

Cableway installations

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

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

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

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

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

Excluded from the scope of the Regulation are: lifts; cableway installations that are categorised by Member States as historic, cultural or heritage installations, that entered into service before 1 January 1986 and that are still in operation; installations intended for agricultural or forestry purposes; cableway installations for the service of mountain shelters.

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

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

- Member States should **take the necessary steps to ensure that cableway installations enter into service only if they comply with the Regulation** and are not liable to endanger the health or safety of persons or property when properly installed, maintained and operated in accordance with their intended purpose;
- the person responsible for the cableway installation, determined by a Member State, shall **carry out a safety analysis of the planned cableway installation**. The safety analysis shall ensure that the design and configuration of the cableway installation takes account of the local surroundings and the most adverse situations in order to ensure satisfactory safety conditions. The safety analysis shall also cover the safety devices. The result of the safety analysis shall be included in a safety report;
- each Member State shall lay down **procedures for authorising** the construction and the entry into service of cableway installations which are located within its territory.

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

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

- **implement the conformity assessment procedures** established by the Regulation;
- draw up an **EU declaration of conformity** and affix the CE marking;
- keep **the technical documentation** and the EU declaration of conformity **for 30 years** after the subsystem or the safety component has been placed on the market;
- carry out **sample testing** of subsystems or safety components made available on the market, investigate, and, if necessary, keep a **register** of complaints, of non-conforming subsystems and safety components and recalls of such subsystems and safety components, and shall keep distributors informed of any such monitoring;
- ensure that subsystems or safety components bear a **type, batch or serial number** or other element allowing their identification;
- indicate on the subsystem or the safety component their **name, registered trade name or registered trade mark and the postal address** at which they can be contacted or, where that is not possible, on the packaging or in a document accompanying the subsystem or safety component;
- ensure that **instructions and safety information**, as well as any labelling, is clear, understandable, intelligible and legible;
- further to a reasoned request from a **competent national authority**, provide it with all the information and documentation necessary to demonstrate the conformity of the subsystem or the safety component with this Regulation, in a language which can be easily understood by that authority
- immediately take the **corrective measures** necessary to bring that subsystem or safety component into conformity, to withdraw it or recall it, if appropriate.

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

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

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

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

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

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

ENTRY INTO FORCE: 20.4.2016.

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