

Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (recast) (Text with EEA relevance)

CHAPTER V

**UNION MARKET SURVEILLANCE CONTROL OF LIFTS
OR SAFETY COMPONENTS FOR LIFTS ENTERING THE
UNION MARKET AND UNION SAFEGUARD PROCEDURE**

Article 39

Union safeguard procedure

1 Where, on completion of the procedure set out in Article 38(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall, without delay, enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not.

The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

2 If the national measure relating to a lift is considered justified, all Member States shall take the measures necessary to ensure that the placing on the market or use of the non-compliant lift concerned is restricted or prohibited, or that the lift is recalled.

If the national measure relating to a safety component for lifts is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant safety component for lifts is withdrawn from their market.

The Member States shall inform the Commission accordingly.

If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.

3 Where the national measure is considered justified and the non-compliance of the lift or the safety component for lifts is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 38(5) of this Directive, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.