



Procedure file

| Basic information | |
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| <p>COD - Ordinary legislative procedure (ex-codecision procedure) 1992/0394(COD) Directive</p> <p>Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)</p> <p>Amended by 2001/0004(COD) Amended by 2011/0150(COD) Repealed by 2011/0354(COD)</p> <p>Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 4.60.08 Safety of products and services, product liability</p> | Procedure completed |

| Key players | | | |
|-------------------------------|---|------------------------------------|------------|
| European Parliament | Former committee responsible | | |
| | ECON Economic and Monetary Affairs, Industrial Policy | RDE POMPIDOU Alain | 27/07/1994 |
| Council of the European Union | Council configuration | Meeting | Date |
| | Environment | 1861 | 22/06/1995 |
| | General Affairs | 1820 | 19/12/1994 |
| | Competitiveness (Internal Market, Industry, Research and Space) | 1769 | 16/06/1994 |

| Key events | | | |
|------------|---|---|---------|
| 13/03/1992 | Committee referral announced in Parliament, 1st reading | | |
| 30/09/1992 | Vote in committee, 1st reading | | |
| 30/09/1992 | Committee report tabled for plenary, 1st reading | A3-0291/1992 | |
| 29/10/1992 | Decision by Parliament, 1st reading | T3-0568/1992 | Summary |
| 22/07/1994 | Committee referral announced in Parliament, 2nd reading | | |
| 06/09/1994 | Vote in committee, 2nd reading | | Summary |
| 27/09/1994 | Debate in Parliament |  | |
| 28/09/1994 | Decision by Parliament, 2nd reading | T4-0017/1994 | Summary |
| 19/12/1994 | Parliament's amendments rejected by Council | | |
| 21/03/1995 | Formal meeting of Conciliation Committee | | Summary |
| 17/05/1995 | Final decision by Conciliation Committee | | Summary |
| 14/06/1995 | Debate in Parliament |  | Summary |

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|------------|---|--------------|---------|
| 15/06/1995 | Decision by Parliament, 3rd reading | T4-0290/1995 | Summary |
| 22/06/1995 | Decision by Council, 3rd reading | | Summary |
| 29/06/1995 | Final act signed | | |
| 29/06/1995 | End of procedure in Parliament | | |
| 07/09/1995 | Final act published in Official Journal | | |

Technical information

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| Procedure reference | 1992/0394(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| | Amended by 2001/0004(COD) Amended by 2011/0150(COD) Repealed by 2011/0354(COD) |
| Legal basis | EC before Amsterdam E 100A |
| Stage reached in procedure | Procedure completed |
| Committee dossier | CODE/4/06335 |

Documentation gateway

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|---|---|------------|-----|---------|
| Legislative proposal | COM(1992)0035 OJ C 062 11.03.1992, p. 0004 | 14/02/1992 | EC | Summary |
| Committee draft report | PE201.276 | 19/06/1992 | EP | |
| Economic and Social Committee: opinion, report | CES0801/1992 OJ C 287 04.11.1992, p. 0002 | 01/07/1992 | ESC | Summary |
| Committee report tabled for plenary, 1st reading/single reading | A3-0291/1992 OJ C 305 23.11.1992, p. 0007 | 30/09/1992 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T3-0568/1992 OJ C 305 23.11.1992, p. 0094-0114 | 29/10/1992 | EP | Summary |
| Modified legislative proposal | COM(1993)0240 OJ C 180 02.07.1993, p. 0011 | 09/06/1993 | EC | Summary |
| Reconsultation | COM(1993)0570 | 10/11/1993 | EC | |
| Council position | 07655/2/1994 OJ C 232 20.08.1994, p. 0001 | 16/06/1994 | CSL | Summary |
| Commission communication on Council's position | SEC(1994)1189 | 17/07/1994 | EC | |
| Committee recommendation tabled for plenary, 2nd reading | A4-0003/1994 OJ C 276 03.10.1994, p. 0005 | 06/09/1994 | EP | |
| Committee draft report | PE209.029 | 21/09/1994 | EP | |
| Text adopted by Parliament, 2nd reading | T4-0017/1994 OJ C 305 31.10.1994, p. 0040-0048 | 28/09/1994 | EP | Summary |

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|---|---|------------|--------|---------|
| Commission opinion on Parliament's position at 2nd reading | COM(1994)0540 | 02/12/1994 | EC | |
| Joint text approved by Conciliation Committee co-chairs | 7655/1994 | 17/05/1995 | CSL/EP | |
| Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading | A4-0138/1995 OJ C 166 03.07.1995, p. 0003 | 06/06/1995 | EP | |
| Text adopted by Parliament, 3rd reading | T4-0290/1995 OJ C 166 03.07.1995, p. 0079-0088 | 15/06/1995 | EP | Summary |

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1995/16](#)

[OJ L 213 07.09.1995, p. 0001](#) Summary

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

PURPOSE: the approximation of Member States' minimum requirements regarding the security of

PROPOSED ACT: Directive of the European Parliament and of the Council

CONTENT : This proposal for a Directive concerns the approximation of Member States' legislation in regard to minimum requirements for the safety of lifts and is intended to replace Directive 84/529/EEC and its subsequent amended versions.

The proposed Directive should apply to all types of lifts equipping permanent constructions, given that they are able to satisfy the essential safety requirements (laid down in Annex I).

Prior to placing of the lift on the market, the Directive provides for:

- The submission of safety components, as well as the lift to a 'CE test' or a complete quality safety assurance check ;
- The placing of the 'CE' mark on each product manufactured;
- The keeping of a copy of the certificate of conformity.

The Commission would be assisted by the committee established by Directive 83/189/EEC, to which any question relating to the implementation and practical application of this current Directive may be referred.

The completed implementation of the current Directive is envisaged for 1 January 1998.

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

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Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

Parliament approved the Commission proposal with 16 amendment to its text, seeking inter alia to: - extend the scope of the directive to lifts in constructions and designed for the transport of goods if the car was accessible and equipped with controls; - require the Member States to take measures to ensure lift maintenance; - prohibit reliance on the provisions of the directive to impede the placing on the market of lifts and to guarantee that the Member States regarded lifts bearing the CE marking as conforming to requirements; - improve the procedures to be followed, before placing the lift on the market and putting it in service, in order to obtain a declaration of conformity; - set at 31 December 1999 the date by which the Member States would have to require lifts already installed to comply with the safety requirements listed in Annex I of the directive; - enhance the safety of lifts through installations such as emergency lighting, emergency alarm mechanisms, means of communication with the emergency services etc.?

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and

84/529/EEC)

The amended Commission proposal took account of the European Parliament's amendments. The amendments made it possible to improve: - the definition of the scope of application of the Directive and the definition of the term 'lift'; - the comprehension of the text; - the safe use of lifts. In addition, they took account of the terminology amendments introduced by the draft directive on CE conformity marking. However, the Commission rejected the amendments not applying to the freedom of movement of goods since they concerned both the inspection and maintenance of existing lifts and urban planning problems (accessibility of buildings for the disabled).?

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

The Council adopted its common position with a qualified majority, Spain having voted against and the United Kingdom having abstained. The common position retained the spirit of all the proposals for amendments made by the Commission in order to take account of the European Parliament's amendments. However, in order to reach an overall agreement, the Council made certain significant changes to the initial proposal. In particular, it: - incorporated in the first article the European Parliament's amendment in the form presented by the Commission in its amended proposal; - supplemented the definition of a lift in light of the EP's amendment; - added five additional exclusions in order to better clarify the scope of the directive; - in addition to the concept of installer, added the definition of a model lift and that of a safety component; - increased safety in the installation of lifts by providing for a) the possibility for Member States to ensure that the person responsible for work on the building or construction and the installer of the lift remained in contact; b) the ban on using lift shafts for any piping or wiring other than that necessary for the operation of the lift; - agreed with the EP in harmonising the terminology with that used in Regulation (EEC) No 93/68 on marking; - opted for a specific standing committee of an advisory nature; - added to the conformity assessment procedure for safety components production checks by a notified body, whilst providing for the possibility of being free from this by operating a quality assurance system for checking production; the choices offered to the installer in terms of conformity assessment procedures were extended; - stipulated that the Commission should re-examine the functioning of the directive, at the latest seven years after its adoption, and submit any proposals for appropriate amendments; - rearranged the list of safety components in Annex IV (removal of the points relating to the cables or chains used to suspend the car and their attachments and the lining material for friction pulleys; inclusion of electrical safety devices in the form of safety circuits with electrical components). ?

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

The committee adopted the report by Mr Alain POMPIDOU (RDE, F). The first and third amendments related to the substance, the fourth aimed to improve the wording and the second concerned comitology. The third amendment had been slightly amended to ensure that for both new and existing buildings the lift was designed to permit access to disabled persons when, in both cases, this was technically possible. The representative of the Commission did not have any reservations except with regard to comitology, stating that the Commission could not support this immediately since negotiations were currently underway to reach an interinstitutional agreement on comitology. Several Members were surprised at this reservation and felt that if the Commission shared Parliament's concerns with regard to comitology, it should match its words with its actions by supporting this amendment. ?

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

Despite the many technical amendments taken over by the Council in its common position, Parliament approved this with four amendments but stressed its criteria relating to the general improvement in the safety of lifts, maintenance and conformity of the equipment installed. In particular, Parliament felt that it was important to: - provide for procedures concerning the maintenance of lifts as well as the conformity of lifts already installed, - ensure that Parliament received information regarding the committee's activities, - guarantee access to lifts for disabled persons, - equip the cars to ensure that if they broke down they were connected to a permanent emergency service. The Commission indicated that it would accept these amendments, with the exception of the amendment relating to comitology. ?

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

The Committee, chaired by Mrs Nicole FONTAINE and by Mr Hervé de CHARETTE for the Council, was unable to reach agreement on the common position on the Directive on the approximation of the laws of the Member States relating to lifts. In spite of the progress made on all of the other points, it had proved impossible to reach a compromise due to the different opinions on the wording of the text on disabled people's access to lifts. Points agreed. The Council agreed that a recital could refer to the Commission's recommendation, which sought to draw the attention of the Member States to the essential safety requirements for existing lifts by highlighting the sensitive issues but allowing Member States to draw up a timetable for implementing adequate measures. On behalf of the Commission, Mr Padraig FLYNN stated that this recommendation would be adopted before the final vote on the Directive. With regard to the committee procedure, both parties agreed that a recital should make reference to the 'modus vivendi' already adopted in other conciliation procedures. The EP highlighted the need for cars to be equipped with a two-way means of communication allowing permanent contact in case of the lift breaking down. The Council accepted this principle; the text should therefore indicate that 'cars must be fitted with two-way means of communication allowing permanent contact with a rescue service'. Points not agreed. The Council's common position stipulates that cars should be designed and constructed for disabled people only where the lifts are designed for such a purpose. The EP wanted all lifts, where technically possible, to be accessible to

disabled people, particularly those confined to wheelchairs. Although some progress was made, the two delegations were unable to agree on a joint text.

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

On 17 May, the date on which the time limit laid down by the Treaty expired, the co-chairmen noted that agreement had been reached by written procedure on the joint text, which had been forwarded that day in all languages to the Council and to the EP.

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

Mrs FONTAINE(EPP, F), Chairman of Parliament's delegation to the Conciliation Committee, stressed that the spirit of the Treaty on European Union, which was that rather than arguing with one another the members of the Conciliation Committee should look for appropriate solutions together, had been perfectly applied in this instance, hence the result finally obtained.

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

The European Parliament approved the joint text as approved by the Conciliation Committee. ?

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

The Council approved the draft common position concerning the approximation of the laws of the Member States relating to lifts, as established by the Conciliation Committee on 17 May 1995. The Spanish delegation voted against. An explanation of that vote and a joint statement by the Danish, Irish and Swedish delegations to be made public will be found below. Since adoption of this Directive is a matter for the codecision procedure with the European Parliament and the latter has also approved the joint draft, the Directive is thus finally adopted. The Directive has a dual aim: to remove barriers to the free movement of lifts and lift components, which arise from disparities in national provisions, and to put in place Community legislation providing users of such lifts with the same high level of safety throughout the European Union. The Directive is a 'new approach' Directive (i.e. it defines only general essential health and safety requirements, leaving the responsibility for framing detailed harmonised standards to bodies such as CEN and Cenelec), which applies to all types of lifts permanently serving buildings and constructions. It will replace Directive 84/529/EEC by substituting for its optional implementing provisions overall implementing rules covering every type of lift. It will therefore have wider scope than the old Directive, which covers only electric and hydraulic lifts. Member States are allowed two years for implementing the national provisions transposing the Directive. Provision is also made for a 4-year transition arrangement to enable installers to place on the market lifts manufactured before the date of implementation of the Directive. Explanation of vote by the Spanish delegation: The Spanish delegation, taking the view that: - the definition of lift installer in Article 1(4) is not realistic and deviates from the context in that it makes the person concerned responsible for the manufacture of the lift; - the conformity assessment procedures laid down in Article 8 are not suitable for all situations likely to arise in practice and are therefore at variance with the interests of installers and in particular of small-scale installers who do not manufacture their own lifts; - and, lastly, that the Directive will give rise to serious problems when it is to be transposed into Spanish law and when the implementing provisions are to be established, cannot support the said Directive and is therefore voting against the text. The Spanish delegation also feels that the essential requirement in point 1.2 of Annex I to the Directive imposes unnecessary and disproportionate excess costs on users, without resolving the problem of access for the disabled to buildings, given the existence of other prior obstacles. The delegation therefore feels that the problem should have been resolved in a comprehensive and consistent manner within the framework of social policy rather than in a Directive based on Article 100a of the Treaty. Statement by the Danish, Irish and Swedish delegations: 'The Danish, Irish and Swedish delegations note that the provisions of this Directive do not affect the Member States' entitlement to lay down requirements as to when buildings and constructions must be equipped with lifts that can be used by disabled persons?.'

Lifts: approximation of minimum requirements of security (repeal. Directives 84/528/EEC and 84/529/EEC)

OBJECTIVE: to ensure the free movement of lifts in the Community market by totally harmonising the essential health and safety requirements to be met by lifts and their safety components. COMMUNITY MEASURE: European Parliament and Council Directive 95/16/EC on the approximation of the laws of the Member States relating to lifts. SUBSTANCE: The Directive provides for the following elements: . scope: the Directive applies to lifts (together with their safety components) serving buildings and constructions and intended for the transport of persons and goods. It does not apply to funicular railways, lifts specially designed for military purposes, mine winding gear, theatre elevators, lifts connected to machinery or intended exclusively for access to the workplace; . definition of the essential requirements that must be met by lifts and their safety components during construction and before being placed on the market; . definition of harmonised European standards drawn up on the basis of the essential requirements laid down by the European standardisation bodies (CEN, Cenelec). References to these standards, which are not compulsory, are published in the OJ and transposed in the form of national standards with identical content. Any lift constructed in accordance with these harmonised essential requirements is deemed to conform, as is any safety component that is constructed in accordance with the harmonised standards and suitable to enable a lift on which it is installed to comply with the relevant

essential requirements; . definition of the conformity assessment procedures by: - notified bodies appointed by the Member States in accordance with minimum assessment criteria and notified to the Commission and the Member States, - manufacturers themselves. The CE conformity marking must be visibly affixed to lifts and their safety components before they are placed on the market and it must be affixed by the manufacturer or his authorised representative established in the Community. Where a notified body is involved in production surveillance, the CE marking must be accompanied by its identification symbol. Any other markings may be affixed to lifts or their safety components unless they risk being confused with the conformity markings. . establishment of penalties approved by the Member States in cases where it has been deemed that the EC marking has been affixed irregularly; . Directives 84/528/EEC and 84/529/EEC are repealed with effect from 1 July 1999; . re-examination by the Commission, no later than 30 June 2002, of the functioning of the procedures laid down in this Directive and, if necessary, submission of any proposals for appropriate amendments. - Date of transposition of the Directive in the Member States: 1 January 1997; - Date of application: 1 July 1997; - Transitional period: 30 June 1999 for the placing on the market of lifts and their safety components that comply with national regulations until the date of adoption of the Directive; - Joint declaration by the European Parliament, the Council and the Commission annexed to the Directive concerning access to lifts for disabled persons: the three institutions encourage the Member States to take the necessary measures at national level to ensure that all lifts are accessible to disabled persons, particularly those confined to wheelchairs. They recommend providing, at least in all new buildings, a lift that is accessible to disabled persons and meets their needs (dimension, position of controls, etc.). ?