
STATUTORY INSTRUMENTS

2016 No. 1093

The Lifts Regulations 2016

PART 2

Obligations of economic operators

Distributors

Duty to act with due care

36. When making a safety component for lifts available on the market, a distributor must act with due care to ensure that it is in conformity with Part 2.

Requirements which must be satisfied before a distributor makes a safety component for lifts available on the market

37.—(1) Before making a safety component for lifts available on the market, the distributor must ensure that—

- (a) the safety component for lifts—
 - (i) bears the CE marking;
 - (ii) is accompanied by the EU declaration of conformity and the required documents; and
 - (iii) is accompanied by the instructions referred to in point 6.1 of Annex I to the Directive (as amended from time to time) in a language which can be easily understood by end-users in the member State in which the safety component for lifts is to be made available on the market;
- (b) the manufacturer has complied with the requirements set out in regulation 19 (labelling and instructions); and
- (c) the importer has complied with the requirements set out in regulation 28 (information identifying importer).

(2) Where the safety component for lifts is to be made available to end-users in the United Kingdom the language which can be easily understood by end-users is English.

(3) In paragraph 1(a)(ii), “required documents” means any labels or documents that are required to be provided with the safety component for lifts pursuant to—

- (a) regulation 19(3); and
- (b) regulation 28(3).

Prohibition on making available on the market where the safety component for lifts is not considered to be in conformity with the essential health and safety requirements

38.—(1) Where a distributor considers, or has reason to believe, that a safety component for lifts is not in conformity with the essential health and safety requirements, the distributor must not make the safety component for lifts available on the market.

(2) Where the safety component for lifts presents a risk, the distributor must inform the following persons of that risk—

- (a) the manufacturer or the importer; and
- (b) the market surveillance authority.

Storage and transport

39. Where a distributor has responsibility for a safety component for lifts, the distributor must ensure that the conditions under which the safety component for lifts is stored or transported do not jeopardise its conformity with the essential health and safety requirements.

Duty to take action in respect of safety components for lifts made available on the market which are not in conformity with Part 2

40.—(1) A distributor, who considers, or has reason to believe, that a safety component for lifts which the distributor has made available on the market is not in conformity with Part 2, must make sure that the necessary corrective measures are taken to—

- (a) bring that safety component for lifts into conformity;
- (b) withdraw the safety component for lifts; or
- (c) recall the safety component for lifts.

(2) Where the safety component for lifts presents a risk, the distributor must immediately inform the market surveillance authority, and the competent national authorities of the member States in which the distributor has made the safety component for lifts available on the market, of that risk, giving details of—

- (a) the respect in which the safety component for lifts is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Provision of information and cooperation

41.—(1) Following a reasoned request from an enforcing authority, and within such period as the authority may specify, a distributor must provide the authority with all the information and documentation, in paper or electronic form, necessary to demonstrate that a safety component for lifts is in conformity with Part 2.

(2) A distributor must, at the request of the enforcing authority, cooperate with the authority on any action taken to—

- (a) evaluate a safety component for lifts in accordance with regulation 64 (evaluation of lifts or safety components for lifts presenting a risk); and
- (b) eliminate the risks posed by a safety component for lifts which the distributor has made available on the market.

Cases in which obligations of manufacturers apply to distributors

42.—(1) An economic operator who would, but for this regulation, be considered a distributor (“A”), is to be considered a manufacturer for the purposes of these Regulations and is subject to the relevant obligations of the manufacturer under this Part, where A—

- (a) places a safety component for lifts on the market under A’s own name or trademark; or
- (b) modifies a safety component for lifts already placed on the market in such a way that it may affect whether the safety component for lifts is in conformity with Part 2.