reports provided by the Member States, re-examine the functioning of the procedures laid down in the Directive and, if necessary, submit any proposals for appropriate amendments.*

### **§ 83 Review of the Lifts Directive**

Article 16 requires the Commission to carry out a review of application of the Lifts Directive following an initial period of application. The process was started in 2002 on the basis of reports from Member States and contributions from several stakeholders that were discussed by the Lifts Working Group.

In 2003/4 an evaluation study was carried out for the Commission by an independent body. The study report presents figures relating to the lifts market in the EU 15, the views of stakeholders at European level and in a sample of 7 Member States as well as the results of visits to a sample of lift installations in each country. The findings of the study indicate that the Lifts Directive is generally well applied, but certain problem areas are highlighted and possible solutions are outlined.

An amendment of the Lifts Directive is included in the revised Machinery Directive 2006/42/EC. The purpose of this amendment is to clarify the borderline between the scope of the Lifts Directive and the Machinery Directive. This amendment of the Lifts Directive will be applicable from 29<sup>th</sup> December 2009 - see comments on [Article 1\(2\)](#) and [section 1.2 of Annex I](#).

The Commission is continuing to examine the appropriate solutions to the issues raised by the evaluation study. In particular, the outcome of the current horizontal review of the “New Approach” will be taken into consideration before any further amendment of the Lifts Directive is envisaged.

**Article 17**

*This Directive is addressed to the Member States.*

**§ 84 Addressees of the Directive**

The Directive is addressed to Member States since it is the regulations and provisions implementing the provisions of the Directive into national law that make them legally binding.

Done at Brussels, 29 June 1995.

*For the European Parliament*

*The President*

K. Hänsch

*For the Council*

*The President*

M. Barnier

## **ANNEX I**

### **ESSENTIAL HEALTH AND SAFETY REQUIREMENTS RELATING TO THE DESIGN AND CONSTRUCTION OF LIFTS AND SAFETY COMPONENTS**

#### **PRELIMINARY REMARKS**

##### **§ 85 Preliminary remarks**

The preliminary remarks to Annex I provide guidance on how the essential health and safety requirements are to be applied. Each of the essential health and safety requirements of Annex I is to be understood in light of these remarks.

*1. Obligations under essential health and safety requirements apply only where the lift or safety component is subject to the hazard in question when used as intended by the installer of the lift or the manufacturer of the safety components.*

##### **§ 86 Relevance of the essential health and safety requirements**

The essential health and safety requirements deal with particular hazards associated with lifts and safety components for lifts. They are therefore applicable in so far as the hazard exists for a given lift or safety component. The first step to be taken by a lift installer or safety component manufacturer is to identify all the hazards associated with his product and thus which of the essential health and safety requirements are relevant. The assessment referred to in preliminary [remark 3](#) will then enable him to determine which of the hazards require particular protective measures to be taken.

The hazards to be taken into account include both those associated with the normal use of the product and also foreseeable misuse – see comments on the application of [section 1.1.2 of Annex I](#) to the Machinery Directive.

In the case of lifts or safety components subject to EC type-examination, the essential requirements that apply and the means adopted to satisfy them must be detailed in the technical dossier referred to in the third indent of [Annex V.A.3](#) or the third indent of [Annex V.B.3](#).

In the case of lifts or safety components subject to the full quality assurance procedures, for each product designed under the quality assurance system, the essential requirements that apply and the means adopted to satisfy them must be documented by the safety component manufacturer, according to the second indent of [paragraph 3.2 of Annex IX](#), or by the lift installer, according to the second indent of [paragraph 3.2 of Annex XIII](#).

In the case of lifts subject to the Unit verification procedure, the essential requirements that apply and the means adopted to satisfy them must be included in the lift installer's technical dossier according to the third indent of [paragraph 3 of Annex X](#).

*2. The essential health and safety requirements contained in the Directive are imperatives. However, given the present state of the art, the objectives which they lay down may not be attainable. In such cases, and to the greatest extent possible, the lift or safety components must be designed and built in such a way as to approximate to those objectives.*

### **§ 87 The state of the art**

The second preliminary remark recognises that, in some cases, it may not be possible to satisfy certain essential health and safety requirements fully, given the current state of the art. In such cases, the installer of a lift or the manufacturer of a safety component must strive to fulfil the objectives set out in the essential requirements to the greatest extent possible.

No explanation is given of the notion of “the state of the art” in the Lifts Directive, however it is generally understood that the notion includes both a technical and an economic aspect. Solutions that correspond to the state of the art are those using the most effective technical means that are readily available at a given time and that can be applied for a cost that is proportionate to the total cost of the product.

It should also be noted that preliminary remark 2 refers to “the present state of the art”, that is to say, the state of the art at the time the product is designed and constructed or installed. Thanks to technical progress, the state of the art evolves as more effective technical means become available. Thus, a technical solution that is considered to satisfy the essential health and safety requirements of the Directive at a given time may no longer be considered adequate at a later time if the state of the art has developed.

### **§ 88 Reference to harmonised standards**

In the comments that follow, frequent reference is made to harmonised standards since they provide technical specifications that enable lift installers and safety component manufacturers to comply with the essential health and safety requirements. Harmonised standards provide a good indication of the state of the art. The development of the state of the art is reflected in the amendment or the revision of harmonised standards. Thus the appreciation of the technical and economic aspects of the state of the art is not merely a matter for the individual judgment of installers or manufacturers, since due account must be taken of the benchmark provided by harmonised standards.

It should be remembered that, while the application the specifications of harmonised standards confers a presumption of conformity with the essential health and safety requirements they cover, these specifications are not mandatory and apply only to the lifts or components in the scope of the standard concerned – see comments on [Article 5\(2\)](#).

*3. The safety-component manufacturer and the installer of the lift are under an obligation to assess the hazards in order to identify all those which apply to their products; they must then design and construct them taking account of the assessment.*

## § 89 Identification and assessment of hazards

The third preliminary remark is closely linked to the first. After identifying the hazards associated with his product and the essential health and safety requirements that are relevant, the lift installer or safety component manufacturer must assess the hazards in order to determine the protective measures that are required. This assessment involves estimating the nature and the frequency of the possible exposure of persons to each hazard and the severity of the harm that may result (risk). The design and construction of the products must take account of this assessment. The choice of measures to deal with the hazards shall respect the principles of safety integration and, in particular, the order of priority set out in section 1.1.2 of Annex I of the Machinery Directive - see comments on [section 1.1](#).

A method for carrying out the risk assessment is described in standard EN 1050.<sup>28</sup> Standard EN 1050 is currently under revision as prEN ISO 14121-1.

The International technical specification ISO TS 14798<sup>29</sup> provides a method for risk assessment based on EN 1050 adapted to the specific field of lifts and escalators.

*4. In accordance with Article 14, the essential requirements laid down in Directive 89/106/EEC, not included in this Directive, apply to lifts.*

## § 90 The Construction Products Directive

The relationship between the Lifts Directive and the Construction Products Directive 89/106/EEC is explained in [Recital 10](#) and [Article 14](#) of the Lifts Directive. The Lifts Directive covers all the relevant requirements of the Construction Products Directive. There is thus no practical application of the Construction Products Directive to lifts – see comments on [Article 14](#).

### 1. GENERAL

*1.1 Application of Directive 89/392/EEC, as amended by Directives 91/368/EEC, 93/44/EEC and 93/68/EEC.*

*Where the relevant hazard exists and is not dealt with in this Annex, the essential health and safety requirements of Annex I to Directive 89/392/EEC apply. The essential requirement of Section 1.1.2 of Annex I to Directive 89/392/EEC must apply in any event.*

<sup>28</sup> EN 1050:1996 - Safety of machinery - Principles for risk assessment.

<sup>29</sup> ISO TS 14798:2006 - Lifts (elevators), escalators and moving walks -- Risk assessment and reduction methodology

### **§ 91 The relevance of the Machinery Directive**

Section 1.1 refers to the Machinery Directive. The original Machinery Directive 89/392/EEC and its successive amendments were consolidated in 1998 as Directive 98/37/EC. The reference to Directive 89/392/EEC should therefore be read as a reference to [Directive 98/37/EC](#).

### **§ 92 The revised Machinery Directive**

A revised Machinery Directive 2006/42/EC<sup>30</sup> was adopted on 17<sup>th</sup> May 2006 and will be applicable as from 29<sup>th</sup> December 2009. From that date, the reference to the Machinery Directive in section 1.1 of Annex I to the Lifts Directive shall be construed as a reference to [Directive 2006/42/EC](#).

### **§ 93 Application of the essential health and safety requirements**

Lifts subject to the Lifts Directive 95/16/EC are excluded from the scope of the Machinery Directive, thus the conformity assessment procedures and the obligations relating to the placing on the market and putting into service of such lifts are regulated by the Lifts Directive only.

However, when the Lifts Directive was adopted, it was decided to set out essential health and safety requirements for hazards specifically associated with lifts and to refer to Annex I of the Machinery Directive for hazards common to most categories of machinery. When a hazard associated with lifts or safety components for lifts is covered by the essential health and safety requirements of Annex I of the Lifts Directive, the requirement of the Lifts Directive takes precedence. However, for all hazards that are not dealt with by essential health and safety requirements of Annex I of the Lifts Directive, the essential health and safety requirements of Annex I of the Machinery Directive are applicable.

Consequently, many of the essential health and safety requirements of the Machinery Directive are incorporated into the Lifts Directive. The relevant requirements of Annex I of the Machinery Directive are mandatory for lifts or safety components for lifts and conformity with these requirements must be checked during the conformity assessment procedure applied according to [Article 8](#) of the Lifts Directive.

### **§ 94 Essential requirements of the Machinery Directive relevant to lifts**

The following table indicates the essential health and safety requirements of Annex I of the Machinery Directive that can be applicable to lifts. The list is based on documents drawn up by the European Coordination of Notified Bodies for Lifts and by CEN TC 10 – see [NB-L/REC 2/001](#) and CEN TC 10 N 427.

NB-L will revise this table to take account of the revised Machinery Directive 2006/42/EC that will be applicable as from 29th December 2009.

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<sup>30</sup> OJ L 157, 9.6.2006, p. 24-86:



<b>Essential health and safety requirement of Annex I to Directive 98/37/EC</b>	
1.1.1	Definitions
1.1.2	Principles of safety integration
1.1.3	Materials and products
1.1.4	Lighting
1.1.5	Design of machinery to facilitate its handling
1.2.1	Safety and reliability of control systems
1.2.2	Control devices
1.2.8	Software
1.3.1	Stability
1.3.2	Risk of break-up during operation
1.3.3	Risks due to falling or ejected objects
1.3.4	Risks due to surfaces, edges or angles
1.3.7	Prevention of risks related to moving parts
1.3.8	Choice of protection against risks related to moving parts
1.4	Required characteristics of guards and protection devices
1.5.1	Electricity supply
1.5.2	Static electricity
1.5.3	Energy supply other than electricity
1.5.4	Errors of fitting
1.5.5	Extreme temperatures
1.5.6	Fire
1.5.7	Explosion
1.5.11	External radiation
1.5.12	Laser equipment
1.5.13	Emissions of dust, gases, etc.
1.5.14	Risk of being trapped in a machine
1.5.15	Risk of slipping, tripping or falling
1.6.1	Machinery maintenance
1.6.2	Access to operating position and servicing points
1.6.4	Operator intervention
1.6.5	Cleaning of internal parts
1.7.1	Warning devices
1.7.2	Warning of residual risks
1.7.3	Marking
4.1.1	Definitions
4.1.2.2	Guide rails and rail tracks
4.1.2.3	Mechanical strength
4.1.2.4	Pulleys, drums, chains or ropes
4.1.2.6	Control of movements
4.1.2.8	Lightning
4.2.1.3	Control devices
4.3.1	Chains and ropes
6.1.1	Definition
6.2.1	Controls
6.3.2	Trapdoors or side doors

6.3.3	Floor of the carrier
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### § 95 Requirements of the Machinery Directive that are generally applicable

Several of the above essential health and safety requirements of the Machinery Directive are generally applicable to lifts. The following is a non-exhaustive list of examples:

- **Stopping accuracy**

Requirement 1.5.15 relating to the risk of slipping, tripping or falling implies that the lift must be designed to prevent these risks. Consequently, the lift must stop at landings with sufficient accuracy to prevent the risk of persons tripping or falling when entering or leaving the car;

Lifts for certain types of building (e.g. hospitals) may require a particular level of stopping accuracy.

This requirement is not currently covered by standards EN 81, parts 1 and 2. However specifications for stopping accuracy are given in clause 5.3 of standard EN 81-70.<sup>31</sup> CEN TC 10 has indicated that the specifications given in standard EN 81-70 can be used to comply with the essential health and safety requirement 1.5.15 until the standards EN 81, parts 1 and 2 have been revised.<sup>32</sup>

- **Maintenance**

The requirements of section 1.6 relating to maintenance must be taken into account in the design of lifts in order to ensure that they can be inspected and maintained safely;

Specifications concerning access to the machinery spaces are given in clauses 5, and 8 of standards EN 81, parts 1 and 2 – see comments on [section 1.1.2 of the Machinery Directive](#) and on [section 6.2](#)

- **Electrical equipment**

Requirement 1.5.1 is always applicable to the electrical equipment of lifts and safety components for lifts. This means that the electrical equipment of lifts and safety components for lifts must comply with the safety objectives set in Annex I of the Low Voltage Directive 2006/95/EC (formerly Directive 73/23/EC), although they are not subject to the conformity assessment procedures of the Low Voltage Directive – see comments on [Article 1\(5\)](#).

Specifications concerning the electrical equipment for lifts are given in clause 13 of standards EN 81, parts 1 and 2.

<sup>31</sup> EN 81-70:2003 - *Safety rules for the construction and installations of lifts - Particular applications for passenger and good passengers lifts - Part 70: Accessibility to lifts for persons including persons with disability.*

<sup>32</sup> CEN TC10/WG1 N 578

- **Contact with moving parts**

While risks for users of the lift due to contact with moving parts are dealt with in [sections 1.5.2, 2.3, 3.1 and 4.1 of Annex I](#) to the Lifts Directive, the same risks for maintenance and inspection staff who have access to the machinery spaces are covered by requirements 1.3.7 and 1.3.8 of Annex I to the Machinery Directive.

Specifications concerning the prevention of risks due to contact with moving parts are given in clauses 5 and 9 of standards EN 81, parts 1 and 2.

**§ 96 The principles of safety integration**

A particular mention should be made of section 1.1.2 of Annex I to the Machinery Directive relating to the principles of safety integration. This requirement is always applicable to the design and construction of lifts. Given the importance of these principles, it is worth quoting this section in full:

*“1.1.2. Principles of safety integration*

- (a) *Machinery must be so constructed that it is fitted for its function, and can be adjusted and maintained without putting persons at risk when these operations are carried out under the conditions foreseen by the manufacturer.*

*The aim of measures taken must be to eliminate any risk of accident throughout the foreseeable lifetime of the machinery, including the phases of assembly and dismantling, even where risks of accident arise from foreseeable abnormal situations.*

- (b) *In selecting the most appropriate methods, the manufacturer must apply the following principles, in the order given:*

- *eliminate or reduce risks as far as possible (inherently safe machinery design and construction),*
- *take the necessary protection measures in relation to risks that cannot be eliminated,*
- *inform users of the residual risks due to any shortcomings of the protection measures adopted, indicate whether any particular training is required and specify any need to provide personal protection equipment.*

- (c) *When designing and constructing machinery, and when drafting the instructions, the manufacturer must envisage not only the normal use of the machinery but also uses which could reasonably be expected.*

*The machinery must be designed to prevent abnormal use if such use would engender a risk. In other cases the instructions must draw the user’s attention to ways — which experience has shown might occur — in which the machinery should not be used.*

- (d) *Under the intended conditions of use, the discomfort, fatigue and psychological stress faced by the operator must be reduced to the minimum possible taking ergonomic principles into account.*

- (e) *When designing and constructing machinery, the manufacturer must take account of the constraints to which the operator is subject as a result of the necessary or foreseeable use of personal protection equipment (such as footwear, gloves, etc.).*
- (f) *Machinery must be supplied with all the essential special equipment and accessories to enable it to be adjusted, maintained and used without risk.”*

Paragraph (f) of section 1.1.2 implies that, when special equipment, such as special tools or software, is necessary for safe and effective execution of maintenance or rescue operations, such equipment should be supplied with the lift by the installer when the lift is placed on the market – see also comments on [section 4.4](#) and [section 6.2](#).

Further explanation of the principles of safety integration is given in standard EN ISO 12100-1<sup>33</sup>

### **§ 97 Use of machinery standards in support of the Lifts Directive**

In order to apply the essential health and safety requirements of Annex I of the Machinery Directive applicable to lifts, lift installers may apply the technical specifications of the relevant harmonised standards.

These may be either

- the specifications of harmonised standards for lifts that support the relevant essential requirements of the Machinery Directive or
- the specifications of harmonised standards for machinery.

When an essential health and safety requirement is covered by a specific standard for lifts, the lifts standard takes precedence over machinery standards for the requirement concerned.

When the reference of a standard is published in the OJEC in the framework of application of the Machinery Directive, application of the standard confers presumption of conformity with the essential health and safety requirements of the Machinery Directive covered by the standard. Application of such a standard also confers presumption of conformity with the essential health and safety requirements covered by the standard when these requirements are applicable to lifts. As a general rule, there is therefore no specific publication of the references of machinery standards in the framework of application of the Lifts Directive.<sup>34</sup>

#### **1.2. Car**

*The car must be designed and constructed to offer the space and strength corresponding to the maximum number of persons and the rated load of the lift set by the installer.*

<sup>33</sup> EN ISO 12100-1: 2003 - *Safety of machinery -- Basic concepts, general principles for design -- Part 1: Basic terminology, methodology.*

<sup>34</sup> Position agreed by the Lifts Working Group at the meeting held on 2/3 February 2004.

*In the case of lifts intended for the transport of persons, and where its dimensions permit, the car must be designed and constructed in such a way that its structural features do not obstruct or impede access and use by disabled persons and so as to allow any appropriate adjustments intended to facilitate its use by them.*

### **§ 98 Dimensions and strength of the lift car**

The purpose of the requirement set out in the first paragraph of section 1.2 is to ensure that the car body is sufficiently strong and rigid to operate securely and safely between its guides and remain correctly aligned with the operating equipment of the landing doors and the lift control equipment in the shaft. The dimensions of the car must be consistent with the maximum number of persons and the maximum rated load for which the lift is intended.

Specifications for the necessary space and strength of the lift car are given in clause 8 of standards EN 81, parts 1 and 2.

For lifts that are particularly exposed to the risk of damage due to vandalism, additional specifications are given in clause 5.4 of standard EN 81-71.<sup>35</sup>

### **§ 99 Access to the lift car for disabled people**

The second paragraph of section 1.2 deals with an essential aspect of lifts as a means of access to the built environment. Lifts are an important means enabling everyone to have access to the built environment, including those who have permanent or temporary difficulty using stairs. But to fulfil this role, lifts must be designed and constructed in order to facilitate access and use by all. The second paragraph is applicable to all lifts unless the dimensions of the shaft in which the lift is to be installed do not permit the fitting of a car and doors that are accessible to disabled persons.

Specifications for the accessibility of lifts by persons including persons with disability are given in clause 5 of standard EN 81-70.<sup>36</sup> This standard describes three sizes of lift cars, types 1, 2 and 3, offering different degrees of accessibility to wheelchair users. National regulations concerning the provision of lifts accessible to persons with disability can thus refer to the any or all of the 3 sizes described in the standard.

### **§ 100 Provision of lifts accessible to disabled people**

There is currently no obligation in European legislation concerning the provision of lifts accessible to disabled people. The responsibility for this matter lies with the Member States.

However, when the Lifts Directive was adopted, the following joint Declaration was made by the European Parliament, the Council and the Commission:

*With regard to access to cars for disabled people, the European Parliament, the Council and the Commission shall encourage the Member States to take any national measures that are*

<sup>35</sup> EN 81-71:2005 - Safety rules for the construction and installation of lifts - Particular applications to passenger lifts and goods passenger lifts - Part 71: Vandal resistant lifts.

<sup>36</sup> EN 81-70:2003 - Safety rules for the construction and installations of lifts - Particular applications for passenger and good passengers lifts - Part 70: Accessibility to lifts for persons including persons with disability.

*necessary to ensure that all levels of existing buildings and those under construction may be accessible to disabled people, particularly those who use wheelchairs. They shall recommend the provision, in all new buildings, of at least one lift accessible to disabled people in wheelchairs. That lift must fulfil all the requirements for such use (dimensions, position of controls, etc.).*

This Declaration is not binding. Member States are free to introduce rules concerning the provision of lifts accessible to people with disabilities that go beyond the above recommendations if they see fit.

Many Member States have national regulations requiring lifts installed in certain buildings to be accessible to disabled people. Since application of standard EN 81-70 confers a presumption of conformity with [section 1.2 of Annex I](#), such regulations must not include technical specifications which contradict those given in the harmonised standard.

### **§ 101 Amendment of section 1.2**

The revised Machinery Directive 2006/42/EC, which also amends the Lifts Directive 95/16/EC, modifies the title and the wording of section 1.2 of Annex I. This amendment is consistent with the amendment of the definition of 'lift' in Article 1.2 of the Directive.

The amended text of section 1.2 is as follows (the changes are underlined):

#### *“1.2. Carrier*

*The carrier of each lift must be a car. This car must be designed and constructed to offer the space and strength corresponding to the maximum number of persons and the rated load of the lift set by the installer.*

*Where the lift is intended for the transport of persons, and where its dimensions permit, the car must be designed and constructed in such a way that its structural features do not obstruct or impede access and use by disabled persons and so as to allow any appropriate adjustments intended to facilitate its use by them.”*

This amendment will be applicable as from 29<sup>th</sup> December 2009.

#### **1.3. Means of suspension and means of support**

*The means of suspension and/or support of the car, its attachments and any terminal parts thereof must be selected and designed so as to ensure an adequate level of overall safety and to minimize the risk of the car falling, taking into account the conditions of use, the materials used and the conditions of manufacture.*

*Where ropes or chains are used to suspend the car, there must be at least two independent cables or chains, each with its own anchorage system. Such ropes and chains must have no joins or splices except where necessary for fixing or forming a loop.*

### **§ 102 Means of suspension and support**

The design, construction and installation of the means of suspension and support of the car are clearly a key aspect of lift safety.

The means of suspension and support are all the means used to overcome the force of gravity acting on the lift car, whether fixed above or below the car.

Specifications for the means of suspension and support are given in clause 9 and Annex N of standard EN 81, part 1, and in clause 9 and Annex K of standard EN 81, part 2.

Specifications for wire ropes for lifts are given in standard EN 12385-5.<sup>37</sup> Specifications for the terminations for such ropes are given in standard EN 13411-7.<sup>38</sup>

#### ***1.4. Control of loading (including overspeed)***

*1.4.1. Lifts must be so designed constructed and installed as to prevent normal starting if the rated load is exceeded.*

#### **§ 103 Loading control**

Although lifts and their components are designed to carry the intended load of persons and goods with a safety margin, repeated overloading can give rise to excessive wear or damage resulting in the failure of components. Section 1.4.1 therefore requires the fitting of means to prevent the starting of the lift if the rated load is exceeded.

Specifications for loading control devices are given in clause 14 of standards EN 81-1, parts 1 and 2.

*1.4.2. Lifts must be equipped with an overspeed governor.*

*These requirements do not apply to lifts in which the design of the drive system prevents overspeed.*

#### **§ 104 Detection of overspeed**

The function of an overspeed governor (or overspeed limitation device) is to detect excessive speed of the lift car and to trigger the operation of devices to prevent the free fall of the car. An overspeed governor may also trigger the operation of a device to prevent uncontrolled upward movement of the car – see comments on [section 3.2](#).

Overspeed limitation devices are safety components listed in [Annex IV, item 3](#).

Specifications for overspeed governors and ascending car overspeed protection means for electric lifts are given in clause 9 of standards EN 81, part 1. Specifications for overspeed governors for hydraulic lifts are given in clause 9 of EN 81, part 2. Tests for overspeed

<sup>37</sup> EN 12385-5:2002 - *Steel wire ropes — Safety — Part 5: Stranded ropes for lifts*.

<sup>38</sup> EN 13411-7:2006- *Terminations for steel wire ropes - Safety - Part 7: Symmetric wedge socket*.

governors are given in Annex F4 of these standards. Tests for ascending car overspeed protection means are given in Annex F7 of EN 81, part 1.

The second paragraph of section 1.4.2 allows that, in accordance with the preliminary remark 1, lifts with drive systems (for example, certain screw drive systems), that not present a risk of overspeed do not need an overspeed governor.

*1.4.3. Fast lifts must be equipped with a speed-monitoring and speed-limiting device.*

#### **§ 105 Speed monitoring and limiting**

On high-speed lifts, certain safety components (such as buffers, for example) can only fulfil their protective function if the speed of the lifts is kept within certain values. Such lifts must be equipped with means of monitoring and limiting the speed within those values in the positions in which the safety component concerned may have to operate.

Specifications for speed monitoring and limiting in case of use of buffers with reduced stroke are given in clause 12.8 of standard EN 81-1.

*1.4.4. Lifts driven by friction pulleys must be designed so as to ensure stability of the traction cables on the pulley.*

#### **§ 106 Friction pulleys**

This requirement is relevant for traction drive lifts. On such lifts, the suspension ropes must remain correctly in place within the grooves of the friction pulleys to avoid excessive slippage during operation. To fulfil this requirement, sufficient tension must be maintained in the ropes and the characteristics of the ropes and the pulleys must be compatible.

Specifications for ensuring the stability of traction ropes on friction pulleys are given in clause 9 of standard EN 81-1.

### **1.5. Machinery**

*1.5.1. All passenger lifts must have their own individual lift machinery. This requirement does not apply to lifts in which the counterweights are replaced by a second car.*

#### **§ 107 Lift machinery**

The requirement that lifts must have their own individual machinery does not rule out so-called “double-deck” lifts which have two cars, one above the other or so-called “duo” lifts where one car acts as the counter-weight for another.



*1.5.2. The installer of the lift must ensure that the lift machinery and the associated devices of a lift are not accessible except for maintenance and in emergencies.*

### **§ 108 Access to lift machinery**

The purpose of this requirement is to prevent accidents due to contact between users or other persons and hazardous elements of the lift machinery. The requirement applies to the machine room or to the machinery spaces (in the case of machine room-less lifts) and to any other spaces in which hazardous machinery elements are located.

At the same time, the necessary means must be provided to enable authorised persons responsible for the inspection and maintenance of the lift or for the rescue of trapped persons to access the parts of the machinery necessary for these operations.

Specifications to prevent access to the lift machinery by persons other than those for whom access is required for inspection, maintenance or rescue purposes are given in clause 6 of standards EN 81, parts 1 and 2.

It should be noted that the specifications of EN 81, parts 1 and 2 relating to access to lift machinery and pulley spaces have been amended to take account of the development of machine room-less lifts.<sup>39</sup>

Additional specifications for preventing unauthorised access to lift machinery and pulley spaces for lifts that are particularly exposed to the risk of vandalism are given in clause 5.2 of standard EN 81-71.

## **1.6. Controls**

*1.6.1. The controls of lifts intended for use by unaccompanied disabled persons must be designed and located accordingly.*

### **§ 109 Design of controls for disabled persons**

In order to be usable by persons with disabilities, not only must the car have the requisite dimensions - see comments on [section 1.2](#) - but the location and design of the controls must be adapted accordingly.

Specifications for the location and design of the controls for lifts intended for use by disabled persons are given in clause 5.4 standard EN 81-70.<sup>40</sup> Further guidance on the design of such controls is also provided in the informative annexes E, F and G to this standard.

<sup>39</sup> EN 81-1:1998/A2: October 2004 - *Safety rules for the construction and installation of lifts - Part 1: Electric lifts - A2: Machinery and pulley spaces*, and EN 81-2:1998/A2 - *Safety rules for the construction and installation of lifts - Part 2: Hydraulic lifts - A2: Machinery and pulley spaces*.

<sup>40</sup> EN 81-70: 2003 - *Safety rules for the construction and installations of lifts - Particular applications for passenger and good passengers lifts - Part 70: Accessibility to lifts for persons including persons with disability*.

*1.6.2. The function of the controls must be clearly indicated.*

### **§ 110 Indication of the function of the controls**

The purpose of this requirement is to enable passengers to use the controls on the landings and in the car easily and to minimise the risk of mistakes. For example, the emergency controls must be easy to identify and to distinguish from the normal operating controls.

Specifications for the marking of the controls are given in clause 15 of standards EN 81, parts 1 and 2.

Additional specifications for the means of indicating the function of the controls in order to facilitate the use of lifts by persons with disabilities are given in clause 5.4 and Annexes E and F of standard EN 81-70.

*1.6.3. The call circuits of a group of lifts may be shared or interconnected.*

### **§ 111 Interconnexion of call circuits**

While each lift must have its own machinery, section 1.6.3 recognises that a group of lifts usually has a common system for handling the call signals sent from the landings to the control system of each lift.

*1.6.4. Electrical equipment must be so installed and connected that:*

- there can be no possible confusion with circuits which do not have any direct connection with the lift,*
- the power supply can be switched while on load,*
- movements of the lift are dependent on electrical safety devices in a separate electrical safety circuit,*
- a fault in the electrical installation does not give rise to a dangerous situation.*

### **§ 112 Electrical equipment**

Specifications relating to the electrical equipment for lifts are given in clauses 13 and 14 of standards EN 81, parts 1 and 2.

It should be noted that standards EN 81, parts 1 and 2, have been amended to provide specifications to ensure the safety and reliability of programmable electronic systems used to control safety functions for lifts that do not conform strictly with the requirement set out in the third indent of this section.<sup>41</sup>

<sup>41</sup> EN 81-1:1998/A1 and EN 81-2:1998/A1: November 2005.

## 2. HAZARDS TO PERSONS OUTSIDE THE CAR

*2.1. The lift must be designed and constructed to ensure that the space in which the car travels is inaccessible except for maintenance or in emergencies. Before a person enters that space, normal use of the lift must be made impossible.*

### § 113 Access to the travel zone

The purpose of the requirement set out in section 2.1 is to ensure that users of the lift or other persons are not exposed to risks due to contact with the moving lift car or other objects in the shaft or travel zone of the car. Access to this zone may be needed for inspection, maintenance or rescue operations, but means must be provided to ensure that such access can be restricted to the persons authorised to carry out these operations.

Specifications to prevent access to the lift shaft except for maintenance or in emergencies are given in clause 5 of standards EN 81, parts 1 and 2.

For lifts that are particularly exposed to the risk of unauthorised access due to vandalism, additional specifications to prevent unauthorised access to the lift shaft are given in clause 5.1 of standard EN 81-71.<sup>42</sup>

*2.2. The lift must be designed and constructed to prevent the risk of crushing when the car is in one of its extreme positions.*

*The objective will be achieved by means of free space or refuge beyond the extreme positions.*

*However, in specific cases, in affording Member States the possibility of giving prior approval, particularly in existing buildings, where this solution is impossible to fulfil, other appropriate means may be provided to avoid this risk.*

### § 114 Pit and headroom

The risk of crushing between the lift car and the floor of the pit or the top of the shaft affects mainly maintenance or inspection staff whose tasks require them to enter the pit or access the car roof. The risk may also concern unauthorised persons misusing the lift who defeat the means fitted to prevent unauthorised access foreseen by [section 2.1](#).

The risk referred to in section 2.2 exists even if the lift installer's instructions forbid access to the car roof for maintenance purposes, since it is possible that operators may contravene these instructions: the design of the lift must take account of such foreseeable abnormal situations, according to section 1.1.2 (a) of Annex I of the Machinery Directive that is applicable to lifts – see comments on [section 1.1](#).

<sup>42</sup> EN 81-71:2005 - Safety rules for the construction and installation of lifts - Particular applications to passenger lifts and goods passenger lifts - Part 71: Vandal resistant lifts.

The first sentence of section 2.2 sets out the safety objective to be achieved. The second sentence specifies the means to be used to achieve this objective: the objective of preventing the risk of crushing shall be satisfied by means of free space or refuge beyond the extreme positions.

To apply this requirement, the lift shaft must be provided with a pit below the lowest position that can be reached by the lift car and adequate headroom above the highest position that can be reached by the lift car in order to enable a person to avoid being crushed in case of unexpected movement of the car.

The European Coordination of Notified Bodies has agreed that, for vertical lifts, the free space must be located in the projection of the travel path of the car. Only in the case of inclined lifts can refuges outside the projection of the travel path be admitted, providing shearing risks are avoided.<sup>43</sup>

“Free space or refuge beyond the extreme positions” shall be understood as space that is permanently available. The requirement for free space cannot therefore be satisfied by means of protective devices. The free space or refuge must have a sufficient volume to enable a person above or below the car to be protected against the risk of crushing and it must be possible to attain the free space or refuge in case of unexpected movement of the car.

[Section 3.3](#) states that the free space below the car must be measured with the buffers totally compressed.

Specifications for the location and dimensions of the free space or refuges and how they shall be measured are given in clause 5.7 of standards EN 81, parts 1 and 2. These standards define the necessary free space or refuge as a combination of a minimum volume and a minimum vertical distance between the extreme positions of the lift car and the top and bottom of the lift shaft.

While application of these specifications is not mandatory, they indicate the level of safety that corresponds to the state of the art. Alternative solutions must therefore provide a level of safety that is at least equivalent to that specified in the harmonised standards.

### **§ 115 Lifts without permanent free space or refuge**

The third sentence of [section 2.2](#) allows for derogations to the requirement for permanent free space or refuge to prevent the risk of crushing in exceptional cases where this requirement is impossible to fulfil. The derogation is subject to prior approval in the Member States that have included such a procedure in their implementation of the Directive. The text of the Directive does not define in what circumstances it may be considered impossible to provide free space, however it is indicated that this may be the case particularly in existing buildings. It is up to the Member State concerned to determine the procedure for according prior approval for derogations and the criteria for deciding when a derogation is justified.

It should also be noted that the prior approval to be given by the Member State concerns whether or not a derogation to the requirement for free space or refuge is permitted. If such derogation is accorded, the evaluation of the “other appropriate means” used to prevent the

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<sup>43</sup> Minutes of NB-L 2, October 1997.

risk of crushing above and below the lift car remain subject to the conformity assessment procedures set out in Article 8 of the Lifts Directive.

It should be noted that, if a Notified Body issues a type-examination certificate for a lift design with means to prevent the crushing risk other than permanent free space or refuge, the certificate should clearly specify that the installation of a lift according to the type-examination certificate is permitted only in cases where the requirement for free space or refuge is impossible to fulfil and where prior approval has been granted by the Member State where the lift is to be installed according to the national procedure, if any.

A standard describing “other appropriate means” that can be used in existing buildings is currently under development.<sup>44</sup> Once the reference of this standard is published in the OJEU, application of its specifications relating to the “other appropriate means” to prevent the risk of crushing above and below the lift car will confer a presumption of conformity with the essential health and safety requirement set out in [section 2.2](#) only in cases where the requirement for free space or refuge is impossible to fulfil and where prior approval has been granted by the Member State where the lift is to be installed according to the national procedure, if any.

*2.3. The landings at the entrance and exit of the car must be equipped with landing doors of adequate mechanical resistance for the conditions of use envisaged.*

*An interlocking device must prevent during normal operation:*

- starting movement of the car, whether or not deliberately activated, unless all landing doors are shut and locked,*
- the opening of a landing door when the car is still moving and outside a prescribed landing zone.*

*However, all landing movements with the doors open shall be allowed in specified zones on condition that the levelling speed is controlled.*

### **§ 116 Landing doors and locking devices**

The function of the landing doors is to prevent persons on the landings coming into contact with the moving parts of the lift and to prevent persons falling into the lift shaft or the travel zone of the lift when the car is not at the landing.

The last sentence of section 2.3 allows the opening of the landing doors to start while the lift car is approaching a landing in order to allow passengers to leave the car as soon as it has reached the landing.

Devices for locking landing doors are safety components listed in [Annex IV](#), item 1.

Specifications for the landing doors and their locking devices are given in clause 7 of standards EN 81, parts 1 and 2. Tests for landing door locking devices are given in Annex F1 of these standards.

<sup>44</sup> prEN 81-21 - *Safety rules for the construction and installation of lifts - Lifts for the transport of persons and goods - Part 21: New passenger and goods lifts in existing buildings.*

Since the landing doors are one of the elements of the lift that are particularly vulnerable to damage due to vandalism, additional specifications are given in clause 5.3 of standard EN 81-71.<sup>45</sup>

### **3. HAZARDS TO PERSONS IN THE CAR**

*3.1. Lift cars must be completely enclosed by full-length walls, fitted floors and ceilings included, with the exception of ventilation apertures, and with full-length doors. These doors must be so designed and installed that the car cannot move, except for the landing movements referred to in the third subparagraph of Section 2.3, unless the doors are closed, and comes to a halt if the doors are opened.*

*The doors of the car must remain closed and interlocked if the lift stops between two levels where there is a risk of a fall between the car and the shaft or if there is no shaft.*

#### **§ 117 Enclosure of the lift car**

The requirement set out in the first paragraph of section 3.1 for full enclosure of the lift car and for full-length car doors is to prevent risks due to contact between persons or objects in the car and objects outside the car in the shaft or travel zone.

The requirement for interlocking of the car doors is to prevent the risk of falling out of the car. This requirement is applicable if there is a gap into which a person could fall between the edge of the car and the wall of the shaft or if there is no shaft wall to prevent such a fall.

Specifications for car doors and their locking devices are given in clause 8 of standards EN 81, parts 1 and 2.

Since the car doors are one of the elements of the lift that are vulnerable to damage due to vandalism, additional specifications are given in clause 5.3 of standard EN 81-71 for lifts that are considered to be particularly exposed to the risk of such damage.

*3.2. In the event of a power cut or failure of components the lift must have devices to prevent free fall or uncontrolled upward movements of the car.*

*The device preventing the free fall of the car must be independent of the means of suspension of the car.*

*This device must be able to stop the car at its rated load and at the maximum speed anticipated by the installer of the lift. Any stop occasioned by this device must not cause deceleration harmful to the occupants whatever the load conditions.*

#### **§ 118 Free fall or uncontrolled upward movement of the car**

<sup>45</sup> EN 81-71 - Safety rules for the construction and installation of lifts - Particular applications to passenger lifts and goods passenger lifts - Part 71: Vandal resistant lifts.

The purpose of this requirement is to protect the occupants of the lift car in the case of a failure in the power supply or the failure of an element of the suspension or support system of the car. If a failure occurs when the weight of the car and its load is less than that of the counterweight, uncontrolled upward movement of the car must be prevented. In the case of the rupture of an element of the suspension or support system, free fall must be prevented.

Devices to prevent free fall or uncontrolled upward movements of the car referred to in section 3.2 of Annex I are safety components listed in [Annex IV](#), item 2.

Safety devices fitted to jacks of hydraulic power circuits where these are used as devices to prevent falls are safety components listed in [Annex IV](#), item 5.

For electric lifts, specifications for devices to stop free fall (safety gear) and means of preventing uncontrolled upward movement of the lift car are given in clause 9 of standard EN 81, part 1. Tests for such devices are specified in Annex F3 and F7 of that standard.

For hydraulic lifts, specifications to prevent free fall or uncontrolled downward movement of the lift car are given in clause 9 of standard EN 81, part 2. Tests for safety gear are given in Annex F3 and tests for rupture valves/one-way restrictors are given in Annex F7 of that standard.

*3.3. Buffers must be installed between the bottom of the shaft and the floor of the car.*

*In this case, the free space referred to in Section 2.2 must be measured with the buffers totally compressed.*

*This requirement does not apply to lifts in which the car cannot enter the free space referred to in Section 2.2 by reason of the design of the drive system.*

## **§ 119 Buffers**

Buffers are required to protect occupants of the lift car in case of a failure in the control system or the suspension or support of the car when it is too close to the bottom of the shaft for the safety gear to be effective. Buffers are required to absorb the lift energy if such a failure causes the car to pass the extreme stopping positions.

Buffers are safety components listed in [Annex IV](#), item 4, (a) and (b). In [Annex IV](#) they are termed “shock absorbers”.

Specifications for buffers are given in clause 10 of standards EN 81-1 and 2. Tests for buffers are specified in Annex F5 of these standards.

*3.4. Lifts must be so designed and constructed as to make it impossible for them to be set in motion if the device provided for in Section 3.2 is not in an operational position.*

## **§ 120 Additional requirement for safety devices**

The requirement set out in section 3.4 is an additional requirement for the devices to prevent free fall and uncontrolled upward movement of the car and for overspeed limitation devices and is covered by the standards mentioned in relation to [section 3.2 of Annex I](#).

#### **4. OTHER HAZARDS**

*4.1. The landing doors and car doors or the two doors together, where motorized, must be fitted with a device to prevent the risk of crushing when they are moving.*

##### **§ 121 Risks due to the closing of car and landing doors**

The requirement set out in section 4.1 is to prevent the risk of injury to people entering or leaving the car due to contact with motorized car or landing doors while they are closing.

Specifications for such devices are given in clauses 7 and 8 of standards EN 81, parts 1 and 2.

Additional specifications for lifts designed for use by persons with disabilities are given in clause 5.2.4 of standard EN 81-70.

*4.2. Landing doors, where they have to contribute to the protection of the building against fire, including those with glass parts, must be suitably resistant to fire in terms of their integrity and their properties with regard to insulation (containment of flames) and the transmission of heat (thermal radiation).*

##### **§ 122 Fire-resistance of lift landing doors**

The requirement set out in section 4.2 is applicable when the fire prevention rules for the building in which the lift is installed requires the landing doors to be fire-resistant. The fire-resistance of lift landing doors is covered by the Lifts Directive (that covers the corresponding requirement of the Construction products Directive) – see comments on [Article 14](#).

The documents relating to the conformity assessment of lifts with fire resistant doors must provide precise information relating to the fire resistance of the lift landing doors, including identification of the relevant test reports and test method used.<sup>46</sup> The necessary information concerning the fire resistance of the lift landing doors should also be provided by the installer of the lift to the person responsible for work on the building or construction, according to the provision of [Article 2.2](#) of the Lifts Directive.

##### **§ 123 Standards for the testing of fire resistance of lift landing doors**

<sup>46</sup> The relevant documents, depending on the conformity assessment procedure applied, are :

- the EC type-examination certificate, see Annex V B - 5;
- the Certificate of conformity, see Annex X - 4.;
- the quality assurance system documentation, see Annex XII - 3.2, Annex XIII - 3.2 or Annex XIV – 3.2.



In the first years of application of the Lifts Directive, lift installers tested fire resistant lift landing doors according to the standards referred to in national building regulations.

In 2000, a test standard EN 1634-1<sup>47</sup> was adopted in the framework of the Construction Products Directive. The result of the test set out in this standard gives rise to a classification of doors according to standard EN 13501-2,<sup>48</sup> in line with Commission Decision 2000/367/EC<sup>49</sup> implementing Council Directive 89/106/EEC as regards the classification of the resistance to fire performance of construction products, construction works and parts thereof.

In 2003, a specific harmonised standard EN 81-58<sup>50</sup> for the testing of fire resistant lift landing doors was adopted under the mandate given by the European Commission to CEN for the Lifts Directive. It specifies a method for testing the integrity, radiation and insulation of lift landing doors which are intended to provide a fire barrier to the spread of fire via the lift shaft and includes a classification for lift landing doors that is identical to the classification specified in standard EN 13501-2, in line with Commission Decision 2000/367/EC.

According to the Lifts Directive, application of standard EN 81-58 remains voluntary. Consequently, lift landing doors tested using other methods can be accepted as complying with section 4.2 of Annex I of the Lifts Directive. However, since the references of standard EN 81-58 have been published in the OJEU,<sup>51</sup> application of that standard confers a presumption of conformity with the essential requirement of the Lifts Directive.

Furthermore, national regulations must not make application of any standard compulsory.

*4.3. Counterweights must be so installed as to avoid any risk of colliding with or falling on to the car.*

### **§ 124 Preventing collision between the car and the counterweight**

The purpose of this requirement is to prevent collisions between the lift car and the counterweight moving in the opposite direction within the shaft which can cause severe damage to the lift and consequent injury to the passengers. Similar damage can be caused if the counterweight falls on to the car.

To fulfil the requirement set out in section 4.3, the course of the car and the counterweights must be guided and sufficient clearance must be provided between them.

<sup>47</sup> EN 1634-1: 2000 - *Fire resistance tests for door and shutter assemblies - Part 1: Fire doors and shutters.*

<sup>48</sup> EN 13501-2: 2003 - *Fire classification of construction products and building elements - Part 2: Classification using data from fire resistance tests, excluding ventilation services.*

<sup>49</sup> [Commission Decision 2000/367/EC](#) of 3 May 2000 implementing Council Directive 89/106/EEC as regards the classification of the resistance to fire performance of construction products, construction works and parts thereof OJ L 133 , 06/06/2000 P. 0026 – 0032

<sup>50</sup> EN 81-58: 2003<sup>50</sup> - *Safety rules for the construction and installation of lifts - Examination and tests - Part 58: Landing doors fire resistance test.*

<sup>51</sup> OJ C 36, 10.2.2004, p. 2.

Specifications concerning this requirement are given in clauses 10 and 11 of standards EN 81, parts 1 and 2.

*4.4. Lifts must be equipped with means enabling people trapped in the car to be released and evacuated.*

#### **§ 125 Release and evacuation of trapped persons**

The purpose of this requirement is to enable rescuers to release and evacuate people trapped in the lift car in case of a breakdown. The lift must be designed so that the rescuers can bring the lift to a position where people can be released and evacuate the lift safely. Measures must be taken to avoid the risk of falling into the shaft or the travel zone when leaving the car.

If special equipment is needed to release and evacuate trapped people, it must be supplied with the lift by the installer when the lift is placed on the market so that it can be kept permanently available on site. However, in certain extreme cases (for example, the failure of the suspension or support system), it may be necessary for the rescue service to use special equipment that is not supplied with the lift installation and that cannot be kept on site.

The necessary instructions for the safe execution of the rescue procedures and for the use of any special equipment supplied with the lift must be included in the instruction manual and the necessary information must be made available to the rescue service, for example, by being displayed on the equipment in a suitably visible place - see comments on [section 6.2](#).

Specifications for the means for releasing and evacuating trapped people are given in clauses 8 and 12 of standards EN 81, parts 1 and 2.

*4.5. Cars must be fitted with two-way means of communication allowing permanent contact with a rescue service.*

#### **§ 126 Communication with a rescue service**

The requirement set out in section 4.5 is intended to ensure that, in the event of a breakdown, people trapped in the lift car can contact a rescue service at all times and that the rescue service can inform them about the measures taken to ensure their rescue in order to avoid panic.

Specifications for two-way means of communication are given in clause 14 of standards EN 81, parts 1 and 2, however these specifications have now been superseded by those of standard EN 81-28.<sup>52</sup>

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<sup>52</sup> EN 81-28:2003 - Safety rules for the construction and installation of lifts - *Lifts for the transport of persons and goods* - Part 28: *Remote alarm on passenger and goods passenger lifts*. (Clause 3.9. of this standard provides a definition of "rescue service" and informative Annex B provides guidance on the operation of such a service.

The Coordination of Notified Bodies for lifts has made a recommendation concerning the conditions under which the two-way communication may be ensured for several lifts in the same building by means of a single telephone line – see [NB-L REC 2/021](#).

*4.6. Lifts must be so designed and constructed that, in the event of the temperature in the lift machine exceeding the maximum set by the installer of the lift, they can complete movements in progress but refuse new commands.*

### **§ 127 Temperature control**

The purpose of this requirement is to ensure that means are provided to ensure that if the temperature in the machinery spaces exceeds safe limits, the lift can no longer be operated. However, in order to prevent users being trapped in car between landings, the temperature control device must only stop the lift car once it has completed the journey in progress.

It has been clarified that the requirement set out in section 4.6 in fact applies to the temperature in the machine room (or in the machinery spaces, in the case of a machine room-less lift), which is clear in the original French text of the Directive.

Assumptions concerning the ambient temperature in the machine spaces of lifts are given in clause 0.3 of standards EN 81, parts 1 and 2 and specifications for temperature control are given in clause 13 of these standards.

*4.7. Cars must be designed and constructed to ensure sufficient ventilation for passengers, even in the event of a prolonged stoppage.*

### **§ 128 Ventilation**

The requirement set out in section 4.7 is intended to ensure the health and comfort of users of the lift, in particular, in cases where users are trapped in the car following to a breakdown.

Specifications for the ventilation of the lift car are given in clause 8 of EN 81, parts 1 and 2.

*4.8. The car should be adequately lit whenever in use or whenever a door is opened; there must also be emergency lighting.*

### **§ 129 Lighting in the car**

The provision of adequate lighting is an important factor influencing the safety and comfort of users of the lift. Emergency lighting is essential in order to avoid panic if people are trapped in the car following a breakdown.

Specifications for the lighting in the car and for emergency lighting are given in clause 8 of standards EN 81, parts 1 and 2.

*4.9. The means of communication referred to in Section 4.5 and the emergency lighting referred to in Section 4.8 must be designed and constructed so as to function even without the normal power supply. Their period of operation should be long enough to allow normal operation of the rescue procedure.*

### **§ 130 Power for the means of communication and emergency lighting**

The requirement set out in section 4.9 is complementary to requirements 4.5 and 4.8 and is covered by specifications given in the standards mentioned in relation to those requirements.

*4.10. The control circuits of lifts which may be used in the event of fire must be designed and manufactured so that lifts may be prevented from stopping at certain levels and allow for priority control of the lift by rescue teams.*

### **§ 131 Firefighters' lifts**

In general, fire prevention rules forbid the use of lifts in the event of a fire in the building in which they are installed.<sup>53</sup>

Certain lifts may be specially designed to remain in use in the event of fire under the control of fire-fighters for access to fire-protected landings. Member States may determine which lifts shall be designed for this purpose.

Specifications for firefighters' lifts are given in standard EN 81-72.<sup>54</sup>

## **5. MARKING**

*5.1. In addition to the minimum particulars required for any machine pursuant to Section 1.7.3 of Annex I to Directive 89/392/EEC, each car must bear an easily visible plate clearly showing the rated load in kilograms and the maximum number of passengers, which may be carried.*

### **§ 132 The installer's plate**

The requirement set out in section 5.1 refers to section 1.7.3 of the Machinery Directive. The reference to Directive 89/392/EEC shall be construed as a reference to Directive 98/37/EC.

The relevant part of section 1.7.3 of the Machinery Directive is worded as follows:

<sup>53</sup> Specifications to protect lift users in the event of fire are given in standard EN 81-73: 2005 - *Safety rules for the construction and installation of lifts - Particular applications for passenger and goods passenger lifts - Part 73: Behaviour of lifts in the event of fire*. In addition, a standard is being developed on the use of lifts for evacuation of disabled persons in the event of emergency: prEN 81-76.

<sup>54</sup> EN 81-72:2003 - *Safety rules for the construction and installation of lifts - Particular applications for passenger and goods passenger lifts - Part 72: Firefighters lifts*.

### 1.7.3. Marking

All machinery must be marked legibly and indelibly with the following minimum particulars:

- name and address of the manufacturer,
- the CE marking (see Annex III),
- designation of series or type,
- serial number, if any,
- the year of construction.

In the case of lifts, the name and address of the manufacturer shall be understood as the name and address of the installer - see comments on [Article 1\(4\)](#). The easily visible plate referred to in section 5.1 must be placed inside the lift car since the information must be readily available both to users of the lifts and to market surveillance authorities, if necessary.

As from 29<sup>th</sup> December 2009, the reference to the Machinery Directive shall be construed as a reference to Directive 2006/42/EC.

*5.2. If the lift is designed to allow people trapped in the car to escape without outside help, the relevant instructions must be clear and visible in the car.*

## § 133 Self-rescue

This requirement applies to lifts fitted with means to enable passengers to move the car manually to a landing in case of a breakdown or to evacuate the car without outside help. These include certain lifts with screw or rack-and-pinion drive systems. Lifts fitted with such means must have clear instructions in the car on how they are to be used.

However, for lifts that are not fitted with such means, it is dangerous for people trapped in the car to attempt to open the car doors and escape without outside help. The relevant requirements for the means of evacuation and rescue are therefore those set out in [section 4.4](#).

## 6. INSTRUCTIONS FOR USE

*6.1. The safety components referred to in Annex IV must be accompanied by an instruction manual drawn up in an official language of the Member State of the lift installer or another Community language acceptable to him, so that :*

- assembly,
- connexion,
- adjustment, and
- maintenance,

*can be carried out effectively and without danger.*

### **§ 134 Instruction manual for safety components**

The instruction manual for safety components is to be provided by the manufacturer of the safety components to the lift installer who intends to incorporate the components into a lift installation.

Since the instruction manual must be comprehensible by the lift installer to whom it is addressed, section 6.1 requires it to be drafted either in an official language of the Member State of the installer or in another Community language acceptable to him. If a safety component is manufactured by a lift installer for installation in lifts that he installs himself, the instructions relating to the assembly, connexion and adjustment of the safety component must be provided to the staff concerned.

In order to ensure that the necessary information is available to the people in charge of the in-service inspection and maintenance of the lift, the relevant instructions for the inspection and maintenance of the safety components that are incorporated into the lift, including instructions for the use of any special equipment or software that may be needed, must be included in the instruction manual for the lift referred to in section 6.2 below, in the official language or languages of the Member State in which the lift is installed.

**6.2.** *Each lift must be accompanied by documentation drawn up in the official language(s) of the Community, which may be determined in accordance with the Treaty by the Member State in which the lift is installed. The documentation shall contain at least:*

- an instruction manual containing the plans and diagrams necessary for normal use and relating to maintenance, inspection, repair, periodic checks and the rescue operations referred to in Section 4.4,*
- a logbook in which repairs and, where appropriate, periodic checks can be noted.*

### **§ 135 Instruction manual and logbook for lifts**

The documentation referred to in section 6.2 must be supplied by the installer of the lift to the owner of the lift when the lift is placed on the market and before the lift is put into service.

Since this documentation must be comprehensible by the lift owner, by the people in charge of the inspection and maintenance of the lift and by the rescue service, section 6.2 requires that it be drafted in the official language or languages recognised by the EC Treaty of the Member State in which the lift is installed. In Member States having more than one recognised official language, it is for the Member State to determine whether one or other of the official languages is acceptable in a given part of the territory.

In cases where the person responsible for the design and construction of the lift is different from the person responsible for the installation, the designer and constructor must supply all the necessary documents to the installer so that they can be included in the documentation supplied to the owner. However it should be stressed that the installer of the lift, as defined in

[Article 1\(4\)](#), has the entire responsibility for ensuring that the documentation referred to in section 6.2 is supplied to the owner when the lift is placed on the market.

Since part of the information included in the documentation relates to the in-service inspection and maintenance of the lift and to the means provided for the release and evacuation of trapped persons in case of a breakdown, the relevant parts of the documentation must be made available to the people in charge of the inspection and maintenance of the lift and to the rescue service. This is the responsibility of the owner of the lift, however it is useful for the lift installer to provide a convenient place on the lift installation for the storage of the instruction manual and the logbook.

The lift installers' instructions must provide the information necessary to alert the owner of the lift about the need for adequate maintenance. In particular, they must include information relating to the foreseeable lifetime of critical components and criteria for their inspection and replacement.

The lift installer's instructions must provide the information on the use of any special equipment, such as special tools or software, necessary for the safe and effective maintenance of the lift or for rescue operations – see comments on [section 1.1](#) and [section 4.4](#).

The documentation mentioned in section 6.2 shall also include the EC Declarations of conformity for the safety components incorporated into the lift installation – see comments on [Article 8 \(1\)](#).

Specifications for the instruction manual and the logbook are given in clause 16 of standards EN 81, parts 1 and 2.

Specifications for the elaboration of maintenance instructions for lifts are given in standard EN 13015.<sup>55</sup>

Additional specifications concerning the information to be provided relating to the accessibility and use of lifts by persons with disability are given in clause 7 of standard EN 81-70.

Additional specifications concerning the information to be provided with vandal-resistant lifts are given in clause 7 of standard EN 81-71.

Additional specifications concerning the information to be provided with firefighters' lifts are given in clause 7 of standard EN 81-72.

Additional specifications concerning the behaviour of lifts in the event of fire and the need to maintain and test the fire alarm system are given in clause 7 of standard EN 81-73.

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<sup>55</sup> EN 13015:2001 - *Maintenance for lifts and escalators - Rules for maintenance Instructions*.

**ANNEX II****ANNEX II A Content of the EC declaration of conformity for safety components <sup>(1)</sup>**

The EC declaration of conformity must contain the following information:

- name and address of the manufacturer of the safety components <sup>(2)</sup>,
- where appropriate, name and address of his authorized representative established in the Community <sup>(2)</sup>,
- description of the safety component, details of type or series and serial number (if any),
- safety function of the safety component, if not obvious from the description,
- year of manufacture of the safety component,
- all relevant provisions with which the safety component complies,
- where appropriate, reference to harmonized standards used,
- where appropriate, name, address and identification number of the notified body which carried out the EC type-examination in accordance with Article 8 (1) (a) (i) and (ii),
- where appropriate, reference to the EC type-examination certificate issued by that notified body,
- where appropriate, name, address and identification number of the notified body which carried out the production checks in accordance with Article 8 (1) (a) (ii),<sup>56</sup>
- where appropriate, name, address and identification number of the notified body which checked the system of quality assurance implemented by the manufacturer in accordance with Article 8 (1) (a) (iii),<sup>57</sup>
- identification of the signatory empowered to act on behalf of the manufacturer of the safety components or his authorized representative established in the Community.

<sup>(1)</sup> The declaration must be drafted in the same language as the instruction manual referred to in Annex I, Section 6.1, and be either typewritten or printed.

<sup>(2)</sup> Business name, full address; in the case of an authorized representative, also indicate the business name and address of the manufacturer of the safety components.

**§ 136 EC Declaration of conformity for safety components**

<sup>56</sup> The reference in the published text of the Lifts Directive includes an error: it should read "Article 8 (1) (a) (i)".

<sup>57</sup> The reference in the published text of the Lifts Directive includes an error: it should read "Article 8 (1) (a) (ii) and (iii)".



According to Article 5(1) of the Lifts Directive, safety components listed in Annex IV must be accompanied by the EC Declaration of conformity. Annex II A sets out the contents of this Declaration.

The EC Declaration of conformity must be drawn up by either the manufacturer of the safety component or by the manufacturer's authorised representative established in the Community. The EC Declaration of conformity must be supplied with the safety component when it is placed on the market – see comments on [Article 8\(1\)](#).

The 6<sup>th</sup> indent of [Annex II A](#) states that the EC Declaration of conformity must indicate “all relevant provisions with which the safety component complies”. This implies that the EC Declaration of conformity shall indicate the conformity of the safety component with the relevant essential health and safety requirements of the Lifts Directive 95/16/EC.

Footnote (1) refers to [section 6.1 of Annex I](#) which sets out the language requirements for the instruction manual for safety components. Consequently, the EC Declaration of conformity for a safety component must be drafted in an official language of the Member State of the lift installer to whom the safety component is supplied or in another Community language acceptable to him.

The person empowered to sign the EC Declaration must have the necessary authority to sign such a legal act on behalf of the manufacturer. For safety components manufactured in series, there is no need for each EC Declaration of conformity to be signed by hand. The signature can be reproduced on printed copies.

**ANNEX II B Content of the EC declaration of conformity for installed lifts<sup>(3)</sup>**

The EC declaration of conformity must contain the following information:

- name and address of the installer of the lift<sup>(4)</sup>,
- description of the lift, details of the type or series, serial number and address where the lift is fitted,
- year of installation of the lift,
- all relevant provisions to which the lift conforms,
- where appropriate, reference to harmonized standards used,
- where appropriate, name, address and identification number of the notified body which carried out the EC type-examination of the model of the lift in accordance with Article 8 (2), (i) and (ii),
- where appropriate, reference of the EC type-examination certificate,
- where appropriate, name, address and identification number of the notified body which carried out the verification of the lift in accordance with Article 8 (2) (iv),
- where appropriate, name, address and identification number of the notified body which carried out the final inspection of the lift in accordance with the first indent of Article 8 (2), (i), (ii) and (iii),
- where appropriate, name, address, and identification number of the notified body which inspected the quality assurance system implemented by the installer in accordance with the second and third indents of Article (8) (2) (i), (ii), (iii) and (v),
- identification of the signatory having been empowered to act on behalf of the lift installer.-

<sup>(3)</sup> This declaration must be drafted in the same language as the instruction manual referred to in Annex I, Section 6.2, and be either typewritten or printed.

<sup>(4)</sup> Business name and full address.

**§ 137 EC Declaration of conformity for lifts**

According to [Article 5\(1\)](#) of the Lifts Directive, lifts must be accompanied by the EC Declaration of conformity. Annex II B sets out the contents of this Declaration.

The EC Declaration of conformity must be drawn up by the installer of the lift. The Declaration must be supplied by the installer to the lift owner when the lift is placed on the market and before it is put into service – see comments on [Article 8\(3\)](#). The EC Declaration of conformity should be included in the documentation referred to in [section 6.2 of Annex I](#).

The 4<sup>th</sup> indent of Annex II B states that the EC Declaration of conformity must indicate “all relevant provisions with which the lift complies”. This implies that the EC Declaration of conformity shall indicate the conformity of the lift with the relevant essential health and safety

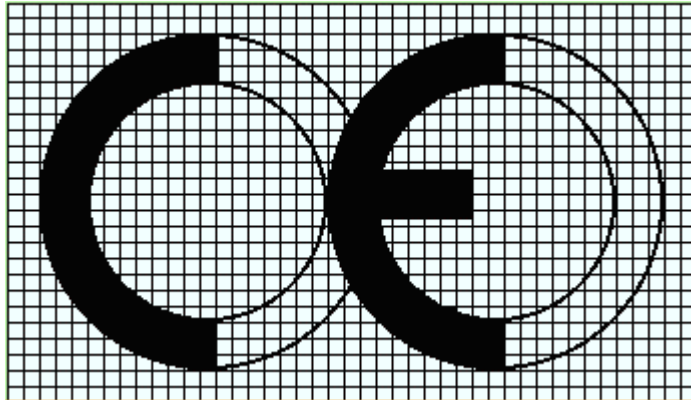
requirements of the Lifts Directive 95/16/EC. The EC Declaration of conformity may also indicate conformity with the requirements of other applicable Directives such as the EMC Directive – see comments on [Article 1\(5\)](#) and [Article 8\(3\)](#).

Footnote (3) refers to [section 6.2 of Annex I](#) which sets out the language requirements for the documentation for lifts. Consequently, the EC Declaration of conformity for a safety component must be drafted in the official language or languages of the Member State in which the lift is installed.

The person empowered to sign the EC Declaration must have the necessary authority to sign such a legal act on behalf of the installer of the lift.

**ANNEX III****CE CONFORMITY MARKING**

*The CE conformity marking shall consist of the initials 'CE' taking the following form:*



*If the CE marking is reduced or enlarged the proportions given in the above drawing must be respected.*

*The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm. This minimum dimension may be waived for small-scale safety components.*

*The CE marking shall be followed by the identification number of the notified body that deals with*

- the procedures referred to in Article 8 (1) (a) (ii) or (iii),*
- the procedures referred to in Article 8 (2).*

**§ 138 CE marking**

The requirements for the CE marking described in Annex III are set out in Article 10 of the Lifts Directive – see comments on [Article 10](#).

**§ 139 CE-marking for lifts**

The CE marking for lifts must be affixed in the lift car, together with the other markings required – see comments on [section 5.1 of Annex I](#).

The European Coordination of Notified Body has made a recommendation, endorsed by the Lifts Working Group, to clarify the identification number of the Notified Body that shall follow the CE marking of a lift according to the last paragraph of Annex III – see [NB-L REC 2/004](#).

The identification number of the Notified Body to follow the CE-marking of lifts is as follows:

Conformity assessment procedure according to <a href="#">Article 8 (2)</a> , paragraph:	Identification number of the Notified Body that carried out the:
(i), (ii) or (iii)	Final inspection (Annex VI) or Approval of the quality assurance system (Annex XII, XIII or XIV)
(iv)	Unit verification (Annex X)
(v)	Approval of the full quality assurance system (Annex XIII)

#### § 140 CE-marking for safety components

[Article 10\(2\)](#) requires that the CE marking shall be affixed on each of the safety component listed in [Annex IV](#), or, where that is not possible, on a label inseparably attached to the component.

The identification number of the Notified Body to follow the CE-marking of safety components is as follows:

Conformity assessment procedure according to <a href="#">Article 8 (1)</a> (a), paragraph:	Identification number of the Notified Body that carried out the:
(i)	-
(ii)	Approval of the quality assurance system (Annex VIII)
(iii)	Approval of the full quality assurance system (Annex IV)

**ANNEX IV****LIST OF SAFETY COMPONENTS REFERRED TO IN ARTICLE 1(1) AND ARTICLE 8(1)**

1. *Devices for locking landing doors.*
2. *Devices to prevent falls referred to in Section 3.2 of Annex I to prevent the car from falling or unchecked upward movements.*
3. *Overspeed limitation devices.*
4. *(a) Energy-accumulating shock absorbers:*
  - *either non-linear,*
  - *or with damping of the return movement.**(b) Energy-dissipating shock absorbers.*
5. *Safety devices fitted to jacks of hydraulic power circuits where these are used as devices to prevent falls.*
6. *Electric safety devices in the form of safety switches containing electronic components.*

**§ 141 List of safety components**

The list of 6 categories of safety components set out in Annex IV is an exhaustive list of the safety components for lifts that are subject to the Lifts Directive – see comments on [Article 1\(1\)](#).

**§ 142 Shock absorbers**

It has been clarified that the safety components referred to in item 4 of Annex IV as “shock absorbers” are the buffers referred to in [section 3.3 of Annex I](#).

**§ 143 Electric safety devices with electronic components**

The European Coordination of Notified Bodies for lifts has made recommendations to clarify which electric safety devices are to be considered as safety components according to item 6 of Annex IV – see [NB-L REC 1/004](#) and [NB-L REC 1/005](#).

**ANNEX V****EC TYPE-EXAMINATION (module B)****ANNEX V A** *EC type-examination of safety components*

1. *EC type-examination is the procedure whereby a notified body ascertains and certifies that a representative specimen of a safety component will permit the lift to which it is correctly fitted to satisfy the relevant requirements of the Directive.*

2. *The application for EC type-examination must be lodged by the manufacturer of the safety component, or his authorized representative established in the Community, with a notified body of his choice.*

*The application must include :*

- the name and address of the manufacturer of the safety component and of his authorized representative, if the application is made by the latter, and the place of manufacture of the safety components,*
- a written declaration that the same application has not been lodged with any other notified body,*
- a technical dossier,*
- a representative specimen of the safety component or details of the place where it can be examined. The notified body may make reasoned requests for further specimens.*

3. *The technical dossier must allow an assessment of the conformity and adequacy of the safety component to enable a lift to which it is correctly fitted to conform with the provisions of the Directive.*

*In so far as is necessary for the purpose of assessing conformity, the technical dossier should include the following :*

- a general description of the safety component, including its area of use (in particular possible limits on speed, load and power) and conditions (in particular explosive environments and exposure to the elements),*
- design and manufacturing drawings or diagrams,*
- essential requirement(s) taken into consideration and the means adopted to satisfy it (them) (e.g. a harmonized standard),*
- results of any tests or calculations performed or subcontracted by the manufacturer,*

- a copy of the assembly instructions for the safety components,
- steps taken at the manufacturing stage to ensure that series-produced safety components conform to the safety component examined.

4. The notified body must :

- examine the technical dossier to assess how far it can meet the desired aims,
- examine the safety component to check its adequacy in terms of the technical dossier,
- perform or have performed the appropriate checks and tests necessary to check whether the solutions adopted by the manufacturer of the safety component meet the requirements of the Directive allowing the safety component to carry out its function when correctly fitted on a lift.

5. If the representative specimen of the safety component complies with the provisions of the Directive applicable to it, the notified body must issue an EC type-examination certificate to the applicant. The certificate must contain the name and address of the manufacturer of the safety component, the conclusions of the check, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The Commission, the Member States and the other notified bodies may obtain a copy of the certificate and, on a reasoned request, a copy of the technical dossier and reports of examinations, calculations and tests carried out. If the notified body refuses to issue an EC type-examination certificate to the manufacturer, it must state the detailed grounds for refusal. Provision must be made for an appeal procedure.

6. The manufacturer of the safety component or his authorized representative established in the Community must inform the notified body of any alterations, even of a minor nature, which he has made or plans to make to the approved safety component, including new extensions or variants not specified in the original technical dossier (see the first indent of Section 3). The notified body must examine the alterations and inform the applicant whether the EC type-examination certificate remains valid<sup>(1)</sup>.

7. Each notified body must communicate to the Member States the relevant information concerning :

- EC type-examination certificates issued,
- EC type-examination certificates withdrawn.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC type-examination certificates it has withdrawn.

8. EC type-examination certificates and the dossiers and correspondence relating to EC type-examination procedures must be drawn up in an official language of the Member State where the notified body is established or in a language acceptable to it.



*9. The manufacturer of the safety component or his authorized representative must keep with the technical documentation copies of EC type-examination certificates and their additions for a period of 10 years after the last safety component has been manufactured.*

*Where neither the manufacturer of a safety component nor his authorized representative is established in the Community, the obligation to keep the technical documentation available falls to the person who places the safety component on the Community market.*

*<sup>(1)</sup> If the notified body deems it necessary, it may either issue an addition to the original EC type-examination certificate or ask for a fresh application to be submitted.*

#### **§ 144 EC type-examination of safety components**

EC type-examination is one of the conformity assessment procedures covering the design phase for the safety components listed in Annex IV – see comments on [Article 8\(1\)](#).

The European Coordination of Notified Bodies has made recommendations relating to the EC type-examination of safety components:

- [NB-L REC 1/001](#) refers to the test procedures set out in Annex F of standards EN 81, parts 1 and 2 for the tests referred to in Annex V A(4).
- [NB-L REC 1/002](#) recommends Notified Bodies to use the model form set out in the same Annex when drawing up the EC type-examination certificate referred to in Annex V A(5).

**ANNEX V B EC type-examination of lifts**

1. EC type-examination is the procedure whereby a notified body ascertains and certifies that a model lift, or that a lift for which there is no provision for an extension or variant, satisfies the requirements of the Directive.

2. The application for EC type-examination must be lodged by the installer of the lift with a notified body of his choice.

The application must include :

- the name and address of the installer of the lift,
- a written declaration that the same application has not been lodged with any other notified body,
- a technical dossier,
- details of the place where the model lift can be examined. The model lift submitted for examination must include the terminal parts and be capable of serving at least three levels (top, middle and bottom).

3. The technical dossier must allow an assessment of the conformity of the lift with the provisions of the Directive and an understanding of the design and operation of the lift.

In so far as is necessary for the purpose of assessing conformity, the technical dossier should include the following :

- a general description of the representative model of the lift. The technical dossier should indicate clearly all possible extensions to the representative model of the lift under examination (see Article 1 (4)),
- design and manufacturing drawings or diagrams,
- essential requirements taken into consideration and the means adopted to satisfy them (e.g. a harmonized standard),
- a copy of the EC declarations of conformity of the safety components used in the manufacture of the lift,
- results of any tests or calculations performed or subcontracted by the manufacturer,
- a copy of the lift instruction manual,
- steps taken at the installation stage to ensure that the series-produced lift conforms to the provisions of the Directive.

4. The notified body must :

- examine the technical dossier to assess how far it can meet the desired aims,

- examine the representative model of the lift to check that it has been manufactured in accordance with the technical dossier,
- perform or have performed the appropriate checks and tests necessary to check that the solutions adopted by the installer of the lift meet the requirements of the Directive and allow the lift to comply with them.

5. If the model lift complies with the provisions of the Directive applicable to it, the notified body must issue an EC type-examination certificate to the applicant. The certificate must contain the name and address of the lift installer, the conclusions of the check, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The Commission, the Member States and the other notified bodies may obtain a copy of the certificate and, on a reasoned request, a copy of the technical dossier and reports of examinations, calculations and tests carried out.

If the notified body refuses to issue an EC type-examination certificate to the manufacturer, it must state the detailed grounds for refusal. Provision must be made for an appeal procedure.

6. The installer of the lift must inform the notified body of any alterations, even of a minor nature, which he has made or plans to make to the approved lift, including new extensions or variants not specified in the original technical dossier (see the first indent of Section 3). The notified body must examine the alterations and inform the applicant whether the EC type-examination certificate remains valid<sup>(1)</sup>.

7. Each notified body must communicate to the Member States the relevant information concerning:

- EC type-examination certificates issued,
- EC type-examination certificates withdrawn.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC type-examination certificates it has withdrawn.

8. EC type-examination certificates and the dossiers and correspondence relating to EC type-examination procedures must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.

9. The installer of the lift must keep with the technical documentation copies of EC type-examination certificates and their additions for a period of at least 10 years after the last lift has been manufactured in conformity with the representative model of the lift.

<sup>(1)</sup> If the notified body deems it necessary, it may either issue an addition to the original EC type-examination certificate or ask for a fresh application to be submitted.

## § 145 EC type-examination of lifts

EC type-examination is one of the conformity assessment procedures covering the design phase for lifts – see comments on [Article 8\(2\)](#).

Paragraph 2 of Annex VB states that the application for EC type-examination must be lodged by the installer of the lift. In this context, the term “installer” is used to refer to the person who carries out the conformity assessment for the design phase of the lift who may or may not be the person who takes the responsibility for the conformity of the installation – see comments on [Article 1 \(4\)](#).

The European Coordination of Notified Bodies has made a recommendation setting out the elements that shall be mentioned in the EC type-examination certificate for a model lift in order to provide clear information about the scope of the certificate and the range of variations it covers – see [NB-L REC 2/007](#).

The last indent of paragraph 2 is relevant for lift designs which are designed to serve 3 or more levels. The Coordination of Notified Bodies has clarified that this provision does not rule out EC type-examination of a lift serving only 2 levels, providing that this limitation is clearly indicated in the EC type-examination certificate – see [NB-L REC 2/008](#).

**ANNEX VI****FINAL INSPECTION**

1. *Final inspection is the procedure whereby the installer of the lift who fulfils the obligations of Section 2 ensures and declares that the lift which is being placed on the market satisfies the requirements of the Directive. The installer of the lift shall affix the CE marking in the car of each lift and draw up an EC declaration of conformity.*
2. *The installer of the lift shall take all steps necessary to ensure that the lift being placed on the market conforms with the model lift described in the EC type-examination certificate and the essential health and safety requirements applicable to it.*
3. *The installer of the lift shall keep a copy of the EC declaration of conformity and the final inspection certificate referred to in Section 6 for 10 years from the date when the lift was placed on the market.*
4. *A notified body chosen by the installer of the lift shall carry out or have carried out the final inspection of the lift about to be placed on the market. The appropriate tests and checks defined by the applicable standard(s) referred to in Article 5, or equivalent tests, must be carried out in order to ensure conformity of the lift with the relevant requirements of the Directive.*

*These checks and tests shall cover in particular :*

- (a) *examination of the documentation to check that the lift conforms with the representative model of the lift approved in accordance with Annex V.B ;*
- (b)
  - *operation of the lift both empty and at maximum load to ensure correct installation and operation of the safety devices (end stops, locking devices, etc.),*
  - *operation of the lift at both maximum load and empty to ensure the correct functioning of the safety devices in the event of loss of power,*
  - *static test with a load equal to 1,25 times the nominal load.*

*The nominal load shall be that referred to in Annex I, Section 5.*

*After these tests, the notified body shall check that no distortion or deterioration which could impair the use of the lift has occurred.*

5. *The notified body must receive the following documents :*

- *the plan of the complete lift,*
- *the plans and diagrams necessary for final inspection, in particular control circuit diagrams,*
- *a copy of the instruction manual referred to in Annex I, Section 6.2.*

*The notified body may not require detailed plans or precise information not necessary for verifying the conformity of the lift about to be placed on the market with the model lift described in the EC type-examination declaration.*

*6. If the lift satisfies the provisions of the Directive, the notified body shall affix or have affixed its identification number adjacent to the CE marking in accordance with Annex III and shall draw up a final inspection certificate which mentions the checks and tests carried out.*

*The notified body shall fill in the corresponding pages in the logbook referred to in Annex I, Section 6.2.*

*If the notified body refuses to issue the final inspection certificate, it must state the detailed reasons for refusal and recommend means whereby acceptance may be obtained. Where the installer of the lift again applies for final inspection, he must apply to the same notified body.*

*7. The final inspection certificate, dossiers and correspondence relating to the acceptance procedures shall be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.*

### **§ 146 Final inspection of lift installations**

Final inspection is one of the conformity assessment procedures that may be used for the installation phase of a lift – see comments on [Article 8\(2\)](#).

It should be noted that final inspection may concern the installation of a lift the design of which is covered by an EC type-examination certificate according to Article 8(2) (i) or (ii) or a lift designed under a full quality assurance system according to Article 8(2) (iii).

In the former case, the final inspection consists in a check that the installed lift complies with the design subject to the EC type-examination certificate and that the lift has been correctly assembled and installed. If the EC type-examination certificate covers a model lift as defined in Article 1.4, the final inspection must check that the characteristics of the installed lift are within the range of variations permitted by the certificate – see comments on [Article 1.4](#).

In the latter case, the final inspection consists in a check that the installed lift complies with the design carried out under the designer's full quality assurance system. In order to ensure a sound final inspection of the lift in this case, all the documents necessary to ensure a sound final inspection of the installation, including the documents relating to the design inspection according to [paragraph 3.3 of Annex XIII](#), must be provided to the installer by the designer of the lift and made available to the Notified Body carrying out the final inspection.

The European Coordination of Notified Bodies for lifts has drawn up a check-list for the final inspection of lift installations – see [NB-L REC 0/003](#).

Specifications relating to the tests to be carried out during the final inspection of a lift installation referred to in paragraph 4 (b) are given in clause 16 and Annex D of standards EN 81, parts 1 and 2.

In addition, clause 6 of standard EN 81-28 specifies the testing of the functioning of the remote alarm system.

**ANNEX VII****MINIMUM CRITERIA TO BE TAKEN INTO ACCOUNT BY MEMBER STATES FOR THE NOTIFICATION OF BODIES**

1. *The body, its director and the staff responsible for carrying out verification operations may not be the designer, builder, supplier or manufacturer of safety components or installer of the lifts which they inspect, nor the authorized representative of any of these parties. Similarly, the body, its director and the staff responsible for supervising the quality assurance systems referred to in Article 8 of the Directive may not be the designer, builder, supplier or manufacturer of safety components or installer of the lifts which they inspect, nor the authorized representative of any of these parties. They may not become involved either directly or as authorized representatives in the design, construction, marketing or maintenance of the safety components or in the installation of lifts. This does not preclude the possibility of exchanges of technical information between the manufacturer of the safety components or the installer of the lift and the body.*
2. *The body and its staff must carry out the inspection or supervision operations with the highest degree of professional integrity and technical competence and must be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of the inspection, especially from persons or groups of persons with an interest in the result of inspection or supervision.*
3. *The body must have at its disposal the necessary staff and possess the necessary facilities to enable it to perform properly the technical and administrative tasks connected with inspection or supervision; it must also have access to the equipment required for special verification.*
4. *The staff responsible for inspection must have:*
  - *sound technical and professional training,*
  - *satisfactory knowledge of the requirements for the tests they carry out and adequate experience of such tests,*
  - *the ability to draw up the certificates, records and reports required to authenticate the performance of the tests.*
5. *The impartiality of the inspection staff must be guaranteed. Their remuneration must not depend on the number of tests carried out or on the results of such tests.*
6. *The body must take out liability insurance unless its liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the tests.*
7. *The staff of the body must observe professional secrecy with regard to all information gained in carrying out its tasks (except vis-à-vis the competent administrative authorities of the State in which its activities are carried out) under this Directive or any provision of national law giving effect to it.*

**§ 147 Criteria for the assessment of Notified Bodies**

The minimum criteria set out in Annex VII are to be applied by the notifying authority of the Member State for assessing bodies that are candidates for notification - see comments on [Article 9](#).

While paragraph 3 of Annex VII requires Notified Bodies to possess the facilities necessary to perform the tasks involved in the conformity assessment procedures for which they are notified, the last part of this paragraph implies that certain special tests (such as, for example, the testing of the fire-resistance of lift landing doors) may be carried out by other test bodies.

However, in accordance with the general principles applicable to sub-contracting by Notified Bodies, the test bodies carrying out such special tests must also comply with the minimum criteria set out in Annex VII and the Notified Body responsible for the conformity assessment procedure retains full responsibility for accepting the test report issued by the test body concerned – see Chapter 6.5 of the [Guide to the implementation of Directives based on the New Approach and the Global Approach](#).



**ANNEX VIII****PRODUCT QUALITY ASSURANCE (module E)**

1. *Product quality assurance is the procedure whereby the manufacturer of the safety component who satisfies Section 2 ensures and declares that the safety components are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them and ensures and declares that the safety component will enable a lift to which it is correctly fitted to satisfy the provisions of the Directive.*

*The manufacturer of the safety component or his authorized representative established in the Community must affix the CE marking to each safety component and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in Section 4.*

2. *The manufacturer must apply an approved quality assurance system for final inspection of the safety component and testing as specified in Section 3, and must be subject to surveillance as specified in Section 4.*

3. *Quality assurance system*

3.1. *The manufacturer of the safety component must lodge an application for assessment of his quality assurance system for the safety components concerned with a notified body of his choice.*

*The application must include :*

- all relevant information for the safety components envisaged,*
- the documentation on the quality assurance system,*
- the technical documentation of the approved safety components and a copy of the EC type-examination certificates.*

3.2. *Under the quality assurance system, each safety component must be examined and appropriate tests as set out in the relevant standards referred to in Article 5 or equivalent tests must be carried out in order to ensure its conformity to the relevant requirements of the Directive.*

*All the elements, requirements and provisions adopted by the manufacturer of the safety components must be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality assurance system documentation must ensure a common understanding of the quality programmes, plans, manuals and records.*

*It must contain in particular an adequate description of :*

- (a) the quality objectives;*
- (b) the organizational structure, responsibilities and powers of the management with regard to safety component quality;*
- (c) the examinations and tests that will be carried out after manufacture;*

(d) *the means to verify the effective operation of the quality assurance system;*

(e) *quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.*

*3.3. The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume conformity with these requirements in respect of quality assurance systems that implement the relevant harmonized standard (1).*

*The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include a visit to the premises of the safety component manufacturer.*

*The decision must be notified to the manufacturer of the safety components. The notification must contain the conclusions of the examination and the reasoned assessment decision.*

*3.4. The manufacturer of the safety components must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.*

*The manufacturer of the safety components or his authorized representative established in the Community must keep the notified body which has approved the quality assurance system informed of any intended updating of the quality assurance system.*

*The notified body must assess the modifications proposed and decide whether the modified quality assurance system still satisfies the requirements referred to in Section 3.2 or whether a reassessment is required.*

*It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.*

#### *4. Surveillance under the responsibility of the notified body*

*4.1. The purpose of surveillance is to make sure that the manufacturer of the safety component duly fulfils the obligations arising out of the approved quality assurance system.*

*4.2. The manufacturer must allow the notified body access for inspection purposes to the inspection, testing and storage locations and provide it with all necessary information, in particular :*

*– the quality assurance system documentation,*

*– the technical documentation,*

*– the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.*

*4.3. The notified body must periodically carry out audits to ensure that the manufacturer of the safety components maintains and applies the quality assurance system and must provide an audit report to the manufacturer of the safety components.*

*4.4. Additionally, the notified body may pay unexpected visits to the manufacturer of the safety component.*

*At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary; it must provide the manufacturer of the safety components with a visit report and, if a test has been carried out, with a test report.*

*5. The manufacturer must, for a period ending 10 years after the last safety component has been manufactured, keep at the disposal of the national authorities :*

- the documentation referred to in the third indent of the second paragraph of Section 3.1,*
- the updating referred to in the second paragraph of Section 3.4,*
- the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4 and in Sections 4.3 and 4.4.*

*6. Each notified body must forward to the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.*

*<sup>(1)</sup> This harmonized standard will be EN 29003, supplemented where necessary to take account of the specific features of safety components.*

#### **§ 148 Product quality assurance for safety components**

The procedure set out in Annex VIII is one of the conformity assessment procedures that can be used for the production phase of the safety components listed in [Annex IV](#) – see comments on [Article 8\(1\)](#).

The design of the safety components subject to the product quality assurance procedure must have been subject to the EC type-examination procedure for safety components set out in [Annex V A](#).

The European Coordination of Notified Bodies has made a recommendation on the content of the certificate of approval of a product quality assurance system according to Annex VIII – see [NB-L REC 3/005](#).

Footnote (1) indicates the relevant harmonised standard for product quality assurance systems. Since the Lifts Directive was adopted, standard EN 29003<sup>58</sup> has been superseded by standard EN ISO 9001.<sup>59</sup>

<sup>58</sup> EN 29003:1987 – *Model for quality assurance in final inspection and tests.*

<sup>59</sup> EN ISO 9001:2000 - *Quality management systems – Requirements.*

**ANNEX IX*****FULL QUALITY ASSURANCE (module H)***

*1. Full quality assurance is the procedure whereby the manufacturer of the safety component who satisfies the obligations of Section 2 ensures and declares that the safety components satisfy the requirements of the Directive that apply to them and that the safety component will enable a lift to which it is correctly fitted to satisfy the requirements of the Directive.*

*The manufacturer or his authorized representative established in the Community must affix the CE marking to each safety component and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for the surveillance as specified in Section 4.*

*2. The manufacturer must operate an approved quality assurance system for design, manufacture and final inspection of the safety components and testing as specified in Section 3 and must be subject to surveillance as specified in Section 4.*

*3. Quality assurance system*

*3.1. The manufacturer must lodge an application for assessment of his quality assurance system with a notified body. The application must include :*

- all relevant information on safety components,*
- the documentation on the quality assurance system.*

*3.2. The quality assurance system must ensure compliance of the safety components with the requirements of the Directive that apply to them and enable lifts to which they have been correctly fitted to satisfy those requirements.*

*All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality assurance system documentation must ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.*

*It must contain in particular an adequate description of :*

- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the design and quality of the safety components,*
- the technical design specifications, including standards, that will be applied and, where the standards referred to in Article 5 will not be applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the safety components will be met,*
- the design control and design verification techniques, processes and systematic actions that will be used when designing the safety components,*
- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,*

- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.,
- the means of monitoring the achievement of the required design and product quality and the effective operation of the quality assurance system.

3.3. The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume compliance with these requirements in respect of quality assurance systems that implement the relevant harmonized standard<sup>(1)</sup>.

The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include a visit to the manufacturer's premises.

The decision must be notified to the manufacturer of the safety components. The notification must contain the conclusions of the examination and the reasoned assessment decision.

3.4. The manufacturer of the safety components must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.

The manufacturer or his authorized representative established in the Community must keep the notified body which has approved the quality assurance system informed of any intended updating of the quality assurance system.

The notified body must assess the modifications proposed and decide whether the modified quality assurance system will still satisfy the requirements referred to in Section 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### 4. Surveillance under the responsibility of the notified body

4.1. The purpose of surveillance is to make sure that the manufacturer of the safety components duly fulfils the obligations arising out of the approved quality assurance system.

4.2. The manufacturer of the safety components must allow the notified body access for inspection purposes to the design, manufacture, inspection and testing, and storage locations, and must provide it with all necessary information, in particular :

- the quality assurance system documentation,
- the quality records provided for in the design part of the quality system, such as results of analyses, calculations, tests, etc.,
- the quality records provided for in the manufacturing part of the quality assurance system, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel

*concerned, etc.*

*4.3. The notified body must periodically carry out audits to make sure that the manufacturer of the safety components maintains and applies the quality assurance system and must provide an audit report to the manufacturer of the safety components.*

*4.4. Additionally, the notified body may pay unexpected visits to the manufacturer of the safety components. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary; it must provide the manufacturer of the safety components with a visit report and, if a test has been carried out, with a test report.*

*5. The manufacturer of the safety components or his authorized representative must, for a period of 10 years after the last safety component has been manufactured, keep at the disposal of the national authorities :*

- the documentation referred to in the second indent of the second paragraph of Section 3.1,*
- the updating referred to in the second paragraph of Section 3.4,*
- the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4 and in Sections 4.3 and 4.4.*

*Where neither the manufacturer of the safety components nor his authorized representative is established in the Community, the obligation to keep the technical documentation available falls to the person who places the safety component on the Community market.*

*6. Each notified body must forward to the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.*

*7. The dossiers and correspondence relating to the full quality assurance procedures must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.*

*(1) This harmonized standard will be EN 29001, supplemented where necessary to take account of the specific features of safety components.*

## **§ 149 Full quality assurance for safety components**

The conformity assessment procedure set out in Annex IX covers both the design and production phases for safety components – see comments on [Article 8\(1\)](#).

The main considerations to be taken into account when assessing a safety component manufacturer's full quality assurance system have been set out in a Recommendation of the European Coordination of Notified Bodies for Lifts – see [NB-L REC 3/002](#).

The European Coordination of Notified Bodies has also made a recommendation on the content of the certificate of approval of a product quality assurance system according to Annex IX – see [NB-L REC 3/005](#).

Footnote (1) indicates the relevant harmonised standard for product quality assurance systems. Since the Lifts Directive was adopted, standard EN 29001<sup>60</sup> has been superseded by standard EN ISO 9001.<sup>61</sup>

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<sup>60</sup> EN 29001:1987 – *Quality systems - Model for quality assurance in design/development, production, installation and servicing.*

<sup>61</sup> EN ISO 9001:2000 - *Quality management systems – Requirements.*

**ANNEX X****UNIT VERIFICATION (module G)**

1. Unit verification is the procedure whereby the installer of a lift ensures and declares that a lift which is being placed on the market and which has obtained the certificate of conformity referred to in Section 4 complies with the requirements of the Directive. The installer of the lift must affix the CE marking in the car of the lift and draw up an EC declaration of conformity.

2. The lift installer shall apply to a notified body of his choice for unit verification.

The application shall contain :

- the name and address of the installer of the lift and the location where the lift is installed,
- a written declaration to the effect that a similar application has not been lodged with another notified body,
- a technical dossier.

3. The purpose of the technical dossier is to enable the conformity of the lift with the requirements of the Directive to be assessed and the design, installation and operation of the lift to be understood.

So far as relevant for conformity assessment, the technical dossier shall contain the following :

- a general description of the lift,
- design and manufacturing drawings and diagrams,
- the essential requirements in question and the solution adopted to meet them (e.g. harmonized standard),
- the results of any tests or calculations carried out or subcontracted by the installer of the lift,
- a copy of the instructions for use of the lift,
- a copy of the EC type-examination certificates of the safety components used.

4. The notified body must examine the technical dossier and the lift and carry out the appropriate tests as set out in the relevant standard(s) referred to in Article 5 of the Directive, or equivalent tests, to ensure its conformity with the relevant requirements of this Directive.

If the lift meets the requirements of this Directive, the notified body shall affix, or cause to be affixed, its identification number adjacent to the CE marking in accordance with Annex III and shall draw up a certificate of conformity relating to the tests carried out.

The notified body shall fill in the corresponding pages of the logbook referred to in Section 6.2 of Annex I.



*If the notified body refuses to issue the certificate of conformity, it must state in detail its reasons for refusing and indicate how conformity can be achieved. When the installer of the lift reapplies for verification he must apply to the same notified body.*

*5. The certificate of conformity and the dossiers and correspondence relating to unit verification procedures must be drawn up in an official language of the Member State where the notified body is established or in a language acceptable to it.*

*6. The installer of the lift shall keep with the technical dossier a copy of the certificate of conformity for a period of 10 years from the date on which the lift is placed on the market.*

### **§ 150 Unit verification of a lift installation**

The unit verification procedure covers both the design and installation phases of a lift – see comments on [Article 8\(2\)](#).

The unit verification procedure was included in the Lifts Directive to cover the case of lifts designed for a particular site or intended to be installed in small series, for which the EC type-examination procedure is not appropriate. The procedure can also be useful when the installed lift is an adaptation of a design covered by an EC type-examination certificate for a particular site.

The procedure of unit verification combines the essential features of EC-type examination of a lift according to [Annex V B](#) and final inspection of a lift installation according to [Annex VI](#).

The tests referred to in paragraph 4 of Annex X include the tests necessary to ensure the conformity of the lift installation with the relevant design requirements. It can be assumed that these tests include those mentioned in paragraph 4 (b) of Annex VI necessary to ensure the correct installation of the lift and the correct functioning of its safety devices.

The European Coordination of Notified Bodies for lifts has drawn up a check-list for the final inspection of lift installations – see [NB-L REC 0/003](#).

Specifications relating to the tests to be carried out during the final inspection of a lift installation referred to in paragraph 4 (b) are given in clause 16 and Annex D of standards EN 81, parts 1 and 2.

**ANNEX XI****CONFORMITY TO TYPE WITH RANDOM CHECKING (module C)**

1. *Conformity to type is the procedure whereby the manufacturer of the safety components or his authorized representative established in the Community ensures and declares that the safety components are in conformity with the type as described in the EC type certificate and satisfy the requirements of the Directive that apply to them and enable any lift to which they are correctly fitted to satisfy the essential health and safety requirements of the Directive.*

*The manufacturer of the safety components, or his authorized representative established in the Community, must affix the CE marking to each safety component and draw up an EC declaration of conformity.*

2. *The manufacturer of the safety components must take all measures necessary to ensure that the manufacturing process assures conformity of the manufactured safety components with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.*

3. *The manufacturer of the safety components or his authorized representative must keep a copy of the EC declaration of conformity for a period of 10 years after the last safety component has been manufactured.*

*Where neither the manufacturer of the safety components nor his authorized representative is established in the Community, the obligation to keep the technical documentation available falls to the person who places the safety components on the Community market.*

4. *A notified body chosen by the manufacturer must carry out or have carried out checks on safety components at random intervals. An adequate sample of the finished safety components, taken on site by the notified body, must be examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, must be carried out to check the conformity of production to the relevant requirements of the Directive. In those cases where one or more of the safety components checked do not conform, the notified body must take appropriate measures.*

*The points to be taken into account when checking the safety components will be defined by joint agreement between all the notified bodies responsible for this procedure, taking into consideration the essential characteristics of the safety components referred to in Annex IV.*

*On the responsibility of the notified body, the manufacturer must affix that body's identification number during the manufacturing process.*

5. *The dossiers and correspondence relating to the random checking procedures referred to in Section 4 must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.*

**§ 151 Conformity to type of safety components**

The procedure set out in Annex XI is one of the conformity assessment procedures that may be used for the production phase of the safety components listed in Annex IV – see comments on [Article 8\(1\)](#).

The design of the safety components subject to the procedure of conformity to type with random checking must have been subject to the EC type-examination procedure for safety components set out in [Annex V A](#).

**ANNEX XII****PRODUCT QUALITY ASSURANCE FOR LIFTS (module E)**

1. *Product quality assurance is the procedure whereby the installer of a lift who satisfies Section 2 ensures and declares that the lifts installed are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.*

*The installer of a lift must affix the CE marking to each lift and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in Section 4.*

2. *The installer of a lift must apply an approved quality assurance system for final inspection of the lift and testing as specified in Section 3, and must be subject to surveillance as specified in Section 4.*

3. *Quality assurance system*

3.1. *The installer of a lift must lodge an application for assessment of his quality assurance system for the lifts concerned with a notified body of his choice.*

*The application must include :*

- all relevant information for the lifts envisaged,*
- the documentation on the quality assurance system,*
- the technical documentation on the approved lifts and a copy of the EC type-examination certificates.*

3.2. *Under the quality assurance system, each lift must be examined and appropriate tests as set out in the relevant standards referred to in Article 5 or equivalent tests must be carried out in order to ensure its conformity to the relevant requirements of the Directive.*

*All the elements, requirements and provisions adopted by the installer of a lift must be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality assurance system documentation must ensure a common understanding of the quality programmes, plans, manuals and quality records.*

*It must contain in particular an adequate description of :*

- (a) the quality objectives,*
- (b) the organizational structure, responsibilities and powers of the management with regard to lift quality,*
- (c) the examinations and tests that will be carried out before placing on the market, including at the very least the tests laid down in Annex VI, 4 (b),*
- (d) the means to verify the effective operation of the quality assurance system,*

(e) quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

3.3. The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume conformity with these requirements in respect of quality assurance systems that implement the relevant harmonized standard<sup>(1)</sup>.

The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include a visit to the premises of the lift installer and a visit to the installation site.

The decision must be notified to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

3.4. The installer of a lift must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.

The installer of a lift must keep the notified body which has approved the quality assurance system informed of any intended updating of the quality assurance system.

The notified body must assess the modifications proposed and decide whether the modified quality assurance system still satisfies the requirements referred to in Section 3.2 or whether a reassessment is required.

It must notify its decision to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### 4. Surveillance under the responsibility of the notified body

4.1. The purpose of surveillance is to make sure that the installer of a lift duly fulfils the obligations arising out of the approved quality assurance system.

4.2. The installer of a lift must allow the notified body access for inspection purposes to the inspection and testing locations and provide it with all necessary information, in particular :

– the quality assurance system documentation,

– the technical documentation,

– the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

4.3. The notified body must periodically carry out audits to ensure that the installer of a lift maintains and applies the quality assurance system and must provide an audit report to the lift installer.

4.4. Additionally, the notified body may pay unexpected visits to the lift installation sites.

At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary and of the lift; it must provide the lift installer with a visit report and, if a test has been carried out, with a test report.

5. *The installer of a lift must, for a period of 10 years after the last lift has been manufactured, keep at the disposal of the national authorities :*

- the documentation referred to in the third indent of the second paragraph of Section 3.1,*
- the updating referred to in the second paragraph of Section 3.4,*
- the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4 and in Sections 4.3 and 4.4.*

6. *Each notified body must forward to the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.*

<sup>(1)</sup> *This harmonized standard will be EN 29003, supplemented where necessary to take account of the specific features of the lifts.*

### **§ 152 Product quality assurance for lifts**

The procedure set out in Annex XII is one of the conformity assessment procedures that can be used for the installation phase of a lift, the design of which is subject to either an EC type-examination according to Annex V B or an approved full quality assurance system according to Annex XIII – see comments on [Article 8\(2\)](#).

If the production quality assurance system is used for a lift the design of which is subject to an approved quality assurance system according to Annex XIII, the application referred to in paragraph 3.1 must include a copy of the decision approving the designer's quality assurance system (instead of the EC type-approval certificate mentioned in the 3<sup>rd</sup> indent of this paragraph).

The installer's quality assurance system must ensure that the final inspection and testing of the lift carried out by the installer himself is as rigorous as if it was carried by a Notified Body according to [Annex VI](#). In this respect, the check-list developed by the European Coordination of Notified Bodies for the final inspection and testing of lifts should be followed by installers carrying out the final inspection under an approved product quality assurance system – see [NB-L REC 0/003](#).

An installer's approved full quality assurance system according to Annex XIII is considered to cover product quality assurance according to Annex XII - see comments on [Article 8\(2\)](#) and the Recommendation of the Coordination of Notified Bodies: [NB-L REC 3/003](#).

The European Coordination of Notified Bodies has also made a recommendation on the content of the certificate of approval of a product quality assurance system according to Annex XII – see [NB-L REC 3/005](#).

Footnote (1) indicates the relevant harmonised standard for product quality assurance systems. Since the Lifts Directive was adopted, standard EN 29003<sup>62</sup> has been superseded by standard EN ISO 9001.<sup>63</sup>

<sup>62</sup> EN 29003:1987 – *Model for quality assurance in final inspection and tests*.

<sup>63</sup> EN ISO 9001:2000 - *Quality management systems – Requirements*.

**ANNEX XIII****FULL QUALITY ASSURANCE FOR LIFTS (module H)**

1. Full quality assurance is the procedure whereby the installer of a lift who satisfies the obligations of Section 2 ensures and declares that lifts satisfy the requirements of the Directive that apply to them.

The installer of a lift must affix the CE marking on each lift and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for the surveillance as specified in Section 4.

2. The installer of a lift must operate an approved quality assurance system for design, manufacture, assembly, installation and final inspection of the lifts and testing as specified in Section 3 and must be subject to surveillance as specified in Section 4.

3. **Quality assurance system**

3.1. The installer of a lift must lodge an application for assessment of his quality assurance system with a notified body.

The application must include :

- all relevant information on the lifts, in particular information which makes for an understanding of the relationship between the design and operation of the lift and enables conformity with the requirements of the Directive to be assessed,
- the documentation on the quality assurance system.

3.2. The quality assurance system must ensure conformity of the lifts with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the lift installer must be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality assurance system documentation must ensure a common understanding of the procedures such as programmes, plans, manuals and quality records.

It must contain in particular an adequate description of:

- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the design and quality of the lifts,
- the technical design specifications, including standards that will be applied and, where the standards referred to in Article 5 of the Directive will not be applied in full, the means that will be used to ensure that the requirements of the Directive that apply to the lifts will be met,
- the design control and design verification techniques, processes and systematic actions that will be used when designing the lifts,
- the examinations and tests that will be carried out on acceptance of the supplies of materials, components and sub-assemblies,
- the corresponding assembly, installation and quality control techniques, processes and

*systematic actions that will be used,*

- *the examinations and tests that will be carried out before (inspection of installation conditions: shaft, housing of machinery, etc.), during and after installation (including at the very least the tests laid down in Annex VI, Section 4 (b)),*
- *the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.,*
- *the means of monitoring the achievement of the required design and installation quality and the effective operation of the quality assurance system.*

### **3.3. Design inspection**

*When the design is not entirely in accordance with harmonized standards, the notified body must ascertain whether the design conforms to the provisions of the Directive and, if it does, issue an 'EC design examination certificate' to the installer, stating the limits of the certificate's validity and giving the details required for identification of the approved design.*

### **3.4. Assessment of the quality assurance system**

*The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume compliance with these requirements in respect of quality assurance systems that implement the relevant harmonized standard (1).*

*The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include a visit to the lift installer's premises and a visit to an installation site.*

*The decision must be notified to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.*

**3.5.** *The lift installer must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.*

*The lift installer must keep the notified body that has approved the quality assurance system informed of any intended updating of the quality assurance system.*

*The notified body must assess the modifications proposed and decide whether the modified quality assurance system will still satisfy the requirements referred to in Section 3.2 or whether a reassessment is required.*

*It must notify its decision to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.*

## **4. Surveillance under the responsibility of the notified body**

**4.1.** *The purpose of surveillance is to make sure that the installer of a lift duly fulfils the obligations arising out of the approved quality assurance system.*

**4.2.** *The lift installer must allow the notified body access for inspection purposes to the design, manufacture, assembly, installation, inspection and testing and storage locations, and must*



*provide it with all necessary information, in particular:*

- *the quality assurance system documentation,*
- *the quality records provided for in the design part of the quality assurance system, such as results of analyses, calculations, tests, etc.,*
- *the quality records provided for in the part of the quality assurance system concerning acceptance of supplies and installation, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.*

*4.3. The notified body must periodically carry out audits to make sure that the installer of a lift maintains and applies the quality assurance system and must provide the installer with an audit report.*

*4.4. Additionally, the notified body may pay unexpected visits to the premises of a lift installer or to the assembly site of a lift. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary; it must provide the lift installer with a visit report and, if a test has been carried out, with a test report.*

*5. The installer of a lift must, for a period of 10 years after the lift has been placed on the market, keep at the disposal of the national authorities:*

- *the documentation referred to in the second indent of the second paragraph of Section 3.1,*
- *the updating referred to in the second paragraph of Section 3.5,*
- *the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.5 and in Sections 4.3 and 4.4.*

*Where the installer is not established in the Community, this obligation falls to the notified body.*

*6. Each notified body shall forward to the other notified bodies the relevant information concerning the quality assurance systems issued and withdrawn.*

*7. The dossiers and correspondence relating to the full quality assurance procedures must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.*

*(1) This harmonized standard will be EN 29001, supplemented where necessary to take account of the specific features of the lifts.*

### **§ 153 Full quality assurance for lifts**

Paragraph 1 of Annex XIII refers to the conformity assessment procedures set out in Article 8(2) (iii) and (v). In the case described in Article 8(2) (iii), the full quality assurance procedure only covers the design phase. In the case described in Article 8(2) (v), full quality assurance procedure covers both the design and installation phases – see comments on [Article 8\(2\)](#).

### **§ 154 The scope of the full quality assurance system**

Since the full quality assurance procedure can be used either for the design and installation phases or for the design phase only, it is possible for a person carrying out only the design and construction of lifts and not carrying out the installation to have his full quality system approved.

However, any applicant for the approval of a full quality assurance for lifts must be able to demonstrate that he has the competence to fulfil all of the activities mentioned in paragraph 2 - design, manufacture, assembly, installation and final inspection and testing of lifts - even if he does not actually perform certain of these activities. Furthermore, the full quality assurance system of a lift designer must include means of taking into account feedback from the installation of the lifts designed under the system.

If the full quality assurance procedure set out in Annex XIII is applied for the design phase only, the designer of the lift must provide all the documents necessary to ensure a sound final inspection of the installation, including the documents relating to the design inspection according to paragraph 3.3 of Annex XIII.

If the installation is subject to final inspection procedure set out in [Annex VI](#), these documents must be made available to the Notified Body carrying out the final inspection. If the final inspection is carried out by the installer himself according to the procedures set out in Annexes XII, XIII or XIV, the necessary documents must be made available to the installer.

#### **§ 155 Design inspection**

The design inspection referred to in paragraph 3.3 concerns only those aspects of the design, which are not in accordance with the relevant harmonised standards.

A design inspection is necessary when a design intended to be applied on one or several installations is not entirely in accordance with the relevant harmonised standards, if there are no harmonised standards for a particular aspect of the design or if the installer wishes to deviate from the harmonised standards to take account of specificities of the installation site.

The application for a design inspection shall be made to the Notified Body responsible for the approval of the installer's full quality assurance system according to Annex XIII – see [NB-L REC 3/001](#).

#### **§ 156 Final inspection and testing under the full quality assurance system**

When both the design and installation phases are covered by the lift installer's full quality assurance system according to Annex XIII, the final inspection and testing of the lift installation are carried out by the installer himself. The final inspection and testing of the lift installation carried out by the installer under a full quality assurance system must be as thorough as that carried out by a Notified Body according to Annex VI. In particular, paragraph 3.2 indicates that the examinations and tests carried out by the installer must include, at the very least, the tests laid down in paragraph 4 (b) of [Annex VI](#).

Installers should therefore take due account of the check-list drawn up by the European Coordination of Notified Bodies for the final inspection of lift installations – see [NB-L REC 0/003](#).

**§ 157 The assessment of the full quality assurance system**

The main considerations to be taken into account when assessing a lift installer's full quality assurance system have been set out in a Recommendation of the European Coordination of Notified Bodies for Lifts – see [NB-L REC 3/001](#).

Footnote (1) indicates the relevant harmonised standard for product quality assurance systems. Since the Lifts Directive was adopted, standard EN 29001<sup>64</sup> has been superseded by standard EN ISO 9001.<sup>65</sup>

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<sup>64</sup> EN 29001:1987 – *Quality systems - Model for quality assurance in design/development, production, installation and servicing.*

<sup>65</sup> EN ISO 9001:2000 - *Quality management systems – Requirements.*

## **ANNEX XIV**

### **PRODUCTION QUALITY ASSURANCE (module D)**

1. Production quality assurance is the procedure whereby the installer of a lift who satisfies the obligations of Section 2 ensures and declares that the lifts satisfy the requirements of the Directive that apply to them. The installer of the lift must affix the CE marking to each lift and draw up a written declaration of conformity. The CE marking must be accompanied by the identification symbol of the notified body responsible for surveillance as specified in Section 4.

2. The installer of the lift must operate an approved quality assurance system for production, installation, final lift inspection and testing as specified in Section 3 and is subject to surveillance as specified in Section 4.

#### **3. Quality assurance system**

3.1. The installer must lodge an application for assessment of his quality assurance system with a notified body of his choice.

The application must include:

- all relevant information for the lifts,
- the documentation concerning the quality assurance system,
- the technical documentation of the approved type and a copy of the EC type-examination certificate.

3.2. The quality assurance system must ensure compliance of the lifts with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the installer of a lift shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality assurance system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the quality of the lifts,
- the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,
- the examinations and tests that will be carried out before, during and after installation <sup>(1)</sup>,
- the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,
- the means to monitor the achievement of the required lift quality and the effective operation of the quality assurance system.

3.3. *The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It presumes conformity with these requirements in respect of quality assurance systems that implement the relevant harmonized standard (2).*

*The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include an inspection visit to the installer's premises.*

*The decision must be notified to the installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.*

3.4. *The installer must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.*

*The installer shall keep the notified body that has approved the quality assurance system informed of any intended updating of the quality assurance system.*

*The notified body must assess the modifications proposed and decide whether the modified quality assurance system will still satisfy the requirements referred to in Section 3.2 or whether a re-assessment is required.*

*It must notify its decision to the installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.*

#### **4. *Surveillance under the responsibility of the notified body***

4.1. *The purpose of surveillance is to make sure that the installer duly fulfils the obligations arising out of the approved quality assurance system.*

4.2. *The installer must allow the notified body access for inspection purposes to the manufacture, inspection, assembly, installation, testing and storage locations and must provide it with all necessary information, in particular:*

- *the quality assurance system documentation,*
- *the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.*

4.3. *The notified body must periodically carry out audits to make sure that the installer maintains and applies the quality assurance system and must provide an audit report to the installer.*

4.4. *Additionally the notified body may pay unexpected visits to the installer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality assurance system is functioning correctly, if necessary. The notified body must provide the installer with a visit report and, if a test has taken place, with a test report.*

5. *The installer must, for a period of 10 years after the last lift has been manufactured, keep at the disposal of the national authorities:*

- *the documentation referred to in the second indent of Section 3.1,*

- *the updating referred to in the second paragraph of Section 3.4,*
  - *the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4, Sections 4.3 and 4.4.*
- 6. Each notified body must give the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.*
- 7. Documentation and correspondence relating to the production quality assurance procedures shall be drawn up in an official language of the Member State in which the notified body is established or in a language acceptable to it.*
- <sup>(1)</sup> These tests include at least the tests provided for in Annex VI, Section 4 (b).*
- <sup>(2)</sup> This harmonized standard will be EN 29002, supplemented where necessary to take account of the specific nature of the lifts.*

### **§ 158 Production quality assurance for lifts**

The procedure set out in Annex XIV is one of the conformity assessment procedures that can be used for the installation phase of a lift, the design of which is subject to either an EC type-examination according to Annex V B or an approved full quality assurance system according to Annex XIII – see comments on [Article 8\(2\)](#).

If the production quality assurance system is used for a lift the design of which is subject to an approved quality assurance system according to Annex XIII, the application referred to in paragraph 3.1 must include a copy of the decision approving the designer's quality assurance system (instead of the EC type-approval certificate mentioned in the 3<sup>rd</sup> indent of this paragraph).

The installer's approved quality assurance system must ensure that the final inspection and testing of the lift carried out by the installer himself is as rigorous as if it was carried by a Notified Body according to Annex VI. In this respect, the check-list developed by the European Coordination of Notified Bodies for the final inspection and testing of lifts provides useful guidance for installers carrying out the final inspection under an approved product quality assurance system – see [NB-L REC 0/003](#).

An installer's approved full quality assurance system according to Annex XIII is considered to cover production quality assurance according to Annex XIV - see comments on [Article 8\(2\)](#) and the Recommendation of the Coordination of Notified Bodies: [NB-L REC 3/003](#).

The European Coordination of Notified Bodies has also made a recommendation on the content of the certificate of approval of a production quality assurance system according to Annex XIV – see [NB-L REC 3/005](#).

Footnote (2) indicates the relevant harmonised standard for product quality assurance systems. Since the Lifts Directive was adopted, standard EN 29002<sup>66</sup> has been superseded by standard EN ISO 9001.<sup>67</sup>

<sup>66</sup> EN 29002:1987 – *Quality systems - Model for quality assurance in production and installation.*

<sup>67</sup> EN ISO 9001:2000 - *Quality management systems – Requirements.*

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