

European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (repealed)

CHAPTER I

Scope, placing on the market and free movement

Article 1

1 This Directive shall apply to lifts permanently serving buildings and constructions. It shall also apply to the safety components for use in such lifts listed in Annex IV.

[^{F12} For the purposes of this Directive, ‘lift’ shall mean a lifting appliance serving specific levels, having a carrier moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal, intended for the transport of:

- persons,
- persons and goods,
- goods alone if the carrier is accessible, that is to say a person may enter it without difficulty, and fitted with controls situated inside the carrier or within reach of a person inside the carrier.

Lifting appliances moving along a fixed course even where they do not move along guides which are rigid shall be considered as lifts falling within the scope of this Directive.

A ‘carrier’ means a part of the lift by which persons and/or goods are supported in order to be lifted or lowered.

3 This Directive shall not apply to:

- lifting appliances whose speed is not greater than 0,15 m/s,
- construction site hoists,
- cableways, including funicular railways,
- lifts specially designed and constructed for military or police purposes,
- lifting appliances from which work can be carried out,
- mine winding gear,
- lifting appliances intended for lifting performers during artistic performances,
- lifting appliances fitted in means of transport,
- lifting appliances connected to machinery and intended exclusively for access to workstations including maintenance and inspection points on the machinery,
- rack and pinion trains,
- escalators and mechanical walkways.]

4 For the purposes of this Directive:

- the ‘installer of a lift’ shall mean the natural or legal person who takes responsibility for the design, manufacture, installation and placing on the market of the lift and who affixes the CE marking and draws up the EC declaration of conformity,
- ‘placing on the market of the lift’ shall occur when the installer first makes the lift available to the user,
- ‘safety component’ shall mean a component as listed in Annex IV,

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- the ‘manufacturer of the safety components’ shall mean the natural or legal person who takes responsibility for the design and manufacture of the safety components and who affixes the CE marking and draws up the EC declaration of conformity,
- a ‘model lift’ shall mean a representative lift whose technical dossier shows the way in which the essential safety requirements will be met for lifts which conform to the model lift defined by objective parameters and which uses identical safety components.

All permitted variations between the model lift and the lifts forming part of the lifts derived from the model lift must be clearly specified (with maximum and minimum values) in the technical dossier.

By calculation and/or on the basis of design plans it is permitted to demonstrate the similarity of a range of equipment to satisfy the essential safety requirements.

5 Where, for lifts, the risks referred to in this Directive are wholly or partly covered by specific Directives, this Directive shall not apply or shall cease to apply in the case of such lifts and such risks as from application of those specific Directives.

Textual Amendments

- F1** Substituted by [Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC \(recast\) \(Text with EEA relevance\)](#).

Article 2

- 1 Member States shall take all appropriate measures to ensure that:
- lifts covered by this Directive may be placed on the market and put into service only if they are not liable to endanger the health or safety of persons or, where appropriate, the safety of property, when properly installed and maintained and used for their intended purpose.
 - safety components covered by this Directive may be placed on the market and put into service only if the lifts in which they are to be installed are not liable to endanger the health or safety of persons or, where appropriate, the safety of property when properly installed and maintained and used for their intended purpose.
- 2 Member States shall take all appropriate measures to ensure that the person responsible for work on the building or construction and the installer of the lift, on the one hand, keep each other informed of the facts necessary for, and, on the other hand, take the appropriate steps to ensure, the proper operation and safe use of the lift.
- 3 Member States shall take all necessary measures to ensure that shafts intended for lifts do not contain any piping or wiring or fittings other than that necessary for the operation and safety of the lift.
- 4 Without prejudice to paragraphs 1, 2 and 3, the provisions of this Directive shall not affect Member States' entitlement to lay down in conformity with the Treaty such requirements as they may deem necessary to ensure that persons are protected when the lifts in question are put into service or used, provided that this does not mean that the lifts are modified in a way not specified in the Directive.
- 5 At trade fairs, exhibitions or demonstrations in particular, Member States shall not prevent the showing of lifts or safety components which do not conform to the Community provisions in force, provided that a visible sign clearly indicates that such lifts or safety

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components are not in conformity and are not for sale until they have been brought into conformity by the installer of the lift, the manufacturer of the safety components or the latter's authorized representative established in the Community. During demonstrations, adequate safety measures shall be taken to ensure the protection of persons.

Article 3

Lifts covered by this Directive must satisfy the essential health and safety requirements set out in Annex I.

The safety components covered by this Directive must satisfy the essential health and safety requirements set out in Annex I or enable the lifts in which they are installed to satisfy the said essential requirements.

Article 4

1 Member States may not prohibit, restrict or impede the placing on the market or putting into service on their territory of lifts and/or safety components which comply with this Directive.

2 Member States may not prohibit, restrict or impede the placing on the market of components which, on the basis of a declaration by the manufacturer or his authorized representative established in the Community, are intended to be incorporated into a lift covered by this Directive.

Article 5

1 Member States shall regard lifts and safety components bearing the CE marking and accompanied by the EC declaration of conformity referred to in Annex II as conforming to all the provisions of this Directive, including the conformity assessment procedures laid down in Chapter II.

In the absence of harmonized standards, Member States shall take any steps they deem necessary to bring to the attention of the parties concerned the existing national technical standards and specifications which are regarded as important or relevant to the proper implementation of the essential health and safety requirements in Annex I.

2 Where a national standard transposing a harmonized standard, the reference for which has been published in the *Official Journal of the European Communities*, covers one or more of the essential health and safety requirements:

— lifts constructed in accordance with that standard shall be presumed to comply with the relevant essential requirements.

or

— safety components constructed in accordance with that standard shall be presumed suitable to enable a lift on which they are correctly installed to comply with the relevant essential requirements.

Member States shall publish the references of national standards transposing harmonized standards.

3 Member States shall ensure that appropriate measures are taken to enable both sides of industry to have an influence at national level on the process of preparing and monitoring the harmonized standards.

Article 6

1 Where a Member State or the Commission considers that the harmonized standards referred to in Article 5 (2) do not entirely satisfy the essential requirements referred to in Article 3, the Commission or the Member State concerned shall bring the matter before the Committee set up under Directive 83/189/EEC, giving the reasons therefor. The Committee shall deliver an opinion without delay.

Upon receipt of the Committee's opinion, the Commission shall inform the Member States whether or not it is necessary to withdraw those standards from the published information referred to in Article 5 (2).

2 The Commission may adopt any appropriate measure with a view to ensuring the practical application in a uniform manner of this Directive in accordance with the procedure laid down in paragraph 3.

[^{F23} The Commission shall be assisted by a standing committee (hereinafter referred to as 'the Committee').

Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC⁽¹⁾ shall apply, having regard to the provisions of Article 8 thereof.

The Committee shall adopt its rules of procedure.]

4 The Standing Committee may, furthermore, examine any question concerning the application of this Directive and raised by its chairman either at the latter's initiative or at the request of a Member State.

Textual Amendments

- F2** Substituted by [Regulation \(EC\) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.](#)

Article 7

1 Where a Member State ascertains that a lift or a safety component bearing the CE marking and used in accordance with its intended purpose is liable to endanger the safety of persons and, where appropriate, of property, it shall take all appropriate measures to withdraw it from the market, to prohibit it from being placed on the market or put into service or to restrict its free movement.

The Member State shall immediately inform the Commission of any such measure, indicating the reasons for its decision and in particular whether non-conformity is due to:

- a failure to satisfy the essential requirements referred to in Article 3;
- b incorrect application of the standards referred to in Article 5 (2);
- c shortcomings in the standards referred to in Article 5 (2) themselves.

2 The Commission shall enter into consultation with the parties concerned as soon as possible. Where, after such consultation, the Commission finds that:

- the measures are justified, it shall immediately so inform the Member State which took the initiative and the other Member States; where the decision referred to in paragraph 1 is based on shortcomings in the standards, the Commission shall, after consulting the parties concerned, bring the matter before the Committee referred to in Article 6

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- (1), if the Member State which has taken the decision intends to maintain it, and shall initiate the procedure referred to in Article 6 (1),
- the measures are unjustified, it shall immediately so inform the Member State which took the initiative and the installer of the lift, the manufacturer of the safety components or the latter's authorized representative established in the Community.
- 3 Where a lift or safety component which does not comply bears the CE marking, the competent Member State shall take appropriate action against whomsoever affixed the marking and shall so inform the Commission and the other Member States.
- 4 The Commission shall ensure that the Member States are kept informed of the progress and outcome of the procedure.

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- (1) [^{F2}Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).]

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Textual Amendments

- F2** Substituted by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.