

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 1994/0011(COD) Directive</p>	Procedure completed
<p>Safety requirements: cableway installations intended to carry passengers</p> <p>Amended by 2013/0048(COD) Repealed by 2014/0107(COD)</p> <p>Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.20 Transport policy in general 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles 4.20 Public health 4.60.08 Safety of products and services, product liability</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs and Internal Market	PSE MILLER Bill	31/08/1999
Council of the European Union	Council configuration	Meeting	Date
	Fisheries	2237	16/12/1999
	Competitiveness (Internal Market, Industry, Research and Space)	2210	28/10/1999
	Culture	2195	28/06/1999
	Competitiveness (Internal Market, Industry, Research and Space)	2130	09/11/1998

Key events			
31/01/1994	Legislative proposal published	COM(1993)0646	Summary
11/02/1994	Committee referral announced in Parliament, 1st reading		
23/03/1995	Vote in committee, 1st reading		Summary
23/03/1995	Committee report tabled for plenary, 1st reading	A4-0070/1995	
05/04/1995	Debate in Parliament		
06/04/1995	Decision by Parliament, 1st reading	T4-0155/1995	Summary
16/11/1995	Modified legislative proposal published	COM(1995)0523	Summary

28/06/1999	Council position published	14248/3/1998	Summary
23/07/1999	Committee referral announced in Parliament, 2nd reading		
12/10/1999	Vote in committee, 2nd reading		Summary
12/10/1999	Committee recommendation tabled for plenary, 2nd reading	A5-0028/1999	
25/10/1999	Debate in Parliament		
27/10/1999	Decision by Parliament, 2nd reading	T5-0072/1999	Summary
28/10/1999	Debate in Council	2210	
16/12/1999	Act approved by Council, 2nd reading		
10/03/2000	End of procedure in Parliament		
20/03/2000	Final act signed		
03/05/2000	Final act published in Official Journal		

Technical information

Procedure reference	1994/0011(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2013/0048(COD) Repealed by 2014/0107(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095; EC Treaty (after Amsterdam) EC 047-p2; EC Treaty (after Amsterdam) EC 055
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/11060

Documentation gateway

Legislative proposal	COM(1993)0646 OJ C 070 08.03.1994, p. 0008	31/01/1994	EC	Summary
Economic and Social Committee: opinion, report	CES0852/1994 OJ C 388 31.12.1994, p. 0026	01/06/1994	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0070/1995 OJ C 109 01.05.1995, p. 0005	23/03/1995	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0155/1995 OJ C 109 01.05.1995, p. 0096-0122	06/04/1995	EP	Summary
Modified legislative proposal	COM(1995)0523 OJ C 022 26.01.1996, p. 0012	16/11/1995	EC	Summary
Council position	14248/3/1998 OJ C 243 27.08.1999, p. 0001	28/06/1999	CSL	Summary
Commission communication on Council's position	SEC(1999)1228	20/07/1999	EC	Summary
Committee recommendation tabled for plenary,	A5-0028/1999	12/10/1999	EP	

2nd reading		OJ C 154 05.06.2000, p. 0007			
Text adopted by Parliament, 2nd reading		T5-0072/1999 OJ C 154 05.06.2000, p. 0025-0055	27/10/1999	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1999)0655	17/12/1999	EC	Summary
Follow-up document		COM(2011)0123	16/03/2011	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2000/9](#)
[OJ L 106 03.05.2000, p. 0021](#) Summary

Safety requirements: cableway installations intended to carry passengers

The aim of this proposal for a Council directive was to ensure the free movement of components of cableway installations and of complete cableway installations intended for public transport by harmonising the national provisions on the safety of users and the protection of their health. The installations in question were divisible into five main categories, namely funicular railways, cable cars, gondolas, chair lifts and drag lifts. As far as components were concerned, the proposed directive was based on the new approach to technical harmonisation and standardisation. As far as complete installations were concerned, in view of the need to open up markets and protect users, the proposal provided for a Community commissioning procedure (verification). In both of these contexts, regulation was limited to essential requirements, and the details of implementation were left to the Member States and to the European standardisation system. ?

Safety requirements: cableway installations intended to carry passengers

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Safety requirements: cableway installations intended to carry passengers

The committee adopted the report by Mr Georges de BREMOND D'ARS on the proposal for a directive on cableway installations designed to carry persons. The purpose of this directive is to guarantee the free movement of this type of equipment, mainly by harmonizing safety requirements.

Safety requirements: cableway installations intended to carry passengers

The European Parliament approved the Commission proposal subject to the following amendments: - the definition of the term "safety component" was clarified; - a definition of "main contractor" was included; - the mechanical lift systems used for certain types of urban transport were included in the scope of the directive; - in the case of installations straddling frontiers, a single Member State should be responsible for the implementation of the directive. This Member State should be appointed according to the procedure provided for in the directive; - environmental studies should also be taken into account so as to ensure the safety of installations; - installations in the process of being constructed at the date of the entry into force of the directive should comply with its provisions where possible, taking account of the progress of the works; authorised installations whose construction had not yet begun on that date should comply with the directive; - the design, manufacture, and operation of the installations should take account of the protection of the environment and the sustainable development requirements of summer or winter tourism. ?

Safety requirements: cableway installations intended to carry passengers

The Commission's amended proposal retained Parliament's amendments aimed at: - introducing installations for urban transport where specific mechanical requirements were provided for; - clarifying that these installations were not always linked to tourism; - introducing the concept of the cross-border nature of certain installations and the corresponding regulatory issues; - highlighting the importance of the choice of site from the point of view of safety; - extending environmental impact assessments to all sites; - emphasising that the constraints linked to the operation of the installations must be taken into account in the safety analysis; - clarifying the conditions of application of the directive upon its entry into force; - clarifying the conditions of application concerning existing installations where essential safety requirements were not met; - clarifying the definition of safety components; - introducing the concept of authorisation for construction; - doing away with the compulsory

nature of the derogation procedure where an innovative approach was concerned; - extending the provisions to cover construction; - clarifying the concept of third parties, including skiers; - extending the notion of external constraints to include the specific environmental characteristics of the sites; - clarifying that the qualifications of the management personnel involved were the responsibility of the Member State. The Commission rejected the amendments which: - stipulated that the Committee could amend the essential requirements in the directive; - proposed that for cross-border installations, the Committee should designate a Member State to lead the operation. ?

Safety requirements: cableway installations intended to carry passengers

The Council's common position upholds either totally or partially a great majority of the European parliament's amendments (17 in total). The Council, however, introduced some important changes in the substance in comparison with the initial proposal. The common position is based on the following principles: - the installation is broken up into sub-systems and safety components; - the measures initially proposed regarding the installation would from now on apply to each sub-system; - the safety components and the sub-systems may be placed on the market only if they comply with certain essential requirements specified in an annex to the Directive. The verification and the assessment of whether safety components and sub-systems comply with the essential requirements are to be carried out by independent organisations given this responsibility (the so-called 'notified bodies'). The 'EC' mark is introduced and only components bearing this mark can be considered as complying with the essential requirements. - each Member State must lay down procedures for authorising the construction and the putting into service of complete cableway installations and their infrastructure. With respect to comitology, the inclusion of a provision permitting the review of the type of committee (consultative committee) after two years of the Directive's application should be noted.?

Safety requirements: cableway installations intended to carry passengers

The Commission accepts the approach adopted in the common position which seeks to ensure the freemovement of safety components and of sub-systems on the cableway market: a) all sub-systems, with the exception of civil engineering, and their components are the subject of harmonisation; b) for civil engineering, only safety components are subject to harmonisation. These components are subject to intra-Community exchanges; as for civil engineering, it is always constructed on a specific site. The new approach also permits the Member States to maintain their authorisation, construction and putting into service procedures for the completed installation. This compromise has enabled the progress of this procedure which had been blocked since the end of 1996.?

Safety requirements: cableway installations intended to carry passengers

The committee adopted the draft recommendation for a second reading (codecision procedure) by Bill MILLER (PES, UK). The report approved the proposal and tabled a small number of amendments to the common position designed mainly to extend the directive to cover all forms of passenger transport (for example, cable cars used to transport employees to high-altitude observatories), not just the transport of paying passengers.

Safety requirements: cableway installations intended to carry passengers

The European Parliament adopted the report drafted by Bill MILLER (PES, United Kingdom) and approved the common position subject to a few amendments. These seek to extend the scope of the application of the Directive to all types of transport of persons and not simply to the transport of paying passengers. On the matter of safety standards, the rapporteur felt that it was difficult to see why different standards should apply. The common position was ambiguous on this point. Parliament's amendments seek to remove this ambiguity and make it clear where it was not clear before that the directive relates to cableway installations for the carriage of persons in general.

Other amendments relate to consolidating text: safeguard clauses are included at three points in the text, which inflated and complicated it. These articles were consolidated and headed 'safeguards'.

Safety requirements: cableway installations intended to carry passengers

Parliament proposed 12 amendments to the Council's common position. The Commission regards all these amendments as relevant since they aim to improve the clarity and accuracy of several provisions, notably those concerning the scope and the exclusions of the proposals. The draft directive covers cableway installations 'designed to carry persons', rather than merely 'with the object of providing a passenger transport service'. Mining installations are excluded from the scope of the directive.?

Safety requirements: cableway installations intended to carry passengers

PURPOSE : to present a Directive which defines, on a Community-wide basis, essential human safety and health requirements, environmental protection and consumer protection requirements applicable to cableway installations, subsystems and their safety components. **COMMUNITY MEASURE :** Directive 2000/9/EC of the European Parliament and of the Council relating to cableway installations designed to carry persons. **CONTENT :** this Directive shall apply to cableway installations designed to carry persons. The definition of 'cableway installations designed to carry persons' shall mean installations made up of several components, designed, manufactured, assembled and put into service with the object of carrying persons. These on-site installations are used for the carriage of persons in vehicles or by towing devices, whereby the suspension and/or traction is provided by cables positioned along the line of travel. The installations concerned are: - funicular railways and other installations with vehicles mounted on wheels or on other suspension devices where traction is provided by one or more cables; - cable

cars where cabins are lifted and/or displaced by one or more carrier cables; this category also includes gondolas and chair lifts; - drag lifts, where users with appropriate equipment are dragged by means of a cable. The installations and their infrastructure, subsystems and safety components of an installation must comply with the essential requirements which are laid down in Annex II and are applicable to them. With regard to safety components, Member States shall take all necessary measures to ensure that safety components: - are placed on the market only if they permit the construction of installations complying with the essential requirements referred to in Article 3(1); - are put into service only if they permit the construction of installations which are not liable to endanger the health or safety of persons or, where applicable, the safety of property when properly installed and maintained and used for their intended purposes. Member States shall, for a period of four years following the entry into force of this Directive, allow: - the construction and putting into service of installations; - the placing on the market of subsystems and safety components which conform with the provisions in force in their territories on the date of entry into force of this Directive.

ENTRY INTO FORCE : this Directive shall enter into force on 03.05.2000.?

Safety requirements: cableway installations intended to carry passengers

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.