

Safety requirements: cableway installations intended to carry passengers

1994/0011(COD) - 16/03/2011 - Follow-up document

The Commission presents its first report on Directive 2000/9/EC relating to cableway installations designed to carry persons, which entered into force on 3 May 2000 and became fully applicable on 3 May 2004. The report presents the key developments in the implementation of the Directive, and takes into account the results of the consultation held by the Commission with the competent national authorities and all actors involved in the Directive's implementation.

The report states that through the implementation of and compliance with the essential requirements set out in the Directive it has been possible to guarantee a **very high level of safety** for cableway installations in all Member States. In this respect, it is noteworthy that the adoption of the Directive contributed especially to increasing the level of safety of cableway installations in Member States which did not have a tradition in that field.

The transposition of the Directive at national level has not, on the whole, run into any particular problems, and it has not been necessary to start infringement proceedings against any Member State. However, the application of the Directive has highlighted a number of specific problems.

Definitions and scope: the Directive is applicable to relevant installations built and put into service as from 3 May 2004, and to subsystems and safety components placed on the market as from that date. With regard to changes to existing installations, i.e. installations built and put into service before 3 May 2004, the Directive provides that only changes requiring a new authorisation for putting into service must meet the basic requirements, whereas other changes do not fall within the scope of the Directive. In this respect, it should be noted that the application of the Directive in respect of changes to existing installations has not always been easy, as it is sometimes difficult to identify the changes for which a new authorisation for putting into service is required under the different legislations of Member States.

Furthermore, in the first few years of the Directive's implementation, it became apparent that the scope of the Directive would have to be better defined in relation to

Directive 95/16/EC relating to lifts, and especially with regard to lifts inclined at an angle. At the same time, the distinction between installations in amusement parks designed for leisure purposes and cableway installations subject to the Directive is not always clear-cut.

Safety analysis and safety report: the safety analysis is a new concept introduced in the Directive and has played a fundamental role in its implementation. However, it should be stressed that the Directive only provides that the safety analysis be carried out at the request of the main contractor or his authorised representative. Thus, the Directive does not stipulate who must carry out this analysis, but only on whose behalf it is carried out. Similarly, with regard to the method to be used in preparing the safety analysis, the Directive stipulates only that it must be a recognised method, which takes into account the state of the art, the complexity of the installation and the planned operating modes. On this subject, it must be noted that this fairly general wording has at times created problems in interpreting how the Directive is to be applied.

Safety components, subsystems and installations: the report notes that clarity and coherence in identifying safety components and subsystems and installations are crucial in order to implement the Directive correctly. However, the distinction especially between safety components and subsystems, and between subsystems and infrastructure has not always been clear.

Assessment and declaration of conformity of subsystems: the report stresses that the absence of modules in the EC examination procedure of subsystems has at times given rise to divergent interpretations and practices.

The Commission will examine these aspects and possible solutions with a view to revising the Directive. This will also provide the opportunity to bring the Directive into line with the content of Decision 768/2008/EC, adopted as part of the New Legal Framework for the New Approach legislation.