

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 40

Compliant lifts or safety components for lifts which present a risk

1 Where, having carried out an evaluation under Article 38(1), a Member State finds that although a lift is in compliance with this Directive, it presents a risk to the health or safety of persons and, where appropriate, the safety of property, it shall require the installer to take all appropriate measures to ensure that the lift concerned no longer presents that risk or to recall the lift or restrict or prohibit its use within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Where, having carried out an evaluation under Article 38(1), a Member State finds that, although a safety component for lifts is in compliance with this Directive, it presents a risk to the health or safety of persons and, where appropriate, the safety of property, it shall require the relevant economic operator to take all appropriate measures to ensure that the safety component for lifts concerned, when placed on the market, no longer presents that risk, to withdraw the safety component for lifts from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

2 The economic operator shall ensure that corrective action is taken in respect of all the lifts or safety components for lifts concerned that he has placed or made available on the market throughout the Union.

3 The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the lifts or safety components for lifts concerned, the origin and the supply chain of the lifts or safety components for lifts, the nature of the risk involved and the nature and duration of the national measures taken.

4 The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide by means of implementing acts whether the national measure is justified or not, and where necessary, propose appropriate measures.

The implementing acts referred to in the first subparagraph of this paragraph shall be adopted in accordance with the examination procedure referred to in Article 42(3).

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On duly justified imperative grounds of urgency relating to the protection of health and safety of persons, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(4).

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