GUIDE TO APPLICATION OF THE LIFTS DIRECTIVE 2014/33/EU

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GUIDE TO APPLICATION OF THE LIFTS DIRECTIVE 2014/33/EU

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GUIDE TO APPLICATION OF THE LIFTS DIRECTIVE 2014/33/EU

INTRODUCTION

1. This **GUIDE TO APPLICATION OF THE LIFTS DIRECTIVE** (hereafter Lifts Guide or Guide) is intended to be a manual for all parties[1] directly or indirectly affected by **Directive 2014/33/EU**[2], commonly referred to as the Lifts Directive, applicable from **20 April 2016**, replacing the previous Directive 95/16/EC[3].

2. This Guide supersedes the "Guide on the application of Lifts Directive 95/16/EC" of May 2007 (last modification October 2009). The documents which have been issued explaining the Lifts Directive 95/16/EC and referred in this Guide are valid under the Directive 2014/33/EU provided that they are not in contradiction with Directive 2014/33/EU.

3. The Lifts Guide refers only to aspects specific to the application of Directive 2014/33/EU unless otherwise indicated.

4. Readers' attention is drawn to the fact that this Guide is intended only to facilitate the application of Directive 2014/33/EU and that only the text of the Directive and the national laws transposing the Directive are legally binding. However, this document does represent a reference for ensuring consistent and harmonised application of the Directive by all stakeholders.

5. This Guide is intended not only for the use of Member States' competent authorities, but also by the main economic operators concerned, such as installers, manufacturers, importers and distributors and their trade associations, notified bodies and bodies in charge of the preparation of standards in support of the Lifts Directive. The Guide has also relevance for workers as it clarifies what kind of instructions should be available to do the installation and maintenance operations healthily and safely. The Directive is a total harmonisation Directive contributing to different areas of issues:

   - internal market: economic operators shall comply with the applicable conformity assessment procedures; lifts and safety components should comply with the

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1 By virtue of the Agreement on the European Economic Area (EEA), lifts that comply with the Lifts Directive also benefit from free movement in Iceland, Liechtenstein and Norway. The same is true in Switzerland by virtue of the mutual recognition agreement with the EU and in Turkey by virtue of the EU-Turkey Customs Union. So the relevant references of the Lifts Directive and its Guide should be read in conjunction with these Agreements.

2 Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (recast). OJEU L 96, 29.3.2014.

3 Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of Member States relating to lifts. OJ L 213, 7.9.1995, p. 1.

essential health and safety requirements applicable to them; and end users expect that the product can be used safely and healthily;

- level playing field: all economic operators, conformity assessment bodies (notified bodies) and maintenance providers shall be treated in a fair way and be subject to equivalent requirements;

- working conditions: workers shall be protected by ensuring a high level of health and safety when carrying out installation and maintenance work and have instructions available.

6. This Guide is not exhaustive; it focuses on certain issues only, which, in the light of the accumulated experience, are of direct and specific interest for the application of the Lifts Directive. This Guide should be used in conjunction with the Directive itself and with the European Commission's document "The Blue Guide on the implementation of EU product rules"[4]. The Blue Guide provides guidance on horizontal terms and principles of EU product rules, which further explains concepts such as "placing on the market", "manufacturer", "authorised representative", "importer", "distributor", etc.

7. The structure of the Lifts Guide follows the structure of the Lifts Directive 2014/33/EU itself. Comments and explanations are given to each Article and Annex of the Directive.

8. This Guide has been prepared by the competent services of the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (GROW) of the European Commission in cooperation with Member States, European Standardisation Organisations, notified bodies, lifts industry and other relevant sectorial stakeholders.

9. This information is:

   - of a general nature only and is not intended to address the specific circumstances of any particular individual or entity;

   - not necessarily comprehensive, complete, accurate or up-to-date;

   - sometimes refers to external information over which the Commission services have no control and for which the Commission assumes no responsibility;

   - not professional or legal advice.

10. Further guidance, especially concerning specific types of products, can be found on the European Commission's website on EUROPA regarding Lifts directive: http://ec.europa.eu/growth/sectors/mechanical-engineering/lifts/index_en.htm

Any query can be addressed to the GROW LIFTS functional mailbox GROW-LIFTS@ec.europa.eu.

[4] European Commission's "The 'Blue Guide' on the implementation of EU product rules 2016" is a comprehensive guidance on the implementation of EU product rules, available on http://ec.europa.eu/DocsRoom/documents/18027/

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 2014/33/EU
of 26 February 2014 on the harmonisation of the laws
of the Member States relating to lifts and safety components for lifts

PREAMBLE TO THE LIFTS DIRECTIVE - THE CITATIONS

§ 1 The citations

The citations included in the preamble to the Lifts Directive 2014/33/EU indicate the legal basis of the Directive, the opinions expressed by the relevant consultative Committee and the procedure according to which the Directive was adopted.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[5]*,*

Acting in accordance with the ordinary legislative procedure[6]*,*

§ 2 The legal basis of the Lifts Directive

The legal basis of the Lifts Directive is provided by Article 114 of the Treaty on the Functioning of the European Union (TFEU)[7] (ex-Article 95 of the EC Treaty) that enables the European Union 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 basis the highest as possible 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 products in the internal market whilst ensuring a high level of protection of health and safety.

Following the proposal by the European Commission, the Lifts Directive was adopted by the European Parliament and the Council of the European Union after consulting the European Economic and Social Committee, according to the ordinary legislative procedure (formerly known as “co-decision”) set out in Article 294 of the TFEU.

The footnotes to the citation give the references and dates of the successive steps of the procedure. The text of the Lifts Directive was published on the Official Journal of the European Union (OJEU) L 96, 29.3.2014, p. 251.

5 OJ C 181, 21.6.2012, p. 105.
6 Position of the European Parliament and decision of the Council of 20 February 2014.
7 OJ C 326, 26.10.2012, p. 47.

PREAMBLE TO THE LIFTS DIRECTIVE - THE RECITALS

Whereas:

(1) *Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts[8] has been substantially amended[9]. Since further amendments are to be made, that Directive should be recast in the interests of clarity.*

(2) *Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products[10] lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking.*

(3) *Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products[11] lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis for revision or recasts of that legislation. Directive 95/16/EC should be adapted to that Decision.*

(4) *The lifts covered by this Directive only come into existence as finished products once they have been permanently installed in buildings or constructions. Consequently, lifts cannot be imported into the Union and are only placed on the market and not subsequently made available: there are no 'importers' or 'distributors' of lifts.*

(5) *This Directive covers safety components for lifts which are new to the Union market when they are placed on the market; that is to say they are either new safety components made by a manufacturer in the Union or new or second-hand safety components imported from a third country.*

(6) *On 8 June 1995 the Commission adopted Recommendation 95/216/EC[12] to the Member States concerning improvement of safety of existing lifts.*

(7) *This Directive should apply to all forms of supply, including distance selling.*

(8) *Economic operators should be responsible for the compliance of lifts and safety components for lifts with this Directive, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of health and safety of persons and, where appropriate, the safety of property, and to guarantee fair competition on the Union market.*

(9) *All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only place on the market lifts and make available on the market safety components for lifts which are in conformity with this Directive. It is* necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.

(10) *In order to facilitate communication between economic operators, market surveillance authorities and consumers, Member States should encourage economic operators to include a website address in addition to the postal address.*

(11) *The manufacturer and the installer, having detailed knowledge of the design and production process, are best placed to carry out the conformity assessment procedure. Conformity assessment should therefore remain solely the obligation of the manufacturer or of the installer.*

(12) *It is necessary to ensure that safety components for lifts from third countries entering the Union market comply with this Directive, and in particular that the appropriate conformity assessment procedures have been carried out by the manufacturer with regard to those safety components for lifts. Provision should therefore be made for importers to make sure that the safety components for lifts they place on the market comply with the requirements of this Directive and that they do not place on the market*

8 OJ L 213, 7.9.1995, p. 1.
9 See Annex XIII, Part A.
10 OJ L 218, 13.8.2008, p. 30.
11 OJ L 218, 13.8.2008, p. 82.
12 OJ L 134, 20.6.1995, p. 37.

safety components for lifts which do not comply with such requirements or present a risk. Provision should also be made for importers to make sure that conformity assessment procedures have been carried out and that marking of safety components for lifts and documentation drawn up by manufacturers are available for inspection by the competent national authorities.

(13) *When placing a safety component for lifts on the market, every importer should indicate on the safety component for lifts his name, registered trade name or registered trade mark and the postal address at which he can be contacted. Exceptions should be provided for in cases where the size or nature of the safety component for lifts does not allow it.*

(14) *The distributor makes a safety component for lifts available on the market after it has been placed on the market by the manufacturer or the importer and should act with due care to ensure that its handling of the safety component for lifts does not adversely affect the compliance of the safety component for lifts.*

(15) *Any economic operator that either places a safety component for lifts on the market under his own name or trademark or modifies a safety component for lifts in such a way that compliance with this Directive may be affected should be considered to be the manufacturer and should assume the obligations of the manufacturer.*

(16) *Distributors and importers, being close to the market place, should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the safety components for lifts concerned.*

(17) *Ensuring traceability of a safety component for lifts throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities' task of tracing economic operators who made non-compliant safety components for lifts available on the market. When keeping the information required under this Directive for the identification of other economic operators, economic operators should not be required to update such information in respect of other economic operators who have either supplied them with a safety component for lifts or to whom they have supplied a safety component for lifts.*

(18) *This Directive should be limited to the expression of the essential health and safety requirements. In order to facilitate conformity assessment for lifts and safety components for lifts with those requirements it is necessary to provide for a presumption of conformity for lifts and safety components for lifts which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European Standardisation for the purpose of expressing detailed technical specifications of those requirements. The essential health and safety requirements of this Directive will guarantee the intended level of safety only if appropriate conformity assessment procedures ensure compliance therewith.*

(19) *Regulation (EU) No 1025/2012 provides for a procedure for objections to harmonised standards where those standards do not entirely satisfy the requirements of this Directive.*

(20) *The harmonised standards relevant to this Directive should also take into account the United Nations Convention on the Rights of Persons with Disabilities .*

(21) *In order to enable economic operators to demonstrate and the competent authorities to ensure that lifts placed on the market and safety components for lifts made available on the market conform to the essential health and safety requirements, it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC establishes modules for conformity assessment procedures, which include procedures from the least to the most stringent, in proportion to the level of risk involved and the level of safety required. In order to ensure inter-sectoral coherence and to avoid ad-hoc variants, conformity assessment procedures should be chosen from among those modules.*

(22) *The installer or the manufacturer should draw up an EU declaration of conformity to provide information required under this Directive on the conformity of a lift or safety component for lifts with this Directive and with other relevant Union harmonisation legislation.*

(23) *To ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union acts should be available in a single EU declaration of conformity. In order to reduce the administrative burden on economic operators, that single EU declaration of*

conformity may be a dossier made up of relevant individual declarations of conformity.

(24) The CE marking, indicating the conformity of a lift or safety component for lifts, is the visible consequence of a whole process comprising conformity assessment in a broad sense. General principles governing the CE marking are set out in Regulation (EC) No 765/2008. Rules governing the affixing of the CE marking should be laid down in this Directive.

(25) The conformity assessment procedures set out in this Directive require the intervention of conformity assessment bodies, which are notified by the Member States to the Commission.

(26) Experience has shown that the criteria set out in Directive 95/16/EC that conformity assessment bodies have to fulfil to be notified to the Commission are not sufficient to ensure a uniformly high level of performance of notified bodies throughout the Union. It is, however, essential that all notified bodies perform their functions to the same level and under conditions of fair competition. That requires the setting of obligatory requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment services.

(27) If a conformity assessment body demonstrates conformity with the criteria laid down in harmonised standards, it should be presumed to comply with the corresponding requirements set out in this Directive.

(28) In order to ensure a consistent level of conformity assessment quality it is also necessary to set requirements for notifying authorities and other bodies involved in the assessment, notification and monitoring of notified bodies.

(29) The system set out in this Directive should be complemented by the accreditation system provided for in Regulation (EC) No 765/2008. Since accreditation is an essential means of verifying the competence of conformity assessment bodies, it should also be used for the purposes of notification.

(30) Transparent accreditation as provided for in Regulation (EC) No 765/2008, ensuring the necessary level of confidence in certificates of conformity, should be considered by the national public authorities throughout the Union as the preferred means of demonstrating the technical competence of conformity assessment bodies. However, national authorities may consider that they possess the appropriate means of carrying out that evaluation themselves. In such cases, in order to ensure the appropriate level of credibility of evaluations carried out by other national authorities, they should provide the Commission and the other Member States with the necessary documentary evidence demonstrating the compliance of the conformity assessment bodies evaluated with the relevant regulatory requirements.

(31) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. In order to safeguard the level of protection required for the lifts and safety components for lifts to be placed on the Union market, it is essential that conformity assessment subcontractors and subsidiaries fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks. Therefore, it is important that the assessment of the competence and the performance of bodies to be notified and the monitoring of bodies already notified cover also activities carried out by subcontractors and subsidiaries.

(32) It is necessary to increase the efficiency and transparency of the notification procedure and, in particular, to adapt it to new technologies so as to enable online notification.

(33) Since notified bodies may offer their services throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. It is therefore important to provide for a period during which any doubts or concerns as to the competence of conformity assessment bodies can be clarified before they start operating as notified bodies.

(34) In the interests of competitiveness, it is crucial that notified bodies apply the conformity assessment procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, consistency in the technical application of the conformity assessment procedures needs to be ensured. That can best be achieved through appropriate coordination and cooperation between notified bodies.

(35) Member States should take all appropriate measures to ensure that safety components for lifts may be placed on the market only if, when properly stored and used for their intended purpose, or under conditions of use which can be reasonably foreseen, they do not endanger the health and safety of

persons. Safety components for lifts should be considered as non-compliant with the essential health and safety requirements laid down in this Directive only under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour.

(36) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 apply to lifts and safety components for lifts covered by this Directive. This Directive should not prevent Member States from choosing the competent authorities to carry out those tasks.

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

(38) The existing system should be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to lifts or safety components for lifts presenting a risk to the health or safety of persons or where appropriate, to the safety of property. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such lifts and safety components for lifts.

(39) Where the Member States and the Commission agree as to the justification of a measure taken by a Member State, no further involvement of the Commission should be required, except where non-compliance can be attributed to shortcomings of a harmonised standard.

(40) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

(41) The advisory procedure should be used for the adoption of implementing acts requesting the notifying Member State to take the necessary corrective measures in respect of notified bodies that do not meet or no longer meet the requirements for their notification.

(42) The examination procedure should be used for the adoption of implementing acts with respect to compliant lifts or safety components for lifts which present a risk to the health or safety of persons or to other aspects of public interest protection.

(43) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to compliant lifts or safety components for lifts which present a risk to the health or safety of persons, imperative grounds of urgency so require.

(44) In line with established practice, the committee set up by this Directive can play a useful role in examining matters concerning the application of this Directive raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.

(45) When matters relating to this Directive, other than its implementation or infringements, are being examined, i.e. in a Commission expert group, the European Parliament should in line with existing practice receive full information and documentation and, where appropriate, an invitation to attend such meetings.

(46) The Commission should, by means of implementing acts and, given their special nature, acting without the application of Regulation (EU) No 182/2011, determine whether measures taken by Member States in respect of non-compliant lifts or safety components for lifts are justified or not.

(47) The Member States should lay down rules on penalties applicable to infringements of the provisions of national law adopted pursuant to this Directive and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.

(48) Since the objective of this Directive, namely to ensure that lifts and safety components for lifts on the market fulfil the requirements providing for a high level of protection of health and safety while guaranteeing the functioning of the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that

Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(49) It is necessary to provide for reasonable transitional arrangements that allow the making available on the market, without the need to comply with further product requirements, of safety components for lifts that have already been placed on the market in accordance with Directive 95/16/EC before the date of application of national measures transposing this Directive. Distributors should therefore be able to supply safety components for lifts that have been placed on the market, namely stock that is already in the distribution chain, before the date of application of national measures transposing this Directive.

(50) In order to monitor and ensure the correct implementation and functioning of this Directive, the Commission is invited to submit a report to the European Parliament and to the Council, exploring also the need for a new legislative proposal in this sector.

(51) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.

(52) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and the dates of application of the Directives set out in Annex XIII, Part B,

§ 3 The recitals

The recitals introduce the main provisions of the Directive and present the reasons for their adoption. Some of the recitals explain the changes that have been made in the new Lifts Directive 2014/33/EU compared with the previous Lifts Directive 95/16/EC (in particular, the alignment to the provisions of Decision No 768/2008/EC[13] of the New Legislative Framework).

The recitals do not have a similar legal status as Articles of and Annexes to the Lifts Directive and do not usually appear in the national legislation transposing and implementing the Directive. It should be stressed that only the main provisions (i.e. Articles) of the Lifts Directive 2014/33/EU and the texts implementing these provisions into national law are legally binding. However, the recitals help to understand the Directive, in particular, by clarifying the meaning of certain provisions. When interpreting the text of the Directive, the Courts may take the recitals into consideration in order to ascertain the intention of the legislators.

As the recitals are not legal texts, these are not explained in detail in this Guide to application of the Lifts Directive but referenced and, where appropriate, explained under the relevant Article which they refer to.

[13] Decision No 768/2008/EC of 9 July 2008 on a common framework for the marketing of products, OJEU L 218 of 1813.8.2008.

THE ARTICLES OF THE LIFTS DIRECTIVE

Chapter 1
GENERAL PROVISIONS

Article 1
Scope

Article 1 (1)

This Directive shall apply to lifts permanently serving buildings and constructions and intended for transport of:

(a) persons;

(b) persons and goods;

(c) 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.

This Directive shall also apply to the safety components for lifts listed in Annex III for use in the lifts referred to in the first subparagraph.

§ 4 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(1) and is limited by the exclusions set out in Article 1(2). The provisions of the Directive apply to two main product classes: lifts as defined in Article 1(1) and safety components for lifts as listed in Annex III.

§ 5 Lifts

Article 1(1) states that the lifts to which the Directive applies are those "*serving 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(2).

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(2).

Directive 2014/33/EU applies to lifts when they are first placed on the market. It therefore applies to new lifts, include the following:

- lifts installed in new buildings ;

- lifts installed in existing buildings[14] ;

- lifts installed in existing wells in replacement of existing lifts. See Doc.LC2003.04rev1 "New lifts in existing wells" for additional explanations.

§ 6 Lifting appliances whose speed is not greater than 0,15 m/s

The Lifts Directive excludes from its scope, among other things, lifting appliances whose speed is not greater than 0,15 m/s. Consequently, lifting appliances for persons with impaired mobility whose speed is not greater than 0,15 m/s are not subject to the Lifts Directive 2014/33/EU. Instead, they fall within the Machinery Directive scope.

Further information on lifting appliances whose speed is 0,15 m/s or less can be found at the Machinery Directive Guidance at the paragraph 'Machinery serving fixed landings'. See also § 9 on article 1(2)(a) of the Lifts Directive.

Lifting appliances for persons with impaired mobility whose speed is greater than 0,15 m/s do come under this Lifts Directive.

§ 7 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 III to 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 impact on the safety of the lifts unit concerned is taken into account in the conformity assessment of the lift installation into which they are incorporated – see comments on Article 5 (2).

§ 8 New safety components for lifts in service

The maintenance and the safety of lifts in service 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 2014/33/EU. Where safety component consist of more than one device e.g. devices to prevent uncontrolled movement of the carrier, and not all devices are replaced, the person undertaking the replacement should, in compliance with the instructions accompanying the lift concerned and the national regulations, ensure that the new device is compatible with the existing devices including specifying any testing requirements needed.

Exceptionally, for reasons of technical incompatibility, 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 where such safety components are placed on the market, they should be accompanied by a statement that they are only provided for the replacement of the original safety components of lifts in service.

Article 1 (2)

This Directive shall not apply to:

(a) lifting appliances whose speed is not greater than 0,15 m/s;

(b) construction site hoists;

(c) cableways, including funicular railways;

(d) lifts specially designed and constructed for military or police purposes;

(e) lifting appliances from which work can be carried out;

(f) mine winding gear;

(g) lifting appliances intended for lifting performers during artistic performances;

(h) lifting appliances fitted in means of transport;

(i) lifting appliances connected to machinery and intended exclusively for access to workstations including maintenance and inspection points on the machinery;

(j) rack and pinion trains;

(k) escalators and mechanical walkways.

§ 9 Exclusions

Article 1 (2) 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 2(1) 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 exclusion for the sake of clarity.

- **lifting appliances whose speed is not greater than 0.15 m/s**

Low speed lifts are normally subject to the Machinery Directive.

See Machinery Directive Guidance at the paragraph ‘Machinery serving fixed landings’

- **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.

Construction-site hoists are subject to the Machinery Directive.

- **cableways, including funicular railways**

Cableways designed to carry persons are covered by the provisions of Regulation (EU) 2016/424. Article 2 paragraph 2(a) of Regulation (EU) 2016/424 excludes from the scope of the Cableway Installations Regulation the lifts within the meaning of Directive 2014/33/EU.

For more information about the Cableway Installations Regulation see http://ec.europa.eu/growth/sectors/mechanical-engineering/cableways_en.

- **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 scope of the Lifts Directive.

- **lifting appliances from which work can be carried out**

Such lifting appliances are subject to the requirements under the Machinery Directive. See Machinery Directive Guidance at paragraph 'Machinery serving fixed landings'

- **mine winding gear**

Mine winding gear, used for transporting persons and goods to and from the working levels of mine shafts are excluded.

- **lifting appliances intended for lifting performers during artistic performances**

Lifting appliances intended for lifting performers during artistic performances are excluded from the scope of both the Lifts Directive and the Machinery Directive and therefore remain subject to existing national regulations. The Machinery Directive 2006/42/EC also excludes *"machinery intended to move performers during artistic performances"*. Consequently, e.g. theatre elevators will remain outside the scope of both Union harmonisation legislation acts.

However, it should be noted that the exclusion of lifting appliances intended for lifting performers during artistic performances 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 unless their speed is not greater than 0.15 m/s..

- **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.

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

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.

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 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 is intended for transporting members of the public: such lifts are subject to the Lifts Directive.

- **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. At the time of issuing this Guide, they are not covered by harmonised Union legislation. Rack and pinion trains should not be confused with rack and pinion lifts, which are subject to the Lifts Directive.

- **escalators and mechanical walkways**

Escalators and mechanical walkways are subject to the Machinery Directive. As such escalators and mechanical walkways do not fit the definition of lifts as per Article 2 (1).

Article 1 (3)

Where, for lifts or safety components for lifts, the risks referred to in this Directive are wholly or partly covered by specific Union law, this Directive shall not apply or shall cease to apply in the case of such lifts or safety components for lifts and such risks as from the application of that specific Union law.

§ 10 Application of other Directives

Other Directives covering specific risks may be applicable to lifts. The Lifts Directive does not apply to the risks covered by such specific Directives. For all requirements not covered by such specific Directives but covered by the Lifts Directive, the conformity assessment procedures foreseen by the Lifts Directive are applicable – see comments on Article 17(3).

§ 11 Machinery Directive, Electromagnetic Compatibility Directive and Low Voltage 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 also comments on point 1.1 of Annex I.

The Electromagnetic Compatibility (EMC) Directive 2014/30/EU[15] is applicable to lifts with respect to the protection requirement relating to emissions of electromagnetic radiation – see *Guidelines on the application of Council Directive 2014/30/EU of 26 February 2014 on the harmonisation of the laws of the Member states relating to electromagnetic compatibility*.

[15] Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (recast) OJEU L 96, 29.3.2014.

Immunity is an essential requirement for EMC Directive. Immunity is relevant for lifts and their safety components, because lack of immunity could be the cause of their unsafe operation.[16]

Electrical parts for lifts are excluded from the scope of the Low Voltage Directive 2014/35/EU by Annex II of that Directive.

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 point 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 point 1.1 of Annex I.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

Article 2 (1)

'lift' means 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, or a lifting appliance moving along a fixed course even where it does not move along rigid guides;

§ 12 The definition of a lift

In order to clarify the scope of the Directive, the different elements of a "lift" given in Article 2(1), are examined as follows:

- 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.

- 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 2(1) includes lifts guided by other

[16] Currently EN 12015 is only in support of the EMC Directive while EN 12016 is in support of the Lifts Directive, the Machinery Directive and the EMC Directive. - see explanation in the minutes of LWG of 10.10.2007 – Doc.LWG.2007.35-1 EMC standards on "emission" and "immunity" (http://ec.europa.eu/DocsRoom/documents/15352/attachments/1/translations).

means, which while the move along a fixed course, do not have rigid guides in the physical sense. As the requirements in this directive are independent of the applied technology, as far as possible, future technologies may enable for example use of magnetic field or other technologies to guide the lift car.

- 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 Directive thus includes inclined lifts such as those installed alongside an escalator. Inclined lifts subject to the Lifts Directive are installations serving buildings or a construction, which distinguishes them from cableways which are excluded from the scope of the Lifts Directive – see comments on Article 1 (2). 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.

Also considering article 1(1):

- 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 of 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.

Alternatively:

- 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 within 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 2 (2)

'carrier' means a part of the lift by which persons and/or goods are supported in order to be lifted or lowered;

§ 13 Carrier

It is generally understood that a carrier is part of lifts that supports and protects the persons or persons and goods being transported by the lift.

Point 3.1 of Annex I to the Lifts Directive requires that lift carriers must be completely enclosed in order to protect against hazards to persons in the carrier, 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.

Article 2 (3)

'model lift' means a representative lift whose technical documentation shows the way in which the essential health and safety requirements set out in Annex I will be met for lifts which conform to the model lift defined by objective parameters and which uses identical safety components for lifts;

§ 14 The definition of a model lift

The concept of a “model lift” is important when the lift installer chooses the EU 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 carrier, 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 EU type-examination certificate may cover the whole family.

Article 2 (4)

'making available on the market' means any supply of a safety component for lifts for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

§ 15 Making available on the market

The concept of making available on the market in the Lifts Directive is only relevant for safety components. When a manufacturer supplies or offers to supply the safety component with a view to its distribution or its incorporation into a lift installation on the Union market, this is regarded as ‘making the safety component available on the market’. See also § 39.

See also § 2.2. “Making available” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 2 (5)

'placing on the market' means:

- *the first making available on the market of a safety component for lifts; or*
- *the supply of a lift for use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;*

§ 16 Placing on the market

For the safety components, placing on the market occurs when the manufacturer makes the safety component available for the first time.

For lifts, the definition indicates that placing on the market occurs when the lift is first supplied for use on the Union market. In practice, it is also at this moment when the EU Declaration of Conformity is signed and the CE marking is affixed in the carrier of the lift.

The Directive does not distinguish between different categories of users. 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. Also 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, the relevant conformity assessment procedures must have been completed and the lift must have been placed on the market 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 3(3).

See also § 2.3. "Placing on the market" in "The 'Blue Guide' on the implementation of EU product rules".

Article 2 (6)

'installer' means the natural or legal person who takes responsibility for the design, manufacture, installation and placing on the market of the lift;.

§ 17 The definition of the installer

For the obligations of installers, see points § 46-55.

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"* as defined in Article 2(6) is the natural or legal person who assumes the responsibility for the conformity of the installed lift in accordance with the Lifts Directive, regardless of whether or not that natural or legal 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 natural person – the installer.

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 entity (e.g. a company).

However, it should be noted that the Lifts Directive also foresees that the person responsible for the design and manufacture of the lift and the person responsible for the installation and testing of the lift are not the same. In such a case, the former shall supply to the latter all the necessary documents and information to enable the latter to ensure correct and safe installation and testing of the lift. See Article 16.2. "Conformity assessment procedure for lifts" of the Lifts Directive.

In other words, there might be more than one legal or natural persons involved in the entire conformity assessment process, from design to installation. Therefore determining who the installer is may be complicated. For example, a person may apply the conformity assessment procedures at the design phase and obtain an EU type-examination certificate under Annex IVB. That person may provide the complete lift, for example in the form of a kit, to another person to install the lift into the building and complete the conformity assessment procedure under Annex V and issue the EU Declaration of Conformity for the installed lift. However, it is very important to note that when issuing the EU Declaration of Conformity, the second person assumes the responsibility for the conformity of the installed lift with the Lifts Directive for both design and installation phases. The second person is considered as "the installer" under the Lifts Directive with all obligations applied to that economic operator – see comments on Articles 7 and 16, Annex IVB and Annex XI.

Article 2 (7)

'manufacturer' means any natural or legal person who manufactures a safety component for lifts or has a safety component for lifts designed or manufactured, and markets it under his name or trademark;

§ 18 The definition of the manufacturer

For the obligations of manufacturers, see points § 56-65.

The *"manufacturer"* as defined above 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 EU Declaration of Conformity, regardless of whether or not that person or Company actually carries out the physical task of manufacturing the component concerned.

If an installer manufactures a safety component for incorporation into a lift that he places on the market, he cannot be considered as its manufacturer because it is not placed on the market under his name or trademark.

See also § 3.1 "Manufacturer" in "The 'Blue Guide' on the implementation of EU product rules".

Article 2 (8)

'authorised representative' means any natural or legal person established within the Union who has received a written mandate from an installer or a manufacturer to act on his behalf in relation to specified tasks;

§ 19 Authorized representative

For the obligations of authorised representatives, see points § 66-71.

Whether the installer or the manufacturer is established in the EU or not, he may appoint an authorised representative in the Union to act on his behalf in carrying out certain tasks defined in the Lifts Directive. A manufacturer or an installer established outside the European Union is not obliged to have an authorised representative.

See also § 3.2 “Authorised representative” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 2 (9)

'importer' means any natural or legal person established within the Union who places a safety component for lifts from a third country on the Union market;

§ 20 Importer

For the obligations of importers, see points § 72-81.

See also § 3.3. “Importer” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 2 (10)

'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a safety component for lifts available on the market;

§ 21 Distributor

For the obligations of distributors, see points § 82-87.

See also § 3.4. “Distributor” in “The ‘Blue Guide on the implementation of EU product rules”.

Article 2 (11)

'economic operators' means the installer, the manufacturer, the authorised representative, the importer and the distributor;

§ 22 Economic operators

The New Legislative Framework as in Decision No 768/2008/EC defines the manufacturer, the authorised representative, the importer and the distributor as “economic operators”.

The “installer” is a speciality of this Directive who falls – due to his obligations – also under the term “economic operator”.

Article 2 (12)

'technical specification' means a document that prescribes technical requirements to be fulfilled by a lift or a safety component for lifts;

§ 23 Technical specification

Technical specifications can be provided e.g. in standards and other technical documents which may be developed by standardisation organisations, other organisations, installers, manufacturers, etc.

See also § 4.1.3 “Conformity with the essential requirements: other possibilities" in “The ‘Blue Guide on the implementation of EU product rules”.

Article 2 (13)

'harmonised standard' means harmonised standard as defined in point (c) of point 1 of Article 2 of Regulation (EU) No 1025/2012;

§ 24 Harmonised standards

The quoted Regulation notes that the notion of ‘harmonised standard’ means a European standard adopted on the basis of a request made by the Commission for the application of Union harmonisation legislation.

The Lifts Directive 2014/33/EU provides installers and manufacturers with the option of complying with its requirements by designing and manufacturing the lift or the safety component either fully or partially in accordance to the relevant parts of harmonised standards, which are developed specifically to support compliance with the essential health and safety requirements of the Lifts Directive which apply to the lift or safety component concerned, or with any other technical solutions as long as the adopted technical specifications result in compliance with the Lifts Directive.

Where the installer or manufacturer decides to adopt technical specifications deviating from those provided in harmonised standards the references of which have been published in the Official Journal of the European Union (*OJEU*), he must demonstrate that a level of safety

equivalent to that achieved by applying the harmonised standards is obtained.

In the framework of the Lifts Directive the application of standards is always voluntary.

The consolidated list of references of harmonised standards published in the *OJEU* under Directive 2014/33/EU are available on http://ec.europa.eu/growth/single-market/european-standards/harmonised-standards/lifts/index_en.htm

See also point § 92 "Presumption of conformity of lifts and safety components for lifts"

Article 2 (14)

'accreditation' means accreditation as defined in point 10 of Article 2 of Regulation (EC) No 765/2008;

§ 25 Accreditation

'Accreditation' in the framework of this Directive shall mean an attestation by a national accreditation body that a conformity assessment body meets the requirements laid down in harmonised standards on accreditation and, where applicable, any additional requirements including those set out in relevant sectorial schemes, to carry out a specific conformity assessment activity (see also Article 27 (2)).

See also § 6 "Accreditation" in "The 'Blue Guide' on the implementation of EU product rules".

Article 2 (15)

'national accreditation body' means national accreditation body as defined in point 11 of Article 2 of Regulation (EC) No 765/2008;

§ 26 National accreditation body

The quoted Regulation notes that, 'national accreditation body' shall mean the sole body in a Member State that performs accreditation with authority derived from the State.

See also § 6.4.1 "National accreditation bodies" in "The 'Blue Guide' on the implementation of EU product rules".

Article 2 (16)

'conformity assessment' means the process demonstrating whether the essential health and safety requirements of this Directive relating to a lift or a safety component for lifts have been fulfilled;

§ 27 Conformity assessment

Point 5 of the Blue Guide on Conformity Assessment provides comprehensive explanation on the process carried out by the installer or the manufacturer to demonstrate whether specified requirements relating to a product have been fulfilled.

Article 2 (17)

'conformity assessment body' means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

§ 28 Conformity assessment body

Point 5.2 of the Blue Guide provides a comprehensive explanation of the conformity assessment bodies**.**

Article 2 (18)

'recall' in relation to a lift means any measure aimed at achieving the dismantling and safe disposal of a lift, and in relation to a safety component for lifts means any measure aimed at achieving the return of a safety component for lifts that has already been made available to the installer or to the end-user;

§ 29 Recall

The national authorities are free to take all appropriate measures which they consider are necessary to ensure that only safe products are placed on the market and put into service.

Considering that a lift is an integrated part of a building and it provides vital building services,, i.e. access to and egress from the building quarters, recall of a lift presents serious practical issues as well as great difficulties to the occupants, tenants and other users of the building.

Although provisions for recalling a lift present the strongest deterrent for prohibiting the use of dangerous lifts placed on the market, application of such provision is expected to be considered as the extreme measure by the market surveillance authorities.

It is obvious that such measure may only be considered if other measures have been exhausted and the installer has been given all opportunities and adequate time to carry out the corrective actions.

In addition, non-conformity in a lift may be associated with non-conformity of its component(s). Therefore, to the extent possible, in such cases it would be preferable to apply the “recall” to the safety components causing non-conformity, rather than recall of the entire lift installation.

See also § 7.3.6. “Corrective measures – Bans – Withdrawals-recalls” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 2 (19)

'withdrawal' means any measure aimed at preventing a safety component for lifts in the supply chain from being made available on the market;

§ 30 Withdrawal

Withdrawal concerns only safety components when they are still in the supply chain. In order to avoid further making available on the market this action has to be done by the manufacturer, the importer or the distributor in accordance with the relevant Article 8.8, 10.7, 11.4 or 38.1.

See also § 7.3.6. "Corrective measures – Bans – Withdrawals-recalls" in "The 'Blue Guide' on the implementation of EU product rules".

Article 2 (20)

'Union harmonisation legislation' means any Union legislation harmonising the conditions for the marketing of products;

§ 31 Union harmonisation legislation

Union harmonisation legislation adopted by the European Union and applying to a wide range of products, their characteristics, performance or other aspects facilitating the functioning of the internal market, put in place mainly through Regulations and Directives.

Article 2 (21)

'CE marking' means a marking by which the installer or the manufacturer indicates that the lift or safety component for lifts are in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing.

§ 32 CE marking

CE marking is the visible symbol signifying the conformity of the product with the Union harmonisation legislation applicable to the product on which it is affixed to.

For lifts, the CE marking must be affixed legibly and indelibly to each lift car, more precisely inside each of them.

For safety components, the CE marking must be affixed on each of the safety components listed at Annex III, 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 in a way it is inseparably attached to the safety component.

See also point § 102 and 103 on rules and conditions for affixing the CE marking and other markings.

See also § 4.5.1 "CE marking" in "The 'Blue Guide' on the implementation of EU product rules".

Article 3
Free movement

Article 3 (1)

Member States shall not prohibit, restrict or impede the placing on the market or putting into service of lifts or the making available on the market of safety components for lifts on their territory which comply with this Directive.

§ 33 Free movement of lifts and safety components for lifts

Article 3 (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 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 made available and incorporated into lift installations or fitted to existing lifts without restriction on the territory of any of the Member States.

The objective of eliminating trade barriers among the EU Member States and of enabling the free movement of products is stated in this free movement provision, which guarantees the free movement of products complying with the legislation. Therefore, Member States cannot impede the placing on the market and putting into service of lift or the making available on the market of a safety component for lifts which complies with all the provisions of the Directive.

See also § 8 "Free movement of products within the EU" in "The Blue Guide" on the implementation of EU product rules".

Article 3 (2)

At trade fairs, exhibitions or demonstrations Member States shall not prevent the showing of lifts or safety components for lifts which are not in conformity with this Directive, provided that a visible sign clearly indicates that they are not in conformity and will not be placed or made available on the market until they have been brought into conformity. During demonstrations, adequate safety measures shall be taken to ensure the protection of persons.

§ 34 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 3 (2) are intended to ensure that the Lifts Directive does not constitute an obstacle to the promotion of such new products. The legal and natural persons 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 design solutions or operating characteristics more clearly.

According to Article 3 (2), such practices are authorised. However, in order to provide clear information to potential customers and avoid unfair competition with exhibitors of those products which are in conformity with the Lifts Directive, non-compliant products accompanied by a visible sign clearly indicating that they are not in conformity and will not be placed or made available on the market 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 Union legislation and therefore does not bear the CE marking.***
>
> ***Visitors are informed that the product will be available on the European Union 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 (3)

This Directive shall not affect Member States' entitlement to lay down in conformity with the Union law 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 this Directive.

§ 35 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, making available on the market, 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, i.e. during its use, 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 the necessary special tools and 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 point 6 of Annex I. However, the Lifts Directive does not regulate the conditions under which maintenance, inspection or rescue operations must be carried out.

Article 3(3) means that Member States are entitled to adopt regulations concerning the commissioning, 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, what are the qualification requirements applying to such persons, 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 assured when they intervene in lift installations.

However, such regulations must not impose design related 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 been superseded by the Lifts Directive and if such a requirement for initial inspection is maintained, it can only concern aspects which are not covered by the conformity assessment procedures of the Lifts Directive.

§ 36 Directives on the health and safety of workers

Article 3(3) states that such national provisions relating to safe use of lifts must be adopted *"in conformity with the Union law"*. Some of the provisions concerned are regulated by Directives based on Article 153 of the Treaty of the Functioning of the European Union (formerly Article 137 EC Treaty) relating to the protection of workers' health and safety. Certain requirements for the maintenance and inspection of lifts may thus be included in national regulations implementing the following Directives:

- "Framework" Directive 89/391/EEC[17] on the safety and health of workers at work;
- Directive 89/654/EEC[18] on the workplace;
- Directive 2009/104/EC[19] a consolidated version of the use of work equipment by workers at work,

[17] 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.

[18] 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.*

The national provisions implementing Directive 89/391/EEC and Directive 2009/104/EC 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.

§ 37 Major modifications to lifts put into service under Directive 2014/33/EU

Directive 2014/33/EU does not explicitly refer to major modifications. However, the 'Blue Guide' point 2.1, states that:

"A product, which has been subject to important changes or overhaul aiming to modify its original performance, purpose or type after it has been put into service, having a significant impact on its compliance with Union harmonisation legislation, must be considered as a new product. This has to be assessed on a case-by-case basis and, in particular, in view of the objective of the legislation and the type of products covered by the legislation in question. Where a rebuilt or modified product is considered as a new product, it must comply with the provisions of the applicable legislation when it is made available or put into service. This has to be verified by applying the appropriate conformity assessment procedure laid down by the legislation in question. In particular, if the risk assessment leads to the conclusion that the nature of the hazard has changed or the level of risk has increased, then the modified product has to be considered as a new product, i.e. compliance of the modified product with the applicable essential requirements has to be reassessed and the person carrying out the modification has to fulfil the same requirements as an original manufacturer, for example preparation of the technical documentation, drawing up a EU declaration of conformity and affixing the CE marking on the product."

This means that if a lift that has been put into service under Directive 2014/33/EU is subject to important changes, and the new risk assessment indicates that the nature of the hazard has changed or the level of risk has increased, the person carrying out the modification has to check the compliance of the modified product with the applicable essential requirements of the Directive and the person has to fulfil the same requirements as an original manufacturer.

If major modification results in a new product in the sense previously mentioned, the product is subject to the provisions of Directive 2014/33/EU rather than to national law for products in use.

On the contrary, if the modification of the lift does not result in a new product, Member States are competent as it is the case with the lifts put into service and not being modified.

Whereas in the Lifts Directive there is no definition for the significant [major] modification of a lift, some examples of modifications that may lead to a new product could for example, a change in the number of floors served by the lift, a change of the travel speed, a change of the rated load or any other modification affecting the results of the concerned EU-type examination.

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[19] Directive 2009/104 of the European Parliament and of the Council of 16 September 2009 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 260/5, 3.10.2009

Article 4

Placing on the market, making available on the market *and putting into service*

Article 4 (1)

Member States shall take all appropriate measures to ensure that the lifts covered by this Directive may be placed on the market and put into service only if they comply with this Directive, when properly installed and maintained and used for their intended purpose.

§ 38 Placing on the market and putting into service of lifts

Article 4(1) provides the legal basis for the obligation of Member States to carry out market surveillance. For lifts this implies the duty to ensure that the provisions of the Lifts Directive are properly applied.

'Placing on the market' is the first time when a specific lift unit is introduced on the market, and means the first supply of a lift for use on the Union market (see Article 2 (3) second indent).

Since the concept of placing on the market refers only to the first time a product unit is placed on the market for the purpose of use in the EU, the Lifts Directive 2014/33/EU covers only new lifts installed and CE marked.

The Directive's provisions and obligations concerning placing on the market apply as by 20 April 2016 to each lift individually and are irrespective of the date and place of installation. It is the installer's responsibility to ensure that each and all of his lifts falling under the scope of the Lifts Directive comply with it when placed on the market.

Following the placing on the market, "putting into service" is the first use of lifts referred to in Directive 2014/33/EU in the EU territory, by any user. Lifts are put into service at the moment of first use. The lifts installers are placing the new lifts on the market and afterwards these are put into service. The lifts must comply with the provisions of the Lifts Directive and other Union legislation when they are placed on the market.

Additionally the Member States may lay down requirements for exchange of information e.g. concerning the interface between the lift and the building before the lift may be put into service (see also the comments to the Article 6). These additional requirements may not contradict the Lifts Directive.

See also point § 15 and 16 "Making available on the market" and "Placing on the market".

See also § 2.2. “Making available”, 2.3 “Placing on the market” and 2.5 “Putting into service or use (and installation)” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 4 (2)

Member States shall take all appropriate measures to ensure that safety components for lifts covered by this Directive may be made available on the market and put into service only if they comply with this Directive when properly incorporated and maintained and used for their intended purpose.

§ 39 Making available of safety components for lifts on the market and putting them into service

Making available means the supply of a safety component for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge. Such supply includes any offer for distribution or use on the Union market which could result in actual supply. This includes the transfer of the safety component for lifts, that is, either the transfer of ownership, or the physical hand-over of the product by the manufacturer, his authorised representative in the EU or the importer to the person responsible for distributing these onto the EU market or the passing of the safety component for lifts to the final consumer (installer), intermediate supplier or user in a commercial transaction, for payment or free of charge, regardless of the legal instrument upon which the transfer is based (sale, loan, hire, leasing, gift, or any other type of commercial legal instrument).

The manufacturers and importers of safety components are placing them on the market. Distributors of safety components are making them available on the market.

Safety components for lifts must correctly fulfil their function of ensuring the safety of the lifts into which they are incorporated.

See also points §§ 15 and 16 "Making available on the market" and "Placing on the market".

See also §§ 2.2. “Making available”, 2.3. “Placing on the market” and 2.5 “Putting into service or use (and installation)” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 5
Essential health and safety requirements

Article 5 (1)

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

§ 40 Essential health and safety requirements for lifts

Article 5(1) introduces the essential health and safety requirements to be attained. In general, the installer or manufacturer remains free to choose the means used to comply with

those requirements. Conformity with the applicable essential health and safety requirements is mandatory – see comments on the Preliminary remarks to Annex I.

A fundamental feature of the Lifts Directive 2014/33/EU, as for other Union harmonisation legislation based on New Approach, is to limit legislative harmonisation to the essential health and safety requirements (EHSRs) that are of public interest. These requirements deal with the protection of health and safety of persons (e.g. users and maintenance workers) and are also aimed at guaranteeing level playing field and fair competition in the Union Market.

The essential health and safety requirements are set out in Annex I of the Directive, but no detailed technical specifications are included. Such technical specifications may be provided by standards, in particular by European harmonised standards which are voluntary. It is the publication of the references of harmonised standards in the Official Journal of the European Union that confers the European harmonised standards presumption of conformity with the relevant requirements set out in Annex I.

See also § 4.1 "Essential product requirements" in "The 'Blue Guide' on the implementation of EU product rules".

Article 5 (2)

Safety components for lifts covered by this Directive shall satisfy the essential health and safety requirements set out in Annex I and enable the lifts in which they are incorporated to satisfy those requirements.

§ 41 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 interface parameters and, if deemed necessary, 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 finalised installation to comply with the essential health and safety requirements.

See § 4.1 "Essential product requirements" in "The 'Blue Guide' on the implementation of EU product rules.

Article 6
Buildings or constructions in which lifts are installed

Article 6 (1)

Member States shall take all appropriate measures to ensure that the person responsible for work on the building or construction and the installer both provide each other with the necessary information and take the appropriate steps in order to ensure the proper operation and safe use of the lift.

§ 42 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 Member States ensure a two-way flow of information between the lift installer and the person responsible for the work on the building or construction. For instance, it is necessary that:

- the person responsible for the work on the building or construction provides the lift installer with all the necessary information relating to the structure of the building, such as the dimensions of the lift well 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 special operation in the event of a fire alarm 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..

In order to achieve the purpose of Article 6(1), 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 2 (6), has sole responsibility for the conformity of the lift installation when placed on the market – see comments on Article 16.

It should be noted that it may not be possible to implement all of the provisions set out in Article 6 (1) 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 for instance in their building regulations.

Article 6 (2)

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.

§ 43 Fittings in the lift well

The provision of Article 6(2) does not apply to the lift itself but rather to the location of other piping, wiring or fittings in the building in which the lifts is installed. Thus Article 6(2) may also have to be implemented in national building regulations instead of the texts implementing the other provisions of the Lifts Directive.

The main reason for forbidding the location in the lift well of any piping, wiring and fittings other than those necessary for the operation and safety of the lift is that people may require access to such piping, wiring and fittings for inspection or maintenance purposes. The persons 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.[20]

In so far as not in conflict with the measures taken by Member States, the recommendations made by the European Coordination of Notified Bodies for lifts clarifying under which conditions e.g. climate control systems, ventilators, shutters, air-conditioners etc. in the lift shaft can be used as reference – see NB-L/REC 02/027.

§ 44 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. If such devices are incorporated into new lifts, they must be placed in a way that the operation and the safety of the lift is not undermined. 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.

The lift design must ensure that persons using the lifts can be brought to a landing from which they can safely leave the lift car before the automatic extinguisher system is triggered.

The European Coordination of Notified Bodies for lifts has made recommendations on how the sprinkler might be installed in the machine-room – see NB-L/REC 02/025.

CHAPTER II

OBLIGATIONS OF ECONOMIC OPERATORS

§ 45 Obligations of the economic operator

Within the supply chain, a safety component for lifts may change several hands before it is installed in a lift that is to be placed on the Union market for its intended use. Before this point is reached, the safety component is in the hands of an economic operator.

The Lifts Directive identifies five different economic operators as:

- Installer of lifts
- Manufacturer of safety components for lifts
- Authorised representative of the manufacturer or installer
- Importer of safety components for lifts
- Distributor of safety components for lifts

A natural or legal person involved in the supply chain must be aware of its role and corresponding obligations related to placing lifts on the market and to placing safety components for lifts on the market or making them available on the market.

[20] 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"* was therefore used in the previous Guide. For lifts without an enclosed shaft, the term *"travel 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"*.

Point 3 of the Blue Guide on the implementation of EU product rules provides comprehensive explanation on the role and obligations of the economic operators.

Understanding of the term “placing on the market” and “making available on the market” plays an important role in the application of the obligations of the economic operators.

For a comprehensive explanation on the concept of making products available on the market and placing on the market see § 15 and § 16 and the 'Blue Guide', sections 2.2 and 2.3

Several articles in this Chapter II require the economic operators to contact the national competent authorities. The list of those authorities may be obtained from: *http://ec.europa.eu/growth/single-market/goods/building-blocks/market-surveillance/organisation/index_en.htm*

Article 7

Obligations of installers

§ 46 Obligations of the installer

Within the Union harmonization acts, the use of the term “installer” is specific to the Lifts Directive. In other EU legal acts, the term “manufacturer” is used to identify the economic operator responsible for design and manufacture of the product. However, the Lifts Directive does not place obligations on any economic operator as the “manufacturer of lifts” and the term “manufacturer” is only relevant for the manufacturer of the safety components.

A lift only comes into existence as finished product once it has been permanently installed in a building or construction (Preamble (4)). The Lifts Directive 2014/33/EU uses the concept of installer to impose responsibilities on the person who makes the lift operational and supplies it for use. The role of the installer combines elements of manufacturing, installation and placing on the market and is seen as fundamental for delivering the final product.

Hence, the installer is the economic operator who assumes responsibilities which in the context of other Union harmonization legislation are typically assigned to the manufacturer. General obligations for the manufacturer as explained in 'Blue Guide' 3.1 are also applied to the installer in great extent. However, specific requirements and formulations are explained in the points below.

Article 7 (1)

When placing a lift on the market, installers shall ensure that it has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in Annex I.

§ 47 The main responsibility of the installer

The obligations of the Lifts Directive relating to lifts fall on the installer of the lift. By signing the EU Declaration of Conformity and affixing the CE marking, the installer declares and takes the responsibility for the conformity of the installed lift with the Essential Health and

Safety Requirements (EHSRs) as defined in Annex I of the Lifts Directive. The installer also takes the full responsibility for the design, construction, assembly, installation and testing of that lift regardless of whether or not that installer, as a natural or legal person (i.e. a company) actually carries out the design, manufacture or installation of the lift.

Therefore, even if more than one person intervenes in the design, construction, assembly, installation and testing of a lift, the responsibility for the conformity of an installed lift must be assumed by one legal or natural person who will be identified as the installer (see also Art 16.2).

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 EHSRs applicable to that lift.

Article 7 (2)

Installers shall draw up the technical documentation and carry out the relevant conformity assessment procedure referred to in Article 16 or have it carried out.

Where compliance of the lift with the applicable essential health and safety requirements has been demonstrated by that procedure, the installer shall draw up an EU declaration of conformity, ensure that it accompanies the lift, and affix the CE marking.

§ 48 Conformity assessment procedure for lifts

Installers have several choices for conformity assessment procedures defined in Article 16. Those procedures may apply to design or installation phase or both phases.

The technical documentation is intended to provide information on the design, manufacture, installation and operation of the lift. It is the responsibility of the installer to compile such documentation.

In some cases the installer carries out the conformity assessment in the installation phase only. In such cases, the installer must ensure access to the technical documentation related to design of the lift. In case of a reasoned request by the national competent authorities in accordance with Article 7(9), the installer must be able to provide the relevant information, instructions and technical documentation.

'Blue Guide' 4.3 provides general explanations concerning the technical documentation. An indicative and non-exhaustive list of content of the technical documentation for lifts may also be found in Annex IV B.

When the conformity assessment is successfully completed, the installer must issue the EU Declaration of Conformity, duly signed and dated. 'Blue Guide' 4.4 provides general explanations concerning the EU Declaration of Conformity and Annex II B of the Lifts Directive define the requirements for the EU Declaration of Conformity for lifts.

EU Declaration of Conformity must accompany the lift, for example be provided to the owner of the lift as a part of the log book or instructions, and be available to the national competent authority upon request.

The installer must also affix the CE marking inside the lift carrier. The CE marking must be followed by the identification of the notified body involved in the final phase of the conformity

assessment procedure as described in Article 19(3). The identification number of the notified body shall be affixed by the notified body itself or, under its instructions, by the installer as defined in Article 19(5).

Article 7 (3)

The installer shall keep the technical documentation, the EU declaration of conformity and, where applicable, the approval decision(s) for 10 years after the lift has been placed on the market.

§ 49 Retaining the documents for lifts

The installer must retain the technical documentation and the EU Declaration of Conformity and approval decisions, such as EU design examination certificates or other certificates issued by a notified body, for the period of at least 10 years after the lift has been placed on the market.

The installer may decide to retain those documents for longer period due to commercial or other considerations such as product liability issues.

Article 7 (4)

When deemed appropriate with regard to the risks presented by a lift, installers shall, to protect the health and safety of consumers, investigate, and, if necessary, keep a register of complaints, and of non-conforming lifts.

§ 50 Managing the complaints

For the lifts placed on the market, the installer may receive complaints, information, feedback or reports from sources, internal or external to its organisation. The installer must investigate by for example carrying out a risk assessment to determine whether the issue presents a risk. If necessary, the installer must keep a register of the information (complaints) received and of the non-conforming lifts. Such register may provide valuable source for cases where corrective actions may be required.

Quality assurance systems standards provide guidance on managing complaints and feedbacks.

Article 7 (5)

Installers shall ensure that lifts bear a type, batch or serial number or other element allowing their identification.

§ 51 Identification markings for lifts

In order to identify the lift unit and as part of traceability requirements, the installer must ensure that the lift bears the type and identification element such as batch or serial number or any other references. Such identification element should allow identification of the lift unit within relevant documentation such as the EU Declaration of Conformity for the lift.

Article 7 (6)

Installers shall indicate, on the lift, their name, registered trade name or registered trade mark and the postal address at which they can be contacted. The address shall indicate a single point at which the installer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

§ 52 Installer's contact information

The installer must provide on the lift its contact information: name, registered trade name or registered trade mark and the postal address at which the installer can be contacted.

The installer may not be the company providing maintenance and contact information for maintenance, especially telephone number of the maintenance company, is typically shown on the outside near the landing door.

Nevertheless, the installer information must be affixed on the lift but not necessarily on the car, in a visible way, allowing finding this information in view of contacting them if necessary.

The language of the contact details must be provided in a language acceptable by end-users and for the Member State where the lift is installed.

Article 7 (7)

Installers shall ensure that the lift is accompanied by the instructions referred to in point 6.2 of Annex I, in a language which can be easily understood by end-users, as determined by the Member State in which the lift is placed on the market. Such instructions, as well as any labelling, shall be clear, understandable and intelligible.

§ 53 Providing instructions for lifts

Requirements for instruction for lifts are given in Annex I 6.2. It is the responsibility of the installer to provide those instructions. The instructions and labels must be written in such a way that they are clear and easy to understand, for example through use of a logical order and proper formulation of the text. The language of the instructions is determined by the Member State where the lift is installed. The table below is an indication of the languages.

Country	Language
Austria	German
Belgium	Dutch, French, German
Bulgaria	Bulgarian
Croatia	Croatian
Cyprus	Greek, Turkish
Czech Republic	Czech
Denmark	Danish
Estonia	Estonian
Finland	Finnish, Swedish
France	French
Germany	German
Greece	Greek
Hungary	Hungarian
Ireland	Irish, English
Iceland	Icelandic
Norway	Norwegian

Country	Language
Italy	Italian
Latvia	Latvian
Lithuania	Lithuanian
Luxembourg	Luxembourgish, French, German
Malta	Maltese, English
Netherlands	Dutch
Poland	Polish
Portugal	Portuguese
Romania	Romanian
Slovakia	Slovak
Slovenia	Slovenian
Spain	Spanish
Sweden	Swedish
United Kingdom	English
Switzerland	German, French, Italian;
Turkey	Turkish

Article 7 (8)

Installers who consider or have reason to believe that a lift which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that lift into conformity. Furthermore, where the lift presents a risk, installers shall immediately inform the competent national authorities of the Member States in which they placed the lift on the market to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken.

§ 54 Managing non-conformities

Any failure to comply with the provisions of the Lifts Directive 2014/33/EU, including procedural provisions, is considered as non-conformity to this Directive. The installer who discovers a non-conformity in the lift that it has installed, for example based on the reports or complaints as described in Article 7(4), must immediately take corrective actions to bring that lift into conformity. The source of non-conformity may be for instance design, material supply, manufacturing/installation or lack of or incorrect instructions. The corrective actions may include alignments, adjustments or retrofits.

A major concern is with the safety related non-conformities, which generally refers to a situation where a lift is not in conformity with the EHSRs as defined in Annex I of the Directive. In addition, a lift may present a risk even if it is formally in conformity with the EHSRs.

Upon discovering any non-conformity and in order to evaluate the probability and severity of the risk that persons may be subject to, the installer may need to carry out a risk assessment

to evaluate the detected new risk and determine the need for corrective actions as well as the need for reporting to the national competent authority. Such a Risk Assessment may determine the severity of the risk and the magnitude, e.g. population of the lifts affected. This approach may provide useful information for the installer as well as to the national competent authorities. For example, non-conformity in a single lift or a handful of installations may possibly be managed and corrected immediately upon detection by the installer with no remaining non-conformity leading to a risk for persons.

The installer, upon discovering a risk, must immediately inform the national competent authority in the Member State where the lift is installed and placed on the market. The installer must also provide details of the risk, of the non-conformity causing the risk and of what corrective actions have been or will be taken.

Defining severity and magnitude may also lead to defining a “risk profile” which may provide additional guidance on urgency and scope of the corrective actions to be taken.

Article 7 (9)

Installers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the lift with this Directive, in a language which can be easily understood by that authority.

They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by lifts which they have placed on the market.

§ 55 Reasoned request by the competent national authorities

Article 7(8) addresses the situation where an installer may identify a non-conformity and/or a risk. On the other hand, Article 7(9) refers to the situation where a national competent authority, due to for instance regular market surveillance activity or an accident or incident or reports, may request the installer to provide it with information and documentation demonstrating the conformity of the lift to the Lifts Directive.

The language of documents is possibly a matter of negotiation and may be different from the language(s) of the Member State.

The scope of the request may also be limited to the information and documents relevant to the claimed non-conformity and whether the installer has adequately dealt with the issue. Such limited scope would reduce the burden on the installer for translations or other administrative measures.

The deadline for providing the information could be set based on the severity of the risks for persons and urgency in addressing it.

'Blue Guide' 3.1 provides additional information that might be useful for a better understanding of the Article 7(9) requirements.

Article 8
Obligations of manufacturers

§ 56 Obligations of the manufacturer of the safety components

In the scope of the Lifts Directive, the term safety component for lifts must be understood as any device that falls under any of the category of the devices listed in Annex III of the Lifts Directive. The term safety component is also used in other documents such as European standards for lifts. However, requirements of the Lifts Directive apply only to the devices listed in Annex III of the Directive.

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 8 is the natural or legal person (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 EU Declaration of Conformity, regardless of whether or not that natural or legal person actually carries out the physical task of manufacturing the component concerned.

The manufacturer of safety components for lifts who is established outside the European Union may delegate certain of its obligations to an authorised representative – see comments on Article 15.

'Blue Guide' 3.1 provides comprehensive explanations on the roles and obligations of the manufacturer.

Article 8 (1)

When placing their safety components for lifts on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with Article 5(2).

§ 57 The main responsibility of the manufacturer

Safety components must meet the essential health and safety requirements set out in Annex I and they must also 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 interface parameters and, where necessary, the characteristics of the lifts in which their safety components can be incorporated.

Article 8 (2)

Manufacturers shall draw up the required technical documentation and carry out the relevant conformity assessment procedure referred to in Article 15 or have it carried out.
Where compliance of a safety component for lifts with the applicable essential health and safety requirements has been demonstrated by that procedure, manufacturers shall draw up an EU declaration of conformity, ensure that it accompanies the safety component for lifts and affix the CE marking.

§ 58 CE marking of the safety components for lifts

Manufacturer's choices for the conformity assessment procedures are defined in Article 15.

The technical documentation referred to under Article 8(2) is intended to provide information on the design, manufacture, installation and operation of the safety component for lifts. It is the responsibility of the manufacturer to compile such documentation.

In case of a reasoned request by the national competent authorities under Article 8(9), the manufacturer should be able to provide the relevant content of the technical documentation.

'Blue Guide' 4.3 provides general explanations concerning the technical documents. An indicative and non-exhaustive list of content of the technical documents for safety components may be found in Annex IV A.

When the conformity assessment is successfully completed, the manufacturer must issue the EU Declaration of Conformity, duly signed and dated. 'Blue Guide' 4.4 provides general explanations concerning the EU Declaration of Conformity, and Annex II A of the Lifts Directive defines the requirements for the EU Declaration of Conformity for safety components for lifts.

EU Declaration of Conformity must accompany the safety component and be available to the national competent authorities when required.

The manufacturer must also affix the CE marking to the safety component. The CE marking must be followed by the identification number of the notified body involved in the final phase of the conformity assessment procedure as described in Article 19(4). The identification number of the notified body shall be affixed by the notified body itself or, under its instructions, by the manufacturer as defined in Article 19(5).

Article 8 (3)

Manufacturers shall keep the technical documentation, the EU declaration of conformity and, where applicable, the approval decision(s) for 10 years after the safety component for lifts has been placed on the market.

§ 59 Retaining the documents for safety components for lifts

The manufacturer must retain the technical documentation and the EU Declaration of Conformity and approval decisions, such as EU type examination certificates issued by a notified body and certificate of conformity to type of a notified body according Annex IX, for a

period of at least 10 years after the safety component has been placed on the market.

The manufacturer may decide to retain those documents for longer period due to commercial or other considerations such as product liability issues.

Article 8 (4)

Manufacturers shall ensure that procedures are in place for series production to remain in conformity with this Directive. Changes in product design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which conformity of a safety component for lifts is declared shall be adequately taken into account.
When deemed appropriate with regard to the risks presented by a safety component for lifts, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of safety component for lifts made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming safety components for lifts and recalls of the safety components for lifts, and shall keep distributors and installers informed of any such monitoring.

§ 60 Managing changes to design or characteristics of the safety component

In the production phase several factors such as tolerances or manufacturing process such as welding may affect the conformity of the safety component to the Lifts Directive. The manufacturer must establish procedures to ensure that the safety components being manufactured remain in conformity with the Lifts Directive.

In addition, due to changes in technology or experience gained, the harmonised standards are reviewed on a regular basis and their technical specifications designed to respond to certain safety requirements may be upgraded in order to ensure that harmonised standards continue to reflect the generally acknowledged state of the art, potentially affecting design or test methods for safety components. The manufacturer may also change the design or characteristics of the safety components for many reasons. The manufacturer must take these changes into account and ensure that safety components under production remain in compliance with the Lifts Directive.

Safety components for lifts, by their very nature, are provided to safeguard against high risks when incorporated into a lift installation. In addition, the type and design and manufacturing of safety component may mean that it has particular characteristics which need to be controlled. The manufacturer may be made aware, due to reports (complaints), or from sources internal or external to its organisation, of possible risks of the safety components produced. This Article places an obligation on the manufacturer to consider such issues and take measures to protect the health and safety of users. These measures include: carry out sample testing from the production or safety components already entered into the supply chain (made available on the market) to investigate possible claims; and if necessary, keeping a register of the reports of complaints, non-conforming safety components and recalls. The manufacturer must inform the installers and distributors about such investigations and monitoring.

Article 8 (5)

Manufacturers shall ensure that safety components for lifts which they have placed on the market bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the safety component for lifts does not allow it, that the required information is provided on the label referred to in Article 19(1).

§ 61 Identification markings for safety components

As a part of the traceability requirements, the manufacturer must provide on the safety component an identification element such as a type, batch or serial number or any other references. Such identification element should allow identification of the safety component within the relevant documentation such as the EU Declaration of Conformity for the safety component.

If due to the size or nature of the safety component, for example an electric safety device as described under the category 6 of the Annex III, it is not possible to provide the required information on the safety component itself, the information may be provided on a label as described in Article 19(1).

Article 8 (6)

Manufacturers shall indicate on the safety component for lifts their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on the label referred to in Article 19(1). The address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

§ 62 Manufacturer's contact information

The manufacturer of the safety component must provide its contact information that is its name, registered trade name or registered trademark and the postal address at which it can be contacted, on the safety component. If due to the size or nature of the safety component, for example an electric safety device as described under the category 6 of the Annex III, it is not possible to provide the required information on the safety component itself, the information may be provided on a label as described in Article 19(1).

The address must be a single contact postal address and may be located in only one Member State and not necessarily the Member State where the safety component is placed on the market. For safety components manufactured outside the Union, it is required to indicate the name and address of the manufacturer and of the importer, as a basic traceability requirement for market surveillance. The postal address must be "at which [the manufacturer] can be contacted": this is not necessarily the address where the manufacturer is actually established. This address can for example be the one of the authorised representative.

The address or the country does not necessarily have to be translated into the language of the Member State where the safety component is made available but the characters of the language used must allow identifying the origin and the name of the company.

Article 8 (7)

Manufacturers shall ensure that the safety component for lifts is accompanied by the instructions referred to in point 6.1 of Annex I, in a language which can be easily understood by end-users, as determined by the Member State concerned. Such instructions, as well as any labelling, shall be clear, understandable and intelligible.

§ 63 Providing instructions for safety components for lifts

Requirements for instructions for safety components are given in Annex I 6.1. It is the responsibility of the manufacturer to provide those instructions. The instructions and labels must be written in such a way that they are clear and easy to understand, for example through the use of a logical order and proper formulation of the text. The language of the instructions must be of the Member State where the safety component is placed on the market. See also a table under § 53.

Article 8 (8)

Manufacturers who consider or have reason to believe that a safety component for lifts which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that safety component for lifts into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the safety component for lifts presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the safety components for lifts available on the market to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken.

§ 64 Managing non-conformities

Any failure to comply with the provisions of the Lifts Directive 2014/33/EU, including procedural provisions, is considered as non-conformity to this Directive. The manufacturer who discovers a non-conformity in the safety component that it has placed on the market, for example based on the reports or complaints as described in Article 8(4), must immediately take corrective actions to bring that safety component into conformity. The source of non-conformity may be for instance design, material supply, manufacturing or lack of or incorrect instructions. The corrective actions may include alignments, adjustments or retrofits. If appropriate, the manufacturer may decide to withdraw – see Article 2(19) or recall - see Article 2(18) the non-conformant safety component.

Despite the fact that maintenance is out of the scope of the Directive (§ 35), incorrect maintenance or lack of it can also result in that a safety component is not any more conforming to the initial requirements applying to it. This may be for instance due to not carrying out the maintenance work according to the manufacturer's instructions. Therefore, a corrective action in compliance with the national regulations and the manufacturer's maintenance instructions must be taken to bring the safety component back into initial conformity.

A major concern is with the safety related non-conformities, which generally refers to a situation where the safety component may not enable the lift to comply with the relevant EHSRs as defined in Annex I of the Lifts Directive.

The manufacturer, upon discovering a risk, must immediately inform the national competent

authority in the Member State where the safety component is made available on the market (entering the supply chain). The manufacturer must also provide details of the risk, the non-conformity causing the risk and what corrective actions have been or will be taken.

Article 8 (9)

Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the safety components for lifts with this Directive, in a language which can be easily understood by that authority.

They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by safety components for lifts which they have placed on the market.

§ 65 Reasoned request from a competent national authority

Article 8(8) addresses the situation where a manufacturer may identify a non-conformity and/or a risk. On the other hand, Article 8 (9) refers to the situation where a competent national authority due to, for instance regular market surveillance activity or an accident, incident or reports, i.e. “reasoned”, may request the manufacturer to provide information and documentation demonstrating the conformity of the safety component to the Lifts Directive.

The scope of the request may be limited to the information and documents relevant to the claimed non-conformity and whether the manufacturer has adequately dealt with the issue. Limited scope would also reduce the burden on the manufacturer for the translations or other administrative measures.

The deadline for providing the information could be set based on the severity of the risks for persons and urgency in addressing it.

'Blue Guide' 3.1 provides additional information that might be useful for a better understanding of the Article 8(9) requirements.

Article 9
Authorised representatives

§ 66 Obligations of the authorised representative

Certain tasks related to the obligations of the manufacturer of the safety components and installer of the lifts may be carried out by their authorised representative. An authorised representative is thus different from a commercial agent or distributor.

The manufacturer or installer must ensure that its authorised representative is given the means necessary to accomplish all of the obligations that are conferred on the manufacturer or installer. This is particularly important if the authorised representative is given a role in the conformity assessment of the safety components or lifts.

'Blue Guide' 3.2 provides comprehensive explanations on the roles and obligations of the authorised representative.

Article 9 (1)

A manufacturer or an installer may, by a written mandate, appoint an authorised representative. The obligations laid down in Article 7(1) or in Article 8(1) and the obligation to draw up technical documentation referred to in Article 7(2) or in Article 8(2) shall not form part of the authorised representative's mandate.

§ 67 Mandate of the authorised representative

The appointment of an authorized representative in the EU is an option available to the manufacturer of the safety component for lifts or the installer of lifts, whether established within or outside the EU, in order to facilitate the accomplishment of their obligations under the Directive.

It is not an obligation for a manufacturer or installer established outside the EU to nominate an authorised representative; such a manufacturer or installer can accomplish all of its obligations directly.

The authorized representative must have a written mandate from the manufacturer or installer that specifies explicitly which of the obligations set out in Article 5 are entrusted to the authorized representative.

An authorised representative can be a legal or natural person, i.e. an individual or a legal entity such as a company or association. The authorized representative must be established in the EU, in other words, the authorized representative must have an address in the territory of one of the Member States.

The mandate cannot include obligations defined in Article 7(1) or Article 8(1). Ensuring compliance to EHSRs of the Directive remains the sole obligation of the installer or the manufacturer, as they assume full responsibility for the conformity of the design, manufacture and installation.

The mandate cannot also include compilation of the technical documentation as defined in Article 7(2) and Article 8(2). Technical documentation includes information that can only be available to the manufacturer or installer as a part of their responsibility for design, manufacture and installation.

Article 9 (2)

An authorised representative shall perform the tasks specified in the mandate received from the manufacturer or the installer. The mandate shall allow the authorised representative to do at least the following:

§ 68 Carrying out the mandate of the authorised representative

As the authorised representative has received a mandate, the authorized representative must carry out the tasks as defined by the mandate in order to ensure that the obligation of the manufacturer or the installer as regards the conformity assessment of the safety component or the lift is performed in full.

Article 9 (2)

(a) keep the EU declaration of conformity and, where applicable, the approval decision(s) relating to the manufacturer's or the installer's quality system, and the technical documentation at the disposal of the national market surveillance authorities for 10 years after the safety component for lifts or the lift has been placed on the market;

§ 69 Retaining the documents for safety components

As the authorised representative acts as a contact person for the manufacturer or the installer, the authorized representative must keep the main conformity related documents and make them available to the national market surveillance authorities, if requested. This applies, for instance, to the EU declaration of conformity, the approval decisions related to the quality assurance system (used in carrying out the conformity assessment procedures) and the technical documentation. Those documents must be made available 10 years after the lift or the safety component is placed on the market.

Article 9 (2)

(b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the safety components for lifts or the lift;

§ 70 Reasoned request from a competent national authority

In the event of for instance regular market surveillance activity or an accident, incident or reports, i.e. where “reasoned”, a competent national authority may request the authorized representative to provide information and documentation demonstrating the conformity of the safety component or the lift to the Lifts Directive.

Documents and information may be provided in paper or electronic form, in a language that is accepted by the authority. Therefore, the language is possibly a matter of negotiation and may be different from the language(s) of the Member State.

The scope of the request may be limited to the information and documents relevant to the claimed non-conformity and whether the manufacturer or the installer has adequately dealt with the issue. Limited scope would also reduce the burden of translations or other administrative actions for the manufacturer or the installer.

The deadline for providing the information could be set based on the severity of the risks for persons and urgency in addressing it.

Article 9 (2)

(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by the safety component for lifts or the lift covered by the authorised representative’s mandate.

§ 71 Cooperation with the competent national authority

As the representative of the manufacturer or installer, the authorised representative must cooperate with the competent national authorities on any actions required in order to remove risks identified in a safety component or a lift.

Article 10
Obligations of importers

§ 72 Role of the importer

The importer is the economic operator established in the European Economic Area (EEA - EU Member States and certain EFTA countries: Iceland, Norway, Liechtenstein) and Switzerland who places a safety component from a country outside the EEA and Switzerland on the Union market. Therefore, obligations are of the type that a manufacturer based in the EU is subjected to.

'Blue Guide' 3.3 provides a general overview of obligations for the importer.

Article 10 (1)

Importers shall place only compliant safety components for lifts on the market.

§ 73 Main obligation of the importer

In line with the obligation of a manufacturer established in the EU, the importer must make sure that it places only compliant safety components on the Union market.

Article 10 (2)

Before placing a safety component for lifts on the market, importers shall ensure that the appropriate conformity assessment procedure referred to in Article 15 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the safety component for lifts bears the CE marking and is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 8(5) and (6).

Where an importer considers or has reason to believe that a safety component for lifts is not in conformity with Article 5(2), he shall not place the safety component for lifts on the market until it has been brought into conformity. Furthermore, where the safety component for lifts presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

§ 74 The main obligations of the importer of the safety components

The importer has the obligation to ensure that the manufacturer has correctly fulfilled its obligations from the conformity assessment of Article 15 as well as traceability requirements of Article 8(5) and Article 8(6). In addition, the importer must ensure that the technical documentation is drawn up by the manufacturer and will be made available upon request. These obligations are there to make sure that the importer is fully aware of its responsibilities to place compliant safety components on the market – see Article 10(1).

If the importer has a reason to believe that the safety component that the importer intends to place on the market is not in conformity with the EHSRs as required by Article 5(2), the importer must inform the manufacturer and must refrain from placing it on the market until the

non-conformity has been corrected. If the safety component presents a risk, the importer must also inform the market surveillance authorities.

Article 10 (3)

Importers shall indicate on the safety component for lifts their name, registered trade name or registered trade mark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the safety component for lifts. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

§ 75 Importer's contact information

For the purpose of traceability, the importer must provide its contact information: name, registered trade name or registered trade mark and the postal address, at which the importer can be contacted, on the safety component. If this is not possible, the information may be provided on the packaging or the documents accompanying the safety component.

The address or the country does not necessarily have to be translated into the language of the Member State where the safety component is made available but the characters of the language used must allow identifying the origin and the name of the company. See also a table under § 53.

Article 10 (4)

Importers shall ensure that the safety component for lifts is accompanied by the instructions referred to in point 6.1 of Annex I in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.

§ 76 Providing instructions for safety components for lifts

Requirements for instructions for safety components are given in Annex I 6.1. It is the responsibility of the importer to ensure that the instructions accompany the safety component.

The language of the instructions is determined by the Member State where the safety component is placed on the market. See also a table under § 53.

Article 10 (5)

Importers shall ensure that, while a safety component for lifts is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the essential health and safety requirements referred to in Article 5(2).

§ 77 Storage and transport of the safety components for lifts

The importer must ensure that transport or storage conditions do not alter the safety component in such a way that it no longer is in conformity with the Directive. For instance, vibrations during transport or extreme temperature or humidity in storage may have an influence on the functioning or adjustment of the safety components. For example, an electric safety device as described under the category 6 of the Annex III may be sensitive to such extreme conditions.

Article 10 (6)

When deemed appropriate with regard to the risks presented by a safety component for lifts, importers shall, to protect the health and safety of consumers, carry out sample testing of safety components for lifts made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming safety components for lifts and recalls of safety components for lifts, and shall keep distributors and installers informed of any such monitoring.

§ 78 Addressing possible risks presented by the safety component

Safety components for lifts, by their very nature, are provided to safeguard against risks when incorporated into a lift installation. In addition, the type and design of safety component may mean that it has particular characteristics which might degrade e.g. through transportation, storage and installation. In addition, the importer may be made aware, for instance due to reports (complaints) or from sources internal or external to its organisation, of possible risks in the safety components produced. This Article places an obligation on the importer to consider such issues and take measures to protect the health and safety of users. These measures include: carrying out sample testing of safety components already entered into the supply chain (made available on the market) to investigate such claims and, if necessary, keeping a register of the reports of complaints, non-conforming safety components and recalls. The importer must inform the installers and distributors about such investigations and monitoring.

Article 10 (7)

Importers who consider or have reason to believe that a safety component for lifts which they have placed on the market is not in conformity with this Directive shall immediately take the corrective measures necessary to bring that safety component for lifts into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the safety component for lifts presents a risk, importers shall immediately inform the competent national authorities of the Member States in which they made the safety component for lifts available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

§ 79 Managing non-conformities

Any failure to comply with the provisions of the Lifts Directive 2014/33/EU, including procedural provisions, is considered as non-conformity to this Directive. The importer who discovers a non-conformity in the safety component that it has placed on the market, for example based on sample testing or the reports or complaints as described in Article 10(6), must immediately take corrective actions to bring that safety component into conformity. The source of non-conformity may be for instance from design, material supply, manufacturing, transportation and storage or from lack of or incorrect instructions. The corrective actions may include alignments, adjustments or retrofits. If appropriate, the importer may decide to withdraw – see Article 2(19) or recall - see Article 2(18) the non-conforming safety component.

A major concern is with the safety related non-conformities, which generally refers to a situation where the safety component may not comply with the relevant EHSRs as defined in Annex I of the Directive or not enable the lift to comply with those requirements.

The importer, upon discovering a risk, must immediately inform the competent national authority in the Member State where the safety component is made available on the market (entering the supply chain). The importer must also provide details of the risk, the non-

conformity causing the risk and what corrective actions have been or will be taken.

Article 10 (8)

Importers shall, for 10 years after the safety component for lifts has been placed on the market, keep a copy of the EU declaration of conformity and, where applicable, of the approval decision(s) at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

§ 80 Retaining the documents

The importer must retain a copy of the EU declaration of conformity and approval decisions, such as EU type examination certificates issued by a notified body, for a period of at least 10 years after the safety component is placed on the market.

As the manufacturer is located outside the Union, the importer must make sure that the technical documentation can be made available when requested by the authorities.

Article 10 (9)

Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of a safety component for lifts in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by safety components for lifts which they have placed on the market.

§ 81 Reasoned request from a competent national authority

Article 10(7) addresses the situation where the importer may identify a non-conformity and/or a risk. On the other hand, Article 10(9) refers to the situation where a competent national authority due to, for instance regular market surveillance activity or an accident, incident or reports, i.e. “reasoned”, may request the importer to provide information and documentation demonstrating the conformity of the safety component to the Lifts Directive.

Documents and information may be provided in paper or electronic form, in a language that is accepted by the authority. Therefore, the language is possibly a matter of negotiation and may be different from the language(s) of the Member State.

The scope of the request may be limited to the information and documents relevant to the claimed non-conformity and whether the manufacturer has adequately dealt with the issue. Limited scope would also reduce the burden of the translations or other administrative actions for the manufacturer and importer.

The deadline for providing the information could be set based on the severity of the risks for persons and urgency in addressing it.

'Blue Guide' 3.3 provides additional information that might be useful for a better understanding of Article 10(9).

Article 11
Obligations of distributors

§ 82 Role of the distributor

The economic operator involved in the supply chain of a safety component who is not the manufacturer or the importer of the safety component or installer of the lift is considered to be the distributor of the safety component. It is possible that several distributors are involved for a given safety component, moving the safety component through the supply chain.

'Blue Guide' 3.4 provides comprehensive explanations on the roles and obligations of the distributor.

Article 11 (1)

When making a safety component for lifts available on the market distributors shall act with due care in relation to the requirements of this Directive.

§ 83 Responsibility of the distributor

Article 11(1) points out the importance of the role of the distributors and their obligations in fulfilling the requirements of the Directive.

Article 11 (2)

Before making a safety component for lifts available on the market, distributors shall verify that the safety component for lifts bears the CE marking, that it is accompanied by the EU declaration of conformity, by the required documents and by the instructions referred to in point 6.1 of Annex I, in a language which can be easily understood by end-users, as determined by the Member State concerned and that the manufacturer and the importer have complied with the requirements set out in Article 8(5) and (6) and Article 10(3), respectively.

Where a distributor considers or has reason to believe that a safety component for lifts is not in conformity with Article 5(2), he shall not make the safety component for lifts available on the market until it has been brought into conformity. Furthermore, where the safety component for lifts presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.

§ 84 The main obligations of the distributor

The distributor has the obligation to verify that the safety component bears the CE marking and that it is accompanied by the relevant documents and instruction in the language of the Member State. (See also a table under § 53.) The distributor must also verify that the manufacturer and/or the importer have fulfilled their obligations concerning the traceability requirements of Article 8(5), Article 8(6) and 10(3).

If the distributor has a reason to believe that the safety component that it intends to make available on the market is not in conformity with the EHSRs as required by Article 5(2), it must not make it available on the market and must inform the manufacturer or importer for them to take corrective actions and it must also inform the market surveillance authorities in the Member States where the safety component is made available on the market (entering the supply chain).

Article 11 (3)

Distributors shall ensure that, while a safety component for lifts is under their responsibility, its storage or transport conditions do not jeopardise its compliance with Article 5(2).

§ 85 Storage and transport of the safety components for lifts

The distributor must ensure that the transport or storage conditions do not alter the safety component in such a way that it no longer is in conformity with the Directive. For instance, vibrations during transport or extreme temperature or humidity in storage may have an influence on the functioning or adjustment of the safety components. For example, an electric safety device as described under the category 6 of Annex III may be sensitive to such extreme conditions.

Article 11 (4)

Distributors who consider or have reason to believe that a safety component for lifts which they have made available on the market is not in conformity with this Directive shall make sure that the corrective measures necessary to bring that safety component for lifts into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the safety component for lifts presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the safety component for lifts available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

§ 86 Managing non-conformities

Any failure to comply with the provisions of the Lifts Directive 2014/33/EU, including procedural provisions, is considered as non-conformity to this Directive. The distributor who discovers a non-conformity in the safety component that the distributor has made available on the market, must make sure that the necessary corrective actions to bring that safety component into conformity are taken, for example by the manufacturer or the importer, or that those economic operators have recalled or withdrawn the non-conforming safety component.

A major concern is with the safety related non-conformities, which generally refers to a situation where the safety component may not comply with the relevant EHSRs as defined in Annex I of the Lifts Directive or not enable the lift to comply with those requirements.

The distributor, upon discovering a risk, must immediately inform the competent national authority in the Member State where the safety component is made available on the market (entering the supply chain). The distributor must also provide details of the risk, the non-conformity causing the risk and what corrective actions have been or will be taken.

Article 11 (5)

Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of a safety component for lifts. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by safety components for lifts which they have made available on the market.

§ 87 Reasoned request from a competent national authority

Article 11(4) addresses the situation where the distributor may identify a non-conformity and/or a risk. On the other hand, Article 11(5) refers to the situation where a competent national authority due to, for instance regular market surveillance activity or an accident, incident or reports, i.e. being "reasoned", may request the distributor to provide information and documentation demonstrating the conformity of the safety component to the Lifts Directive.

Although it is not expected that the distributor has the documents in its disposal, the authorities may still address the request to obtain such documents to the distributor. The distributor should be able to identify the economic operator, i.e. the manufacturer or the importer or another distributor, who provided the distributor with the safety component.

Documents and information may be provided in paper or electronic form.

'Blue Guide' 3.4 provides additional information that might be useful for a better understanding of Article 11(5).

Article 12
Cases in which the obligations of manufacturers apply to importers or distributors

§ 88 Transfer of obligations of manufacturer to importer or distributor

The Lifts Directive provides definitions, roles, responsibilities and obligations for each economic operator. In certain cases, the obligations of the manufacturer may also become applicable to the importer or distributor, if those economic operators assume identification or perform tasks which are reserved for the manufacturer.

An importer or distributor shall be considered a manufacturer for the purposes of this Directive and he shall be subject to the obligations of the manufacturer under Article 8, where he places a safety component for lifts on the market under his name or trademark or modifies a safety component for lifts already placed on the market in such a way that compliance with this Directive may be affected.

§ 89 When importer or distributor is considered as the manufacturer

If the importer or the distributor places a safety component on the market under his name or trade mark, those economic operators are considered to be the manufacturer of that safety component and the obligations as listed in Article 8 are applicable to them. This is due both to traceability and to ensure identifying a single natural or legal person responsible for the conformity of the safety component.

If the importer or the distributor alters the safety component already placed on the market in such way that the modification affects the conformity of the safety component to the

Directive, the original manufacturer may no longer be held responsible for the conformity of that safety component and the importer or the distributor who has altered the safety component will assume the role of manufacturer and the obligations listed in Article 8 are applicable to them.

Article 13
Identification of economic operators

§ 90 Identification of economic operators

Traceability of the safety component through-out the supply chain is an important aspect of effective market surveillance as well as implementing corrective actions, recall or withdrawal of the non-conforming safety components.

Economic operators shall, on request, identify the following to the market surveillance authorities:

(a) any economic operator who has supplied them with a safety component for lifts;

(b) any economic operator to whom they have supplied a safety component for lifts.

Economic operators shall be able to present the information referred to in the first paragraph for 10 years after they have been supplied with a safety component for lifts and for 10 years after they have supplied a safety component for lifts.

§ 91 Traceability

Besides identification requirements listed in Articles 8(5), 8(6) or 10(3) each economic operator, i.e. manufacturer, importer, distributor or installer, must be able to identify any other economic operator who has supplied it with a safety component or any other economic operator to whom it has supplied a safety component to. Therefore, all economic operators involved in the supply chain of a safety component must be identified. Figure 1 is a simplified view and example of roles of each economic operator and the traceability routes.

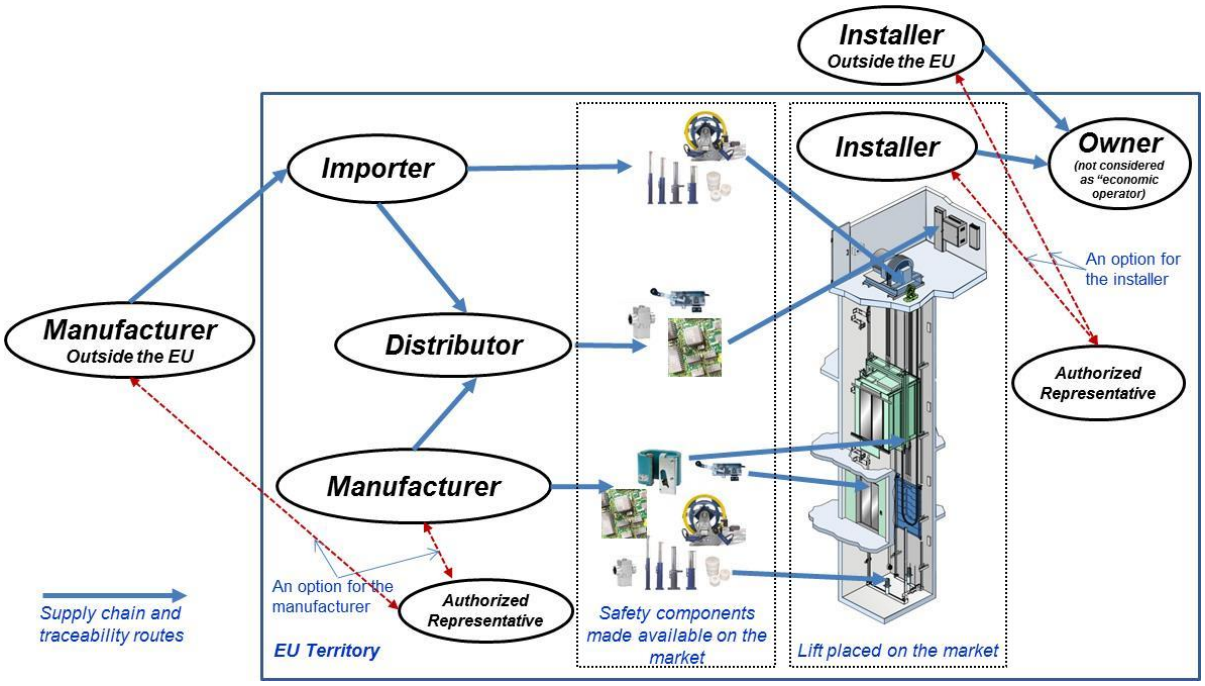


Figure 1: example of roles of economic operators and traceability routes

The economic operators, if requested by the market surveillance authorities, must be able to present that information for period of at least 10 years after they have been supplied with the safety component or 10 years after they have supplied a safety component.

The Lifts Directive does not impose any specific system or method for recording or maintaining the traceability information. The economic operator is free to set up any system that may fit its organisation and procedures, provided that said system enables to comply with the requirements of the Lifts Directive.

'Blue Guide' 4.2 provides additional information on traceability requirements that might be useful for a better understanding of Article 13.

CHAPTER III
CONFORMITY OF LIFTS AND SAFETY COMPONENTS FOR LIFTS

Article 14
Presumption of conformity of lifts and safety components for lifts

Lifts and safety components for lifts which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the essential health and safety requirements set out in Annex I covered by those standards or parts thereof.

§ 92 Presumption of conformity of lifts and safety components for lifts

The presumption of conformity of lifts and safety components for lifts can be conferred by the use of European harmonised standards the references of which is published in the Official Journal of the European Union (OJEU) as far as they aim to cover those essential health and safety requirements applicable to the lifts and safety components for lifts concerned.

The European Standardisation Organisation CEN and their specific Technical Committee TC10 and TC 168, as well as other sectorial interested parties (national experts, notified bodies, industry, etc.) are involved in or contribute to the development of European standards. Application of these standards is one of the options for demonstrating compliance with the Lifts Directive.

It must be emphasized that harmonized standards are of voluntary application and they should be considered as one of the alternative means of fulfilling the essential health and safety requirements of the Directive that are covered by those standards. However, application of harmonised standards references of which have been published in the OJEU provide for presumption of conformity to the Directive to the extent these standards aim to deal with the essential health and safety requirements. Manufacturers and installers can freely decide to use also other standards and specifications they consider relevant or useful or adopt their own design solutions to cover the applicable essential health and safety requirements of the Directive. Use of other technical specification as alternative to harmonised standards in support of the Directive or addressing essential health and safety requirements not covered by any of those standards is subject to a more detailed assessment as described by the relevant conformity assessment procedures of the Directive. The alternative solutions selected as a result of the risk assessment must provide a level of safety equivalent to that resulted in by application of the harmonised standards, which are generally considered to reflect the generally acknowledged state of the art at the time of their adoption.

European harmonised standards are revised in a regular basis in order to follow the evolution of the state of the art e.g. due to new technical knowledge and innovation. During the revision process and the transitional period following the adoption of the revised standard by CEN, a manufacturer or an installer may continue to use a current harmonised standard to claim compliance with the Directive based on the presumption of conformity provided by the previous version of that standard, until the revised or a new harmonised standard replaces

(supersedes) the previous one, at the end of the established transition period and in accordance with the transitional period set up in the publication of the references of the new version in the OJEU.

Article 15
Conformity assessment procedures for safety components for lifts

Safety components for lifts shall be subject to one of the following conformity assessment procedures:
(a) the model of the safety component for lifts shall be submitted for EU type examination set out in Annex IV, Part A and the conformity to type shall be ensured with random checking of the safety component for lifts set out in Annex IX;
(b) the model of the safety component for lifts shall be submitted for EU type examination set out in Annex IV, Part A and be subject to conformity to type based on product quality assurance in accordance with Annex VI;
(c) conformity based on full quality assurance set out in Annex VII.

§ 93 Conformity assesment of safety components for lifts

Article 15 sets out the choice of conformity assessment procedures available for the 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 EU 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 that has been approved by a Notified Body.

- *Production phase*

For the production phase, if the model of safety component is subject to an EU 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:

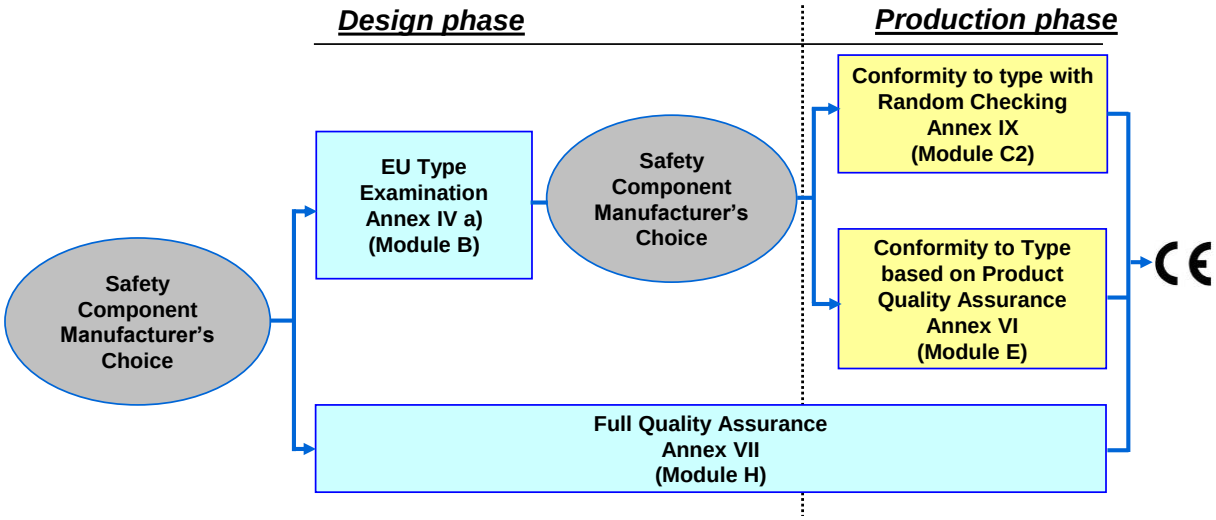
- he has random checks carried out by a Notified Body on samples of his production;
- he operates a quality system for final inspection and testing of safety components that has been approved by a Notified Body.

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 EU 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, 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:



Article 16
Conformity assessment procedures for lifts

Article 16 (1)

Lifts shall be subject to one of the following conformity assessment procedures:
(a) if they are designed and manufactured in accordance with a model lift that has undergone an EU-type examination set out in in Annex IV, Part B
(i) final inspection for lifts set out in Annex V;
(ii) conformity to type based on product quality assurance for lifts set out in Annex X;
(iii) conformity to type based on production quality assurance for lifts set out in Annex XII;
(b) if they are designed and manufactured under a quality system approved in accordance with Annex XI:
(i) final inspection for lifts set out in Annex V;
(ii) conformity to type based on product quality assurance for lifts set out in Annex X;
(iii) conformity to type based on production quality assurance for lifts set out in Annex XII;
(c) conformity based on unit verification for lifts set out in Annex VIII;
(d) conformity based on full quality assurance plus design examination for lifts set out in Annex XI .

§ 94 *Conformity assessment of lifts*

Article 16(1) 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 EU type-examination by a Notified Body;
- the conformity of the lift design is assessed by the installer himself under a full quality assurance system plus design examination it needed be 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 is not entirely in accordance with harmonised standards, the Notified Body shall to ascertain whether the design conforms to the essential health and safety requirements set out in Annex I to the Directive.

- 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 EU type-examination certificate or that have been designed under a full quality assurance complemented, if necessary, by a design inspection:

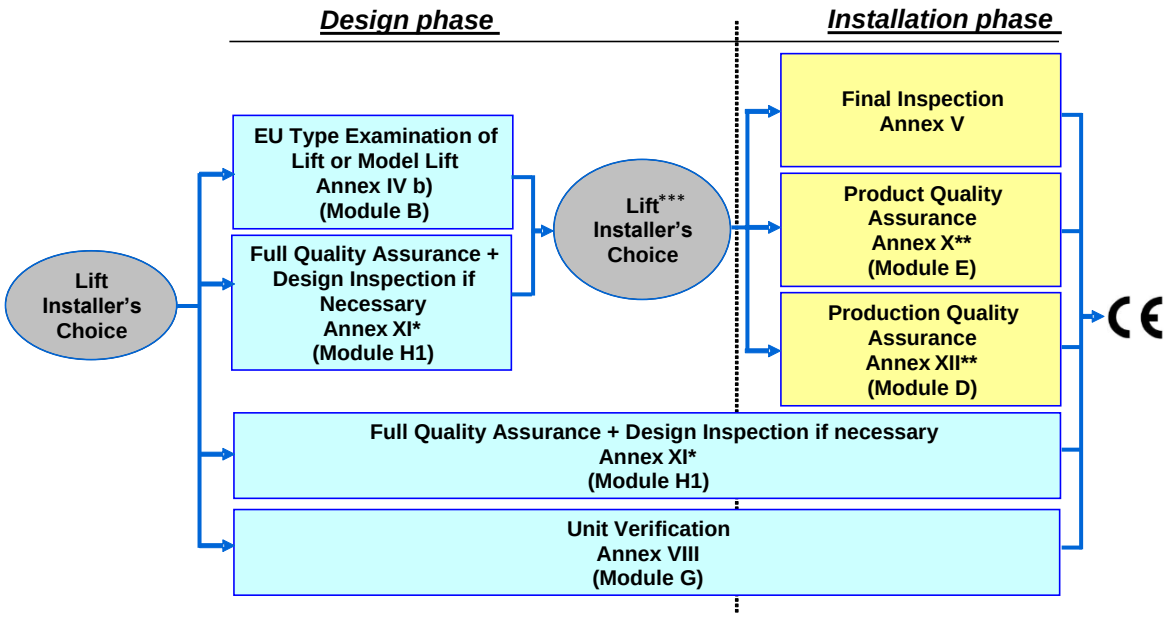
- the lift installation is subject to a final inspection by a Notified Body;
- the lift installer carries out the final inspection and testing of the lift installation himself under a product quality assurance approved by a Notified Body;
- the lift installer carries out the final inspection and testing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

It should be noted that when a notified body is involved in the process of the installation phase, then the installer cannot change the notified body and must apply to the same one, even though this one has refused to issue the certificate after the first verification.

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



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

** NOTE: an approved full quality assurance according to Annex XI is considered to cover product quality assurance according to Annex X or production quality assurance according to Annex XII (the Notified Bodies Lifts coordination group has issued its own guidance on the issue - see the Recommendation of the Coordination of Notified Bodies: NB-L/REC 3/003).

*** NOTE: the person responsible for the installation phase can different from the person responsible for the design and manufacture phase

Article 16 (2)

In the cases referred to in points (a) and (b) of paragraph 1, where the person responsible for the design and manufacture of the lift and the person responsible for the installation and testing of the lift are not the same, the former shall supply to the latter all the necessary documents and information to enable the latter to ensure correct and safe installation and testing of the lift.

§ 95 Responsibility of the different installers

The Article 16 (2) deals with cases where the person responsible for a lift design and manufacture that is subject to an EU type-examination certificate or has been designed under a full quality assurance is different from the person responsible for the installation and testing of the lift. This paragraph requires the person responsible for the design and manufacture to supply to the person responsible for the installation and testing all the necessary documents and information to ensure safe on-site installation and testing of the lift. This requirement is particularly important when the lift designer and manufacturer supplies the elements of the lift to the person responsible for the installation and testing in the form of a kit ready to install.

Article 16 (3)

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

§ 96 Permitted variations from the lift model

In this case, the Directive requires that the technical documentation described in Annex IV B 3, 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 EU type-examination must check that the model lift and all of its permitted variants satisfy the essential health and safety requirements.

Article 16 (4)

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 health and safety requirements set out in Annex I.

§ 97 The similarity of a range of equipment

If the lift installer wishes to install a lift which includes variants that were not specified in the original technical documentation, he must inform the Notified Body concerned. The Notified body must examine the variants and inform the installer whether the EU-type examination remains valid, whether additional checks or tests are necessary or whether a new EU type-examination is necessary – see comments on Annex IV B.

The Notified Bodies Lifts coordination group has issued its own guidance on the application of the concept of a model lift by the European Coordination of Notified Bodies – see NB-L/REC 2/007.

Article 17
EU declaration of conformity

Article 17 (1)

The EU declaration of conformity shall state that the fulfilment of the essential health and safety requirements set out in Annex I has been demonstrated.

§ 98 EU declaration of conformity

The EU declaration of conformity is a legal statement by the manufacturer, the installer or their authorised representative established in the EU attesting that a safety component for lifts or a lift complies with all of the relevant provisions of the Lifts Directive 2014/33/EU and with any other relevant Union harmonisation legislation.

Once the manufacturer or the installer has undertaken the appropriate procedures to assure conformity with the essential health and safety requirements of the Directive, it is the responsibility of the manufacturer and the installer to affix the CE marking and to draw up a written EU declaration of conformity.

The manufacturer and the installer or their authorised representative established in the EU keeps a copy of this EU declaration of conformity for a period of 10 (ten) years after the last safety component/lift unit has been placed on the market (see Articles 7, 8 and 9). Where neither the manufacturer and the installer nor their authorised representative is established within the EU, the obligation to keep the copy of the EU declaration of conformity available, during the same period of 10 years, is the responsibility of the person who places the product on the EU market.

In respect of the notified bodies involved in the conformity assessment procedure, the EU declaration of conformity must contain, where appropriate, the name, the identification number and the address of the notified body or bodies involved in the design and the installation (lift)/manufacturing (safety component) phase, as well as the number of the EU-type examination certificate.

The EU 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. However, if the bundle is dismantled and the different identical products sold individually, the economic operator dismantling the bundle and making available the individual products needs to make sure that the EU declaration of conformity accompanies each individual product.

The EU declaration of conformity can also be included in the manufacturer's instructions for use referred to in point 6.1 of Annex I.

If an installer manufactures a safety component for incorporation into a lift that he places on the market, he cannot be considered as its manufacturer because it is not placed on the market under his name or trademark.

Copies of the EU declarations of conformity for safety components for lifts must be supplied by the safety component manufacturer to the lift installer who buys the safety component in order to incorporate it in a lift in order to enable the installer to complete the technical documentation to be examined by the notified body.

A copy of the EU declarations of conformity for the safety components incorporated into a lift must be included in the technical documentation of the lift or, as the case may be, included in the documentation of the lift installer's full quality assurance – see comments on paragraph 3 of Annex IV B and paragraph 3.2 of Annex XI.

See also § 4.4 "EU Declaration of conformity" in "The 'Blue Guide' on the implementation of EU product rules".

Article 17 (2)

The EU declaration of conformity shall have the model structure set out in Annex II, shall contain the elements specified in the relevant Annexes V to XII, and shall be continuously updated. It shall be translated into the language or the languages required by the Member State in which the lift or the safety component for lifts is placed or made available on the market.

§ 99 Structure of the EU declaration of conformity

The EU declaration of conformity is a legal statement by the manufacturer or the installer attesting that the concerned equipment complies with all of the relevant provisions of the Lifts Directive 2014/33/EU.

The EU declaration of conformity must be drawn up and signed by the manufacturer or the installer.

Annex II specifies the mandatory minimum content of the declaration of conformity (see point §§ 223 and 224). Once the manufacturer or the installer has undertaken the appropriate procedures to assure conformity with the essential health and safety requirements of the Directive, it is the responsibility of the manufacturer or the installer to affix the CE marking and to draw up a written EU declaration of conformity.

Whereas the notified bodies are involved in the conformity assessment procedure, the EU declaration of conformity must contain the name, the identification number and the address of the notified body.

See chapter 4.4 of “The 'Blue Guide' on the implementation of EU product rules” for further guidance.

Article 17 (3)

Where a lift or a safety component for lifts is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be draw up in respect of all such Union acts. That declaration shall contain the identification of the Union acts concerned including their publication references.

§ 100 EU declaration of conformity for other Union acts

When more than one Directive is simultaneously applicable to the same product (for example, the Lifts Directive and the EMC Directive) a single EU declaration of conformity attesting conformity with all the applicable Directives must be drawn up, including the information required by each Directive.

See also § 4.4 “EU Declaration of conformity” in “The ‘Blue Guide’ on the implementation of EU product rules”.

Article 17 (4)

By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the safety component for lifts and the installer shall assume responsibility for the compliance of the lift with the requirements laid down in this Directive.

§ 101 Responsibility of the manufacturer and the installer

The manufacturer and the installer must accordingly ensure that the product conforms to the relevant essential health and safety requirements, they must have the appropriate conformity assessment procedure carried out and they must be in possession of the technical documentation referred to an Annex IV. They assume this responsibility by signing the EU declaration of conformity.

See also § 47 and § 57.

Article 18
General principles of the CE marking

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

§ 102 The CE marking. Rules and conditions for affixing the CE marking

Regulation (EC) No 765/2008 lays down the general principles governing the CE marking, while Decision No 768/2008/EC provides for the rules governing its affixing. The Lifts Directive 2014/33/EU, as the other sectorial Union harmonisation legislation providing for CE marking, is based on the abovementioned Regulation and Decision.

See also § 4.5 "Marking requirements" in "The 'Blue Guide' on the implementation of EU product rules".

Article 19
Rules and conditions for affixing the CE marking and other markings

Article 19 (1)

The CE marking shall be affixed visibly, legibly and indelibly to each lift car and to each safety component for lifts or, where that is not possible, on a label inseparably attached to the safety component for lifts.

§ 103 Affixing the CE marking for lifts and for safety components for lifts

For lifts, the CE marking must be affixed visibly, legibly and indelibly in the lift carrier.

A usual practice in the lifts sector is to put the CE marking 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 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.

See also points § 48 and § 58.

See also § 4.5.1.4 "Principles of affixing the CE marking" in "The 'Blue Guide' on the implementation of EU product rules".

Article 19 (2)

The CE marking shall be affixed before the lift or the safety component for lifts is placed on the market.

§ 104 The CE marking for lifts and for safety components for lifts

All lifts shall be CE marked before they are placed on the market. All newly manufactured safety components for lifts shall be CE market before they are placed on the market.

See also § 4.5.1.6 "Which products must (not) be CE market" in "The 'Blue Guide' on the implementation of EU product rules".

Article 19 (3)

The CE marking on lifts shall be followed by the identification number of the notified body involved in any of the following conformity assessment procedures:

(a) the final inspection referred to in Annex V ;
(b) unit verification referred to in Annex VIII;
(c) quality assurance referred to in Annexes X, XI or XII.

§105 Affixing the identification number of the notified body in the carrier of lift

The identification number of the notified body that has carried out the conformity assesment procedures mentioned in Article 19(3) during the installation phase shall be affixed adjacent to the CE marking in the carrier of each lift.

See also § 48 "CE marking for lifts".

See also § 4.5.1.5 "Affixing CE marking together with the identification number of the notified body" in "The 'Blue Guide' on the implementation of EU product rules".

Article 19 (4)

The CE marking on safety components for lifts shall be followed by the identification number of the notified body involved in any of the following conformity assessment procedures:

(a) product quality assurance referred to in Annex VI;
(b) full quality assurance referred to in Annex VII;
(c) conformity to type with random checking for safety components for lifts referred to in Annex IX.

§ 106 Affixing the identification number of the notified body on the safety component for lifts

The identification number of the notified body that has carried out the conformity assesment procedures mentioned in Article 19(4) during the production phase shall be affixed adjacent to the CE marking on each of the safety components listed at Annex III, unless it is not possible to affix this number to a safety component for reasons of lack of space, in which case the identification number of the notified body may be affixed to a label providing it is inseparably attached to the safety component of each lift.

See also § 58 "CE marking of the safety components for lifts".

See also § 4.5.1.5 "Affixing CE marking together with the identification number of the notified body" in "The 'Blue Guide' on the implementation of EU product rules".

Article 19 (5)

The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative or by the installer or his authorised representative.
The CE marking and the identification number of the notified body may be followed by any other mark indicating a special risk or use.

§ 107 Who can affix the identification number of the notified body

Article 19(5) sets out the provisions who can affix the identification number of the notified body and also indicates that other additional markings may be be used as long as they contribute to the protection of public interests.

The identification number of the notified body shall be affixed by the notified body itself or, under its instructions, by the manufacturer or his authorised representative or by the installer or his authorised representative as defined in Article 19(5).

See also § 4.5.1.7 "CE marking and other markings" in "The 'Blue Guide' on the implementation of EU product rules".

Article 19 (6)

Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

§ 108 Mechanisms to ensure correct application of the CE marking

The national provisions implementing the Lifts Directive must be legally binding and infringements against those provisions must therefore be sanctioned by appropriate penalties.

See also § 4.5.1.8 "Sanctions" in "The 'Blue Guide' on the implementation of EU product rules".

CHAPTER IV
NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

Article 20
Notification

Member States shall notify the Commission and the other Member States of bodies authorised to carry out third party conformity assessment tasks under this Directive.

§ 109 Main notification principles

The following items are essential in this context:

- It is in the responsibility of the Member States to carry out the notification,
- Bodies applying for notification and fulfilling the requirements shall be empowered by the Member State and
- Bodies applying for notification shall have the status of an independent third party body once their notification procedure has been successfully completed.

Article 21
Notifying authorities

Article 21 (1)

Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 26.

§ 110 Notifying authorities

Member States shall designate a notifying authority for this Directive.

Notifying authorities are listed in NANDO:
http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=na.main

The notifying authority is responsible for establishing and carrying out the necessary procedures for the assessment, notification of conformity assessment bodies and the monitoring of notified bodies. This includes also the verification and, where appropriate, the monitoring of requirements of Article 26 (subsidiaries of and subcontracting by notified bodies). They must communicate these assessment and notification procedures to the Commission.

The procedures shall include the following aspects:

- Requirements relating to conformity assessment bodies,
- procedures for the implementation of the notification procedure,

- procedures for the monitoring of notified bodies and
- procedures for the monitoring of subsidiaries and subcontracting.

See also 5.3.1"Notifying authorities in "The 'Blue Guide' on the implementation of EU product rules

Article 21 (2)

Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.

§ 111 National accreditation body

The Member State may decide that the evaluation of conformity assessment bodies and the monitoring of notified bodies is carried out by a national accreditation body within the meaning of Regulation (EC) No 765/2008. Notwithstanding the Member State and its notifying authority shall remain responsible for the notification.

The national accreditation body must have successfully passed peer evaluation for providing accreditation in the different fields of conformity assessment serviced by them, in this case related to Directive 2014/33/EU.

Further information is available in the Commission Guidance document CERTIF 2013-05 REV 1: http://ec.europa.eu/growth/single-market/goods/building-blocks/accreditation_en

Article 21 (3)

Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body shall be a legal entity and shall comply mutatis mutandis with the requirements laid down in Article 22. In addition it shall have arrangements to cover liabilities arising out of its activities.

§ 112 Non-governmental entity involved into the assessment, notification or monitoring

The notifying authority may delegate or otherwise entrusts the assessment, notification and monitoring to a body which is not a governmental entity.

The body, which is not a governmental entity, shall be a legal entity and must fulfill all relevant requirements for notifying authorities set out in Article 22 for the delegated tasks. The notifying authority shall periodically review compliance of the body with these requirements.

Regardless of the above-mentioned delegation or entrustment the notifying authority remains fully responsible for all activities during the notification procedure.

Article 21 (4)

The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.

§ 113 Responsibility of the notifying authority

The decision relating the notification of conformity assessment bodies always remains in the responsibility of the notifying authority.

The assumption of full responsibility means that there is no difference whether the notifying authority itself carries out the assessment, notification and monitoring, or has delegated some tasks to a body described in paragraph 3.

Article 22
Requirements relating to notifying authorities

Article 22 (1)

A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies occurs.

§ 114 Conditions to avoid conficts of interest

This requirement applies to notifying authorities and (to) bodies to which the notifying authority has delegated certain tasks of the notification procedure.

A conflict of interest is always considered to exist if the notifying authority or the body, where according to Article 21 certain tasks have been delegated to, including their staff are involved in the following activities:

- Working as notified body or working for a notified body
- Working as or working for economic operators (manufacturers, installers, distributors, ...) in the field of lifts and their safety components
- Economic interests regarding companies which are involved in activities in the field of lifts and their safety components
- Working in the field of design, manufacture or construction, marketing, installation, use or maintenance of lifts or safety components for lifts
- Offering of consultancy services (except for general information about the implementation and interpretation of the Lifts Directive which are made available to all interested parties)

In addition, the notifying authoritiy shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their notification activities.

This also means that the notifying authoritiy must be equipped with sufficient financial resources.

Article 22 (2)

A notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.

§ 115 Objectivity and impartiality principles for the notifying authorities

The impartiality of the notifying authoritiy, its top level management and the personnel responsible for carrying out the notification procedure shall be guaranteed, as well as the equal treatment of conformity assessment bodies requesting for notification.

If external experts are involved in the notification process, they also have to act objectively.

Article 22 (3)

A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment.

§ 116 Separability principle

Persons involved in the review (e.g. assessors, evaluators) are different from those who take a decision on a notification.

Persons involved in the assessment and decision must meet the following minimum competency requirements:

- independence within the meaning of Article 22 (1)
- competence in the interpretation of Directive 2014/33/EU
- competence in the application of and assessment in accordance with the relevant harmonised accreditation standards

These requirements also apply to a third party body, to which certain tasks of the notification procedure have been delegated by the notifying authority.

Article 22 (4)

A notifying authority shall not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.

§ 117 Interdictions for the notifying authorities

Consultancy services by notifying authority cannot be accepted. Notifying authorities can however provide general information about the implementation and interpretation of the Lifts Directive. This information must be fully available to all interested parties.

Article 22 (5)

A notifying authority shall safeguard the confidentiality of the information it obtains.

§ 118 Duties of the notifying authorities regarding to the confidentiality

The confidentiality of the information obtained by the notifying authority can be ensured by e.g.:

- Public service with existing corresponding fundamental right bonds of the authority,
- Contract of employment or regulations under public service law,
- Using an IT structure that corresponds with the state of the art, or
- Storage of documents with regulated access.

Article 22 (6)

A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.

§ 119 Personnel of the notifying authority

The employees must permanently be integrated in the notifying authority by employment contract or civil service law status. Employees must have the competence to evaluate whether the requirements for notified bodies set out inthe Lifts Directive are met.

See Annex 6 of the “Blue Guide” for additional information.

Article 23
Information obligation on notifying authorities

Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.
The Commission shall make that information publicly available.

§ 120 Information obligation on notifying authorities

Article 23 is in close relation to Article 21 and 22. It obliges Member States to give all relevant information on the procedures for assessment and notification and finally on the monitoring of notified bodies to the Commission.

The information given is published on the NANDO-website.
http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=na.main

The NANDO-Website contains not only information about the relevant notified bodies and their respective scope but gives also information about the procedures prescribed by Article 23.

See also § 5.3.1. last paragraph and 5.3.3 "Publication by the Commission-the NANDO website" in "The 'Blue Guide' on the implementation of EU product rules and and Commission CERTIF guidance document*:* *http://ec.europa.eu/growth/single-market/goods/building-blocks/accreditation_en*

Article 24
Requirements relating to notified bodies

Article 24 (1)

For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.

§ 121 Requirements to notifed bodies for lifts

Notified bodies for lifts and safety components for lifts are conformity assessment bodies which have been formally designated by their national notifying authority to carry out the procedures for conformity assessment within the meaning of the Lifts Directive.

Criteria, on which conformity assessment bodies applying for notification, must fulfill, are set up in paragraphs 2 to 11 of article 24 of the Lift Directive. Those criteria formerly defined in annex VII of the 95/16/EC directive have progressed in order to take into account the requirements introduced by the decision 768/2008/CE of the European Parliament and of the Council on a common framework for the marketing of products. They are listed in the following comments.

Article 24 (2)

A conformity assessment body shall be established under national law of a Member State and have legal personality.

§ 122 Legal status of conformity assesment body

In order to be eligible to the notification, a body must be a legal entity established on the territorry of a Member State and, thus, becomes under its juridiction. These bodies can be private or state-owned.

Up to date Information on the Notified Bodies is available from the Commission Online Information System NANDO (New Approach Notified and Designated Organisations) in the web site:
http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=153562

This site is intended to find the European notified bodies 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 decide for the Notified Body of their choice. The Member States fully recognise the certificates and decisions issued by bodies notified by the other Member States.

See also § 5.2.2. "Roles and responsibilities" in "The 'Blue Guide' on the implementation of EU product rules.

Article 24 (3)

A conformity assessment body shall be a third-party body independent of the organisation or the lifts or safety components for lifts it assesses.
A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of lifts or safety components for lifts which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

§ 123 Independence of conformity assessment body

See also § 5.2.2. "Roles and responsibilities" in "The 'Blue Guide' on the implementation of EU product rules.

Article 24 (4)

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of lifts or safety components for lifts which they assess, nor the representative of any of those parties.

This shall not preclude the use of assessed lifts or safety components for lifts that are necessary for the operations of the conformity assessment body or the use of such lifts or safety components for lifts for personal purposes.
This does not preclude the possibility of exchange of technical information between the manufacturer or the installer and the body.
A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of those lifts or safety components for lifts, or represent the parties engaged in those activities.
They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

A conformity assessment body shall ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities.

§ 124 Requirements to personnel of notified body

A notified body may not be the manufacturer, installer, distributor, importer or authorised reprensative, a supplier or their commercial competitor, nor offer or provide (or have offered or provided) consultancy or advice to any of these parties as regards the design, installing, manufacturing marketing or maintenance of the safety components for lifts and the lifts in question. However, this does not preclude the possibility of exchanging technical information and guidance between the manufacturer, the installer, the authorised representative, the importer or the distributor and the notified body.

Article 24 (5)

A conformity assessment body and its personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

§ 125 Principles of operating

Notified bodies must operate in a professionally competent, non-discriminatory, transparent, neutral, independent and impartial manner.

Article 24 (6)

A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Annexes IV to XII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times and for each conformity assessment procedure and each kind or category of lifts or safety components for lifts in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:

(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;

(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of product technology in question and the mass or serial nature of the production process.

A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.

§ 126 Main requirements to notified bodies for lifts

Notified bodies are designated to assess conformity of safety components for lifts or lifts with the essential health and safety requirements set out in Annex I, and to ensure consistent and coherent application of the relevant procedures provided in Articles 15 or 16 of the Lifts Directive.

See also § 5.2.3. "Competence of notified bodies" in "The 'Blue Guide' on the implementation of EU product rules.

Article 24 (7)

The personnel responsible for carrying out conformity assessment tasks shall have the following:

(a) sound technical and vocational training covering all the conformity assessment activities for which the conformity assessment body has been notified;
(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;
(c) appropriate knowledge and understanding of the essential health and safety requirements set out in Annex I, of the applicable harmonised standards and of the relevant provisions of Union harmonisation legislation and of its relevant national legislation;
(d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

§ 127 Requirements to the personnel of notified body

Notified bodies must ensure the availability of the necessary personnel with sufficient and relevant knowledge and experience to carry out conformity assessment in accordance with the annexes of the Lifts Directive for which they have been notified. Their personnel should also be familiar with the relevant documents referred to in § 129 and § 151.

See also Annex 6 and § 5.2.2. "Roles and responsibilities" in "The 'Blue Guide' on the implementation of EU product rules.

Article 24 (8)

The impartiality of the conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.
The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of the conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.

§ 128 Impartiality

The impartiality of the conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall be demonstrated during assessments carried out by third parties (e.g. accreditation bodies or notifying authorities) in view to demonstrate that the conformity assessment body complies with this requirement within the scope of its application for notification.

Article 24 (9)

Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law or the Member State itself is directly responsible for the conformity assessment.

§ 129 Insurance

Notified bodies must have adequate insurance to cover their conformity assessment activities and professional activities, unless liability is assured under the national legislation of the Member State. The scope and overall financial value of liability insurance must correspond to the level of activity of the notified body. The economic operators

(manufacturer, installer, distributor, importer and authorised reprensative) in particular retain, however, the overall responsibility for the conformity of a safety component for lifts or a lift with all the requirements of the Lifts Directive, even if some stages of the conformity assessment are carried out under the responsibility of a notified body.

Article 24 (10)

The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Annexes IV to XII or any provision of national law giving effect to it, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

§ 130 Professional secrecy

Notified bodies must make adequate arrangements to ensure confidentiality of the information obtained in the course of conformity assessment.

See also § 5.2.2. "Roles and responsibilities" in "The 'Blue Guide' on the implementation of EU product rules.

Article 24 (11)

Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities, as well as the activities of the Coordination Group of Notified Bodies for Lifts established pursuant to Article 36. Conformity assessment bodies shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

§ 131 Participation in activities of standardization and coordination

Notified bodies shall participate in European standardisation activities either directly or by means of association or coordination to ensure that they know the situation of relevant standards. It is of the highest importance for notified bodies to have the same level of information at a European level to assure across the internal market an equal and fair treatment of product designs in carrying out their their conformity assessment tasks and in issuing decisions on conformity. To this purpose, notified bodies must keep themselves apprised of any changes in the generally acknowledged the state of the art in their domain.

As far as harmonised standards aiming to deal with certain essential health and safety requirements of Annex I to the Directive are concerned, such changes are considered to be introduced in subsequent revisions of these standards. Also the coordination group of notified bodies under the Lifts Directive (NB-Lift) discuss and agree during its meetings on interpretation and practises relevant for the execution of conformity assessment tasks.

In order to assure timely dissemination of information on the above, it is important that Notified Bodies are represented either on their own or by association or coordination in these fora.

See also § 5.2.2. "Roles and responsibilities" in "The 'Blue Guide' on the implementation of EU product rules.

Article 25
Presumption of conformity of a notified body

Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union it shall be presumed to comply with the requirements set out in Article 24 in so far as the applicable harmonised standards cover those requirements.

§ 132 Presumption of conformity of notified bodies

The Blue Guide and its table in Annex 6 reflects, as a guidance document, the prefered approach to the choice of accreditation standards for the different modules coming from the New Legal Framework from Decision No 768/2008/EC .

If a conformity assessment body can demonstrate as a result of the national accreditation body evaluation that it meets the requirements of the relevant harmonised accreditation standards, it is presumed to meet the relevant requirements in Article 24 in the Lift Directive. (for more information, see https://ec.europa.eu/growth/single-market/goods/building-blocks/accreditation_en).

Relevant European harmonised standards provide useful and appropriate mechanisms towards presumption of conformity of notified bodies to the criteria set out in Article 24 of the Directive. However, this does not rule out the possibility that bodies not accredited to the harmonised standards may be notified, on the grounds that compliance is obligatory with respect to the criteria set out in Article 24 to the Directive.

Article 26
Subsidiaries of and subcontracting by notified bodies

Article 26 (1)

Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 24 and shall inform the notifying authority accordingly.

§ 133 Requirements for the subcontractor and the subsidiary

In order to comply with the provisions of Article 26 of the Lifts Directive 2014/33/EU, notified bodies shall ensure that any subcontracting or subsidiarity is subject to effective monitoring by the notified body in order to ensure activities under the responsibility of the notified body are being conducted properly. Additionally there shall be the possibility for the notifying authorities to monitor and verify the specific tasks connected with conformity assessment on-site with the subcontractor or the subsidiary.

The monitoring of compliance with the requirements of Article 26 is a multi-step process:

First step: Initial information
Information from the notified body to the notifying authority about used subsidiaries and subcontractors and the related tasks.

Second step: Surveillance
The Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under Annexes IV to XII. The surveillance could include the assessment of the subsidiaries and subcontracting bodies by the notifying authority.

See also § 5.2.5. "Subcontacting by notified bodies" in "The 'Blue Guide' on the implementation of EU product rules.

Article 26 (2)

Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.

§ 134 Responsibility of notified bodies

The notified bodies must know the name and location of the subcontractor or the subsidiary, the nature and scope of work undertaken, the results of regular evaluations of the subcontractor, or the subsidiary including evidence that details of tasks are monitored as well as evidence that the subcontractor or the subsidiary is competent and maintains competence for the tasks specified and evidence that a direct private law contract exists.

Although assessment can be sub-contracted including assessment against the relevant essential health and safety requirements, the notified body remains entirely responsible for the whole operation and shall safeguard impartiality and operational integrity.

See also § 5.2.5. "Subcontacting by notified bodies" in "The 'Blue Guide' on the implementation of EU product rules.

Article 26 (3)

Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.

§ 135 The agreement of the client

The notified body must ensure there is a written agreement where the client has accepted the subcontracting or execution of part of the conformity assessment task by a subsidiary and that it includes the name of the subcontractor/subsidiary and the type and scope of activity.

Article 26 (4)

Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under Annexes IV to XII.

§ 136 Informing the notifying authorities

Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under the Lifts Directive.

See also § 5.2.5. "Subcontacting by notified bodies" in "The 'Blue Guide' on the implementation of EU product rules".

Article 27
Application for notification

1. A conformity assessment body shall submit an application for notification to the notifying auhority of the Member State in which it is established.

2. The application for notification shall be accompanied by a description of the conformity assessment activities, the conformity assessment procedure or procedures and the lifts or safety components for lifts for which the body claims to be competent, as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 24.

3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 24.

§ 137 Application for notification

The New Legislative Framework from Decision No 768/2008/EC established detailed requirements for notified bodies and national authorities concerning the application for notification.

It is important to note that the accreditation certificate, issued by a national accreditation body is the preferred means to attest that the conformity assessment body fulfils the requirements laid down in Article 24 of Directive 2014/33/EU. Accreditation certificates without this attestation are treated according Article 28(4).

The conformity assessment body that provides an accreditation certificate must also provide a description of the conformity assessment activities, the conformity assessment procedure

or procedures and the lifts or safety components for lifts for which the body claims to be competent.

Furthermore, the accreditation body must explicitly attest that the conformity assessment body fulfils the requirements laid down in Article 24.

See also § 5.3. "Notification" in "The 'Blue Guide' on the implementation of EU product rules".

Article 28
Notification procedure

Article 28 (1)

Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements laid down in Article 24.

§ 138 Requirements for notification

This provision of the Directive states clearly that only those conformity assessment bodies which satisfy the requirements laid down in Article 24 can be notified by the notifying authorities.

A conformity assessment body may demonstrate that it fulfils these requirements via the route of accreditation. In this case, the accreditation certificate will indicate that the conformity assessment body is considered being competent to perform assessments according to at least one of the relevant modules for the Lifts Directive by reference to the harmonised accreditation standard used.

Additional to the requirements of Article 24 the conformity assessment bodies have to satisfy the obligations of Article 32, 34 and 36. In case that a conformity assessment body chooses to subcontract specific tasks the requirements and obligations of Article 26 must be fulfilled too. - see paragraphs on Article 26, 32, 34 and 36. The complete fulfillment of all these requirements has to be checked before notifying and is an important part of the notifying process.

See also § 5.3.2.5 "Steps in the notification of a nofified body" in "The 'Blue Guide' on the implementation of EU product rules".

Article 28 (2)

They shall notify the Commission and the other Member States using the electronic notification tool developed and managed by the Commission.

§ 139 Publication by the Commission

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)

To input and manage the data each notifying authority has a special access to NANDO INPUT: https://webgate.ec.europa.eu/nando/index.cfm

See also § 5.3.3 "Publication by the Commission - the NANDO website" in "The 'Blue Guide' on the implementation of EU product rules.

Article 28 (3)

The notification shall include full details of the conformity assessment activities, the conformity assessment procedure or procedures and the lifts or the safety components for lifts concerned, and the relevant attestation of competence.

§ 140 The notifications details

When notifying a conformity assessment body it is essential that full set of data as required by the NANDO notification system is provided.

NANDO requires the overall number of nine different criterias to be provided: legal personality, independence of organisation (3rd – party), independence of personnel, professional integrity, technical knowledge (tasks / procedures), technical training / knowledge of essential requirements, impartiality, liability insurance and professional secrecy.

The scope of the conformity assessment body needs to be described for every safety component in combination with the relevant Annex/Module. NANDO provides a table that needs to be completed for every conformity assessment body.

Article 28 (4)

Where a notification is not based on an accreditation certificate as referred to in Article 27(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 24.

§ 141 Notification without accreditation

Article 28 (4) is for importance for cases where

- conformity assessment bodies choose the route to get notified without accreditation certificate, or
- the accreditation certificate of the conformity assessment body is not relevant for the respective scope of the tasks of the notified body and the modules for which it will be notified for.

The documentary evidence must contain at least the following:

- a report with detailed information on how every single requirement of Article 24 is satisfied and will continue to be satisfied. It is not sufficient to give only general information. It is of importance that the information refers to each and every requirement (see also paragraph on Article 24). This enables the Commission and the other Member States to retrace the competence of the conformity assessment body

- an arrangement between the conformity assessement body and the notifying authority about the monitoring on regular intervals. This monitoring shall ensure the consistant fulfillment of all requirements and obligations.

Article 28 (5)

The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification where an accreditation certificate is used or within two months of a notification where accreditation is not used.
Only such a body shall be considered a notified body for the purposes of this Directive.

§ 142 Time limits for notification process

Article 28(5) describes the objection-periods a conformity assessment body has to wait until it is allowed to start performing activities as a notified body, i.e. once the notification is published in the NANDO notification system on the EUROPA server.

Where an adequate accreditation certificate is provided to demonstrate the competence of the body notified, the period for the Commission or the Member States to raise objections is two weeks. If no relevant accreditation certificate is provided the period is two months.

The objection period does not just start when the notifying authority encodes all relevant data into the NANDO notification system. In practice this period starts with the date the Commission distributes the information by email to the other Member States which shall occur immediately after the upload of the data by the notifying authority.

The procedure in case the Commission or a Member State is raises objections against the notification is stated in the Commission Guidance IMP document N013 No. 2 f)-h).

Article 28 (6)

The notifying authority shall notify the Commission and the other Member States of any subsequent relevant changes to the notification.

§ 143 Nofitying of changes of the notified body

Relevant changes in the sense of Article 28 (6) are e.g.

- Legal personality,
- Scope of the notification (for which products is the body notified),
- Modules for which the body is notified,
- Address of the notified body,
- Contact details of the notified body.

Article 29
Identification numbers and lists of notified bodies

Article 29 (1)

The Commission shall assign an identification number to a notified body.
It shall assign a single such number even where the body is notified under several Union acts.

§ 144 Identification numbers and lists of notified bodies.

When a body is notified for the first time under Union harmonisation legislation, the Commission assigns to it an identification number, in the format "NB xxxx" (4-digits correlative number). This particular indentification number shall be the same for any subsequent notifications under other pieces of Union harmonisation legislation.

See also § 5.3.3. "Publication by the Commission - the NANDO web site" in "The 'Blue Guide' on the implementation of EU product rules".

Article 29 (2)

The Commission shall make publicly available the list of the bodies notified under this Directive, including the identification numbers that have been assigned to them and the activities for which they have been notified.
The Commission shall ensure that the list is kept up to date.

§ 145 The NANDO database

For information purposes, the lists of notified bodies are made publicly available by the Commission on a specific database on its EUROPA server, called NANDO ("New Approach Notified and Designated Organisations" information system), available on: http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=153562

The lists are updated as and when the notifications are published, and the website is refreshed daily to keep it up-to-date.

See also § 5.3.3. "Publication by the Commission - the NANDO web site" in "The 'Blue Guide' on the implementation of EU product rules".

Article 30
Changes to notifications

Article 30 (1)

Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 24, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.

§ 146 Changes to notification

There are different possibilities how the notifying authority could receive information about the fulfillment of the obligations according Article 24 of the notified body:

- during the periodical surveillance (done by the accreditation body or the notifying authority) which may reveal a failure of the notified body to meet its requirements
- complaints about the notified body's competence or performance
- as a result of action by the Commission
- as a result of re-organisation of the notified body (e.g. merge of two notified bodies)
- as a result of the notified body ceasing its activities

The notifying authority must immediately contact the body in question and take appropriate measures like restrict, suspend or withdraw the notification, if appropriate. Should the situation arise based on the seriousness of the failure to meet the requirements applicable to notified bodies, appropriate measures may also include the review of previously generated documents and operations.

The notifying authority shall immediately inform the Commission and the other Member States via the notification database (NANDO).

See also § 5.3.4. "Suspension - withdrawal - appeal" in "The 'Blue Guide' on the implementation of EU product rules".

Article 30 (2)

In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.

§ 147 Transfer of the files

It is important that the relevant files of the activities of a notified body are accessible for the responsible notifying and market surveillance authorities at their request. If a notified body has ceased its activity, the notifying Member State must ensure that the files of that body are either processed by another notified body or kept available in another way e.g. it is stored by a national authority.

In the event of restriction, suspension or withdrawal of notification of a body which has issued EU-type examination certificates or EU design examination certificates, the manufacturer or the installer of products concerned by such restriction, suspension or withdrawal of notification needs to ensure the continuity of the notified body's obligation to keep itself apprised of any changes in the generally acknowledged state of the art (Annex IV A point 6 and B point 7 and Annex XI point 3.3.2 to the Directive). Equally, the manufacturer or installer must ensure that the surveillance by the manufacturing phase conformity assessment body is assured.

See also § 5.3.4. "Suspension - withdrawal - appeal" in "The 'Blue Guide' on the implementation of EU product rules".

Article 31
Challenge to the competence of notified bodies

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, regarding the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.

2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.

3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act requesting the notifying Member State to take the necessary corrective measures, including withdrawal of notification if necessary.
That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 42(2).

§ 148 Challenge of the competence of notified bodies

The Commission has the responsibility to act when doubt arises about the competence of a notified body, either at the moment of notification or thereafter. Should the Commission consider, on its own initiative or after complaint, that a notified body does not comply with the requirements or fulfil its responsibilities, it will inform the national notifying authority and ask for appropriate documented evidence concerning the basis for the notification and the maintenance of the competence of the body.

The notifying authority is bound to cooperate with the Commission.

All sensitive information the Commission gets from the notifying Member State about the Notified Body in question shall be treated confidentially.

Only the national authority is entitled to withdraw a notification. A notified body will be withdrawn from the NANDO list only when the notifying authority of a Member State itself withdraws its notification or when, at the end of an infringement procedure, the Court

declares a Member State to be in infringement of a given Union harmonisation act and, consequently, declares a notification to be invalid.

The Commission can request the notifying Member State to take the necessary corrective measures via an implementing act, which should be adopted together with the Lifts Committee.

Article 32
Operational obligations of notified bodies

See also 5.2.2 " Roles and responsibilites" in "The 'Blue Guide' on the implementation of EU product rules".

1.Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in Articles 15 and 16.

2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Notified bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of lift or safety component for lifts technology in question and the mass or serial nature of the production process.
In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the lifts or the safety components for lifts with this Directive.

3. Where a notified body finds that the essential health and safety requirements of this Directive or corresponding harmonised standards or other technical specifications have not been met by an installer or a manufacturer, it shall require the installer or the manufacturer to take appropriate corrective measures and shall not issue a certificate.

4 Where, in the course of the monitoring of conformity following the issue of a certificate or an approval decision, as appropriate, a notified body finds that a lift or a safety component for lifts no longer complies, it shall require the installer or the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate or the approval decision if necessary.

5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates or approval decision(s), as appropriate.

§ 149 Operational obligations of notified bodies

Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in Articles 15 and 16.

No certificate can be issued unless all the applicable essential health and safety requirements provided for in Annex I to the Lifts Directive regarding a lift or a safety component for lifts assessed are fully met.

A notified body must require the installer or manufacturer to take appropriate corrective measures and, if necessary suspend or withdraw a certificate it has issued, if in the course of

the monitoring of conformity following the issue of the certificate, it finds that a lift or a safety component for lifts no longer complies with the Directive.

The list of the certificates withdrawn by the notified bodies can be found in a specific European database managed by the coordination group of the notified bodies under the Lifts Directive. It is accessible to notified bodies in order to keep them informed in case they would have to deal with the product or the manufacturer or installer concerned by the withdrawn certificate.

Depending on the findings and the conformity assessment procedures followed, a notified body might restrict, suspend or withdraw any certificates or approval decision(s).

In such case, coordination group of the notified bodies under the Lifts Directive has agreed that the details are encoded into the above European database, in order to make this information available to the interested notified bodies.

See also point 5.2.3 "Competence of notified bodies" and 5.2.2 " Roles and responsibilites in "The 'Blue Guide' on the implementation of EU product rules".

Article 33
Appeal against decisions of notified bodies

Member States shall ensure that an appeal procedure against decisions of the notified bodies is available.

§ 150 Appeal against decisions of notified bodies

A description of this procedure shall be available to any party on request.

Decisions taken by notified bodies – in particular concerning issuing or refusing of certificates – must be appealable by manufacturers and installers or any other interested party, through appropriate legal procedures set out by the Member States. This should take into consideration the specific private/civil legal framework in which conditions for contractual agreements between notified bodies and their customers (manufacturers or their authorised representatives) are provided for.

Article 34
Information obligation on notified bodies

Article 34

1. Notified bodies shall inform the notifying authority of the following:
(a) any refusal, restriction, suspension or withdrawal of a certificate or approval decision;
(b) any circumstances affecting the scope of or conditions for notification;
(c) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;

(d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.

2. Notified bodies shall provide the other bodies notified under this Directive carrying out similar conformity assessment activities covering the same type of lifts or the same safety components for lifts with relevant information on issues relating to negative and, on request, positive conformity assessment results.

§ 151 Information obligation on notified bodies

Notified bodies must provide relevant information to their notifying authority and other notified bodies.

Notified bodies have information obligations towards their notifying authority.

Notified bodies must define a process in order to comply with the obligation of inform the notifying authority as stated in a) to d) of paragraph 1 of article 34.

Notified bodies also have obligation to exchange information among themselves on a general but sufficiently detailed level taking into account the need not to distribute specific and confident data. See comments on article 36.

The European Coordination of Notified Bodies for lifts has adopted a indicative recommendation describing the procedure to be followed by the Notified Bodies to satisfy the obligation of communication to the other Notified Bodies related to the withdrawn certificates – see NB-L/REC 0/005.

Under certain conditions refusals, restrictions, suspensions or withdrawasl of a certificate or approval decision can be envisaged, e.g.:

- In the case of quality management systems, the company continually refuses, without rationale the performance of the surveillance audit
- In case the company refuses for any justified reason the performance of the audit for the renewal of the certificate due to an evolution of the condition mentioned in the certificate
- Where a Notified Body finds that a lift or a safety component no longer complies with the conditions mentioned in the certificates and, no measures have been taken, or the correctives measures taken do not have the required effect.
- Where a Notified Body finds that a lift or safety component no longer complies with the generally acknowledged “state of the art”

These situations would normally lead to a “negative assessment result” which would require the restrictions, suspensions or withdrawal of the certificate and the necessity to communicate to the other bodies notified under this Directive carrying out similar conformity assessment activities covering the same type of lifts or the same safety components for lifts this information.

Article 35
Exchange of experience

The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.

§ 152 Exchange of experience

This kind of activity is usually carried out in the framework of the activities of horizontal/inter-sectoral working groups organised by the Commission with Member States representatives.

Article 36
Coordination of notified bodies

The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Directive are put in place and properly operated in the form of a Coordination Group of Notified Bodies for Lifts.

Member States shall ensure that the bodies notified by them participate in the work of that Group, directly or by means of designated representatives.

§ 153 Coordination of notified bodies

The NB-L group of notified bodies is composed of representatives of notified bodies.

The Notified bodies for the Lifts Directive have set up a European Coordination Group, NB-L, in order to discuss implementation problems arising in the course of conducting the conformity assessment tasks and to harmonise related practices. Notified bodies are obliged to participate in meetings of this group unless they keep themselves informed of the activities of the coordination group, and apply the administrative decisions and documents produced by NB-L group. The relevant working documents, meeting reports, recommendations and guidelines produced by NB-L are available to all notified bodies forming part of those groups, whether they have taken part in the meetings or not. The information exchange and communication is enhanced by use of a platform such as CIRCABC, hosted by the Commission. Notified bodies can be represented by a national coordination group set up in their country. Meetings of the coordination are held twice a year, normally in Brussels, and are chaired by the elected representatives. Representatives of the European Commission and of the Member States attend the meetings as observers. In addition, observers from the European associations of the lifts industry and European standardisation organisations are invited to attend part of the meetings. Ad Hoc Groups have also been set up to deal with particular topics.

The European Commission may contribute to the functioning of NB-L by financing the technical secretariat, which supports the chairman (president) of the Group, and the administrative secretariat, which organises the meetings and deals with the distribution of documents.

NB-L adopts Recommendations for Use and Position Papers which provide agreed answers to questions that have been discussed in the Group. These are then submitted to the Lifts

Working Group for endorsement. The Recommendations for use that have been endorsed by the Lifts Working Group are published on the Commissions Website EUROPA.

See also point 5.2.4 "Coordination between notified bodies" in "The 'Blue Guide' on the implementation of EU product rules".

CHAPTER V
UNION MARKET SURVEILLANCE CONTROL OF LIFTS OR SAFETY COMPONENTS FOR LIFTS ENTERING THE UNION MARKET AND UNION SAFEGUARD PROCEDURE

§ 154 Differentiation in tasks regarding market surveillance

Member States are responsible for ensuring strong and efficient market surveillance on their territories and should allocate sufficient powers and resources to their market surveillance authorities.

Enforcement of Union legislation is an obligation of every Member State. Market surveillance is one important way to fulfill this obligation. It is therefore the responsibility of public authorities.

The objective of market surveillance is on one hand to ensure that only safe products in compliance with EU legislation are placed on the market and on the other hand to create a level playing field for economic operators and other concerned parties.

Article 37

Union market surveillance and control of lifts or safety components for lifts entering the Union market

*Article 15(3) and Articles 16 **to** 29 of Regulation (EC) No 765/2008 shall apply to lifts and safety components for lifts.*

§ 155 Union market surveillance

Article 15(3) of Regulation (EC) No 765/2008 refers to Directive (EC) No 2001/95 on General Product Safety. The application of Regulation (EC) No 765/2008 shall not prevent market surveillance authorities from taking more specific measures as provided for in Directive 2001/95/EC.

Article 16 to 29 of Regulation (EC) No 765/2008 sets out general requirements, informational obligations, organisational obligations etc. towards market surveillance authorities.

Each Member State can decide upon the organization and infrastructure of its market surveillance but the authorities need to have the necessary power, resources and competence. They must be able to act in an independent way respecting the principle of proportionality.

Because the term “installer” is specific to Lifts Directive this will also affect the role of the market surveillance authority of lifts. The specific groups, which are subject to market surveillance, are presented in chapter II of the Directive:

- Installer of lifts
- Authorised representative to the installer of lifts
- Manufacturer of safety components
- Authorised representative to the manufacturer of safety components
- Importer of safety components
- Distributer of safety components

§ 156 Market surveillance on lifts

Market surveillance of lifts will in some respects differ from regular market surveillance due to the fact that the lifts covered by this Directive only come into existence as finished products once they have been permanently installed in buildings or constructions, the relevant conformity assessment procedure has been completed, the CE marking is affixed and the installer issues the EU Declaration of Conformity..

Member States may not prohibit, restrict or impede the putting into service of lifts that meet the provisions of the Directive when placed on the market. Putting into service takes place at the moment of first use of the lift within the Union by the user and the scope of the Directive is extended beyond the moment of placing on the market of a lift. This will also affect the market surveillance of lifts.

In case of an market surveillance action, the market surveillance authorities will have to evaluate the conformity of the installed lift as placed on the market.

§ 157 Market surveillance on safety components for lifts

For a safety component, making available on the market means that the manufacturer, importer or the distributor supplies the safety component to be distributed or incorporated into a lift. The explanations included in the Blue Guide on market surveillance will therefore be relevant for safety components for lifts.

§ 158 Difference between market surveillance and inspection for use of lifts

Market surveillance of lifts is linked to any non-conformities related to installed lifts.

In some countries periodical inspection of lifts in use is obligatory or performed on a regular basis. This type of inspection is related to the lifts in service and does therefore not fall within the Lifts directive scope. Lifts should be maintained properly in accordance with the installers instructions and the relevant national regulations as lifts may, after some time in use, start to deteriorate which may affect their level of safety. A lift may also have been altered by a third party after being placed on the market and/or put into service, and in this case the installer cannot be held responsible unless the action taken by the third party was in full compliance with the installer's instructions.

The market surveillance authority under the Lifts directive focus on non-conformities related to the installation of a lift, while the inspection related to lifts in service, outside the scope of the Lifts directive, focus on safety related to maintenance and possible minor alterations to the lift following its installation and placing on the market.

§ 159 Traceability

Traceability of lifts and safety components for lifts enables effective enforcement through market surveillance. Provisions regarding identification of economic operators help to make market surveillance simpler and more efficient.

It has been reported that some countries have created dedicated national databases in order to facilitate traceability of lifts

§ 160 ADCO Lifts

The Lifts Administrative Cooperation (ADCO Lifts) group is constituted and chaired by market surveillance authorities of the Member States and of the EFTA-members, the representatives of the European Commission in the field of Lifts participate in this group.

Its role is to discuss lifts market surveillance issues from the EU point of view, i.e:

- to spread good practices and techniques across the Union,
- to exchange views,
- to solve practical problems,
- to exchange information and
- to promote co-operation on market surveillance activities.

This group reports to the Lifts Directive Working Group and the LIFTS Committee.

It is the intention of the ADCO Lifts Group to develop a good practice procedure for market surveillance intervention in relation to lifts and safety components covered by the Lifts Directive.

Such guidance may contain general principles related to market surveillance in the lifts sector and guidance on the contents of letters by the market surveillance authorities.

Article 38

Procedure for dealing with lifts or safety components for lifts presenting a risk at national level

§ 161 Procedure for dealing with lifts or safety components for lifts presenting a risk

Article 38 describes a procedure for dealing with lifts presenting a risk and a procedure for dealing with safety components presenting a risk. These two procedures share many commonalities, but vary in some areas. For instance the market surveillance authorities may require the relevant economic operator to withdraw the safety component from the market within a reasonable period commensurate with the nature of the risk. Given the nature of lifts as a product, a recall of a lift is the least recommended option.

There are different steps to the market surveillance process that article 38 prescribes:

1) evaluation of the product
2) require the economic operator to take adequate corrective action (e.g. corrective actions, recall)
3) inform the relevant Notified body or bodies of required actions

4) take appropriate provisional measures if adequate corrective action is not conducted by the economic operator
5) inform the Commission and the other Member States of the provisional measures taken, if the non-conformity is not limited to the national territory.

See also 7.2 "Market surveillance activities in "The 'Blue Guide' on the implementation of EU product rules.

Article 38 (1)

Where the market surveillance authorities of one Member State have sufficient reason to believe that a lift or a safety component for lifts covered by this Directive presents a risk to the health or safety of persons or, where appropriate, to the safety of property, they shall carry out an evaluation in relation to the lift or the safety component for lifts concerned covering all relevant requirements laid down in this Directive. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.

Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that a lift does not comply with the requirements laid down in this Directive, they shall, without delay, require the installer to take all appropriate corrective actions to bring the lift into compliance with those requirements within a reasonable period commensurate with the nature of the risk, as they may prescribe.

Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that a safety component for lifts does not comply with the requirements laid down in this Directive, they shall, without delay, require the relevant economic operator to take all appropriate corrective actions to bring the safety component for lifts into compliance with those requirements, to withdraw the safety component for lifts from the market or to recall it within a reasonable period commensurate with the nature of the risk, as they may prescribe.

The market surveillance authorities shall inform the relevant notified body accordingly.

Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second and third subparagraph of this paragraph.

§ 162 Risk assessment

Risk assessment is a substantial part of market surveillance. Risk assessment is necessary to determine the kind of risk (low, medium, high or serious) and the proportionate measures in relation with the degree of risk.
Pursuant to Article 20 of Regulation (EC) No 765/200821 the decision whether or not a product represents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of its occurrence. In this regard, the Commission have issued a EU general risk assessment methodology that implements Article 20 of Regulation (EC) No 765/2008 and is intended to assist market surveillance authorities when they assess the compliance of products that are subject to Union harmonization legislation.

[21] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, OLEU, L 218/82, 13.8.2008.

See that document in:
http://ec.europa.eu/DocsRoom/documents/17107/attachments/1/translations/en/renditions/native

Risk assessment undertaken by market surveillance authorities must be distinguished from the risk assessment undertaken by the lift installer or manufacturer of safety components for lifts before placing a product on the EU market.

See also 4.1.2.2 "Role of harmonized standards in "The 'Blue Guide' on the implementation of EU product rules

Article 38 (2)

Where the market surveillance authorities consider that the non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operators to take.

Article 38 (3)

The economic operator shall ensure that all appropriate corrective action is taken in respect of all the lifts and safety components for lifts concerned that it has placed or made available on the market throughout the Union.

§ 163 Corrective measures

If the market surveillance authority considers that a lift or a safety component is not in compliance with the Directive, the authority must take action to ensure conformity of the product.

If a lift or safety component is in non-conformity, the market surveillance authorities must request the relevant economic operators to:

a) take corrective action (to bring the product into compliance with the applicable requirements laid down in the Directive) and/or;
b) withdraw the product (only applies to safety components) and/or;
c) recall the product and/or;
d) stop or restrict supplying the product within a reasonable period.

Which corrective measures that should be taken is up to the authority to determine and should be decided on a case-by-case basis.

See also 7.3.5 "Market surveillance procedures and 7.36 "Corrective measures-bans-withdrawals-recalls" in "The 'Blue Guide' on the implementation of EU product rules"

Article 38 (4)

Where the installer does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate

provisional measures to restrict or prohibit the placing on their national market or the use of the lift concerned, or to recall it.

Where the relevant economic operator does not take adequate corrective action within the period referred to in the third subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the safety component for lifts being made available on their national market, to withdraw the safety component for lifts from that market or to recall it.

The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

Article 38 (5)

The information referred to in the third subparagraph of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant lift or safety component for lifts, their origin, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operators. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:

(a) failure of the lift or the safety component for lifts to meet the essential health and safety requirements of this Directive; or
(b) shortcomings in the harmonised standards referred to in Article 14 conferring a presumption of conformity

Article 38 (6)

Member States other than the Member State initiating the procedure under this Article shall, without delay, inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the lift or the safety component for lifts concerned and, in the event of disagreement with the adopted national measure, of their objections.

Article 38 (7)

Where, within three months of receipt of the information referred to in the third subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

Article 38 (8)

Member States shall ensure that appropriate restrictive measures, such as withdrawal of a safety component for lifts from the market, are taken, in respect of the lift or the safety component for lifts concerned, without delay.

§ 164 Procedure for dealing with products presenting a risk at national level

When a product presents a risk at national level, a detailed procedure how to restrict or prohibit the placing on the market of a particular lift or safety component which has already been made available and is already in service has to be set up for the relevant Member State authorities in charge of market surveillance on their territory, with specific obligations for the

concerned economic operators. The recall of lift shall be considered as exceptional measure to be taken in light of the seriousness of the risk.

A market surveillance authority must inform the Commission and all other Member States of the provisional measures taken where the non-compliance is not restricted to its national territory. The ICSMS platform should be used to notify safeguard clauses to the Commission and all other Member States and to submit objections.

See also §§ 7.3.5. "Market surveillance procedures (including safeguard mechanisms), 7.3.6 "Corrective measures - Bans - Withdrawals-recalls" and 7.3.7."Sanctions" in "The 'Blue Guide' on the implementation of EU product rules".

Article 39
Union safeguard procedure

1. Where, on completion of the procedure set out in Article 38(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall, without delay, enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not.

The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

2. If the national measure relating to a lift is considered justified, all Member States shall take the measures necessary to ensure that the placing on the market or use of the non-compliant lift concerned is restricted or prohibited, or that the lift is recalled.

If the national measure relating to a safety component for lifts is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant safety component for lifts is withdrawn from their market.

The Member States shall inform the Commission accordingly.

If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.

3. Where the national measure is considered justified and the non-compliance of the lift or the safety component for lifts is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 38(5) of this Directive, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

§ 165 The application of safeguard mechanisms

Where objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission must carry out a process of consultation with the parties concerned, it is to say, the Member States, the installer and the manufacturer or their authorised representative

established within the EU or, failing them, the person who placed the lift or safety component for lifts on the EU market.

The consultation procedure enables the Commission to assess whether the restrictive measure is justified or not, on the basis of the information provided by the notifying authorities, as well as the positions of all the parties concerned, in particular regarding the reasons why the essential health and safety requirements laid down in the Directive have not been complied with by the lift or the safety component concerned.

Where the Commission finds, following such consultation, that the measure is justified, it informs all the parties concerned. All the Member States must take appropriate measures to ensure that the non-compliant product is withdrawn or recalled from their market. On the contrary, if the national measure is considered unjustified, the Member State concerned must withdraw that measure and immediately take the appropriate action to re-establish the free movement of the lifts or the safety components for lifts in question on its territory.

For the exchange of the information and for the notifying the Member States and the Commission must use the International Communication System for Market Surveillance (ICSMS) which is owned and operated by the Commission and implemented Article 23 of Regulation (EC) No 765/2008 which foresaw the establishment of a General EU information support system is used.

See also 7.5.1 "Safeguard mechanisms" in "The 'Blue Guide' on the implementation of EU product rules.

Article 40
Compliant lifts or safety components for lifts which present a risk

1. Where, having carried out an evaluation under Article 38(1), a Member State finds that although a lift is in compliance with this Directive, it presents a risk to the health or safety of persons and, where appropriate, the safety of property, it shall require the installer to take all appropriate measures to ensure that the lift concerned no longer presents that risk or to recall the lift or restrict or prohibit its use within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Where, having carried out an evaluation under Article 38(1), a Member State finds that, although a safety component for lifts is in compliance with this Directive, it presents a risk to the health or safety of persons and, where appropriate, the safety of property, it shall require the relevant economic operator to take all appropriate measures to ensure that the safety component for lifts concerned, when placed on the market, no longer presents that risk, to withdraw the safety component for lifts from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

2. The economic operator shall ensure that corrective action is taken in respect of all the lifts or safety components for lifts concerned that he has placed or made available on the market throughout the Union.

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the lifts or safety components for lifts concerned, the origin and the supply chain of the lifts or safety components for lifts, the nature of the risk involved and the nature and duration of the national measures taken.

4. The Commission shall without delay enter into consultation with the Member States and the

relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide by means of implementing acts whether the national measure is justified or not, and where necessary, propose appropriate measures.
The implementing acts referred to in the first subparagraph of this paragraph shall be adopted in accordance with the examination procedure referred to in Article 43a(3).

On duly justified imperative grounds of urgency relating to the protection of health and safety of persons, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 43a(4).

5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

§ 166 Procedures for compliant lifts and safety components which present a risk

The market surveillance process in Article 40 is similar to the process prescribed in Article 38. The difference is that in the course of the evaluation the market surveillance authority finds that a lift or a safety component is in compliance with the Directive, but still presents a risk to the health and safety of persons. The relevant national authority has to take appropriate action, involving the concerned economic operators, and must inform the Commission and the other Member States. The Commission has to duly analyse the case and issue an implementing decision on whether the national measure adopted is justified or not.

Article 41
Formal non-compliance

1. Without prejudice to Article 38, where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 19 of this Directive;

(b) the CE marking has not been affixed;

(c) the identification number of the notified body has been affixed in violation of Article 19 or has not been affixed, where required by Article 19;

(d) the EU declaration of conformity has not been drawn up;

(e) the EU declaration of conformity has not been drawn up correctly;

(f) the technical documentation referred to in Annexe IV, Parts A and B, and Annexes VII, VIII and XI is either not available or not complete;

(g) the name, registered trade name or registered trade mark or the address of the installer, manufacturer or importer has not been indicated in compliance with Article 7(6), Article 8(6) or Article 10(3);

(h) the information allowing identification of the lift or the safety component for lifts has not been

indicated in compliance with Article 7(5) or Article 8(5);

(i) the lift or the safety component for lifts is not accompanied by the documents referred to in Article 7(7) or Article 8(7) or those documents are not in compliance with the applicable requirements.

§ 167 Formal non-compliance

Market surveillance authorities shall require the economic operator to take adequate corrective action in case of formal non-compliance of a lift or safety component. Article 41 letter (a) to (i) contain a list of such formal non-compliances.

Formal non-compliance of a product may also be an indication that the product does not comply with the essential requirements in the Directive, and therefore an indicator of possible risks. Therefore, market surveillance authorities should investigate those products presenting a formal non-compliance to determine whether they are in conformity with the essential health and safety requirements of the Directive.

The cases listed in Article 41(1) include defects in markings, documents and other information to be provided with the product.

See also 7.4.5. "Market surveillance procedures (including safeguard mechanisms)" in "The 'Blue Guide' on the implementation of EU product rules, there are examples of formal non-compliance and substantial non-compliance and procedures that should be followed by market surveillance authorities.

Article 41 (2)

Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the use of the lift or to recall it, or to restrict or prohibit the making available on the market of the safety component for lifts or ensure that it is recalled or withdrawn from the market.

CHAPTER VI
COMMITTEE PROCEDURE, TRANSITIONAL AND FINAL PROVISIONS

Article 42
Committee procedure

1. The Commission shall be assisted by the Lifts Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

5. The committee shall be consulted by the Commission on any matter for which consultation of sectoral experts is required by Regulation (EU) No 1025/2012 or by any other Union legislation. The committee may furthermore examine any other matter concerning the application of this Directive raised either by its chair or by a representative of a Member State in accordance with its rules of procedure.

§ 168 The LIFTS Committee

The LIFTS Committee has a specific role in examining different questions related to the implementation, application and management of the Directive.

Regulation (EU) No 182/2011 (the "COMITOLOGY Regulation") establishes the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. In its Article 3 "Common provisions" it defines the role and composition of committees; when Article 4 deals with the "Advisory procedure" and Article 5 with the "Examination procedure", also in conjunction with Article 8 on "Immediately applicable implementing acts".

Reference to Regulation (EU) No 1025/2012 on European standardisation recalls consultation of sectorial experts on matters regarding requests for European standards or objections to harmonised standards.

The LIFTS Committee sets up its own rules of procedure and it is chaired by the Commission and integrated by the representatives of EU Member States. 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 a simple majority of the members of the committee.

The Lifts Working Group has been established to enable also other EU-wide sector stakeholders such as European standardisation organisations, notified bodies, European industry associations, European trade unions, European consumers organisations etc. to contribute to the sector's activities.

Article 43
Penalties

Member States shall lay down rules on penalties applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and shall take all measures necessary to ensure that they are enforced. Such rules may include criminal penalties for serious infringements.

The penalties provided for shall be effective, proportionate and dissuasive.

§ 169 Penalties

As indicated in Recital 47, national authorities of EU Member States in charge of enforcement of the provisions of the Lifts Directive 2014/33/EU (the market surveillance authorities) must be able to impose appropriate penalties if those provisions are not correctly applied. Such penalties must be foreseen by the national legislative acts transposing the provisions of the Directive into national law.

See also 7.3.7. "Sanctions" in "The 'Blue Guide' on the implementation of EU product rules".

Article 44
Transitional provisions

Member States shall not impede the putting into service of lifts or the making available on the market of safety components for lifts covered by Directive 95/16/EC which are in conformity with that Directive and which were placed on the market before 20 April 2016.

Certificates and decisions issued by notified bodies under Directive 95/16/EC shall be valid under this Directive .

§ 170 Transitional provisions

Safety components for lifts placed on the market before the first date of application of Directive 2014/33/EU, in conformity with the Directive 95/16/EC applicable before that date, can be made available and continue being placed on the EU market. Lifts supplied for use on the Union market, i.e. placed on the market, after the date of applicability of Directive 2014/33/EU must be in conformity with this Directive.

Regarding certificates issued under Directive 95/16/EC before 20 April 2016, they remain valid under the Lifts Directive 2014/33/EU. Therefore the manufacturer of safety components for lifts or the installer of lifts must inform the notified body that holds the technical documentation relating to the EC-type examination certificates validly issued under Directive 95/16/EC of all modifications to the approved type that may affect the conformity of the product with the essential health and safety requirements of this Directive or the conditions for validity of that certificate. Such modifications could require an additional approval in the form of a new EU-type examination certificate to be issued under Directive 2014/33/EU. The

EU declaration of conformity must however make reference to the applicable version of the Lifts Directive at the time of placing on the market.

The Commission working document LWG.2015.14rev1 "Common approach on UCMP devices" provides guidance in dealing with the UCMP devices which were placed on the market before the date of application of 2014/33/EU, 20 April 2016.

Article 45
Transposition

1.Member States shall adopt and publish, by 19 April 2016, the laws, regulations and administrative provisions necessary to comply with points 4 to 21 of Article 2, Articles 7 to 14, 17 and 18, Article 19(5), Articles 20 to 44, Article 45(1), Articles 47 and 48 and Annex II, Part A points (f), (k), (l), (m), Annex II, Part B points (e), (k), (l) and (m,), Annex IV, Part A points 2(e), 3(c), 3(d), 3(f), points 4(b) to (e), points 5 to 9, Annex IV, Part B points 2(e), 3(c), 3(e), 3(h), points 4(c) to (e), point 6 paragraphs 2, 3 and 4, points 7 to10, Annex V, point 3.2(b), points 5 and 6, Annex VI, points 3.1(a), (b) and (c), point 3.3 paragraphs 4 and 5, point 4.3, point 7, Annex VII, points 3.1(a), (b), (d) and (f), point 3.3, point 4.2, point 7, Annex VIII, points 3(c), (e), and (h), and point 4, Annex IX, points 3(a) to (d), Annex X, points 3.1(a), 3.1(e), point 3.4, point 6, Annex XI, points 3.1(a), (b), (c), and (e), points 3.3.4 and 3.3.5, points 3.4 and 3.5, point 5(b), point 6, Annex XII, point 3.1(a), point 3.3 and point 6. They shall forthwith communicate the text of those measures to the Commission.

They shall apply those measures from 20 April 2016.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

§ 171 Transposition

The legal acts to that need to be adopted and published by the Member States according to Article 45 (1) by 19 April 2016 (the day before the applicability of the Lifts Directive 2014/33/EU) must include the following:

- definitions of "making available on the market", "placing on the market", "installer", "manufacturer", "authorised representative", "importer", "distributor", "economic operators", "technical specification", "harmonised standard", "accreditation", "national accreditation body", "conformity assessment", "conformity assessment body", "recall", "withdrawal", "Union harmonisation legislation", "CE marking" (Article 2, points (4) to (21)),

- "obligations of economic operators" (Articles 7 to 14),

- "EU declaration of conformity" , " general principles of CE marking" (Articles 17 to 18),

- "affixing of the identification number of the notifed body" (Article 19(5)),

- "notification of conformity assessment bodies" , "union market surveillance, control of products entering the Union market and Union safeguard procedure" , " committee procedure" , "penalties" , "transitional provisions" (Articles 20 to 44),

- "repeal and "entry into force and application" (Articles 47and 48),

- "some information from the EU declarations of conformity for safety components for lifts and for lifts" (Annex II, Part A points (f), (k), (l), (m), Annex II, Part B points (e), (k), (l) and (m)),

- "relevant provisions related with EU-type examination for lifts and safety components for lifts" (Annex IV, Part A points 2(e), 3(c), 3(d), 3(f), points 4(b) to (e), points 5 to 9, Annex IV, Part B points 2(e), 3(c), 3(e), 3(h), points 4(c) to (e), point 6 paragraphs 2, 3 and 4, points 7 to10),

- "relevant provisions from Annexes V to XII" (Annex V, point 3.2(b), points 5 and 6, Annex VI, points 3.1(a), (b) and (c), point 3.3 paragraphs 4 and 5, point 4.3, point 7, Annex VII, points 3.1(a), (b), (d) and (f), point 3.3, point 4.2, point 7, Annex VIII, points 3(c), (e), and (h), and point 4, Annex IX, points 3(a) to (d), Annex X, points 3.1(a), 3.1(e), point 3.4, point 6, Annex XI, points 3.1(a), (b), (c), and (e), points 3.3.4 and 3.3.5, points 3.4 and 3.5, point 5(b), point 6, Annex XII, point 3.1(a), point 3.3 and point 6).

The texts of those legal measures (as laws, regulations, administrative provisions etc.) must be communicated to the Commission.

Article 46
Review

1. Before 19 April 2018 the Commission shall submit a report to the European Parliament and the Council regarding the implementation and functioning of this Directive.
2. The report shall be based on a consultation of relevant stakeholders.
3. The report shall be accompanied, where appropriate, by a proposal for revision of this Directive.

§ 172 Review

Article 46 requires the Commission to carry out a review of implementation and functioning of the Lifts Directive. In order to accomplish this requirement in time the Commission has already started the evaluation study. The purpose of this evaluation is to collect evidence and analyse the functioning of the Lifts Directive 95/16/EC and whether it is fit for purpose i.e. to what extent the Directive met its objective of guaranteeing free circulation of lifts and safety components for lifts within EU and ensuring a high degree of protection of the health and safety for users and maintenance personnel of the lifts in terms of relevance, effectiveness, efficiency, EU added value and coherence. If needed, the evaluation may point out where issues are and what improvements could be envisaged.

As such, depending on the conclusions, this evaluation may be followed by an Impact Assessment in view of a potential revision of the Directive.

Article 47
Repeal

Directive 95/16/EC, as amended by the acts listed in Annex XIII, Part A, is repealed with effect from 20 April 2016, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and the dates of application of the Directives set out in Annex XIII, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XIV.

§ 173 Repeal

The new Lifts Directive 2014/33/EU repeals the previous Directive 95/16/EC on 20 April 2016. Taking into consideration that the new act is the result of the alignment and recast of the previous one, references to Directive 95/16/EC remaining after the repeal date have to be considered as references to the new Directive 2014/33/EU, according to the correlation table in Annex XIV.

Article 48
Entry into force and application

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 1, points 1 to 4 of Article 2, Articles 3 to 6, 15 and 16, Article 19(1) to (4), Article 44, Article 45(2), Article 49 and Annex I, Annex II, Part A, points (a) to (e) and (g) to (j), Annex II, Part B, points (a), (b), (c) and (f) to (j), Annex III, Annex IV, Part A, point 1, point 2(a) to (d), point 3(a) and (b), (e),(g) and (h), point 4(a) and point 10, Annex IV, Part B, point 1, point 2(a) to (d), point 3(a), (b), (d), (f), (g), (i) and (j), point 4(a) and (b), point 6 paragraph 1, point 11, Annex V, points 1 to 3.1, point 323(a), points 3.4 to 4, Annex VI, points 1 and 2, point 3.1(d) to (f), point 3.2, point 3.3 paragraphs 1 to 3, points 3.4 to 4.2, point 6, Annex VII, points 1 and 2, point 3.1(c) and (e), point 3.2, point 3.4, point 4.1, points 4.3 to 6, Annex VIII, points 1 and 2, point 3(a), (b), (f), (g, (h) and (i), point 6, Annex IX, points 1 and 2, points 4 to 6, Annex X, points 1 and 2, point 3.1(b), (c) and (d), points 3.2 and 3.3, points 4 and 5, Annex XI, points 1 and 2, point 3.1(d), point 3.2, point 3.3.1, point 4, point 5(a), (c) and (d), point 7, Annex XII, points 1 and 2, points 3.1(b), (c) and (d), point 3.2, point 3.4, points 4 and 5 shall apply from 19 April 2016.

§ 174 Entry into force and application

As the Lifts Directive 2014/33/EU was published in the Official Journal of the European Union (OJEU) on 29 March 2014, it entered into force on 18 April 2014. This concerns in particular the provisions indicated in Article 45(1) as the object of transposition of the Directive by the EU Member States to their national legislation.

On the contrary, the provisions related to:

- "scope" (Article 1),
- definitions of "lift", "carrier" and "model lift","making available on the market" (Article 2, points (1) to (4)),
- "free movement", "placing on the market, making availble on the market and putting into service" "essential health and safety requirements", "buildings or constructions in which lifts are installed" (Articles 3 to 6)
- "conformity assessment procedures for safety components for lifts" and "conformity assessment procedures for lifts" (Articles 15 and 16),
- "transitional provisions" and "transposition" (Articles 44 and 45),
- "essential health and safety requirements" (Annex I),
- "some information from the EU declarations of conformity for safety components for lifts and for lifts" (Annex II, Part A, points (a) to (e) and (g) to (j), Annex II, Part B, points (a), (b), (c) and (f) to (j)),
- "list of safety components for lifts" (Annex III),
- "relevant provisions related with EU-type examination for lifts and safety components for lifts" (Annex IV, Part A, point 1, point 2(a) to (d), point 3(a) and (b), (e),(g) and (h), point 4(a) and point 10, Annex IV, Part B, point 1, point 2(a) to (d), point 3(a), (b), (d), (f), (g), (i) and (j), point 4(a) and (b), point 6 paragraph 1, point 11),
- "relevant provisions from Annexes V to XII"(Annex V, points 1 to 3.1, point 323(a), points 3.4 to 4, Annex VI, points 1 and 2, point 3.1(d) to (f), point 3.2, point 3.3 paragraphs 1 to 3, points 3.4 to 4.2, point 6, Annex VII, points 1 and 2, point 3.1(c) and (e), point 3.2, point 3.4, point 4.1, points 4.3 to 6, Annex VIII, points 1 and 2, point 3(a), (b), (f), (g, (h) and (i), point 6, Annex IX, points 1 and 2, points 4 to 6, Annex X, points 1 and 2, point 3.1(b), (c) and (d), points 3.2 and 3.3, points 4 and 5, Annex XI, points 1 and 2, point 3.1(d), point 3.2, point 3.3.1, point 4, point 5(a), (c) and (d), point 7, Annex XII, points 1 and 2, points 3.1(b), (c) and (d), point 3.2, point 3.4, points 4 and 5)

even if they are in force since 18 April 2014, too, they are applicable from 20 April 2016 (2 years after the entry into force of the Directive).
This means that the Lifts Directive 2014/33/EU can be used to place products on the EU market with the relevant conformity assessment procedures etc. only from 20 April 2016. Before that date, the previous Directive 95/15/EC still applies

Article 49
Addressees

This Directive is addressed to the Member States. Done at Strasbourg, 26 February 2014.

For the European Parliament
The President
M.SCHULZ

For the Council
The President
D.KORKOULAS

§ 175 Addressees and signatories of the Directive

The Directive is addressed to Member States since they have to transpose the provisions of the Directive into national law.

The Directive is signed by the Presidents of the European Parliament and of the Council at

the date, since it was adopted by these EU Institutions according to the ordinary legislative procedure (formerly known as "co-decision) set out in Article 294 of the TFEU.

ANNEX I

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

PRELIMINARY REMARKS

§ 176 Preliminary remarks

The preliminary remarks to Annex I provide guidance on how the essential health and safety requirements shall be applied. This is an extremely important part of Annex I and each of the essential health and safety requirements (EHSRs) of Annex I is to be understood in light of these remarks.

Guide of Application of the Machinery Directive 2006/42/EC provides extensive explanations on Annex I of that Directive in point 1.1 (General Remarks), point 1.1.1(a) (Definitions) and point 1.1.1(e), which covers definitions for hazard and risk. Machinery Directive Annex I point 1.1.1 is also applicable to lifts - see comments on point 1.1 of Annex I of the Lifts Directive.

1. Obligations under essential health and safety requirements apply only where the corresponding risk exists for the lift or safety component for lifts in question when used as intended by the installer or the manufacturer.

§ 177 Relevance of the EHSRs

The EHSRs deal with particular risks associated with lifts and safety components for lifts. They are therefore applicable in so far as the risk 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 risks associated with his product, considering the intended use of that product and thus which of the EHSRs are relevant. Intended use for a lift may include loading and unloading conditions or the environment where the lift is installed, e.g. explosive or corrosive atmosphere or prone to possible act of vandalism. The assessment referred to in preliminary remark 3 will then enables the installer or the manufacturer to determine which of the risks require particular protective measures to be taken.

The risks 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 point 1.1.2 of Annex I to the Machinery Directive.

In the case of lifts or safety components subject to EU type-examination, the EHSRs that apply and the means adopted to satisfy them must be detailed in the technical documentation referred to in the third indent of Annex IV A(3) or the third indent of Annex IV 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 EHSRs 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 VII, or by the lift installer, according to the second indent of paragraph 3.2 of Annex XI.

In the case of lifts subject to the unit verification procedure, the EHSRs that apply and the means adopted to satisfy them must be included in the lift installer's technical documentation according to the third indent of paragraph 3 of Annex VIII.

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 constructed in such a way as to approximate to those objectives.*

§ 178 The state of the art

The second preliminary remark recognises that, in some cases and given the current state of the art, it may not be possible to fully satisfy certain EHSRs. 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 EHSRs 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 possible damages caused by the use 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 and innovation, the state of the art evolves as more effective technical means become available. Thus, a technical solution that is considered to contribute to achieving compliances with the EHSRs of the Directive at a given moment of time may no longer be considered adequate at a later moment of time if the state of the art has developed.

It is important to note that the notion of the state of the art does not refer to technical specifications as such but to the safety and/or performance level achieved through application of a certain set of technical specifications.

§ 179 Reference to harmonised standards

In the comments that follow, frequent reference is made to harmonised standards since they provide one pre-designed set of technical specifications that enable lift installers and safety component manufacturers to comply with the EHSRs applicable to their designs. Harmonised standards are considered to reflect the generally acknowledged state of the art at the time of their adoption. Consequently, harmonised standards are normally used as reference documents. The evolution of the of the generally acknowledged state of the art is reflected in the amendments and the revisions of harmonised standards, which are expected to timely introduce updated technical specifications.

Thus the appreciation of the technical and economic aspects of the generally acknowledged 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 emphasised that, while the application of the specifications of harmonised standards confers a presumption of conformity with the EHSRs they cover provided that the references of those standards are published in the OJEU, these specifications are not mandatory and may be applied only to the lifts or components defined in the scope of the standard concerned – see comments on Article 14.

3. *The manufacturer and the installer are under an obligation to carry out a risk assessment in order to identify all the risks which apply to their products; they must then design and construct them taking account of the assessment.*

§ 180 Identification of hazards and assessment of risks

The third preliminary remark is closely linked to the first. After identifying the risks associated with his product and the EHSRs that are relevant, the lift installer or safety component manufacturer must assess the risks in order to determine the protective measures that are required. This assessment involves estimating the frequency of occurrence of the possible sequence of hazardous situation (risk scenario) and the level of potential harm (severity) that may result. The design and construction of the products must take account of this assessment, particular where the design deviates from the harmonised standards providing the presumption of conformity to the Directive. The choice of measures to deal with the risks shall respect the principles of safety integration and, in particular, the order of priority set out in point 1.1.2 of Annex I of the Machinery Directive - see comments on point 1.1.

Although the application of the International standard EN ISO 14798[22] is not mandatory, it provides a method for risk assessment adapted to the specific field of lifts and escalators. In addition EN ISO 12100 provides examples of hazards, hazardous situations and hazardous events.

1. GENERAL

1.1 Application of Directive 2006/42/EC

Where the relevant risk exists and is not dealt with in this Annex, the essential health and safety requirements of Annex I to Directive 2006/42/EC of the European Parliament and of the Council apply[23] . The essential health and safety requirements of point 1.1.2 of Annex I to Directive 2006/42/EC apply in any event.

§ 181 Application of the EHSRs of the Machinery Directive 2006/42/EC

Lifts as defined in the Lifts Directive 2014/33/EU, see comments on Article 2(1), are excluded from the scope of the Machinery Directive, thus the conformity assessment procedures and

[22] EN ISO 14798 - *Lifts (elevators), escalators and moving walks -- Risk assessment and reduction methodology*

[23] OJ L 157, 9.6.2006, p. 24

the obligations relating to the placing on the market of such lifts are regulated by the Lifts Directive only. The same applies to safety components for lifts.

However, when the Lifts Directive was adopted, it was decided to set out EHSRs specifically associated with lifts and to refer to Annex I of the Machinery Directive for EHSRs common to most categories of machinery. When a hazard associated with lifts or safety components for lifts is covered by the EHSRs 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 EHSRs of Annex I of the Lifts Directive, the EHSRs of Annex I of the Machinery Directive are applicable. The essential health and safety requirements of Point 1.1.2 of Annex I to Directive 2006/42/EC apply in any event.

Consequently, many of the EHSRs 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 15 and Article 16 of the Lifts Directive.

§ 182 EHSRs of the Machinery Directive relevant to lifts

For the EHSRs of Annex I to the Machinery Directive that may be applicable to lifts, information can be found in the Recommendation for Use, documents drawn up by the European Coordination of Notified Bodies for Lifts– see NB-L/REC 2/001. However, it must be stressed that the manufacturer of safety components for lifts and the installer of lifts must carefully asses on case by case basis which EHSRs of Annex I to the Machinery Directive apply to his product.

§ 183 Requirements of the Machinery Directive that are generally applicable

Several of the EHSRs of the Machinery Directive are generally applicable to lifts[24]. The following is a non-exhaustive list of examples. References are made to standards to provide examples on how to comply with those EHSRs. However, it must be highlighted that other technical specifications demonstrating the conformity with the health and safety requirements must be also accepted and have the same value

- ***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 carrier;

  The required value for stopping accuracy is related to the intended use of the lift; the general requirements for stopping and levelling accuracy are given in clause 5.12.1.1.4 of standard EN 81-20:2014[25].

[24] The NB-L has issued its own guidance on this issue - see NB-L/REC 2/001

[25] EN 81-20:2014 - Safety rules for the construction and installation of lifts - Lifts for the transport of persons and goods - Part 20: Passenger and goods passenger lifts

- ***Maintenance***

The requirements of point 1.6 of the Machinery Directive relating to maintenance must be taken into account in the design of lifts and safety components for lifts in order to ensure that they can be inspected and maintained safely;

Examples of specifications concerning access to the machinery spaces are given in clauses 5.2.2 of standard EN 81-20:2014 – see comments on point 1.1.2 of the Machinery Directive and on point 6.2.

- Electrical equipment

Requirements of point 1.5.11 of Annex I of the Machinery Directive specifies that the safety objectives of Low Voltage Directive (LVD) apply to machinery although they are not subject to the conformity assessment procedures of the LVD – see Guide to Application of the Machinery Directive.

Scope of LVD excludes lifts and the Guide on Application of Low Voltage Directive indicates that the electrical parts of lifts are not subject to the LVD as such. However, the electrical equipment of lifts and safety components for lifts must comply with the safety objectives set out in Annex I of the LVD.

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 2014/35/EU, although they are not subject to the conformity assessment procedures of the Low Voltage Directive – see comments on Article 1(3). Also NB-L recommendation for use NB-L/REC 2/001 deals with this issue.

Examples of specifications concerning the electrical equipment for lifts are given in clause 5.10 of standard EN 81-20:2014.

- ***Contact with moving parts***

While risks for users of the lift due to contact with moving parts are dealt with in points 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.

Examples of specifications concerning the prevention of risks due to contact with moving parts are given in clauses 5.2 and 5.5 of standard EN 81-20:2014.

Relevance and use of harmonized standards are described in comments on Article 14.

§ 184 The principles of safety integration

A particular mention should be made of point 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 and safety components for lifts. Given the importance of these principles, it is worth quoting this point in full:

"1.1.2. Principles of safety integration

(a) Machinery must be designed and constructed so that it is fitted for its function, and can be operated, adjusted and maintained without putting persons at risk when these operations are

carried out under the conditions foreseen but also taking into account any reasonably foreseeable misuse thereof.

The aim of measures taken must be to eliminate any risk throughout the foreseeable lifetime of the machinery including the phases of transport, assembly, dismantling, disabling and scrapping.

(b) In selecting the most appropriate methods, the manufacturer or his authorised representative 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 protective measures in relation to risks that cannot be eliminated,*
- *inform users of the residual risks due to any shortcomings of the protective measures adopted, indicate whether any particular training is required and specify any need to provide personal protective equipment.*

(c) When designing and constructing machinery and when drafting the instructions, the manufacturer or his authorised representative must envisage not only the intended use of the machinery but also any reasonably foreseeable misuse thereof.
The machinery must be designed and constructed in such a way as to prevent abnormal use if such use would engender a risk. Where appropriate, 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) Machinery must be designed and constructed to take account of the constraints to which the operator is subject as a result of the necessary or foreseeable use of personal protective equipment.

(e) Machinery must be supplied with all the special equipment and accessories essential to enable it to be adjusted, maintained and used safely."

Paragraph (e) of point 1.1.2 of the Machinery Directive 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 point 4.4 and point 6.2.

Further explanation of the principles of safety integration is given in the Guide to application of the Machinery Directive 2006/42/EC and e.g. in standard EN ISO 12100:2010[26]

§ 185 Use of machinery standards in support of the Lifts Directive

In order to be in conformity with the EHSRs of Annex I of the Machinery Directive applicable to lifts and safety components of lifts, lift installers and manufacturers of safety components may apply the technical specifications of the relevant harmonised standards that if published under the Lifts Directive in the OJEU give presumption of conformity.

[26] EN ISO 12100:2010 - Safety of machinery - General principles for design – Risk assessment and risk reduction.

§ 186 Relevance of the Construction Product Regulation to lifts

Although the relationship to the Construction Product Regulation 2011/305/EU has not been mentioned in the Lifts Directive 2014/33/EU it is important to emphasize that the Lifts Directive covers all the relevant requirements of the Construction Products Regulation.

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.

§ 187 Dimensions and strength of the lift carrier

In alignment with the terminology used in the Machinery Directive 2006/42/EC, the term "carrier" is also adopted by the Lifts Directive. However, carrier for a lift, which is intended to carry persons, has a specific configuration to avoid risks for persons on the carrier. The term "car" is used to emphasize this specific configuration – see comments on point 3.1.

The purpose of the requirement set out in the first paragraph of point 1.2 is to ensure that the carrier 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 lift well. The dimensions of the carrier must be consistent with the maximum number of persons and the maximum rated load for which the lift is intended.

Examples of specifications for the necessary space and strength of the lift carrier are given in clause 5.4 of the standard EN 81-20:2014 where the installer has applied this standard.

For lifts that are particularly exposed to the risk of damage due to vandalism, examples of additional specifications are given in clause 5.4 of standard EN 81-71:2005+A1:2006[27] where the installer has applied this standard.

Note that the application of EN 81-20:2014 and EN 81-71:2005+A1:2006 as harmonised standards are voluntary, and that other technical specifications can be used if the compliance with the relevant EHSRs is demonstrated. Relevance and use of harmonized standards are described in comments on Article 14.

§ 188 Access to the lift carrier for disabled people

The second paragraph of point 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. 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

[27] 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.

of the well in which the lift is to be installed do not permit, for example in an existing building, the fitting of a carrier and doors that are accessible to disabled persons.

Examples of specifications for the accessibility of lifts by persons, including persons with disability, are given in clause 5 of standard EN 81-70:2003[28] as one of the means of fulfilling the requirements of the second paragraph of point 1.2. This standard describes several types with minimum sizes, offering different degrees of accessibility to wheelchair users. A lift accessible to persons with disability can be designed in accordance with any size described in the standard.

Note that the application of EN 81-70:2003 as harmonised standards is voluntary, and that other technical specifications can be used if the compliance with the relevant EHSRs is demonstrated. Relevance and use of harmonized standards are described in comments on Article 14.

§ 189 Provision of lifts accessible to disabled people

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

Many Member States have national regulations requiring lifts installed in certain buildings to be accessible to disabled people. Since application of standard EN 81-70:2003 confers a presumption of conformity with point 1.2 of Annex I, such regulations must not include technical specifications which may create barrier for acceptance of EN 81-70:2003 as a harmonised standard. However, also other technical specifications must be accepted if the compliance with the relevant EHSRs is demonstrated.

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.

§ 190 Means of suspension and support

The design, construction and installation of the means of suspension and support of the carrier 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 carrier, whether fixed above or below the carrier.

[28] EN 81-70 - 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.

Examples of specifications for the means of suspension and support are given in clause 5.5 of standard EN 81-20:2014 and clause 5.12 of standard EN 81-50:2014[29].

Examples of specifications for wire ropes for lifts are given in standard EN 12385-5:2002[30]. Specifications for the terminations for such ropes are given in standard series EN 13411[31].

Above mentioned standards are of voluntary application and should be considered as one of the means of fulfilling the requirements of point 1.3 – see comments on Article 14.

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.

§ 191 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. Point 1.4.1 therefore requires the fitting of means to prevent the starting of the lift if the rated load is exceeded.

Examples of definition of overloading and specifications for load control devices are given in clause 5.12 of standard EN 81-20:2014 as one of the means of fulfilling point 1.4.1.

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.

§ 192 Detection of overspeed

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

Overspeed limitation devices are safety components listed in Annex III, item 3.

Examples of specifications for overspeed governors and ascending carrier overspeed protection means for electric and hydraulic lifts are given in clause 5.6 of standard EN 81-20:2014. Tests for overspeed governors are given in clause 5.4 of standard EN 81-50:2014. Tests for ascending carrier overspeed protection means are given in clause 5.7 of EN 81-50:2014. For electric lifts with inclined path, clause 5.6 of standard EN 81-22:2014 provides similar specifications. Tests for overspeed governors are given in Annex F3 of this standard.

[29] EN 81-50 - Safety rules for the construction and installation of lifts - Examinations and tests - Part 50: Design rules, calculations, examinations and tests of lift components

[30] EN 12385-5 - Steel wire ropes - Safety - Part 5: Stranded ropes for lifts.

[31] EN 13411-7:2006+A1:2008 Terminations for steel wire ropes – Safety – Part 7: Symmetric wedge socket

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

Above mentioned standards are of voluntary application and should be considered as one of the means of fulfilling the requirements – see comments on Article 14.

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

§ 193 Speed monitoring and limiting

The Directive does not provide definition for "fast lifts" although the EHSR 1.4.3. requires that fast lifts must be equipped with a speed-monitoring and speed-limiting device.

The notion of "fast lift" is relating to the need to absorb kinetic energy of the lift car in case that emergency stop needs to be triggered. In principle, kinetic energy can be absorbed by the means of a buffer. As a general rule, the more energy needs to be absorbed the longer the stroke of the buffer must be, i.e. the length of the buffer is determined by its stroke.

As the buffer is installed in the pit and under the lift car, the length of the buffer defines the depth of the lift pit. A fast lift, depending on its speed, may require such a deep pit that it may not be feasible or practical to realize. In this case, the installer must also adopt additional technical specifications if the depth of the pit is reduced, for example due to architectural difficulties. If the depth of the pit is reduced, the buffers cannot anymore absorb all the kinetic energy of the lift car. The solution is to therefore reduce the speed of the lift car before it hits the buffers.

For this purpose, the buffers are selected to withstand the applicable load, but with lower impact speed to achieve the same deceleration level as the full stroke buffers. This can be achieved only by applying speed-monitoring and speed-limiting devices in combination with such buffers with shortened stroke.

Therefore, the installer of a fast lift may have to incorporate certain safety components to be operated and fulfil their protective functions at lower speed than the nominal speed of the lift. This means that the speed of the lift car must be monitored and kept within the limits ensuring safety of the lift also in case of an emergency stop is provided by means of buffers with reduced length of the stroke. In other words, the speed of the lift must be monitored and kept within the limits ensuring that when the activation of that safety component is required, the speed of the lift is reduced prior to the lift car hits the buffers to the level that for which the safety component is designed to operate.

Examples of specifications for speed monitoring and speed limiting devices in case of use of buffers with reduced stroke are given in clause 5.12.1.3 of standard EN 81-20:2014. Clause 5.8.2.2.2 of the standard limits the application of the reduced stroke buffers for lifts with speed higher than 2.50 m/s. In other words, in using buffers, the definition of the fast lifts in EN 81-20:2014 may be understood as lifts with speed higher than 2.50 m/s. However, other safety components may have speed limits other than 2.50 m/s, even though not described in the standards.

Considering the above, there is no single speed limit to describe “fast lifts” as all depends on the safety components and their integration into a lift.

Relevance and use of harmonized standards are described in comments on Article 14.

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

§ 194 Friction pulleys

The suspension means must remain correctly in place when passing over friction and other pulleys. In addition, for traction drive lifts, adequate friction must be present to avoid excessive slippage during operation. To fulfil this requirement, sufficient tension must be maintained in the suspension means and the characteristics of the suspension means and the pulleys must be compatible.

Examples of specifications for ensuring the stability of traction ropes on friction pulleys are given in clause 5.5 of standard EN 81-20:2014, as one of the means of fulfilling this requirement.

*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.

§ 195 Lift machinery

The purpose of this requirement is to prevent risks to passengers as well as technicians when specific maintenance or other interventions such as rescue may need to be performed on a lift. Having more than one lift driven by a machine may cause confusion as well as unintended movement of the carrier or the machinery.

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

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

§ 196 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.

Examples of 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 5.2.6 of standard EN 81-20:2014, as one of the means of fulfilling this requirement.

Additional examples of 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 81-71:2005+A1:2006, as one of the means of fulfilling this requirement.

Relevance and use of harmonized standards are described in comments on Article 14.

1.6. Controls

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

§ 197 Design of controls for disabled persons

In order to be usable by persons with disabilities, not only must the carrier have the requisite dimensions - see comments on point 1.2 - but the location and design of the controls, e.g. push buttons and displays, must be adapted accordingly.

Considering that harmonised standard provides one of the means of fulfilling the requirements it aims to cover, examples of 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 81-70:2003[32]. Further guidance on the design of such controls is also provided in the informative annexes E, F and G to this standard.

Relevance and use of harmonized standards are described in comments on Article 14.

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

§ 198 Indication of the function of the controls

The purpose of this requirement is to enable passengers to use the controls, such as push buttons and displays, on the landings and in the carrier 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.

Examples of specifications for the means of indicating the function of the controls in order to facilitate the use of lifts by persons including persons with disabilities are given in clause 5.4 and Annexes E and F of standard EN 81-70:2003, as one of the means of fulfilling this requirement.

Relevance and use of harmonized standards are described in comments on Article 14.

[32] 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.

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

§ 199 Interconnection of call circuits

While each lift must have its own machinery, point 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:

(a) there can be no possible confusion with circuits which do not have any direct connection with the lift,

(b) the power supply can be switched while on load,

(c) movements of the lift are dependent on electrical safety devices in a separate electrical safety circuit,

(d) a fault in the electrical installation does not give rise to a dangerous situation.

§ 200 Electrical equipment

Examples of specifications relating to the electrical equipment for lifts are given in clauses 5.10 and 5.11 of standard EN 81-20:2014, as one of the means of fulfilling this requirement.

It should be noted that standard EN 81-20:2014 provides specifications to ensure the safety and reliability of programmable electronic systems used to control safety functions for lifts.

Relevance and use of harmonized standards are described in comments on Article 14.

2. RISKS FOR 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.

§ 201 Access to the travel zone

The purpose of the requirement set out in point 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 carrier or other objects in the well or travel zone of the carrier. Access to this zone may be needed for inspection, maintenance or rescue operations, but means must be provided to ensure that such access restricted to the persons authorised to carry out these operations.

Examples of specifications to prevent access to the lift well except for maintenance, inspection or in emergencies are given in clause 5.2.5 of standard EN 81-20:2014.

For lifts that are particularly exposed to the risk of unauthorised access due to vandalism, additional specifications to prevent unauthorised access to the lift well are given in clause 5.1 of standard EN 81-71:2005+A1:2006[33].

Above mentioned standards are of voluntary application and should be considered as one of the means of fulfilling the requirements – see comments on Article 14.

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.

§ 202 Pit and headroom

The risk of crushing between the lift carrier 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 carrier roof. The risk may also concern unauthorised persons misusing the lift who defeat the means fitted to prevent unauthorised access foreseen by point 2.1.

The risk referred to in point 2.2 exists even if the lift installer's instructions forbid access to the carrier roof or the pit for maintenance purposes. If access to the car roof or to the pit is not made physically impossible the operators may contravene those instructions or other persons may enter the pit or access the carrier roof under reasonably foreseeable circumstances, e.g. rescue of trapped passengers, inspection of components or cleaning the lift shaft (especially for lift shafts containing glass panels). The design of the lift must take account of inherently safe design as defined in point 1.1.2 (b) of Annex I of the Machinery Directive based on the intended use and any reasonably foreseeable misuse, according to point 1.1.2 (a) of Annex I of the Machinery Directive. Both points 1.1.2 (a) and (b) are applicable to lifts – see comments on point 1.1.

The first sentence of point 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 well must be provided with a pit below the lowest position that can be reached by the lift carrier and e.g. an adequate headroom above the highest position that can be reached by the lift carrier in order to enable a person to avoid being crushed in case of unexpected movement of the carrier.

In this regard, the European Coordination of Notified Bodies is of the opinion that, for vertical lifts, the free space must be located in the projection of the travel path of the carrier. Only in

[33] EN 81-71:2005+A1:2006 - Safety rules for the construction and installation of lifts - Particular applications to passenger lifts and goods passenger lifts - Part 71: Vandal resistant lifts.

the case of inclined lifts can refuges outside the projection of the travel path be admitted, providing shearing risks are avoided[34].

"Free space or refuge beyond the extreme positions" is understood as space that is permanently available. The requirement for free space cannot therefore be satisfied by means of protective devices alone. The free space or refuge must have a sufficient volume to enable a person above or below the carrier 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 carrier.

Point 3.3 of Annex I states that the free space below the carrier must be measured with the buffers totally compressed.

An example of an overall design solution regarding point 2.2 of the Directive, is provided in harmonised standard EN 81-20:2014 in its clauses 5.2.5.7 and 5.2.5.8. It specifies the dimensions, volume and quantity of the refuge spaces as well as other vertical distances between the extreme positions of the lift carrier and the top and bottom of the lift well and how they shall be measured. The dimensions and volume of the refuge spaces are determined based on the safety posture that a person on the carrier roof (crouching or standing posture) or in the pit (laying, crouching or standing posture) may take in case of an emergency.

While application of these specifications is not mandatory and should be considered as one of the means of fulfilling the requirements, their application results in a level of safety that is considered to reflect the generally acknowledged state of the art. Adoption of alternative design solutions must therefore provide, as a result, a level of safety that is at least equivalent to that specified in the relevant harmonised standards. See also NB-L POS-2-001 for further information.

For inclined lifts, the standard EN 81-22:2014[35] provides examples of specifications for free space and refuges for such lifts in its clauses 5.2.7.2 and 5.2.7.4.

However, to be noted that the Directive states that the risk of crushing must be prevented by means of free space or refuge beyond the extreme positions but it does not impose any specific design.

§ 203 Lifts without possibility to provide free space or refuge

The third sentence of point 2.2 allows for derogations to the requirement for 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 by the Member States that have included such a procedure in their implementation of the Directive. The text of the Directive does not define in which circumstances it may be considered impossible to provide free space, however it is indicated that this may be the case particularly in existing buildings where building constraints impede providing free space or refuge. It is up to the Member State concerned to determine the procedure for according prior approval for derogations and the criteria for deciding when such derogation is justified.

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[34] Minutes of NB-L 2, October 1997.

[35] EN 81-22:2014 - Safety rules for the construction and installation of lifts - Lifts for the transport of persons and goods - Part 22: Electric lifts with inclined path.

The NB-L has adopted indicative guidance on point 2.2 - see NB-L RfU REC 2/010 "Certificate; remark on Annex I, 2.2".

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 risk of crushing above and below the lift carrier remains subject to the conformity assessment procedures set out in Article 16 of the Lifts Directive.

It should be noted that, if a Notified Body issues a EU-type examination certificate for a lift design with means to prevent the crushing risk other than free space or refuge, the certificate should clearly specify that the installation of a lift according to the EU-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.

As one of the means of fulfilling the Directive requirements, the standard EN 81-21:2014[36] describes "other appropriate means" that might be used in existing buildings. Application of its specifications relating to the "other appropriate means" to prevent the risk of crushing above and below the lift carrier will confer a presumption of conformity with the EHSR set out in point 2.2, third indent, 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.

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:

(a) starting movement of the car, whether or not deliberately activated, unless all landing doors are shut and locked,

(b) 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.

§ 204 Landing doors and locking devices

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

The last sentence of point 2.3 allows operation of levelling and relevelling with open doors, as well as the opening of the landing doors to start while the lift carrier is approaching a landing in order to allow passengers to leave the carrier as soon as it has reached the landing.

Devices for locking landing doors are safety components listed in Annex III, item 1.

[36] EN 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.

Examples of specifications for the landing doors and their locking devices are given in clause 5.3 of standard EN 81-20:2014. Test methods for landing door locking devices are given in clause 5.2 of standard EN 81-50:2014. These standards are one of the means of fulfilling this requirement in point 2.3.

Since the landing doors are one of the elements of the lift that are particularly vulnerable to damage due to vandalism, they need to be sufficiently resistant. Examples of additional specifications are given in clause 5.3 of standard EN 81-71:2005+A1:2006[37]. This standard is one of the means of fulfilling this requirement in point 2.3.

Relevance and use of harmonized standards are described in comments on Article 14.

3. RISKS FOR 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 point 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.

§ 205 Enclosure of the lift carrier

The requirement set out in the first paragraph of point 3.1 for full enclosure of the lift carrier with imperforate carrier walls except for ventilation apertures, and for imperforate full-length carrier doors is to prevent risks due to contact between persons or objects in the carrier and objects outside the carrier in the well or travel zone.

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

Specifications for carrier doors and their locking devices are given in clause 5.3 of standard EN 81-20:2014, as one of the means of fulfilling this requirement.

Since the carrier doors are one of the elements of the lift that are vulnerable to damage due to vandalism, they need to be sufficiently resistant. Examples of additional specifications are given in clause 5.3 of standard EN 81-71: 2005+A1:2006 for lifts that are considered to be particularly exposed to the risk of such damage, as one of the means of fulfilling this requirement..

Relevance and use of harmonized standards are described in comments on Article 14.

[37] 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.

3.2. *In the event of a power cut or failure of components the lift must have devices to prevent free fall or uncontrolled 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. Any stop occasioned by this device must not cause deceleration harmful to the occupants whatever the load conditions.

§ 206 Free fall or uncontrolled movement of the carrier

The purpose of this requirement is to protect the persons in the lift carrier or the persons entering and exiting the carrier in the case of a failure in the power supply or the failure of an element of the support or suspension system of the carrier. In such cases uncontrolled (unintended) upwards or downwards movement of the carrier must be prevented. Uncontrolled movement may occur in the following circumstances:

a) free fall in the case of the rupture the suspension or support system or over speeding downwards if a failure occurs when the weight of the carrier and its load is more than that of the counterweight;
b) overspeed upwards if a failure occurs when the weight of the carrier and its load is less than that of the counterweight;
c) unintended movement away from the landing level when persons may be entering or exiting the lift carrier.

Devices to prevent free fall or uncontrolled/unintended movements of the carrier referred to in point 3.2 of Annex I are safety components and listed in Annex III, item 2.

Safety devices fitted to jacks of hydraulic power circuits where these are used as devices to prevent falls are safety components and listed in Annex III, item 5.

For electric and hydraulic lifts, examples of specifications for devices to stop free fall (safety gear) and means of preventing uncontrolled movement of the lift carrier are given in clause 5.6 of standard EN 81-20:2014. Test methods for such devices are specified in clauses 5.7, 5.8 and 5.9 of standard EN 81-50:2014. These technical solutions are one of the means of fulfilling the requirement in point 3.2 of Annex I.

Relevance and use of harmonized standards are described in comments on Article 14.

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 point 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 point 2.2 by reason of the design of the drive system.

§ 207 Buffers

Buffers are required to protect persons in the lift carrier in case of a failure in the control system or the suspension or support of the carrier when it is too close to the bottom of the

well. Buffers are required to absorb the lift energy if such a failure causes the carrier to pass the extreme stopping positions.

Buffers are safety components listed in Annex III, item 4, (a) and (b).

Specifications for buffers are given in clause 5.8 of standard EN 81-20:2014. Test methods for buffers are specified in clause 5.5 of the standard EN 81-50:2014, as one of the means of fulfilling this requirement.

Relevance and use of harmonized standards are described in comments on Article 14.

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 point 3.2 is not in an operational position.

§ 208 Additional requirement for safety devices

The requirement set out in point 3.4 is a complementary requirement for the devices to prevent free fall and uncontrolled movement of the carrier and for overspeed limitation devices and it can be covered by e.g. the standards mentioned in relation to point 3.2 of Annex I. The operational position must be understood as readiness of the operating elements of the device provided for in point 3.2.

Relevance and use of harmonised standards are described in comments on Article 14.

4. OTHER RISKS

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.

§ 209 Risks due to the closing of carrier and landing doors

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

Specifications for such devices are given in clause 5.3 of standard EN 81-20:2014, as one of the means of fulfilling this requirement.

Relevance and use of harmonised standards are described in comments on Article 14.

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).

§ 210 Fire-resistance of lift landing doors

The requirement set out in point 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. Such rules may be defined within the national building regulations or to be agreed in case by case basis between the person responsible for work on the building or construction and the installer – see comments on Article 6(1).

The fire-resistance of lift landing doors is covered by the Lifts Directive that covers the corresponding requirement of the Construction Products Regulation – see comments on point 1.1.

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.[38] 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 6.1 of the Lifts Directive.

§ 211 Standards for the testing of fire resistance of lift landing doors

In 2003, a specific harmonised standard EN 81-58:2003[39] for the testing of fire resistant lift landing doors was adopted under the mandate M/BC/CEN/92/3 given by the European Commission to CEN for the Lifts Directive 95/16/EC. The standard 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 well and includes a classification for lift landing doors that is identical to the classification specified in standard EN 13501-2:2007+A1:2009:[40].

According to the Lifts Directive, application of standard EN 81-58:2003 remains voluntary. Consequently, lift landing doors tested using other methods can be accepted as complying with point 4.2 of Annex I of the Lifts Directive, also subject to approval by a Notified Body.

Furthermore, as far as aspects covered by Union harmonisation legislation are concerned, national regulations cannot make application of any standard compulsory.

NB Lifts guidance document Doc.LWG.2006.01rev1 "Testing of lift landing doors - Information note" provides information on application of EN 81-58:2003.

Relevance and use of harmonised standards are described in comments on Article 14.

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

[38] The relevant documents, depending on the conformity assessment procedure applied, are :
- the EU type-examination certificate, see Annex IV B - 5;
- the certificate of conformity, see Annex VIII - 4.;
- the quality assurance system documentation, see Annex X - 3.2, Annex XI - 3.2 or Annex XII – 3.2.

[39] EN 81-58:2003 - *Safety rules for the construction and installation of lifts - Examination and tests - Part 58: Landing doors fire resistance test.*

[40] EN 13501-22:2007+A1:2009 - Fire classification of construction products and building elements - Part 2: Classification using data from fire resistance tests, excluding ventilation services

§ 212 Preventing collision between the carrier and the counterweight

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

To fulfil the requirement set out in point 4.3, the course of the carrier and the counterweights or balancing weight must be guided and sufficient clearance must be provided between them.

Specifications concerning this requirement are given in clauses 5.7 and 5.2.5.5.1 of standard EN 81-20:2014, as one of the means of fulfilling it.

Relevance and use of harmonised standards are described in comments on Article 14.

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

§ 213 Release and evacuation of trapped persons

The purpose of this requirement is to enable rescuers to release and evacuate people trapped in the lift carrier 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 well or the travel zone when leaving the carrier.

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.

Clause 3.57 of standard EN 81-20:2014 deals with the special tools.

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 point 6.2.

As one of the means of fulfilling the requirements, specifications for the means for releasing and evacuating trapped people are given in clauses 5.4 and 5.9 of standard EN 81-20:2014.

Relevance and use of harmonised standards are described in comments on Article 14.

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

§ 214 Communication with a rescue service

The requirement set out in point 4.5 is intended to ensure that, in the event of a breakdown, people trapped in the lift carrier 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.

As one of the means of fulfilling the requirements, specifications for two-way means of communication are given in standard EN 81-28:2003[41].

The Coordination of Notified Bodies for lifts has adopted an indicative recommendation concerning the two-way communication – see NB-L REC 2/021.

Relevance and use of harmonised standards are described in comments on Article 14.

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, they can complete movements in progress but refuse new commands.

§ 215 Temperature control

The purpose of this requirement is to ensure that means are provided to ensure that if the temperature in the machinery exceeds safe limits (as determined by the lift designer), the lift can no longer be operated. However, in order to minimize the risk of users being trapped in carrier between landings, the temperature control device should preferably stop the lift carrier once it has completed the journey in progress.

Assumptions concerning the ambient temperature in the machinery spaces of lifts are given in clause 0.4 of standards EN 81-20:2014 and specifications for temperature control are given in clause 5.10 of the standard, as one of the means of fulfilling the requirements in point 4.6.

Relevance and use of harmonised standards are described in comments on Article 14.

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

§ 216 Ventilation

The requirement set out in point 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 carrier following to a breakdown.

[41] 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.

Specifications for the ventilation of the lift carrier are given in clause 5.4 of EN 81-20:2014, as one of the means of fulfilling the requirements.

Relevance and use of harmonized standards are described in comments on Article 14.

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

§ 217 Lighting in the carrier

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 carrier following a breakdown and to be able to reach the carrier control panel and read the instructions to call the rescue service for help.

Specifications for the lighting and emergency lighting in the carrier are given in clause 5.4 of standards EN 81-20:2014, as one of the means of fulfilling the requirements.

Relevance and use of harmonized standards are described in comments on Article 14.

4.9. The means of communication referred to in point 4.5 and the emergency lighting referred to in point 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.

§ 218 Power for the means of communication and emergency lighting

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

Relevance and use of harmonized standards are described in comments on Article 14.

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.

§ 219 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. Specifications to protect lift users in the event of fire are given in standard EN 81-73:2016[42], as one of the means of fulfilling the requirements.

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 or under the control of the building

[42] EN 81-73:2016 - 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.

management for evacuation of persons with disability. Specifications for firefighters' lifts are given in standard EN 81-72:2015[43], as one of the means of fulfilling the requirements.

Relevance and use of harmonized standards are described in comments on Article 14.

Member States may determine under which conditions a building must be equipped with firefighter's lift(s).

5. MARKING

5.1. *In addition to the minimum particulars required for any machine pursuant to point 1.7.3 of Annex I to Directive 2006/42/EC, 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.*

§ 220 The installer's plate

The requirement set out in point 5.1 refers to point 1.7.3 of Annex I to the Machinery Directive 2006/42/EC.

The relevant part of point 1.7.3 of Annex I to the Machinery Directive is worded as follows:

1.7.3. Marking of machinery

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

- *the business name and full address of the manufacturer and, where applicable, his authorised representative,*
- *designation of the machinery,*
- *the CE Marking (see Annex III),*
- *designation of series or type,*
- *serial number, if any,*
- *the year of construction, that is the year in which the manufacturing process is completed.*

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 2(6). The easily visible plate referred to in point 5.1 must be placed inside the lift carrier since the information must be readily available both to users of the lifts and to market surveillance authorities, if necessary.

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.

§ 221 Self-rescue

This requirement applies to lifts fitted with means to enable passengers to move the carrier manually to a landing in case of a breakdown or to evacuate the carrier 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 carrier on how they are to be used.

[43] EN 81-72:2015 - Safety rules for the construction and installation of lifts - Particular applications for passenger and goods passenger lifts - Part 72: Firefighters lifts.

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

6. INSTRUCTIONS

6.1. The safety components referred to in Annex III must be accompanied by instructions; so that the following can be carried out effectively and without danger:

(a) assembly,
(b) connexion,
(c) adjustment, and
(d) maintenance,

§ 222 Instructions 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, it is to be drafted in the language determined by the Member State concerned - see comments on Article 8(7). If a safety component is manufactured by a lift installer for installation in lifts that he installs himself, the instructions relating to the assembly, connection and adjustment of the safety component must be part of the lift instructions.

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 purposes 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 point 6.2 below, in the language determined by the Member State concerned and easily understood. .

In this context it is important to note that, according to Point 1.1.2€ of Annex I to the Machinery Directive, a lift must be supplied with all the special equipment and accessories essential to enable it to be adjusted, maintained and used safely.

6.2. *Each lift must be accompanied by instructions. The instructions shall contain at least the following documents:*

– *instructions containing the plans and diagrams necessary for normal use and relating to maintenance, inspection, repair, periodic checks and the rescue operations referred to in point 4.4,*

– *a logbook in which repairs and, where appropriate, periodic checks can be noted.*

§ 223 Instructions and logbook for lifts

The instructions referred to in point 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, instructions must be provided in the language determined by the Member State in which territory the lifts is placed on the market – see comments on Article 7(7).

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 constructer 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 2(6), has the entire responsibility for ensuring that the documentation referred to in point 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 point 1.1 and point 4.4.

The documentation mentioned in point 6.2 shall also include the EU Declarations of conformity for the safety components incorporated into the lift installation – see comments on Article 15.

Examples of specifications for the instruction manual and the logbook are given in clause 7.2 of standard EN 81-20:2014.

Examples of specifications for the elaboration of maintenance instructions for lifts are given in standard EN 13015:2001+A1:2008.[44]

Examples of 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 81-70:2003.

Examples of additional specifications concerning the information to be provided with vandal-resistant lifts are given in clause 7 of standard EN 81-71:2005+A1:2006.

Examples of additional specifications concerning the information to be provided with firefighters' lifts are given in clause 7 of standard EN 81-72:2015.

[44] EN 13015:2001+A1:2008 - Maintenance for lifts and escalators - Rules for maintenance Instructions

Examples of 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 81-73:2016.

Examples of additional specifications concerning the information to be provided with lifts concerning remote alarm system are given in clause 5 of standard EN 81-28:2003.

To be highlighted that those specifications in the standards remain voluntary. Further information on the relevance and use of harmonized standards is described in comments on Article 14.

ANNEX II

ANNEX II A Content of the EU declaration of conformity for safety components

The EC declaration of conformity for safety components for lifts shall contain the following information:

(a) business name and address of the manufacturer;

(b) where appropriate, business name and address of the authorised representative;

(c) description of the safety component for lifts, details of type or series and serial number (if any); it may, where necessary for the identification of the safety component for lifts, include an image;

(d) safety function of the safety component for lifts, if not obvious from the description;

(e) year of manufacture of the safety component for lifts;

(f) all relevant provisions with which the safety component for lifts complies;

(g) a statement that the safety component for lifts is in conformity with the relevant Union harmonisation legislation;

(h) where appropriate, reference(s) to harmonised standard(s) used;

(i) where appropriate, the name, address and identification number of the notified body which carried out the EU-type examination of safety components for lifts set out in Annex IV, Part A and Annex VI, and the reference of the EU-type examination certificate issued by that notified body;

(j) where appropriate, the name, address and identification number of the notified body which carried out the conformity to type with random checking for safety components for lifts set out in Annex IX;

(k) where appropriate, the name, address and identification number of the notified body which approved the quality system operated by the manufacturer in accordance with the conformity assessment procedure set out in Annex VI or VII;

(l) the name and function of the person empowered to sign the declaration on behalf of the manufacturer or his authorised representative;

(m) place and date of signature;

(n) signature.

§ 224 EU declaration of conformity for safety components

Annex II A sets out the contents of the EU declaration of conformity for safety components for lifts listed in Annex III. The EU declaration of conformity must be drawn up the manufacturer of the safety component or by the manufacturer's authorised representative established in the Community. The EU declaration of conformity must be supplied with the safety component for lifts when it is placed on the market – see comments on Article 8.2.

Point (f) Annex II A states that the EU declaration of conformity must indicate "all relevant provisions with which the safety component complies". This implies that the EU declaration of conformity shall indicate the conformity of the safety component for lifts with the relevant essential health and safety requirements of the Lifts Directive 2014/33/EU and any other relevant Union harmonisation legislation.

Point (i), (j), (k) Annex II stated that the name, address and identification number of all notified bodies involved in the conformity assessment procedure under Article 15 shall be on the EU-declaration of conformity. This is important because the identification number that is visible on the safety component can be different from that on the EU-type examination and the EU-declaration of conformity is the only possibility for the market surveillance or the notified body to verify this.

Article 17(2) sets out that the EU declaration of conformity for a safety component for lifts shall be translated into the language or the languages required by the Member State in which the safety component for lifts is placed or made available on the market.

The person empowered to sign the EU 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 EU declaration of conformity to be signed by hand. The signature can be reproduced on printed copies.

See also § 4.4 "EU Declaration of conformity" in "The 'Blue Guide' on the implementation of EU product rules".

ANNEX II B Content of the EU declaration of conformity for lifts

The EU declaration of conformity for lifts shall be drafted in the same language as the instructions referred to in Annex I, point 6.2 and contain the following information:

(a) business name and address of the installer;

(b) where appropriate, business name and address of the authorised representative;

(c) description of the lift, details of the type or series, serial number and address where the lift is installed;

(d) year of installation of the lift;

(e) all relevant provisions to which the lift conforms;

(f) a statement that the lift is in conformity with the relevant Union harmonisation legislation;

(g) where appropriate, reference(s) to harmonised standard(s) used;

(h) where appropriate, the name, address and identification number of the notified body which carried out the EU-type examination of lifts set out in Annex IV, Part B and the reference of the EU-type examination certificate issued by that notified body;

(i) where appropriate, the name, address and identification number of the notified body which carried out the unit verification for lifts set out in Annex VIII ;

(j) where appropriate, the name, address and identification number of the notified body which carried out the final inspection for lifts set out in Annex V;

(k) where appropriate, the name, address, and identification number of the notified body which approved the quality assurance system operated by the installer in accordance with the conformity assessment procedure set out in Annex X, XI or XII;

(l) the name and function of the person empowered to sign the declaration on behalf of the installer or his authorised representative;

(m) place and date of signature;

(n) signature.

§ 225 EU declaration of conformity for lifts

Annex II B sets out the contents of the EU declaration of conformity for lifts.

According to Article 7(2) the EC Declaration of conformity must be drawn up by the installer of the lift. The EU declaration of conformity 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 14. The EU declaration of conformity shall be included in the documentation referred to in point 6.2 of Annex I.

Point (e) of Annex II B states that the EU declaration of conformity must indicate “all relevant provisions with which the lift complies”. This implies that the EU declaration of conformity shall indicate the conformity of the lift with the relevant essential health and safety requirements of the Lifts Directive 2014/33/EU and any other relevant Union harmonisation legislation such as the EMC Directive – see comments on Article 17(3).

The EU declaration of conformity for a lift shall be translated into the language or the languages required by the Member State in which the lift is installed (see table § 53)

The person empowered to sign the EU declaration must have the necessary authority to sign such a legal act on behalf of the installer of the lift.

See also § 4.4 “EU Declaration of conformity” in “The ‘Blue Guide’ on the implementation of EU product rules”.

ANNEX III

LIST OF SAFETY COMPONENTS FOR LIFTS

1. Devices for locking landing doors.

2. Devices to prevent falls referred to in point 3.2 of Annex I to prevent the car from falling or uncontrolled movements.

3. Overspeed limitation devices.

4. (a) Energy-accumulating buffers:

(i) non-linear,

(ii) with damping of the return movement.

(b) Energy-dissipating buffers.

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 circuits containing electronic components.

§ 226 List of safety components

The list of 6 categories of safety components set out in Annex III is an exhaustive list of the safety components for lifts that are subject to the Lifts Directive – see comments on Article 1(1).

The wording used in this annex as well as in this (explaining) paragraph may be interpreted as follows:

Device: Product put on the market separately as a safety component, possibly containing one or more parts and not needing any addition or modification to enable its function.

Parts: Piece or segment, used to compose a safety component, not able to function in its own.

System: Assembly of connected devices or parts forming a complex whole in particular.

§ 227 Devices preventing free fall or uncontrolled carrier movement

A device preventing free fall or uncontrolled carrier movement is often a system composed of different devices, such as detection, activation and stopping device. In such cases, each of those devices or a combination of those devices is considered as a safety component in its own right under the relevant category of Annex III.

This category of safety components includes for example:

- Safety gears to prevent the overspeed of the carrier in any direction or its free fall

- Brakes or similar components used as Ascending Carrier Overspeed Protection (ACOP) device
- Unintended Carrier Movement Protection (UCMP) devices, to prevent the carrier moving away from the landing outside a predefined zone with open doors.

Further to this, a free fall protection device may be composed of a detection device such as category Annex III item 3 and a stopping device of category Annex III item 2. An unintended carrier movement protection device may be composed of a detection device, an actuation device, and a stopping device. Where two or more such devices are used, the installer is responsible for the integration and testing of these, using the instructions provided by the safety component manufacturer(s) which should specify key interface requirements.

The European Coordination of Notified Bodies for lifts has made indicative recommendations to clarify the testing and certification requirements for UCMP devices – see NB-L REC 1/008.

It was identified in *§ 205* that uncontrolled movement may be in the form of:

a) free fall or overspeeding downwards;

b) overspeed upwards;

c) movement of the carrier when the carrier is at a landing level with carrier and landing doors open and persons are entering or exiting the lift carrier.

The wording of category 2 of Annex III now includes devices for protection of uncontrolled movement in c).

Within the harmonised standards, EN 81-1:1998+A3:2009 and EN 81-2:1998+A3:2009, devices to prevent such movement were referred to as unintended carrier movement protection (UCMP) devices. Those standards have been superseded by EN 81-20:2014. Clause 5.6 of standard EN 81-20:2014 contains the similar technical specifications with some minor modifications.

All safety components covered by the Lifts Directive and placed on the market must bear the CE marking, regardless if it is a system composed of CE-marked devices.

Doc. LWG.2015.14rev1 "Common approach on UCMP devices" provides indicative guidance on dealing with the UCMP devices, which were placed on the market before the date of application of 2014/33/EU, 20th April 2016.

It shall be noted that specifications in the standards remain voluntary including situations where guidance refers to them. Further information on the relevance and use of harmonized standards is described in comments on Article 14.

§ 228 Electric safety devices with electronic components

The European Coordination of Notified Bodies for lifts has made indicative recommendations to clarify, which electric safety devices are to be considered as safety components according to category 6 of Annex III – see NB-L REC 1/004 and NB-L REC 1/005.

ANNEX IV

EU-TYPE EXAMINATION FOR LIFTS AND SAFETY COMPONENTS FOR LIFTS (module B)

A. EU-TYPE EXAMINATION OF SAFETY COMPONENTS FOR LIFTS

1. EU-type examination is the part of a conformity assessment procedure in which a notified body examines the technical design of a safety component for lifts and verifies and attests that the technical design of the safety component for lifts satisfies the applicable essential health and safety requirements of Annex I and will enable a lift in which it is correctly incorporated to satisfy those requirements.

2. The application for EU-type examination shall be lodged by the manufacturer, or his authorised representative, with a single notified body of his choice.

The application shall include:

(a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well and the place of manufacture of the safety components for lifts;

(b) a written declaration that the same application has not been lodged with any other notified body;

(c) the technical documentation;

(d) a representative specimen of the safety component for lifts or details of the place where it can be examined. The notified body may request further specimens if needed for carrying out the test programme;

(e) the supporting evidence for the adequacy of the technical design solution. This supporting evidence shall mention any documents, including other relevant technical specifications that have been used, in particular where the relevant harmonised standards have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out in accordance with other relevant technical specifications by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.

3. The technical documentation shall make it possible to assess whether the safety component for lifts meets the conditions referred to in point 1 and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the safety component for lifts.

The technical documentation shall contain, where applicable, the following:

(a) a description of the safety component for lifts, 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);

(b) design and manufacturing drawings and diagrams;

(c) explanations necessary for the understanding of those drawings and diagrams and the operation of the safety component for lifts;

(d) a list of the harmonised standards applied in full or in part the references of which have been published in the Official Journal of the European Union and, where those harmonised standards have not been applied, descriptions of the solutions adopted to enable the safety component for lifts to meet the conditions referred to in point 1, including a list of other relevant technical specifications applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;

(e) results of design calculations performed by or for the manufacturer;

(f) test reports;

(g) a copy of the instructions for the safety components for lifts;

(h) steps taken at the manufacturing stage to ensure that series-produced safety components for lifts conform to the safety component for lifts examined.

4. The notified body shall:

(a) examine the technical documentation and the supporting evidence to assess the adequacy of the technical design of the safety component for lifts;

(b) agree with the applicant on a location where the examinations and tests will be carried out;

(c) verify that the representative specimen(s) has(have) been manufactured in conformity with the technical documentation, and identify the elements which have been designed in accordance with the applicable provisions of the relevant harmonised standards, as well as the elements which have been designed in accordance with other relevant technical specifications;

(d) carry out appropriate examinations and tests, or have them carried out, to check whether, where the manufacturer has chosen to apply the specifications of the relevant harmonised standards, these have been applied correctly;

(e) carry out appropriate examinations and tests, or have them carried out, to check whether, where the specifications of the relevant harmonised standards have not been applied, the solutions adopted by the manufacturer applying other relevant technical specifications enable the safety component for lifts to meet the conditions referred to in point 1.

The notified body shall draw up an evaluation report that records the examinations, verifications and tests carried out and their outcome. Without prejudice to its obligations vis-à vis the notifying authorities, the notified body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.

5. Where the type of the safety component for lifts meets the conditions referred to in point 1, the notified body shall issue an EU-type examination certificate to the manufacturer. That certificate shall contain the name and address of the manufacturer the conclusions of the EU-type examination, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The EU-type examination certificate may have one or more annexes attached.

The EU-type examination certificate and its annexes shall contain all relevant information to allow the

conformity of manufactured safety components for lifts with the examined type to be evaluated and to allow for in-service control.

Where the type of the safety component for lifts does not satisfy the conditions referred to in point 1, the notified body shall refuse to issue an EU-type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

The notified body shall keep a copy of the EU-type examination certificate, its annexes and additions, as well as the technical documentation and the evaluation report, for 15 years from the date of issue of that certificate.

6. The notified body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer meet the conditions referred to in point 1 and shall determine whether such changes require further investigation. If so, the notified body shall inform the manufacturer accordingly.

7. The manufacturer shall inform the notified body that holds the technical documentation relating to the EU-type examination certificate of any modification to the approved type that may affect the conformity of the safety component for lifts with the conditions referred to in point 1 or the conditions of validity of the EU-type examination certificate.

The notified body shall examine the modification and inform the applicant whether the EU-type examination certificate remains valid or whether further examinations, verifications or tests are needed. As appropriate, the notified body shall issue an addition to the original EU-typ- examination certificate or ask for a new application for an EU-type examination to be submitted.

8. Each notified body shall inform its notifying authority concerning the EU-type examination certificates and any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of such certificates and any additions thereto refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies concerning the EU-type examination certificates and any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning such certificates and/or additions thereto which it has issued.

9. The Commission, the Member States and the other notified bodies may, on request, obtain a copy of the EU-type examination certificates and additions thereto. On request, the Commission and the Member States may obtain a copy of the technical documentation and of the report on the examinations, verifications and tests carried out by the notified body.

10. The manufacturer shall keep with the technical documentation a copy of EU-type examination certificates, its annexes and additions at the disposal of the national authorities for 10 years after the safety component for lifts has been placed on the market.

11. Authorised representative

The manufacturer's authorised representative may lodge the application referred to in point 2 and fulfil the obligations set out in points 7 and 11, provided that they are specified in the mandate.

§ 229 EU-type examination of safety components (Module B)

EU-type examination is one of the conformity assessment procedures covering the design phase for the safety components for lifts listed in Annex III - see comments on Article 15.

The application of points 8 and 9 of Annex IV (A) must be carried out in such a way that confidential information provided by the manufacturer is not disclosed to other notified bodies without the explicit consent of the manufacturer. The notified body who is issuing the EU-type examination certificate must organise the documentation in a manner that it clearly separates the “certificate” from other supporting documents such as test reports and technical assessments.

Therefore, if another notified body requests for a copy of the EU-type examination certificate, only the “certificate” and additions thereto may be provided. If additional information is requested, the explicit consent of the manufacturer must be obtained before providing such information to other notified bodies or any other third party.

However, on request the Commission and the Member States may obtain a copy of the technical documentation and of the report on the examinations, verifications and tests carried out by the notified body.

The European Coordination of Notified Bodies has made indicative recommendations relating to the EU-type examination of safety components for lifts, e.g.:

- 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 EU type-examination certificate referred to in Annex V A(5).

See also § 5.1.5 “One-and-two module procedures- procedures based on type (EU-type examination” in “The ‘Blue Guide’ on the implementation of EU product rules”.

B. EU-TYPE EXAMINATION OF LIFTS

1. EU-type examination of lifts is the part of a conformity assessment procedure in which a notified body examines the technical design of a model lift, or a lift for which there is no provision for an extension or variant, and verifies and attests that the technical design meets the applicable essential health and safety requirements set out in Annex I.

EU-type examination of a lift includes an examination of a representative specimen of a complete lift.

2. The application for EU-type examination shall be lodged by the installer or his authorised representative with a single notified body of his choice.

The application shall include:

(a) the name and address of the installer; and, if the application is lodged by the authorised representative, his name and address as well;

(b) a written declaration that the same application has not been lodged with any other notified body;

(c) the technical documentation;

(d) details of the place where the specimen lift can be examined. The specimen lift submitted for examination shall include the terminal parts and be capable of serving at least three levels (top, middle and bottom);

(e) the supporting evidence for the adequacy of the technical design solution. This supporting evidence shall mention any documents, including other relevant technical specifications that have been used, in particular where the relevant harmonised standards have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out in accordance with other relevant technical specifications by the appropriate laboratory of the installer, or by another testing laboratory on his behalf and under his responsibility.

3. The technical documentation shall make it possible to assess the conformity of the lift with the applicable essential health and safety requirements set out in Annex I.

The technical documentation shall contain, where applicable, the following:

(a) a description of the model lift indicating clearly all the permitted variations of the model lift;

(b) design and manufacturing drawings and diagrams;

(c) explanations necessary for the understanding of those drawings and diagrams and of the operation of the lift;

(d) a list of the essential health and safety requirements taken into consideration;

(e) a list of the harmonised standards applied in full or in part the references of which have been published in the Official Journal of the European Union and, where those harmonised standards have not been applied, descriptions of the solutions adopted to meet the essential health and safety requirements of the Directive, including a list of other relevant technical specifications applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;

(f) a copy of the EU declarations of conformity of the safety components for lifts incorporated in the lift;

(g) results of design calculations performed by or for the installer;

(h) test reports;

(i) a copy of the instructions referred to in point 6.2 of Annex I;

(j) steps taken at the installation stage to ensure that the series-produced lift conforms to the essential health and safety requirements set out in Annex I.

4. The notified body shall:

(a) examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the model lift or of the lift for which there is no provision for an extension or variant;

(b) agree with the installer on a location where the examinations and tests will be carried out;

(c) examine the specimen lift to check that it has been manufactured in accordance with the technical documentation, and identify the elements which have been designed in accordance with the applicable provisions of the relevant harmonised standards, as well as the elements which have been designed in accordance with other relevant technical specifications;

(d) carry out appropriate examinations and tests, or have them carried out, to check whether, where the installer has chosen to apply the specifications of the relevant harmonised standards, these have been applied correctly;

(e) carry out appropriate examinations and tests, or have them carried out, to check whether, where the specifications of the relevant harmonised standards have not been applied, the solutions adopted by the installer applying other relevant technical specifications meet the corresponding essential health and safety requirements of this Directive.

5. The notified body shall draw up an evaluation report that records the examinations, verifications and tests carried out and their outcome. Without prejudice to its obligations vis-à vis the notifying authorities, the notified body shall release the content of that report, in full or in part, only with the agreement of the installer.

6. Where the type meets the essential health and safety requirements set out in Annex I applicable to the lift concerned, the notified body shall issue an EU-type examination certificate to the installer. That certificate shall contain the name and address of the installer, the conclusions of the EU-type examination, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The EU-type examination certificate may have one or more annexes attached.

The EU-type examination certificate and its annexes shall contain all the information necessary to enable the conformity of lifts with the approved type to be assessed during the final inspection.

Where the type does not comply with the essential health and safety requirements set out in Annex I, the notified body shall refuse to issue an EU-type examination certificate and shall inform the installer accordingly, giving detailed reasons for its refusal.

The notified body shall keep a copy of the EU-type examination certificate, its annexes and additions, as well as the technical documentation and the evaluation report for 15 years from the date of issue of that certificate.

7. The notified body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer comply with the essential health and safety requirements set out in Annex I, and shall determine whether such changes require further investigation. If so, the notified body shall inform the installer accordingly.

8. The installer shall inform the notified body of any modifications to the approved type, including variations not specified in the original technical documentation, that may affect the conformity of the lift with the essential health and safety requirements set out in Annex I or the conditions of validity of the EU-type examination certificate.

The notified body shall examine the modification and inform the installer whether the EU-type examination certificate remains valid or whether further examinations, verifications or tests are needed. As appropriate the notified body shall issue an addition to the original EU-type examination certificate or ask for a new application for an EU-type examination to be submitted.

9. Each notified body shall inform its notifying authority concerning the EU-type examination certificates and any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of such certificates and any additions thereto refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies concerning the EU-type examination certificates and any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning such certificates and additions thereto which it has issued.

10. The Commission, the Member States and the other notified bodies may, on request, obtain a copy of the EU-type examination certificates and additions thereto. On request, the Commission and the Member States may obtain a copy of the technical documentation and of the report on the examinations, verifications and tests carried out by the notified body.

11. The installer shall keep with the technical documentation a copy of the EU-type examination certificate, including its annexes and additions, at the disposal of the national authorities for 10 years after the lift has been placed on the market.

12. Authorised representative

The installer's authorised representative may lodge the application referred to in point 2 and fulfil the obligations set out in points 7 and 11, provided that they are specified in the mandate.

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§ 230 EU-type examination of lifts (Module B)

EU-type examination is one of the conformity assessment procedures covering the design phase for lifts – see comments on Article 8.

The European Coordination of Notified Bodies has issued an indicative recommendation setting out the elements that may be mentioned in the EU-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. However, only the text of the Directive remains

legally binding implying that the EU-type examination certificate shall contain the elements required by the Directive.

Point 2(d) Annex IVB is relevant for lift designs which are designed to serve 3 or more levels.

The Coordination of Notified Bodies has issued indicative clarification on this provision that does not rule out EU-type examination of a lift serving only 2 levels, providing that this limitation is clearly indicated in the EU type-examination certificate – see NB-L REC 2/008.

The application of points 9 and 10 of Annex IV (B) must be carried out in such a way that confidential information provided by the installer is not disclosed to other notified bodies without the explicit consent of the installer. The notified body who is issuing an EU-type examination certificate must organise the documentation in a manner that it clearly separates the "certificate" and additions thereto from other supporting documents such as test reports and technical assessments.

Therefore, if another notified body requests for a copy of the EU-type examination certificate, only the "certificate" and additions thereto may be provided. If additional information is requested, the explicit consent of the installer must be obtained before providing such information to other notified bodies or any other third party.

However, on request the Commission and the Member States may obtain a copy of the technical documentation and of the report on the examinations, verifications and tests carried out by the notified body.

See also § 5.1.5 "One-and-two module procedures- procedures based on type (EU-type examination" in "The 'Blue Guide' on the implementation of EU product rules".

ANNEX V

FINAL INSPECTION FOR LIFTS

1. Final inspection is the part of a conformity assessment procedure whereby a notified body ascertains and certifies that a lift subject to an EU-type examination certificate or designed and manufactured according to an approved quality system satisfies the essential health and safety requirements set out in Annex I.

2. OBLIGATIONS OF THE INSTALLER

The installer shall take all measures necessary to ensure that the lift being installed complies with the applicable essential health and safety requirements set out in Annex I and with one of the following:

(a) an approved type described in an EU-type examination certificate;

(b) a lift designed and manufactured in accordance with a quality system pursuant to Annex XI and the EU design examination certificate if the design is not wholly in accordance with the harmonised standards.

3. FINAL INSPECTION

A notified body chosen by the installer shall carry out the final inspection of the lift about to be placed on the market in order to check the conformity of the lift with the applicable essential health and safety requirements set out in Annex I.

3.1. The installer shall lodge an application for final inspection with a single notified body of his choice and shall provide to the notified body the following documents:

(a) the plan of the complete lift;

(b) the plans and diagrams necessary for final inspection, in particular control circuit diagrams;

(c) a copy of the instructions referred to in Annex I, point 6.2;

(ca) a written declaration that the same application has not been lodged with any other notified body.

The notified body may not require detailed plans or precise information not necessary for verifying the conformity of the lift.

The appropriate examinations and tests set out in the relevant harmonised standard(s) or equivalent tests shall be carried out in order to check the conformity of the lift with the applicable essential health and safety requirements set out in Annex I.

3.2. The examinations shall include at least one of the following:

(a) examination of the documents referred to in point 3.1 to check that the lift conforms with the approved type described in the EU-type examination certificate pursuant to Annex IV, Part B;

(b) examination of the documents referred to in point 3.1 to check that the lift conforms with the lift designed and manufactured in accordance with an approved quality system pursuant to Annex XI and if the design is not wholly in accordance with the harmonised standards, with the EU design examination certificate.

3.3. The tests of the lift shall include at least the following:

(a) 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.);

(b) 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;

(c) static test with a load equal to 1,25 times the rated load.

The rated load shall be that referred to in Annex I, point 5.

After these tests, the notified body shall check that no distortion or deterioration which could impair the use of the lift has occurred.

4. If the lift satisfies the essential health and safety requirements set out in Annex I, the notified body shall affix or have affixed its identification number adjacent to the CE marking in accordance with Articles 18 and 19 and shall issue a final inspection certificate which mentions the examinations and tests carried out.
The notified body shall fill in the corresponding pages in the logbook referred to in Annex I, point 6.2.

If the notified body refuses to issue the final inspection certificate, it shall state the detailed reasons for refusal and indicate the necessary corrective measures to be taken. Where the installer again applies for final inspection, he shall apply to the same notified body.

5. CE marking and EU declaration of conformity

5.1. The installer shall affix the CE marking in the car of each lift which satisfies the essential health and safety requirements of this Directive, and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number adjacent to the CE marking in the car of each lift.
5.2. The installer shall draw up a written EU declaration of conformity for each lift and keep a copy of the EU declaration of conformity and the final inspection certificate at the disposal of the national authorities for 10 years after the placing on the market of the lift. A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

6. The Commission and the Member States may obtain a copy of the final inspection certificate on request.

7. Authorised representative

The installer's obligations set out in points 3.1 and 5 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate..

§ 231 Final inspection for lifts

Final inspection is one of the conformity assessment procedures that may be used for the installation phase of a lift – see comments on Article 16(1).

In case of a lift in accordance with a EU-type examination certificate, the final inspection consists in a check that the installed lift complies with the design subject to the EU-type examination certificate and that the lift has been correctly assembled and installed. If the EU-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 2.

In case of a lift in accordance with a full quality assurance system, 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 examination according to

paragraph 3.3 of Annex XI, 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 an indicative check-list for the final inspection of lift installations– see NB-L REC 0/003. It must be verified on case by case basis whether also other aspects must be checked.

Annex V states the minimum examinations and tests that notified bodies shall carry out in the final inspection for lifts.

Examples of specifications relating to the tests methods which may be relevant 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 81:2014, parts 20 and 50.

Harmonised standard EN 81-28 provides additional technical specifications and test methods for the remote alarm system.

These specifications are one of the means of fulfilling the requirements. Further information on the relevance and use of harmonized standards is described in comments on Article 14.

ANNEX VI

CONFORMITY TO TYPE BASED ON PRODUCT QUALITY ASSURANCE FOR SAFETY COMPONENTS FOR LIFTS

(module E)

1. Conformity to type based on product quality assurance for safety components for lifts is the part of the conformity assessment procedure whereby a notified body assesses the quality system of a manufacturer in order to ensure that the safety components for lifts are manufactured and monitored in conformity with the type described in the EU-type examination certificate, satisfy the applicable requirements of Annex I and will enable a lift to which they are correctly incorporated to satisfy those requirements.

2. OBLIGATIONS OF THE MANUFACTURER

The manufacturer shall operate an approved quality system for final inspection and testing of the safety components for lifts as specified in point 3, and shall be subject to surveillance as specified in point 4.

3. QUALITY SYSTEM

3.1. The manufacturer shall lodge an application for assessment of his quality system for the safety components for lifts concerned with a single notified body of his choice.

The application shall include:

(a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;

(b) a written declaration that the same application has not been lodged with any other notified body;

(c) the address of the premises where final inspection and testing of the safety components for lifts are carried out;

(d) all relevant information on the safety components for lifts to be manufactured;

(e) the documentation concerning the quality system;

(f) the technical documentation of the approved safety components for lifts and a copy of the EU-type examination certificate.

3.2. Under the quality system, each safety component for lifts shall be inspected and appropriate tests as set out in the relevant harmonised standards or equivalent tests shall be carried out in order to ensure that it meets the applicable conditions referred to in point 1. All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

(a) the quality objectives;

(b) the organizational structure, responsibilities and powers of the management with regard to product quality;

(c) the examinations and tests that will be carried out after manufacture;

(d) the means of monitoring the effective operation of the quality system; and

(e) the 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 shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant harmonised standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Annex I.

The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in point 3.1(f), in order to verify the manufacturer's ability to identify the relevant requirements of this Directive and to carry out the necessary examinations with a view to ensuring compliance of the safety components for lifts with those requirements.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

3.5. The manufacturer or his authorised representative shall keep the notified body which has approved the quality system informed of any intended changes of the quality system.

The notified body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify the manufacturer of its decision. The notification shall 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 duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall for assessment purposes allow the notified body access to the premises where final inspection, testing and storage are carried out and provide it with all necessary information, in particular:

(a) the quality system documentation;

(b) the technical documentation;

(c) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

4.3. The notified body shall periodically carry out audits to ensure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4. Additionally, the notified body may pay unexpected visits to the manufacturer's premises where final inspection and testing of safety components for lifts are carried out.

At the time of such visits, the notified body may, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system. It shall provide the manufacturer, with a visit report and, if a test has been carried out, with a test report.

*5. **CE marking and EU declaration of conformity***

5.1. The manufacturer shall affix the CE marking, and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number to each individual safety component for lifts that meets the conditions referred to in point 1.

5.2. The manufacturer shall draw up a written EU declaration of conformity for each safety component for lifts and keep a copy of it at the disposal of the national authorities for 10 years after the safety component for lifts has been placed on the market. The EU declaration of conformity shall identify the safety component for lifts for which it has been drawn up.

6. The manufacturer shall for a period ending 10 years after the safety component for lifts has been placed on the market, keep at the disposal of the national authorities:

(a) the technical documentation referred to in point 3.1(f);

(b) the documentation referred to in point 3.1(e);

(c) the information relating to the change referred to in point 3.5;

(d) the decisions and reports from the notified body which are referred to in the third paragraph of point 3.5 and in points 4.3 and 4.4.

7. Each notified body shall inform its notifying authority of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of approval decisions refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies of quality system approval decision(s) which it has refused, suspended or withdrawn and, upon request, of approval decision(s) which it has issued.

On request, the notified body shall provide the Commission and the Member States with a copy of quality system approval decision(s) issued.

*8. **Authorised representative***

The manufacturer's obligations set out in points 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

§ 232 Conformity to type based on product quality assurance for safety components for lifts (Module E)

The procedure set out in Annex VI is one of the conformity assessment procedures that can be used for the production phase of the safety components listed in Annex III – see comments on 15(b).

The design of the safety components subject to the product quality assurance procedure must have been subject to the EU-type examination procedure for safety components set out in Annex IV A.

The European Coordination of Notified Bodies has made an indicative recommendation on the content of the certificate of approval of a product quality assurance system according to Annex VI – see NB-L REC 3/005.

According point 3.2 **each** safety component shall be inspected and appropriate tests shall be carried out. For this Module E a random check is not sufficient.

ANNEX VII

CONFORMITY BASED ON FULL QUALITY ASSURANCE FOR SAFETY COMPONENTS FOR LIFTS

(module H)

1. Conformity based on full quality assurance for safety components for lifts is the conformity assessment procedure whereby a notified body assesses the quality system of a manufacturer to ensure that the safety components for lifts are designed, manufactured, inspected and tested in order to satisfy the applicable requirements of Annex I and to enable a lift to which they are correctly incorporated to satisfy those requirements.

2. Obligations of the manufacturer

The manufacturer shall operate an approved quality system for the design, manufacture, final inspection and testing of safety components for lifts as specified in point 3 and shall be subject to surveillance as specified in point 4.

3. QUALITY SYSTEM

3.1. The manufacturer shall lodge an application for assessment of his quality system with a single notified body of his choice. The application shall include:

(a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;

(b) the address of the premises where the safety components for lifts are designed, manufactured, inspected and tested;

(c) all relevant information on safety components for lifts to be manufactured;

(d) the technical documentation described in point 3 of Annex IV, Part A for one model of each category of safety component for lifts to be manufactured;

(e) the documentation on the quality system;

(f) a written declaration that the same application has not been lodged with any other notified body.

3.2. The quality system shall ensure compliance of the safety components for lifts with the conditions referred to in point 1. All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

(a) the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the design and product quality ;

(b) the technical design specifications, including standards that will be applied and, where the relevant harmonised standards will not be applied or not applied in full, the means, including other

relevant technical specifications, that will be used to ensure that the conditions referred to in point 1 will be met;

(c) the design control and design verification techniques, processes and systematic actions that will be used when designing the safety components for lifts;

(d) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;

(e) the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;

(f) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned;

(g) the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant harmonised standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Annex I. The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in point 3.1(d) to verify the manufacturer's ability to identify the applicable essential health and safety requirements set out in Annex I and to carry out the necessary examinations with a view to ensuring compliance of the safety components for lifts with those requirements.

The decision shall be notified to the manufacturer and, where appropriate, to his authorised representative. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising from the quality system as approved and maintain it so that it remains adequate and efficient.

3.5. The manufacturer shall keep the notified body which has approved the quality system informed of any intended change to the quality system.

The notified body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the assessment 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 duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall for assessment purposes allow the notified body access to the design, manufacture, inspection and testing, and storage locations, and shall provide it with all necessary information, in particular:

(a) the full quality system documentation;

(b) the quality records provided for in the design part of the quality system such as results of analyses, calculations, tests;

(c) the technical documentation for the safety components for lifts manufactured;

(d) the quality records provided for in the manufacturing part of the full quality system, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned

4.3. The notified body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4. Additionally, the notified body may pay unexpected visits to the manufacturer. At the time of such visits, the notified body may, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

5. CE marking and EU declaration of conformity

5.1. The manufacturer shall affix the CE marking, and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number to each individual safety component for lifts that meets the conditions referred to in point 1.

5.2. The manufacturer shall draw up a written EU declaration of conformity for each safety component for lifts and keep a copy of it at the disposal of the national authorities for 10 years after the safety component for lifts has been placed on the market. The EU declaration of conformity shall identify the safety component for lifts for which it has been drawn up.

6. The manufacturer shall, for a period ending 10 years after the safety component for lifts has been placed on the market, keep at the disposal of the national authorities:

(a) the documentation referred to in point 3.1(e);

(b) the technical documentation referred to in point 3.1(d);

(c) the information relating to the change referred to in the first paragraph of point 3.5;

(d) the decisions and reports from the notified body referred to in the third paragraph of point 3.5. and in points 4.3 and 4.4.

7. Each notified body shall inform its notifying authority of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of approval decisions refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies of quality system approval decisions which it has refused, suspended or withdrawn and, upon request, of approval decisions which it has issued.

On request, the notified body shall provide the Commission and the Member States with a copy of

quality system approval decision(s) issued.

The notified body shall keep a copy of the approval decision issued, its annexes and additions, as well as the technical documentation for 15 years from the date of their issue.

8. Authorised representative

The manufacturer's obligations set out in points 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

§ 233 Conformity based on full quality assurance for safety components for lifts (Module H)

The conformity assessment procedure set out in Annex VII covers both the design and production phases for safety components – see comments on Article 15(c).

The requirements to be fulfilled when assessing a safety component manufacturer's full quality assurance system are set up in this Annex.

However, some indicative clarifications are provided 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 an indicative recommendation on the possible content of the certificate of approval of a product quality assurance system according to Annex VII – see NB-L REC 3/005.

ANNEX VIII

CONFORMITY BASED ON UNIT VERIFICATION FOR LIFTS

(module G)

1. Conformity based on unit verification is the conformity assessment procedure whereby a notified body assesses whether a lift complies with the applicable essential health and safety requirements set out in Annex I.

2. OBLIGATIONS OF THE INSTALLER

2.1. The installer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the lift with the applicable essential health and safety requirements set out in Annex I.

2.2. The installer shall apply to a single notified body of his choice for unit verification.

The application shall contain:

(a) the name and address of the installer, and if the application is lodged by the authorised representative, his name and address as well;

(b) the location where the lift is installed;

(c) a written declaration to the effect that a similar application has not been lodged with another notified body;

(d) the technical documentation.

3. The technical documentation shall allow an assessment of the conformity of the lift with the applicable essential health and safety requirements set out in Annex I.

The technical documentation shall contain at least the following elements:

(a) a description of the lift;

(b) design and manufacturing drawings and diagrams;

(c) explanations necessary for the understanding of those drawings and diagrams and of the operation of the lift;

(d) a list of the essential health and safety requirements taken into consideration;

(e) a list of the harmonised standards applied in full or in part the references of which have been published in the Official Journal of the European Union and, where those harmonised standards have not been applied, descriptions of the solutions adopted to meet the essential health and safety requirements of the Directive, including a list of other relevant technical specifications applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;

(f) a copy of the EU-type examination certificates of the safety components for lifts incorporated in the lift;

(g) results of design calculations performed by or for the installer;

(h) test reports;

(i) a copy of the instructions referred to in point 6.2 of Annex I.

4. Verification

The notified body chosen by the installer shall examine the technical documentation and the lift and carry out the appropriate tests as set out in the relevant harmonised standard(s), or equivalent tests, to check its conformity with the applicable essential health and safety requirements set out in Annex I. The tests shall include at least the tests referred to in point 3.3 of Annex V.

If the lift meets the essential health and safety requirements set out in Annex I the notified body shall issue 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 point 6.2 of Annex I.

If the notified body refuses to issue the certificate of conformity, it shall state in detail its reasons for refusal and indicate the necessary corrective measures to be taken. When the installer reapplies for unit verification he shall apply to the same notified body.

On request, the notified body shall provide the Commission and the Member States with a copy of the certificate of conformity.

5. CE marking and EU declaration of conformity

5. The installer shall affix the CE marking in the car of each lift which satisfies the essential health and safety requirements of this Directive, and, under the responsibility of the notified body referred to in point 2.2, the latter's identification number adjacent to the CE marking in the car of each lift.

5.2. The installer shall draw up a written EU declaration of conformity for each lift and keep a copy of the EU declaration of conformity at the disposal of the national authorities for 10 years after the placing on the market of the lift. A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

6. The installer shall keep with the technical documentation a copy of the certificate of conformity at the disposal of the national authorities for 10 years from the date on which the lift is placed on the market.

7. Authorised representative

The installer's obligations set out in points 2.2 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

§ 234 Unit verification for lifts (Module G)

The unit verification procedure covers both the design and installation phases of a lift – see comments on Article 16(1).

The unit verification procedure suits particularly the case of lifts designed for a particular site or intended to be installed in small series. The procedure can also be useful when the installed lift is an adaptation of a design covered by an EU-type-examination certificate for a particular site.

The procedure of unit verification combines the essential features of EU-type examination of a lift according to Annex IV B and final inspection of a lift installation according to Annex V.

The European Coordination of Notified Bodies for lifts has drawn up an indicative check-list for unit verification of lift installations – see NB-L REC 0/003. It must be verified on case by case basis whether also other aspects must be checked.

Specifications relating to the tests that may be carried out during the unit verification of a lift installation referred to in paragraph 4 are given in clause 6.3 of EN 81-20:2014. These specifications are one of the means of fulfilling the requirements.

Information on the relevance and use of harmonized standards is described in comments on Article 14.

ANNEX IX

CONFORMITY TO TYPE WITH RANDOM CHECKING

FOR SAFETY COMPONENTS FOR LIFTS

(module C 2)

1. *Conformity to type with random checking is the part of the conformity assessment procedure whereby a notified body carries out checks on safety components for lifts to ensure that they are in conformity with the approved type as described in the EU type examination certificate and satisfy the applicable requirements of Annex I and will enable a lift in which they are correctly incorporated to satisfy those requirements.*

2. Manufacturing

The manufacturer shall take all measures necessary to ensure that the manufacturing process and its monitoring ensure that the manufactured safety components for lifts meet the conditions referred to in point 1.

3. The manufacturer shall lodge an application for random checking with a single notified body of his choice.

The application shall include:

(a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;

(b) a written declaration that the same application has not been lodged with any other notified body;

(c) all relevant information on the safety components for lifts manufactured;

(d) the address of the premises where the sample of the safety components for lifts can be taken.

4. The notified body shall carry out or have carried out checks on safety components for lifts at random intervals. An adequate sample of the final safety components for lifts, taken on site by the notified body, shall be examined and appropriate tests set out in the relevant harmonised standards, and/or equivalent tests set out in other relevant technical specifications, shall be carried out to check whether the safety components for lifts meets the conditions referred to in point 1. In cases where one or more of the safety components for lifts checked do not conform, the notified body shall take appropriate measures.

The points to be taken into account when checking the safety components for lifts 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 for lifts.

The notified body shall issue a certificate of conformity to type with respect to the examinations and tests carried out.

On request, the notified body shall provide the Commission and the Member States with a copy of the certificate of conformity to type.

5. CE marking and EU declaration of conformity

5.1. The manufacturer shall affix the CE marking, and, under the responsibility of the notified body referred to in point 3, the latter's identification number to each individual safety component for lifts that meets the conditions referred to in point 1.

5.2. The manufacturer shall draw up a written EU declaration of conformity for each safety component for lifts and keep a copy of it at the disposal of the national authorities for 10 years after the safety component for lifts has been placed on the market. The EU declaration of conformity shall identify the safety component for lifts for which it has been drawn up.

6. Authorised representative

The manufacturer's obligations may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate. An authorised representative shall not fulfil the manufacturer's obligations set out in point 2.

§ 235 Conformity to type of safety components (Module C2)

The procedure set out in Annex IX is one of the conformity assessment procedures that may be used for the production phase of the safety components listed in Annex III – see comments on Article 15.

The design of the safety components subject to the procedure of conformity to type with random checking must have been subject to the EU type-examination procedure for safety components set out in Annex IV A. The Directive does not define the moment of the random checks as its purpose is that notified bodies carry out the appropriate checks without previous notice.

The European Coordination of Notified Bodies has also issued indicative guidelines for checking the conformity of a safety component with the safety component described in the EU type certificate by random checking according to Annex IX – see NB-L/REC 3/010

The requirement in point 4 that *"The notified body shall issue a certificate of conformity to type with respect to the examinations and tests carried out.",* is a new certificate introduced in Directive 2014/33/EU.

The competent authorities and the Commission can ask the manufacturer for a copy of the certificate which proves that the notified body has carried out the appropriate tests and the lift meets the EHSRs.

ANNEX X

CONFORMITY TO TYPE BASED ON PRODUCT QUALITY ASSURANCE FOR LIFTS

(module E)

1. Conformity to type based on product quality assurance is the part of the conformity assessment procedure whereby a notified body assesses the product quality system of an installer to ensure that the lifts are in conformity with the approved type as described in the EU-type examination certificate or with a lift designed and manufactured under a full quality system approved in accordance with Annex XI, and satisfy the applicable essential health and safety requirements set out in Annex I.

2. Obligations of the installer

The installer shall operate an approved quality system for final inspection and testing of the lift as specified in point 3, and shall be subject to surveillance as specified in point 4.

3. Quality system

3.1. The installer shall lodge an application for assessment of his quality system for the lifts concerned with a single notified body of his choice.

The application shall include:

(a) the name and address of the installer, and if the application is lodged by the authorised representative, his name and address as well;

(b) all relevant information on the lifts to be installed;

(c) the documentation on the quality system;

(d) the technical documentation of the lifts to be installed;

(e) a written declaration that the same application has not been lodged with any other notified body.

3.2. Under the quality system, each lift shall be examined and appropriate tests as set out in the relevant harmonised standards or equivalent tests shall be carried out in order to ensure its conformity with the applicable essential health and safety requirements set out in Annex I.

All the elements, requirements and provisions adopted by the installer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and quality records.

It shall contain in particular an adequate description of:

(a) the quality objectives;

(b) the organisational structure, responsibilities and powers of the management with regard to product quality;

(c) the examinations and tests that will be carried out before placing on the market, including at least the tests laid down in point 3.4 of Annex V;

(d) the means of monitoring the effective operation of the quality system;

(e) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant harmonised standard.

The auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Annex I. The audit shall include an assessment visit to the premises of the installer and a visit to the installation site.

The decision shall be notified to the installer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The installer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

3.4.1. The installer shall keep the notified body which has approved the quality system informed of any intended change to the system.

3.4.2. The notified body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify its decision to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

The notified body shall affix, or cause to be affixed, its identification number adjacent to the CE marking in accordance with Articles 18 and 19.

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 system.

4.2. The installer shall, for assessment purposes, allow the notified body access to the installation, inspection and testing locations, and shall provide it with all necessary information, in particular:

(a) the quality system documentation;

(b) the technical documentation;

(c) 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 shall periodically carry out audits to ensure that the installer maintains and applies the quality system and shall provide the installer with an audit report..

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, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system and of the lift. It shall provide the installer with a visit report and, if tests have been carried out, with a test report.

5. The installer shall, for 10 years after the last lift has been placed on the market, keep at the disposal of the national authorities:

(a) the documentation referred to in point 3.1(c);

(b) the technical documentation referred to in point 3.1(d);

(c) the information relating to the changes referred to in point 3.4.1;

(d) the decisions and reports from the notified body which are referred to in the second paragraph of point 3.4.2 and in points 4.3 and 4.4.

6. Each notified body shall inform its notifying authority of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of approval decisions, refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies of quality system approval decision(s) which it has refused, suspended or withdrawn and, upon request, of approval decision(s) which it has issued.

On request, the notified body shall provide the Commission and the Member States with a copy of quality system approval decision(s) issued.

7. CE marking and EU declaration of conformity

7.1. The installer shall affix the CE marking in the car of each lift which satisfies the essential health and safety requirements of this Directive, and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number adjacent to the CE marking in the car of each lift.

7.2. The installer shall draw up a written EU declaration of conformity for each lift and keep a copy of the EU declaration of conformity at the disposal of the national authorities for 10 years after the placing on the market of the lift. A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

8. Authorised representative

The installer's obligations set out in points 3.1, 3.4.1, 5 and 7 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

§ 236 Product quality assurance for lifts (Module E)

The procedure set out in Annex X 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 EU type examination according to Annex IV B or an approved full quality assurance according to Annex XI – see comments on Article 16(1).

If the production quality assurance is used for a lift the design of which is subject to an approved full quality assurance plus design examination for lifts according to Annex XI, the application referred to in paragraph 3.1 must include the documentation on the quality system including e.g. a copy of the decision approving the designer's quality assurance system (instead of the EU type-approval certificate mentioned in 3.1 (c)).

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 V. In this respect, the indicative check-list developed by the European Coordination of Notified Bodies for the final inspection and testing of lifts may be followed by installers carrying out the final inspection under an approved product quality assurance system – see NB-L REC 0/003. It must be verified on case by case basis whether also other aspects must be checked.

An installer's approved full quality assurance system according to Annex XI is considered to cover product quality assurance according to Annex X - see comments on Article 16(1).

The European Coordination of Notified Bodies has also issued an indicative recommendation on the content of the certificate of approval of a product quality assurance system according to Annex X – see NB-L REC 3/005. However, it must be noted that only the requirements of the Directive are mandatory.

ANNEX XI

CONFORMITY BASED ON FULL QUALITY ASSURANCE

PLUS DESIGN EXAMINATION FOR LIFTS

(module H1)

1. Conformity based on full quality assurance plus design examination for lifts is the conformity assessment procedure whereby a notified body assesses the quality system of an installer and, where appropriate, the design of the lifts, to ensure that the lifts satisfy the applicable essential health and safety requirements set out in Annex I.

2. Obligations of the installer

The installer shall operate an approved quality system for the design, manufacture, assembly, installation, final inspection and testing of the lifts as specified in point 3, and shall be subject to surveillance as specified in point 4. The adequacy of the technical design of the lifts shall have been examined in accordance with point 3.3.

3. Quality system

3.1. The installer shall lodge an application for assessment of his quality system with a single notified body of his choice.

The application shall include:

(a) the name and address of the installer, and, if the application is lodged by the authorised representative, his name and address as well;

(b) all relevant information on the lifts to be installed, in particular information which makes for an understanding of the relationship between the design and operation of the lift;

(c) the documentation on the quality system;

(d) the technical documentation described in point 3 of Annex IV, Part B;

(e) a written declaration that the same application has not been lodged with any other notified body.

3.2. The quality system shall ensure compliance of the lifts with the applicable essential health and safety requirements set out in Annex I. All the elements, requirements and provisions adopted by the installer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and quality records.

It shall contain in particular an adequate description of:

(a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality;

(b) the technical design specifications, including standards that will be applied and, where the relevant harmonised standards will not be applied in full, the means, including other relevant

technical specifications that will be used to ensure that the applicable essential health and safety requirements set out in Annex I will be met;

(c) the design control and design verification techniques, processes and systematic actions that will be used when designing the lifts;

(d) the examinations and tests that will be carried out on acceptance of the supplies of materials, components and sub-assemblies;

(e) the corresponding assembly, installation, quality control and quality assurance techniques, processes and systematic actions that will be used;

(f) 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 least the tests laid down in point 3.4 of Annex V);

(g) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned;

(h) the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3. Design examination

3.3.1. When the design is not entirely in accordance with harmonised standards, the notified body shall ascertain whether the design conforms to the essential health and safety requirements set out in Annex I and, if it does, issue an EU 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.

3.3.2. Where the design does not satisfy the applicable essential health and safety requirements set out in Annex I, the notified body shall refuse to issue an EU design examination certificate and shall inform the installer accordingly, giving detailed reasons for its refusal.

The notified body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved design may no longer comply with the essential health and safety requirements set out in Annex I, and shall determine whether such changes require further investigation. If so, the notified body shall inform the installer accordingly.

3.3.3. The installer shall keep the notified body that has issued the EU design examination certificate informed of any modification to the approved design that may affect the conformity with the essential health and safety requirements set out in Annex I or the conditions for validity of the certificate. Such modifications shall require additional approval — from the notified body that issued the EU design examination certificate — in the form of an addition to the original EU design examination certificate.

3.3.4. Each notified body shall inform its notifying authority of the EU design examination certificates and/or any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of EU design examination certificates and/or any additions thereto refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies of the EU design examination certificates and/or any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, of the certificates and/or additions thereto which it has issued.

The Commission, the Member States and the other notified bodies may, on request, obtain a copy of

the EU design examination certificates and/or additions thereto. On request, the Commission and the Member States may obtain a copy of the technical documentation and of the results of the examinations carried out by the notified body.

3.3.5. The installer shall keep a copy of the EU design examination certificate, its annexes and additions together with the technical documentation at the disposal of the national authorities for 10 years after the lift has been placed on the market.

3.4. Assessment of the quality system

The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant harmonised standard.

The auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Annex I. The audit shall include an assessment visit to the installer's premises and a visit to an installation site.

The auditing team shall review the technical documentation referred to in point 3.1(d), to verify the installer's ability to identify the applicable essential health and safety requirements set out in Annex I and to carry out the necessary examinations with a view to ensuring compliance of the lift with those requirements.

The decision shall be notified to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

3.5. The installer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

The installer shall keep the notified body that has approved the quality system informed of any intended change to the system.

The notified body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify its decision to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

The notified body shall affix, or cause to be affixed, its identification number adjacent to the CE marking in accordance with Articles 18 and 19.

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 system.

4.2. The installer shall, for assessment purposes, allow the notified body access to the design, manufacture, assembly, installation, inspection, testing and storage locations, and shall provide it with all necessary information, in particular:

(a) the quality system documentation;

(b) the quality records provided for in the design part of the quality system, such as results of analyses, calculations, tests;

(c) the quality records provided for in the part of the quality system concerning acceptance of supplies and installation, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

4.3. The notified body shall carry out periodic audits to make sure that the installer maintains and applies the quality system and shall provide the installer with an audit report.

4.4. Additionally, the notified body may pay unexpected visits to the premises of the installer or to the installation site of a lift. At the time of such visits, the notified body may, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system. It shall provide the installer with a visit report and, if tests have been carried out, with a test report.

5. The installer shall, keep at the disposal of the national authorities for a period ending 10 years after the lift has been placed on the market :

(a) the documentation referred to in point 3.1(c);

(b) the technical documentation referred to in point 3.1(d);

(c) the information relating to the changes referred to in the second paragraph of point 3.5;

(d) the decisions and reports from the notified body which are referred to in the fourth paragraph of point 3.5 and in points 4.3 and 4.4.

6. Each notified body shall inform its notifying authority of full quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of approval decisions refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies of quality system approval decision(s) which it has refused, suspended or withdrawn, and, upon request, of approval decisions which it has issued.

The notified body shall keep a copy of the approval decision issued, its annexes and additions, as well as the technical documentation for 15 years from the date of their issue.

On request, the notified body shall provide the Commission and the Member States with a copy of quality system approval decision(s) issued.

7. CE marking and EU declaration of conformity

7.1. The installer shall affix the CE marking in the car of each lift which satisfies the essential health and safety requirements of this Directive, and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number adjacent to the CE marking in the car of each lift.

7.2. The installer shall draw up a written EU declaration of conformity for each lift and keep a copy of the EU declaration of conformity at the disposal of the national authorities for 10 years after the placing on the market of the lift. A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

8. Authorised representative

The installer's obligations set out in points 3.1, 3.3.3, 3.3.4, 5and 7 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

§ 237 Full quality assurance for lifts (Module H1)

Chapter III of Annex XI refers to the conformity assessment procedures set out in Article 16(1) (b) and (d). In the case described in Article 16(1) (b), the full quality assurance procedure only covers the design phase. In the case described in Article 16(1) (d), full quality assurance procedure covers both the design and installation phases – see comments on Article 16(1).

§ 238 The scope of the full quality assurance

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 having clients for 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 (that means that e.g. there shall be a qualified person who can perform the final inspection of a lift). 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 XI 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 examination according to paragraph 3.3 of Annex XI.

If the installation is subject to final inspection procedure set out in Annex V, 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 X, XI or XII, the necessary documents must be made available to the installer.

§ 239 Design examination

The design examination 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 examination 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 of point 3.3.4 of Annex XI must be carried out in such a way that confidential information provided by the installer is not disclosed to other notified bodies without the explicit consent of the installer. The notified body who is issuing a design examination certificate must organise the documentation in a manner that it clearly separates the

"certificate" and additions thereto from other supporting documents such as test reports and technical assessments.

Therefore, if another notified body (not the notified body according Annex V) requests for a copy of the design examination certificate, only the "certificate" and additions thereto may be provided. If additional information is requested, the explicit consent of the installer must be obtained before providing such information to other notified bodies or any other third party.

Indicative guidance on how the application for a design examination shall be made to the Notified Body responsible for the approval of the installer's full quality assurance according to Annex XIII can be found in NB-L REC 3/001.

§ 240 Final inspection for lifts and testing under the full quality assurance

When both the design and installation phases are covered by the lift installer's full quality assurance according to Annex XI, 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 V. 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 3.3 of Annex V by a qualified person.

Indicative guidance regarding the examinations and tests to be carried out is provided in 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.

§ 241 The assessment of the full quality assurance

Indications of what can be taken into account when assessing a lift installer's full quality assurance have been set out in a Recommendation of the European Coordination of Notified Bodies for Lifts – see NB-L REC 3/001.

Care must be taken to perform always a case by case assessment whether the indicative guidance referred to above cover all the relevant aspects of a specific installation and whether additional examinations and/or tests need to be undertaken.

ANNEX XII

CONFORMITY TO TYPE BASED ON PRODUCTION QUALITY ASSURANCE FOR LIFTS

(module D)

1. Conformity to type based on production quality assurance for lifts is the part of the conformity assessment procedure whereby a notified body assesses the production quality system of an installer to ensure that the lifts installed are in conformity with the approved type as described in the EU-type examination certificate or with a lift designed and manufactured under a quality system approved in accordance with Annex XI, and satisfy the applicable essential health and safety requirements set out in Annex I.

2. Obligations of the installer

The installer shall operate an approved quality system for manufacture, assembly, installation, final inspection and testing of the lifts as specified in point 3, and shall be subject to surveillance as specified in point 4.

3. Quality system

3.1. The installer shall lodge an application for assessment of his quality system with a single notified body of his choice.

The application shall include:

(a) the name and address of the installer, and, if the application is lodged by the authorised representative, his name and address as well;

(b) all relevant information for the lifts to be installed;

(c) the documentation on the quality system;

(d) the technical documentation of the lifts to be installed;

(e) a written declaration that the same application has not been lodged with any other notified body.

3.2. The quality system shall ensure compliance of the lifts with the applicable essential health and safety requirements set out in Annex I.

All the elements, requirements and provisions adopted by the installer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

(a) the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the product quality;

(b) the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;

(c) the examinations and tests that will be carried out before, during and after installation;

(d) the quality records, such as inspection reports and test data, calibration data, reports on the qualification of the personnel concerned;

(e) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.

3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in

respect of the elements of the quality system that comply with the corresponding specifications of the relevant harmonised standard.

The auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Annex I.
The audit shall include an assessment visit to the installer's premises and a visit to an installation site.
The decision shall be notified to the installer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The installer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.
3.4.1. The installer shall keep the notified body that has approved the quality system informed of any intended change to the system.
3.4.2. The notified body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.
It shall notify its decision to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.
The notified body shall affix, or cause to be affixed, its identification number adjacent to the CE marking in accordance with Articles 18 and 19.

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 system.

4.2. The installer shall, for assessment purposes, allow the notified body access to the manufacture, assembly, installation, inspection, testing and storage locations, and shall provide it with all necessary information, in particular:
(a) the quality system documentation;
(b) the technical documentation;
(c) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

4.3. The notified body shall carry out periodic audits to make sure that the installer maintains and applies the quality system and shall provide the installer with an audit report.

4.4. Additionally, the notified body may pay unexpected visits to the installer. During such visits the notified body may, where necessary carry out tests, or have them carried out, in order to verify that the quality system is functioning correctly. The notified body shall provide the installer with a visit report and, if tests have been carried out, with a test report.

5. The installer shall, keep at the disposal of the national authorities for a period ending 10 years after the lift has been placed on the market:
(a) the documentation referred to in point 3.1(c);
(b) the technical documentation referred to in point 3.1(d);
(c) the information relating to the changes referred to in point 3.4.1;
(d) the decisions and reports from the notified body which are referred to in the second paragraph of points 3.4.2., and in points 4.3 and 4.4.

6. Each notified body shall inform its notifying authority of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of approval decisions refused, suspended or otherwise restricted.
Each notified body shall inform the other notified bodies of quality system approval decision(s) which it has refused, suspended or withdrawn, and, upon request, of approval decision(s) which it has issued.
On request, the notified body shall provide the Commission and the Member States with a copy of quality system approval decision(s) issued.

7. CE marking and EU declaration of conformity

7.1. The installer shall affix the CE marking in the car of each lift which satisfies the essential health and safety requirements of this Directive, and, under the responsibility of the notified body referred to in point 3.1, the latter's identification number adjacent to the CE marking in the car of each lift.
7.2. The installer shall draw up a written EU declaration of conformity for each lift and keep a copy of the EU declaration of conformity at the disposal of the national authorities for 10 years after the placing on the market of the lift. A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

8. Authorised representative

The installer's obligations set out in points 3.1, 3.4.1, 5 and 7 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

§ 242 Production quality assurance for lifts (Module D)

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 EU-type examination according to Annex IV B or an approved full quality assurance system according to Annex XI – see comments on Article 16(1).

If the production quality assurance is used for a lift the design of which is subject to an approved quality assurance system according to Annex XI, the application referred to in paragraph 3.1 must include a copy of the decision approving the designer's quality assurance system.

The installer's approved quality assurance 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 V. In this respect, it is clear that the qualifications of the personnel concerned must meet high standards.

An indicative check-list issued 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 – see NB-L REC 0/003.

An installer's approved full quality assurance system according to Annex XI is considered to cover production quality assurance according to Annex XII - see comments on Article 16(1). The European Coordination of Notified Bodies has issued the indicative Recommendation of the Coordination of Notified Bodies: NB-L REC 3/003.

The European Coordination of Notified Bodies has also issued an indicative recommendation on the content of the certificate of approval of a production quality assurance according to Annex XII – see NB-L REC 3/005.

Care must be taken to perform always a case by case assessment whether the indicative guidance referred to above cover all the relevant aspects and whether additional elements need to be considered.

ANNEX XIII

Part A

Repealed Directive with list of the successive amendments thereto

(referred to in Article 47)

Directive 95/16/EC of the European Parliament and of the Council *(OJ L 213, 7.9.1995, p. 1)*	
Regulation (EC) No 1882/2003 of the European Parliament and of the Council *(OJ L 284, 31.10.2003, p. 1)*	*Only point 10 of Annex I*
Directive 2006/42/EC of the European Parliament and of the Council *(OJ L 157, 9.6.2006, p. 24)*	*Only Article 24*
Regulation (EU) No 1025/2012 of the European Parliament and of the Council *(OJ L 316, 14.11.2012, p. 12)*	*Only point (i) of Article 26(1)*

Part B

Time-limits for transposition into national law and dates of application

(referred to in Article 45)

Directive	*Time-limit for transposition*	*Date of application*
95/16/EC	*1 January 1997*	*1 July 1997*
2006/42/EC, Article 24	*29 June 2008*	*29 December 2009*

§ 243 References of the repealed Directives

These references come from the previous Lifts Directive 95/16/EC and its amendments.

ANNEX XIV

CORRELATION TABLE

Directive 95/16/EC	This Directive
Article 1(1)	Article 1(1), first subparagraph
—	Article 1(1), second subparagraph
Article 1(2), first subparagraph	Article 2(1)
Article 1(2), second subparagraph	Article 1(1)
Article 1(2), third subparagraph	
Article 1(3)	Article 1(2)
Article 1(4), first indent of first subparagraph	Article 2(6)
Article 1(4), second indent of first subparagraph	Article 2(5)
Article 1(4), fourth indent of first subparagraph	Article 2(7)
Article 1(4), fifth indent of first subparagraph	Article 2(3)
Article 1(4), second subparagraph	Article 16(3)
Article 1(4), third subparagraph	Article 16(4)
Article 1(5)	Article 1(3)
–	Article 2(1)
Article 2(1), first indent	Article 4(1)
Article 2(1), second indent	Article 4(2)
Article 2(2)	Article 6(1)
Article 2(3)	Article 6(2)
Article 2(4)	Article 3(4)
Article 2(5)	Article 3(3)
Article 3, first paragraph	Article 5(1)
Article 3, second paragraph	Article 5(2)

Directive 95/16/EC	This Directive
Article 4(1)	Article 3(1)
Article 4(2)	—
—	Articles 7 to 14
Article 5(1)	Article 14
Article 6(1) and (2)	—
Article 6(3) and (4)	Article 42
Article 7(1), first subparagraph	Article 38(1)
Article 7(1), second subparagraph	Article 38(5)
Article 7(2), first subparagraph	Article 39(3)
Article 7(3)	
Article 7(4)	Article 40(4)
Article 8(1)(a)	Article 15
Article 8(1)(b) and (c)	—
Article 8(2)	Article 16
Article 8(3), first and third indents	Article 17(2) and Article 19(3)
Article 8(3), second indent	Article 7(3)
Article 8(4)	-
Article 8(5)	Article 12
Article 9(1)	Article 20
Article 9(2)	
Article 9(3)	Article 30(1)

Directive 95/16/EC	This Directive
Article 10(1)	—
Article 10(2)	Article 19(1)
Article 10(3)	—
Article 10(4)(a)	Article 41(1)(a)
Article 10(4)(b)	—
—	Article 43
Article 12	—
Article 13	—
Article 14	—
Article 15(1) and (2)	—
Article 15(3)	Article 45(2)
Article 16	Article 46_
Article 17	Article 49
Annex I	Annex I
Annex II, Part A	Annex II, Part A
Annex II, Part B	Annex II, Part B
Annex III	Article 18
Annex IV	Annex III
Annex V, Part A	Annex IV, Part A
Annex V, Part B	Annex IV, Part B
Annex VI	Annex V
Annex VII	—
Annex VIII	Annex VI
Annex IX	Annex VII
Annex X	Annex VIII

Directive 95/16/EC	*This Directive*
Annex XI	*Annex IX*
Annex XII	*Annex X*
Annex XIII	*Annex XI*
Annex XIV	*Annex XII*
—	*Annex XIII*
—	*Annex XIV*

§ 244 Correlation table

As recast legislation, the Lifts Directive 2014/33/EU includes a correlation table linking the new Articles and Annexes to those of the repealed Directive 95/16/EC.

Regarding Articles, only points with a direct correlation are indicated; in other cases, there is the sign "-", when a specific Article has been rewritten, withdrawn or new Articles have been added. For example, chapter 2 (Articles 7 to 14) of Directive 2014/33/EU are new contents not present in Directive 95/16/EC.

STATEMENT OF THE EUROPEAN PARLIAMENT

The European Parliament considers that only when and insofar as implementing acts in the sense of Regulation (EU) No 182/2011 are discussed in meetings of committees, can the latter be considered as 'comitology committees' within the meaning of Annex I to the Framework Agreement on the relations between the European Parliament and the European Commission. Meetings of committees thus fall within the scope of point 15 of the Framework Agreement when and insofar as other issues are discussed.

§ 245 Statement of the European Parliament

The final statement was added by the European Parliament when finally approving the text of the new Lifts Directive 2014/33/EU. It deals with comitology, it is to say, the status of the LIFTS Committee and its powers with regards to the relationship between the EU co-legislators (European Parliament and Council) and the European Commission.