

Cableway installations

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

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

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

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

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

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

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

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

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

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

Scope: the proposal clarifies and updates the existing scope:

- in light of the development of new types of cableway installations, it is clarified that the exclusion of cableway installations used for leisure purposes in fairgrounds or amusement parks does not apply to cableway installations that are intended for a dual function, namely of transporting persons and for leisure activities;

- the exclusion of certain cableway installations intended for agricultural or industrial purposes is maintained, but it clarifies that it also covers cableway installations intended for the service of mountain shelters or huts that are not intended for the transport of the public;
- the current exclusion of cable-operated ferries is also updated to all cable-operated installations where the users or carriers are water-borne, such as cable-operated water ski installations;
- the exclusions provided for in Directive 2000/9/EC relating to rack-and-pinion railways and chain-driven installations are not reintroduced.

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

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

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

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

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

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